

WORKSESSION MINUTES
College Park City Council
Tuesday, June 4, 2019
Council Chambers
7:30 P.M. – 11:00 P.M.

PRESENT: Mayor Wojahn; Councilmembers Kabir (left after item #1), Kennedy, Brennan, Dennis, Day, Rigg and Mitchell.

ABSENT: Councilmember Kujawa.

ALSO PRESENT: Scott Somers, City Manager; Bill Gardiner, Assistant City Manager; Janeen Miller, City Clerk; Suellen Ferguson, City Attorney; Bob Ryan, Director of Public Services; Terry Schum, Director of Planning; Miriam Bader, Senior Planner.

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

CITY MANAGER’S REPORT: Mr. Somers reported on items from the Weekly Bulletin: Free summer parking; Hollywood Gateway Park; Hollywood Commercial Streetscape; the 4th of July event; and First Thirsty Thursday.

AMENDMENT TO/APPROVAL OF THE AGENDA: A motion was made by Councilmember Mitchell and seconded by Councilmember Day to add to next week’s agenda a letter to the Prince George’s County Public Schools asking them to keep us updated on CIP projects, specifically Cherokee Lane and Buck Lodge. The motion passed 7-0. Tonight’s agenda was approved on a motion by Councilmember Kennedy, seconded by Councilmember Brennan, 7-0.

DISCUSSION ITEMS:

1. Discussion with Lisa Choplin, Director, I-495 & I-270 P3 Office, and SHA staff (Jeff Folden, Caryn Brookman, Catherine Robbins, Chrissy Brandt, Matt Snare, and Shawn Eum) on the Governor’s Traffic Relief Plan (proposed widening and toll lanes): Ms. Choplin said SHA MDOT is still collecting comments on the 6 Build and 1 No Build options. They are halfway through the NEPA (National Environmental Policy Act) study. The Limit of Disturbance (LOD) area is still preliminary. The goal is to reduce, not expand, the LOD footprint. The LOD could encompass temporary construction needs and not be permanent. The Noise Impact contour line that is shown is without noise barriers. They are currently evaluating proposed locations of noise barriers; no current barriers will be removed without being replaced in some fashion. The proposed noise barrier locations and noise contour line will be published in the draft Environmental Impact Statement (EIS) at the end of the year. There are about a dozen technical reports underway that will be included in the Draft EIS. In early 2020 there will be a series of public hearings on the Draft EIS. The project is going to the Board of Public Works (BPW) tomorrow.

Discussion points:

- Why is the project going to the BPW before the EIS is published?
- The City has plans for the Odessa lot and is concerned that the entire lot is outlined. SHA may not need it all and won’t know until late 2020.

- Traffic impacts – latent demand and induced demand.
- Health concerns and environmental impacts from additional traffic. Analyses will be published in the draft EIS.
- Impact of Stormwater Management areas on nearby neighborhoods and schools.
- What study says that faster traffic (traffic moving more efficiently) will lower emissions? They will provide.
- Request for a public meeting on the Draft EIS in the US 1 corridor.
- They will reevaluate the US 1 interchange and make design improvements if needed. They will address increase in local traffic near the interchanges. But their study does not extend beyond the plan limits, so will not address US 1 beyond the interchange.
- Is transit part of the project? Transit will have access to the managed lanes. No plans for additional service at this time.
- Purpose of the Managed Lanes Transit Workgroup? To explore additional opportunities provided by managed lanes. City hopes the group will provide for additional transit service, MTA buses, etc., on the managed lanes.

(Councilmember Kabir left.)

2. Review of a Property Use Agreement for Steven R. Jennings, Managing Member, for a Class B (BLX), Beer, Wine and Liquor for the use of The Hall – CP Arts & Entertainment, LLC, t/a The Hall, 4425 Campus Drive, College Park, 20742:

Mr. Ryan reviewed the staff report. This is a new venue being constructed on the UMD campus behind The Hotel. Linda Carter, attorney for the applicant, introduced Steve Jennings, War Horse, one of the development partners; also partners in the We Work venture. Purpose is to create flexible performing arts and meeting spaces where people can gather. War Horse is an investment office of Scott Plank, who is Kevin's brother (Under Armor). Ms. Carter said this venue is owned by the UMD and they can also use the flex space for their uses. Amy Larkin, project manager, attended the UMD and worked with the Planks to build the Under Armor brand for 20 years. Chad Gauss is the chef and owner/operator of 5 businesses in Baltimore and has extensive experience in the retail sale of alcohol and has never had a violation.

They are seeking a Class B, BLX on-sale only license and an entertainment permit. The location is flex space with indoor/outdoor, public/private events. The space could hold about 300 people. They will hire a program director to manage the flex space but that person isn't on board yet. They have not met with the Old Town Civic Association; since they intend to have outdoor music that is recommended. Have they considered the impact of the outdoor

area on the surrounding neighborhoods? It is intended to be an extension of the indoor area and they anticipate having music. They believe they will not violate the noise ordinance or impact the surrounding residential areas. They will have some type of built-up barricade around the outdoor area, per Chief Mitchell's recommendation. There is an adjacent pocket-park being developed by UMD. They will have scanners, private security, a security plan will be reviewed with Chief Mitchell. They are targeting an October opening. To Consent next week.

3. Review of Detailed Site Plan for College Park Metro apartments (Gilbane): Ms. Bader reviewed the staff report. This is an expedited review of the DSP for apartments and ground floor retail. It is the first application under the new College Park-Riverdale Park Transit District Development Plan. The Planning Board date is June 13. 451 dwelling units + 5K square feet of retail, 324 residential garage and 84 surface parking spaces. Staff recommends approval of the DSP with conditions; she reviewed the conditions.

Council wants to know net gain/loss of impervious surface and tree canopy on this and other projects in the future. The applicant said they are reducing the amount of impervious surface and mentioned a website called "itree" for help with the tree canopy.

Ms. Ferguson discussed the conditions and the proposed side agreement. We seem only to have an agreement on "E" and have not reached an agreement on the others.

Tom Haller, Attorney for the applicant: He provided the applicant's position on the conditions. They agreed to improvements in the Preliminary Plan of Subdivision but now understand that not all of those improvements are in their control. They will proffer a fee in lieu instead of 3E. The other requirements in 3 (A, B, C, D, F) are not part of the DSP requirements so they don't think they are appropriate. Some of those items likely will happen anyway. They don't believe there is a reason for a side agreement. They have submitted an application for a Revitalization Tax Credit (RTC) to the City. Some of these issues may be able to be folded into that.

Ms. Ferguson noted that in order to receive a RTC from the City, the City must have been in support the DSP.

Mayor Wojahn noted his surprise to the applicant's response to the City's requests. If we can get these other concerns addressed he would be more inclined to consider the tax credit.

Mr. Gilbane said they would work over the next week to try to find common ground and make this a success.

Councilmember Brennan raised the public art component in the 3rd condition and the City's matching funds. He discussed other recent developments that have included public art and asked for Gilbane's commitment. Mr. Gilbane said they would explore this further, but he would need more information.

Staff will continue to meet with the applicant during the coming week.

4. Consideration of a request to amend the Declaration of Covenants to increase the occupancy limit for 4619 College Avenue: Ilya Zusin, owner and Larry Taub, attorney.

Ms. Ferguson said when this property was owned by Tom Chen we entered into a Declaration of Covenants with him which was recorded that had an occupancy limit of 16 people. Mr. Zusin is the new owner and has asked the occupancy limit to be increased.

Mr. Taub said they met with City staff, Councilmembers, and other community members after Mr. Zusin bought the property. Mr. Zusin is investing hundreds of thousands of dollars to bring this property up to code. They are requesting an increase to 26 occupants for the first two years, then would return to request an increase to 31. They want the property to reach full economic benefit with good management and a good outcome for the residents.

Regarding Item 3c, the “resident agent: It is not economically feasible, there are 6 units with no studio apartment, there are liability issues, human resources issues, and the covenants provide for contact with the owner, so there is no need for an RA.

Regarding Item 16, termination by the City: They object to the portion that relates this property to issues on other properties in College Park that are owned by Mr. Zusin. He is not able to agree to this because he has different partners on this property than he does on his other properties. Mr. Zusin said he can not tie the properties together.

[At 10:30 p.m., a motion to continue the meeting was made by Councilmember Rigg and seconded by Councilmember Brennan and approved 6-0.]

Mr. Zusin said in the last 12 months, at 8 other properties, there has been 1 noise violation. There have been complaints, but only 1 violation. Mr. Taub said any decision to terminate the Declaration of Covenants needs to be based on findings, and not discretionary.

Mr. Zusin and the Council discussed a memo by a resident who did an analysis of violations and complaints about Mr. Zusin’s other properties.

Council said it would be helpful to know how this owner compares to other landlords in Old Town.

Mr. Ryan said the memo provided by the resident does accurately reflect City records. The number of noise incidents includes reports of noise (“notices”) and one violation. He said when we issue notices the issues are taken care of. This landlord is as responsive as other landlords.

Mr. Zusin described the modifications he is making to the property – windows, fire escape, access to the basement, landscaping, security cameras, providing names of tenants/copies of leases.

Discussion to continue in the coming week.

5. Appointments to Boards and Committees: Sarah Jazs to the Recreation Board.
6. Requests for/Status of Future Agenda items: Schedule the CRC report on a Worksession; hold a discussion about security in the new City Hall and in City buildings generally in a closed session.
7. Mayor and Councilmember Comments: Trolley Trail Day this Saturday.

[At 11:00 p.m. a motion was made by Councilmember Rigg and seconded by Councilmember Kennedy to suspend Council Rules; passed 6-0.]

ADJOURN: A motion was made by Councilmember Rigg and seconded by Councilmember Day to meet in a Closed Session 1) To consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State; 2) To consult with Counsel to obtain legal advice; and 3) To consult with staff, consultants, or other individuals about pending or potential litigation. Mayor Wojahn said the City Attorney will provide legal advice to the Mayor and Council about a lease agreement. Mayor Wojahn said the Mayor and Council may return to open session after the Closed Session. With a vote of 6-0, the Council moved into Closed Session at 11:00 p.m.

At 11:19 p.m., the Mayor and Council adjourned from Closed Session and returned to open session to state publicly that they would not resume the meeting in open session tonight. A motion was made by Councilmember Rigg and seconded by Councilmember Kennedy to adjourn. The motion passed 6-0.

Janeen S. Miller
City Clerk

Date
Approved