

**MINUTES**  
**Regular Meeting of the College Park City Council**  
**Tuesday, June 11, 2019**  
**Council Chambers**  
**7:30 p.m. – 8:46 p.m.**

**PRESENT:** Mayor Wojahn; Councilmembers Kabir, Kennedy (arrived 7:37 p.m.), Brennan, Dennis, Day, Rigg, Kujawa and Mitchell.

**ABSENT:** None.

**ALSO PRESENT:** Bill Gardiner, Assistant City Manager; Janeen S. Miller, City Clerk; Suellen Ferguson, City Attorney; Jill Clements, Director of Human Resources.

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

**ANNOUNCEMENTS:**

Councilmember Kabir announced the North College Park Community Association meeting.

Councilmember Brennan commented on the increased activity he is seeing in the City.

Councilmember Dennis announced the summer schedule of the Coffee Club.

Councilmember Rigg discussed PRIDE month.

Councilmember Mitchell requested people to wear orange on Friday to recognize National Gun Violence Awareness Day in response to the tragedy in Virginia Beach.

**CITY MANAGER'S REPORT:** Mr. Gardiner reported on the Free Summer Parking and Food Scrap programs. He noted the items in the red folder.

**PROCLAMATIONS:** Mayor Wojahn read the proclamation for Immigrant Heritage Month.

**AMENDMENTS TO AND APPROVAL OF THE AGENDA:** Move 19-G-89 to Consent (Rigg/Brennan 8-0). Remove 19-R-11 from the agenda (Rigg/Brennan 8-0). Add 19-G-94, a letter to SHA MDOT re I-495, to Consent (Kabir/Kennedy 8-0). Remove Oral Argument CPV-2019-03 from the agenda (Kennedy/Mitchell 8-0). Approve agenda as amended (Day Mitchell) 8-0.

**PUBLIC COMMENT ON CONSENT AGENDA AND NON-AGENDA ITEMS:**

**Dave Dorsch, resident:** You have funding for the extension of the guardrail; you should install it soon. Open Rhode Island Avenue to Paint Branch Parkway so drivers can avoid US 1.

**Eric Olson, resident, Executive Director, College Park City-University Partnership:** Reviewed the success of Trolley Trail Day.

**PRESENTATIONS:** Mayor Wojahn, Eric Olson and Valerie Woodall from the CPCUP, and Rose Greene Colby of the Education Advisory Committee presented Green School Awards to Berwyn Heights Elementary School, Paint Branch Elementary School, Hollywood Elementary School, and Hyattsville Middle School.

## ORAL ARGUMENTS

~~A. Oral Argument in CPV 2019-03, 9604 51st Place, College Park, Maryland~~ Removed from Agenda

B. Oral Argument in CPV-2019-04, 5105 Iroquois Street, College Park, Maryland: The applicant did not appear for the Oral Argument due to a family emergency. Try to reschedule.

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

**19-G-85 Approval of a three-year collective bargaining agreement with AFSCME Local 1209 and authorization for the City Manager to sign the agreement**

**19-G-86 Approval of a letter to Prince George's County Public Schools requesting improved communication to the Mayor and Council and community regarding school construction projects in the College Park area.**

**19-G-87 Approval of a motion to support the application by CP Arts and Entertainment, LLC, t/a "The Hall," for a new Class B (BLX), Beer, Wine and Liquor License, subject to the applicant entering into a Property Use Agreement (PUA) in substantially the form attached, to authorize the City Manager to sign the PUA, and to approve a letter to the Board of License Commissioners stating the City's position.**

**19-R-09 A Resolution Of The Mayor And Council Of The City Of College Park To Support The Application And Receipt Of Financing For A Strategic Demolition Fund Project To Be Financed Either Directly By The Department Of Housing And Community Development Of The State Of Maryland Or Through Other Departments Of Agencies Of The State Of Maryland for \$375,000 for the demolition and site preparation for the City Hall Redevelopment Project**

**19-R-10 A Resolution of the Mayor and Council of the City of College Park To Support The Application And Receipt Of Financing For A Community Legacy Project To Be Financed Either Directly By The Department of Housing and Community Development Of The State Of Maryland Or Through Other Departments Or Agencies Of The State Of Maryland For \$75,000 To Supplement And Expand The City's Existing Business Assistance and Façade Improvement Program.**

**19-G-92 Support the application for the transfer of a Class B, BLX Beer, Wine and Liquor License to Milkboy Restaurant Holdings, LLC, Managing Member Thomas C. Joyner, and James Lokoff for the use of Milkboy Restaurant Holdings, LLC subject to the applicant entering into a Property Use Agreement in substantially the form attached, to authorize the City Manager to sign the PUA, and to send a letter of support to the BOLC.**

**19-G-88 Approval of Minutes: April 9, 2019 Regular Meeting; April 16, 2019 Worksession; April 16, 2019 Special Session; April 23, 2019 Regular Meeting; May 7, 2019 Worksession; and the May 14, 2019 Regular Meeting.**

**19-G-89 Approval of an on-call contract for engineering services to Greenman-Pedersen, Inc.**

**19-G-94 Letter to SHA MDOT Secretary Pete Rahn opposing the widening of I-495 and supporting the No Build alternative.**

**The motion passed 8-0.**

#### **ACTION ITEMS**

**19-G-93 Authorization for the City to sign on to the *amicus* brief in support of employment nondiscrimination protections for the LGBTQ community; specifically, that Title VII's ban on sex discrimination also protects LGBTQ people**

**A motion was made by Councilmember Day and seconded by Councilmember Mitchell to authorize the City signing on to this *amicus* brief, subject to the attorney's review.**

**The motion passed 8-0.**

**19-G-90 Approval of Detailed Site Plan-17007 subject to conditions for Gilbane Development Company for College Park Metro Apartments (The Atworth) located on River Road**

Ms. Schum provided an overview and reviewed the project. At the last meeting staff reviewed the proposed conditions. There is a revised set of conditions in the red folder. She updated Council on the status of the conditions. They have reached agreement on Conditions 1 and 2. Regarding Condition 3 about entering into a side agreement: the applicant agrees to all but 3C, which is the PILOT (Payment in Lieu of Taxes). It is typical to ask for this assurance if they sell and the property goes off the tax roll. The applicant objects to this condition unless they get a higher tax credit from the City.

Tom Haller for the applicant: We started this project in 2007. It is unique because there are many stakeholders – WMATA, Purple Line, the County. They have made a lot of progress and have reached agreement on all except the one condition regarding the PILOT. They are taking a property that was previously non-taxable and putting it on the tax roll. They don't have plans to sell to a tax-exempt entity and would appreciate the City's support without 3C. It would cause a diminution in value that they can't agree to while they are seeking financing.

Mayor Wojahn said the City has a lot of land that is not taxable and we have established this precedent for a PILOT with other developments. It is a standard protection for the City's interests and he expressed surprise that they won't agree. Consideration of their application for a

Revitalization Tax Credit has been removed from tonight's agenda because we don't have agreement.

**A motion was made by Councilmember Rigg and seconded by Councilmember Day that the City recommend approval with the updated conditions provided in tonight's red folder of Detailed Site Plan 17007 for Gilbane Development Company for the College Park Metro Apartments (The Atworth).**

Councilmember Rigg said we welcome Gilbane's investment in the City and in adding new housing stock on that side of the Metro Station. He is sorry we are still at an impasse over the PILOT.

**Comments from the audience:**

**Carlo Colella, non-resident, UMD Vice President for Administration of Finance:** They are excited about this project and new housing and retail in this prime location. He has a grave concern about the at-grade crossing across the CSX tracks and the tunnel under the Metro tracks. With the DSP coming to a conclusion the UMD goes on record urging that the tunnel be closed. There will be increased activity in this area with the addition of this residential development and the new Purple Line station, so the number of pedestrian crossings will be significant. The safety and security of all in the community takes priority. There have been two fatalities on these tracks in the last four years. They feel the tunnel is unsafe.

In response to a question from Mayor Wojahn, Ms. Schum said this matter is not before the Planning Board at the DSP hearing this week. This was previously decided at the Preliminary Plan stage and is not appealable at this time. The PPSD conditions recommended improvements relating to connectivity and the tunnel. The tunnel is very well used and provides a service.

Councilmember Rigg would like to engage with WMATA, CSX and MDOT on improved safety and better pedestrian crossing signals.

Ms. Ferguson said this is part of this consideration because the City is taking on the obligation of making these improvements although the applicant is paying for them. Park and Planning has left it to the City. Mayor Wojahn asked if we can explore using that money to make these safety improvements? Ms. Ferguson said it is already committed and an amendment would need to be made.

**Dave Dorsch, resident:** He said the citizens want that tunnel to stay open. He agrees with safety improvements, but don't close the tunnel.

**The motion passed 8-0.**

~~**19-R-11 Approval of a Resolution Granting a City Revitalization Tax Credit to Gilbane Development Company for College Park Metro Apartments (The Atworth) -**~~  
Removed from agenda.

**19-G-91 Appointments to Boards and Committees – A motion was made by Councilmember Kennedy and seconded by Councilmember Kabir to appoint Sarah Jazs to the Recreation Board.**

**COMMENTS:**

Councilmember Rigg would like to discuss a comprehensive parking review and perhaps decreasing the number of parking permits we issue because we hear about crowded streets so often.

Mayor Wojahn discussed yesterday's event to celebrate the more than 50 houses that have been purchased through the Homeownership Program. He appreciates the impact the program has had.

**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 8:46 p.m.**

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Janeen S. Miller, CMC  
City Clerk

Date  
Approved

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**Closed Session Statement**

Pursuant to the statutory authority of the Maryland Annotated Code General Provisions Article Section 3-305, the Mayor and Council of the City of College Park met in a Closed Session in the Council Chambers at City Hall on June 4, 2019 to consider a matter that concerns the proposal for a business or industrial organization to locate, expand or remain in the State; to consult with Counsel to obtain legal advice; and to consult with staff and other individuals about pending or potential litigation. At 11:00 p.m. a motion was made by Councilmember Rigg and seconded by Councilmember Day to enter into the Closed Session. The motion passed 6-0. Mayor Wojahn stated that the Council might return to open session after the closed session concludes. After a brief recess, the closed session began at 11:05 p.m.

Mayor Wojahn and Councilmembers Kennedy, Brennan, Dennis, Day, Rigg and Mitchell were in attendance. Councilmembers Kabir and Kujawa were absent. The Closed Session was also attended by City Manager Scott Somers, Assistant City Manager Bill Gardiner, City Clerk Janeen Miller, and City Attorney Suellen Ferguson. Mayor Wojahn was the designated Open Meetings Trainee.

The City Attorney provided legal advice to the City Council about an existing contract. The City Council provided direction to the City Attorney.

A motion was made by Councilmember Kennedy and seconded by Councilmember Mitchell to adjourn the Closed Session and return to open session to Adjourn the meeting. With a vote of 6-0, the Closed Session was adjourned at 11:19 p.m.

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