

MINUTES
College Park City Council Meeting
Tuesday, January 10, 2023
7:30 p.m. – 10:34 p.m.

**This was a hybrid meeting: Online via Zoom;
In-person in the Council Chambers of City Hall.**

PRESENT: Mayor Wojahn; Councilmembers Kabir, Kennedy, Esters, Whitney, Adams, Rigg, Mackie and Mitchell.

ABSENT: None

ALSO PRESENT: Kenneth Young, City Manager; Bill Gardiner, Assistant City Manager; Janeen S. Miller, City Clerk; Suellen Ferguson, City Attorney; Bob Ryan, Director of Public Services; Robert Marsili, Director of Public Works; Terry Schum, Director of Planning; Steve Halpern, City Engineer; Michael Williams, Economic Development Manager; Valerie Graham, Student Liaison.

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

Announcements:

Councilmember Kabir thanked fire fighters for their fast response to a house fire in north College Park.

Councilmember Esters reminded residents about the annual tribute to Dr. Martin Luther King, Jr. on Monday.

Councilmember Whitney asked District 2 residents to email her if they are experiencing flooding issues at their homes.

Councilmember Adams thanked the Public Works Department for the bench on the Trolley Trail. He discussed the recent spate of extraordinarily high WSSC bills; County Council Member Eric Olson will aggregate the complaints.

Councilmember Rigg thanked staff for the Winter Wonderland holiday event. He wondered if a fireworks event on New Year's Eve would be in order.

Councilmember Mackie discussed the City's MLK food drive. She urged residents to consider composting.

Councilmember Mitchell announced Founders Day for the Delta Sigma Theta sorority.

City Manager's Report: Mr. Young announced additional events this month to honor Dr. Martin Luther King, Jr. Curbside leaf collection has ended for the year. Free wood mulch is available for pickup. Information about tree planting is on the City website.

Proclamation: Mayor Wojahn read the proclamation in honor of Dr. Martin Luther King, Jr.

Amendments To/Approval Of The Agenda:

Adams/Mitchell: Motion to add 23-G-08, Letter to Gov-elect Wes Moore requesting capital support of Luminis Health Doctor's Community Medical Center, to the Consent Agenda, passed 8-0.

Mitchell/Esters: Motion to adopt the agenda as amended, passed 8-0.

Public Comment:

Dave Dorsch, resident: Why do we need to eliminate plastic and paper bags? No reason to ban paper bags. Can the Council move the Calvert Hills Flood Attenuation Project along?

CONSENT AGENDA: A motion was made by Councilmember Esters and seconded by Councilmember Mackie to adopt the Consent Agenda, which consisted of these items:

23-G-02	Approval of Minutes from the December 13, 2022 Council meeting. Approval of Closed Session minutes from June 7, September 6, October 11, October 18, November 15, and December 6, 2022.
23-G-05	Request for Multi-way Stop Sign on Marlborough Way at Limestone Place – Steve Halpern, City Engineer
23-G-06	Request for Multi-way Stop Sign on Roanoke Place at 51 st Avenue – Steve Halpern, City Engineer
23-G-07	Request for Multi-way Stop Sign on 51 st Avenue at Kenesaw Street – Steve Halpern, City Engineer

23-G-08 ADD	Letter to Gov-elect Wes Moore requesting capital support of Luminis Health Doctor's Community Medical Center.
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The motion passed 8-0.

ACTION ITEMS

23-G-03 Approval of City recommendations re Detailed Site Plan DSP-22015 for the RST development (9113 Baltimore Avenue) and of a Declaration of Covenants - Terry Schum, Director of Planning and Suellen Ferguson, City Attorney (Planning Board date is January 19)

Ms. Schum updated Council on the status of the negotiations with the applicant since the December 13 Worksession. Revised conditions and a revised Declaration of Covenants and Agreement Regarding Land Use have been provided. She summarized the changes: 2c: there are 360 parking spaces in the garage. 2h: Staff supports the modification to enable the applicant to not provide any of the required commercial store front on Baltimore Avenue. 2i: Staff supports the step down from 7 to 5 stories moving toward the residential (support of the alternative standard). They will provide a landscape buffer on nearby property. 4f: New condition has been added about access to the property from US 1 to provide right in/right out access from US 1. Applicant would have to reopen the Preliminary Plan to request reconsideration of this position, and then redesign the plan, which is expensive and the applicant objects. 5a: New clarification – should end with "on Delaware Street." 5c: Delete condition. 5.9: Changes to the parking elevation facing the neighborhood. 6. Removed consideration to removing the specimen trees on adjoining property because applicant will try to save them. Removed the request to provide green roofs on all the flat surfaces; it is provided on a small portion of the roof. Ms. Ferguson described the revisions to the Declaration of Covenants. They are generally acceptable; there are changes to paragraph 8 and paragraph 27.

Thomas Haller, attorney for RST, and Mr. Copeland, owner: Mr. Haller said they are in agreement on all the minor details of the Declaration of Covenants. They do not agree with Condition 4F/Item 27 in the Declaration of Covenants regarding the right in/right out on US 1 and request it be removed. He provided the background. They don't think it benefits the project at this point from either a safety or resident experience standpoint. They are trying to move forward with this project and don't want to go back and redesign this now. They are providing the right turn lane on Cherokee because they believe that is the better solution.

Council discussion:

- The right-in/right-out reconsideration
- Potential traffic congestion on Cherokee and backup on US 1
- The traffic study
- The landscape buffer
- How continued affordability is ensured – 100% affordable at 60% AMI.

A motion was made by Councilmember Kennedy and seconded by Councilmember Kabir that the City Council support approval of DSP-21024 and related Departures with revised conditions as recommended by staff, and approve a Declaration of Covenants and Agreement Regarding Land Use in substantially the form attached, and including the request for reconsideration of the right-in/right-out from Baltimore Avenue.

Comments from the audience:

Oleh Podryhula: Council should kill this project; it does not belong in the neighborhood: Sustainability, low ceilings, higher density, and small parking spaces in the garage.

Judy Blumenthal, resident: Too many issues still need to be addressed and this is happening too fast. The timing should benefit the residents, not the developer.

Mary Cook, resident: Appreciates their accommodation of Meals on Wheels. Agrees with right-in/right-out; maybe the City or applicant can widen Cherokee. Step-down of 5 stories is still too high. 'No Subleasing' should be put into the covenants.

Lisa Ealley, resident, representing Meals On Wheels of College Park: Supports the project. They had to leave the City 2 years ago. They have a good location now but don't know what will happen in one year. Does not want a delay.

Amendment #1: Motion by Councilmember Rigg and second by Councilmember Adams, to remove references to right-in from US 1 from the Declaration of Covenants and the Conditions.

Comments from the audience on the amendment:

Mary Cook, resident: Weighing both sides of the issue; she made another suggestion they could consider.

Disclosure of communication: Councilmembers Mitchell, Mackie, and Mayor Wojahn said they had spoken with the developer about the project.

Vote on Amendment #1 to remove references to right-in from US 1:

Yes: Kennedy, Adams, Rigg.

No: Kabir, Esters, Whitney, Mackie, Mitchell.

Amendment fails 3-5.

Vote on main motion: The main motion passed 8-0.

23-G-04 Discussion and approval of 2023 Mayor and Council appointments to COG Boards and Committees – Mayor Wojahn

Council discussed the appointments.

A motion was made by Councilmember Whitney and seconded by Councilmember Mitchell to make the COG appointment for 2023 as attached. The motion passed 8-0.

Presentations And Worksession Discussions:

A. Discussion of a Better Bag Bill in the City – Robert Marsili, Director of Public Works

Todd Larsen, Chair, CBE: This only applies to the check-out bags, not the produce or meat bags.

Sarah Price, Maryland Retailers Association: They are in support of the model ordinance floated by the Sierra Club.

Martha Ainsworth: Grateful for the support.

Mr. Williams said 75-80% of the businesses he spoke with were supportive but they need guidance on the lead time and the mechanics of the program. He spoke to 150-175 retailers.

Delay implementation until we can add funds to City budget to purchase City-branded reusable bags.

Bring forward an ordinance by the end of the month.

B. Review of annual advisory board reports – Janeen S Miller, City Clerk

Council reviewed and discussed the reports. Ms. Miller highlighted funding requests. Bring forward approval of the individual Workplans next week, on the Consent Agenda.

C. Discussion of the 2023 Mayor and Council meeting schedule.

Council favors Version A with 36 meetings. Bring forward for approval on Consent next week.

Future Agenda Items:

Rigg/Kennedy: Discussion of rent stabilization program for single family homes, passed 8-0.

Council Comments: Council reported on outside meetings they attended.

[10:30, Adams/Mitchell, motion to extend the meeting, passed 8-0.]

Adjourn: Motion by Councilmember Rigg, seconded by Councilmember Adams, to adjourn the meeting, passed 8-0 at 10:34 p.m.

Janeen S. Miller, City Clerk