

MINUTES
Regular Meeting of the College Park City Council
January 14, 2020
Davis Hall, 9217 51st Avenue
7:30 p.m. – 9:52 p.m.

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

ABSENT: Councilmember Dennis.

ALSO PRESENT: Scott Somers, City Manager; Janeen S. Miller, City Clerk; Suellen Ferguson, City Attorney; Terry Schum, Director of Planning; Miriam Bader, Senior Planner; Bob Ryan, Director of Public Services; Robert Marsili, Director of Public Works; Steve Halpern, City Engineer; Julia Nikhinson, Deputy Student Liaison.

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

ANNOUNCEMENTS:

Councilmember Kennedy discussed yesterday's meeting about the new playground being planned for the Odessa outlot.

Councilmember Brennan met the new Executive Director of the College Park Housing Authority, Michelle Johnson.

Mayor Wojahn discussed last weekend's tribute to Dr. Martin Luther King, Jr.

CITY MANAGER'S REPORT: Mr. Somers announced the Family Fun Bowling Bash and said City offices will be closed on Monday.

PROCLAMATIONS: Mayor Wojahn presented the proclamation to departing Contract Police Officer Cpl. Ryan Whitlow.

AMENDMENTS TO AND APPROVAL OF THE AGENDA: The agenda was approved without amendment (Brennan/Mitchell) 7-0.

PUBLIC COMMENT ON CONSENT AGENDA AND NON-AGENDA ITEMS:

Mary King, resident: Regarding Ordinance 20-O-02, has an "item" been clearly defined?

Dave Dorsch, resident: Thank you for the gift of the guardrail on US 1; empty newspaper boxes should be removed; the City should open Rhode Island Avenue to Campus Drive.

Councilmember Rigg responded that Mr. Dorsch should raise the matter at the civic association meetings to get their feedback.

PRESENTATION:

- A. Scott Hancock, Executive Director, and Ryan Spiegel, President, Maryland Municipal League, presented an award to Mayor Wojahn for his leadership roles in both MML and the National League of Cities.

- B. Annual presentation from State Highway Administration on projects in the City and discussion of nighttime/weekend work on Baltimore Avenue: Danielle Black, Chief, SHA District 3 Engineering Team, Erica Rigby, Peter Campanides, Shannon Coyne, and Lindsay Bobian. Topics included MD 430 @ Rhode Island Avenue; MD 193 @ Rhode Island Avenue; Crosswalk on US 1 @ Cherry Hill Road; US 1 Signal operations; and the I-495/I-270 P3 Program. Council requests: Status update on the I-495 P3 project; a small section of sidewalk is needed on Cherry Hill Road; better US 1 light synchronization; asked about the left turn from Hotel Drive south onto US 1; extreme speeds on Kenilworth Avenue; Old Calvert Road safety concerns. The US 1 reconstruction is expected to be completed in fall-winter of 2023. They are planning an aggressive schedule with some nighttime work.

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

- 20-G-02 Approval of Preliminary Plan of Subdivision 4-19019, with conditions, for Northgate student housing project at 8430 and 8510 Baltimore Avenue**
- 20-G-03 Approval of Detailed Site Plan DSP-19025, with conditions, for Northgate student housing project at 8430 and 8510 Baltimore Avenue, and approval of a Declaration of Covenants, subject to the review of the City Attorney**
- 20-G-04 Approval of a letter to the Prince George’s County School Board regarding bus transportation**
- 20-G-06 Approval of an emergency expenditure associated with a sanitary sewer line replacement in the municipal parking garage**
- 20-R-02 Adoption of Resolution 20-R-02 authorizing negotiations with Verizon for the franchise agreement**

The motion passed 7-0.

ACTION ITEMS

- 20-G-05 Approval of a letter of support to Prince George’s County for the request by Northgate Student Housing for an exemption from the County School Facilities Surcharge**

Tom Haller, attorney for the applicant, said at last week’s Worksession there was discussion about possible value engineering if they didn’t get the full school facilities surcharge exemption that they requested. He said from the beginning of project design they were working under the assumption that they would be exempt from this surcharge because all other student housing developments have been exempted, and that they have done everything they have been requested to do by the City or other entities. The goal was to build the best project they could and to support the goal of the University District Vision 2020. He thinks this project has achieved this.

Main Motion: A motion was made by Councilmember Brennan and seconded by Councilmember Kennedy that the City of College Park send a recommendation to the Prince George's County Council supporting a partial exemption from the school facilities surcharge.

Councilmember Brennan said we appreciate this investment in our City. He discussed the bill that says the City has the ability to recommend to the County Council that they consider a waiver if a project meets the University District Vision 2020. There is nothing specific in that Vision that specifies luxury student housing. In 2016 the Council chose to no longer provide incentives to student housing since the market for that product has been proven and deemed profitable. Incentives could go toward affordable student housing or a diversity of housing that does not currently exist. The City is also considering a City Revitalization Tax Credit tonight and the applicant has met those criteria. Our schools are underfunded and every dollar that we can find and put forward is in our interest. The County Council can make the final determination. He circulated a draft letter supporting a partial exemption and read it into the record.

Comments on the motion:

Tom Haller, Attorney for the Applicant: They appreciate the City's willingness to support a partial exemption but of course would prefer a full exemption and requests leaving it up to the County. He reviewed the challenges of this project.

Christian Cerria, Gilbane: He reviewed updated renderings of the project, changes requested by the City and the County that they have incorporated, to make this the best project it could be and meet the University District Vision 2020, and said it is these incentives that make it possible. Let the County make the determination.

Mayor Wojahn asked if they looked at what value engineering the project would look like. Mr. Cerria said from day one they made decisions with the expectation that they would receive the exemption because every other student housing project had received it, so it was impossible at this point to go back and start "peeling back the layers."

A motion was made by Councilmember Rigg to postpone consideration of this item until after consideration of 20-R-01 because this proposed letter references approval of the Revitalization Tax Credit. Motion failed for lack of a second.

Amendment #1: A motion was made by Councilmember Day and seconded by Councilmember Mitchell that we amend the letter to the County Council as follows: state how the developer has met the requirements for the surcharge exemption, and ask the County Council to decide whether it should be a partial or full exemption.

Councilmember Day stated that this developer has made a great commitment to our City, has worked with the City to develop another landmark, is committed to long-term ownership, and is also building at the metro site. In January of 2018 we discussed a letter to the County Council in support of this bill, but we had concerns about the boundary. The boundary is very defined. We should let the County decide how or if they want to apply the exemption.

Comments on amendment #1:

Carlo Colella, University of Maryland: There is a continuing need for quality, and affordable, student housing. How the Council responds to this request will affect this and future projects. Housing demand exceeds supply, development of close-in undergraduate student housing has a lot of positive effects and provides opportunities for students to come out of neighborhoods. This is a one-time fee. The property tax increase itself will help support our schools and City services on an ongoing basis.

Tom Haller, Attorney for the Applicant: They support the amended motion. Ultimately, this decision is up to the County Council. They will look at this holistically.

Councilmember Mitchell spoke in support of the amendment and read the last paragraph of the letter we received from Delegate Ben Barnes regarding the tax revenue that this project will generate.

Councilmember Kabir asked if the letter is written. Mr. Somers read what the amended letter would say.

Councilmember Rigg said he respects and welcomes Gilbane's involvement but that County schools need CIP funding. He can't take an action that would reduce the much-needed capital dollars. He could support a partial waiver.

Councilmember Kennedy said we need more discussion about the precedent this is setting; she hopes something will come back to the schools.

Councilmember Brennan will not support the amendment. The bill is loosely written and open to interpretation. There is evidence in the market that this type of development will result in high returns which will help them raise capital. He doesn't think luxury student housing needs this incentive; instead, he could support incentives for affordable housing, senior housing or workforce housing.

Councilmember Kabir discussed the two themes he wants to see in the letter: the housing market and the contribution toward the school system. He believes including those two themes will imply the partial waiver, but he prefers to leave it up to them. He doesn't want to tell the County Council that they have met the requirements.

Revisions to the letter were discussed.

Councilmember Day reiterated that the letter would state that this developer has met the requirements for their waiver, and we are leaving it to the County Council to make that decision.

At 9:28 p.m., a motion was made by Councilmember Kennedy and seconded by Councilmember Kabir to take a five-minute recess to wordsmith this letter. The motion passed 7-0.

At 9:33 p.m., the meeting reconvened.

Mayor Wojahn stated that during the recess, Councilmembers Day and Kabir discussed compromise language for the letter.

A motion was made by Councilmember Day and seconded by Councilmember Kabir to withdraw Amendment #1 (originally made by Councilmember Day). The motion passed 7-0.

Back to the Main Motion (originally made by Councilmember Brennan):

Amendment #2: A motion was made by Councilmember Day and seconded by Councilmember Mitchell to alter the language in the letter originally proposed by Councilmember Brennan as follows:

- **In the 2nd paragraph, strike the last sentence (“these additional incentives...”).**
- **In the 4th paragraph, change the last sentence to read, “For these reasons the Mayor and Council have determined that the County Council should decide whether a waiver is appropriate, and, if so, its amount.**
- **Between 4th and 5th paragraph, add the statement “The City of College Park believes that the Northgate project, being proposed by Gilbane Development Companies, meets the goals of the University District Vision 2020 and is clearly student housing by any reasonable definition. We, therefore, recommend that the county consider the issue of the school surcharge waiver for the Northgate project by the authority granted to them in state law.”**

Councilmember Mackie was hoping to reach a compromise and wanted to support a partial waiver. We should be on record as a City Council of supporting our schools.

Councilmember Day stressed his support of our schools and said the City’s support for our schools should never be in question.

Vote on Amendment #2:

Yes: Kabir, Mitchell, Day

No: Kennedy, Mackie, Rigg, Brennan

The motion on Amendment #2 failed 3-4-0.

Vote on the original letter (main motion):

Yes: Kennedy, Kabir, Mackie, Rigg, Brennan

No: Mitchell, Day

The motion to send the original letter passed 5-2.

20-R-01 Adoption of Resolution 20-R-01 to authorize a Revitalization Tax Credit for the Gilbane Development Company for the Northgate Student Housing project located at 8430 and 8510 Baltimore Avenue for a total of \$571,020 over five years

A motion was made by Councilmember Brennan and seconded by Councilmember Rigg that the City Council approve Resolution 20-R-01 to provide a Revitalization Tax Credit for the Gilbane Development Company for the Northgate project at 8430 and 8510 Baltimore Avenue for an estimated total of \$571,020 over five years.

Councilmember Brennan said this credit has well-defined objective criteria that allows the Council to easily determine eligibility and apply it consistently.

Councilmember Rigg added that this is also very targeted and does not erode the provision of public services.

The motion passed 7-0.

20-G-07 Approval of agenda for Annual Retreat scheduled for January 18

Mr. Somers said based on Council's conversations with the consultant, this draft agenda was developed.

Councilmember Rigg was not able to speak with the consultant and asked when the Council would be able to set Council priorities. Mr. Somers said there are other opportunities to set priorities such as the Strategic Plan or the budget process. Council could also amend this agenda tonight.

Councilmember Kabir agrees that we need the priority list, but in this case we will have the Strategic Plan to help develop that list, and can update it each year.

A motion was made by Councilmember Rigg and seconded by Councilmember Brennan to adopt the agenda as presented. The motion passed 7-0.

20-O-01 Introduction of 20-O-01, a new ordinance concerning bulk and special trash to become effective May 1

Mr. Marsili reviewed the staff report. This is a brand-new ordinance to replace 19-O-14 that was discussed last year.

A motion was made by Councilmember Brennan and seconded by Councilmember Rigg to introduce 20-O-01 as drafted and to schedule a public hearing for Tuesday, January 28, 2020 at 7:30 p.m. at Davis Hall, 9217 51st Avenue.

20-O-02 Introduction of Ordinance 20-O-02, an ordinance to implement a bulk trash fee schedule for collection of more than 20 items per year to become effective May 1

Mr. Marsili reviewed the staff report. This ordinance adds a fee schedule for excess bulk trash collections (for more than 20 items).

Councilmember Brennan said the CBE advocated for 12 items, so he wants to add options for 12 items or 20 items, so that the public can comment on either.

A motion was made by Councilmember Rigg and seconded by Councilmember Brennan to introduce Ordinance 20-O-02 as drafted, with an additional second option of a 12 item limit (with an additional 9 items for those that pay the \$180 trash fee), and to schedule the Public Hearing on Tuesday, January 28, 2020 at 7:30 p.m. at Davis Hall, 9217 51st Avenue.

20-G-08 Appointments to Boards and Committees

A motion was made by Councilmember Kabir and seconded by Councilmember Mitchell to appoint Chunyang Ding to the Committee for a Better Environment, to reappoint Bonnie McClellan to the Seniors Committee, and to reappoint Suchitra Balachandran to the CBE. The motion passed 7-0.

MAYOR AND COUNCIL REPORTS AND COMMENTS:

- Reports that cars in the Lake Artemesia parking lot (which is in Berwyn Heights) are being ticketed heavily. We should look into this and let our residents know more about why.
- Status of the tree ordinance and comments on what we could move forward with to share with the TLB. Mr. Somers is attending the TLB meeting tomorrow and will convey.

ADJOURN: A motion was made by Councilmember Rigg and seconded by Councilmember Brennan to adjourn the Regular Meeting. With a vote of 7-0, the regular meeting was adjourned at 10:09 p.m.

Janeen S. Miller, CMC
City Clerk

Date
Approved