

MINUTES
College Park City Council Regular Meeting
Tuesday, March 8, 2022
Council Chambers
7:30 p.m. – 10:20 p.m.

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; Gary Fields, Director of Finance; Terry Schum, Director of Planning; Teresa Way-Pezzuti, Director of Human Resources; Kiaisha Barber, Director of Youth, Family and Senior Services; Steve Halpern, City Engineer; Megha Sevalia, Student Liaison; and Hayden Renaghan, Deputy Student Liaison.

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

Announcements:

Councilmember Kabir announced the next meeting of the North College Park Community Association and Women’s History Month.

Councilmember Kennedy said it is Girl Scout cookie season.

Councilmember Whitney announced the upcoming Bee City initiative, “No Mow April.”

Councilmember Adams discussed opportunities to comment on the County Redistricting Maps.

Councilmember Mackie noted that 3/14 is “Pi Day” and discussed the AARP Seniors Visioning Workshop and the County’s Summer Youth Job program.

Councilmember Mitchell also noted Women’s History Month and noted that College Park has a majority female Council.

Deputy Student Liaison Renaghan reviewed last week’s IFC/PHA neighborhood clean up.

Mayor Wojahn announced International Women’s Day and addressed the crisis in Ukraine.

City Manager’s Report: Mr. Young announced that information about the City’s Summer camp scholarships is posted on our website; provided additional detail about the AARP Visioning Workshop, the Greenbelt Road Corridor Planning Meeting, and the Tech Literacy

Workshop being held here on Saturday. He said that the City and UMD are finalists in the Washington Business Journal “Best Development Deal of 2021.”

Amendments to / Approval of the Agenda:

A motion was made by Councilmember Rigg and seconded by Councilmember Kennedy to move Item 22-G-42 to the Consent Agenda. The motion passed 8-0.

A motion was made by Councilmember Whitney and seconded by Councilmember Kabir to add HB 1333, the Modified Muffler bill, to the Consent agenda, since the public hearing is on March 10. The motion passed 8-0.

A motion was made by Councilmember Mitchell and seconded by Councilmember Esters to approve the agenda as amended. The motion passed 8-0.

Public Hearings:

A. Public Hearing on the Petition Request for Traffic Calming in the 4600 block of Guilford Road:

Mr. Halpern reviewed the staff report.

Public Comment:

Keane Bhatt, the petitioner: Mr. Bhatt spoke in support of the petition; the speeds are high and this will slow down the traffic.

[7:58 p.m., Whitney/Esters, 5 minute recess to work out the technical difficulty with Zoom.]

Cassie Ghee, resident: She does not mind traffic calming but does not want it in front of her property. 7 years ago her sister’s car was hit in front of her house and police did respond, so it should have been in the report.

There being no further public comment, Mayor Wojahn declared this public hearing as having been held.

B. 22-R-06 City’s participation in the renewal application for the Greater College Park RISE Zone

Mr. Williams gave an overview of the RISE Zone and said the intention with this Resolution is to renew our RISE Zone designation. In 2016 the Mayor and Council authorized the City’s participation for a five year period. We are part of a consortium of partners. This is a request for a renewal for another 5 years. There are 2 notes: 1) the Stone Straw Property is not included in the application; 2) the consortium recommends the 50% tax credit, not the 75% level as previously discussed. He responded to questions he received during the past week: State offers a 10% tax credit to RISE Zone participants. RISE Zone and RTC cannot

be used together. Opportunity Zones and Enterprise Zones are offered based on census map tracking; there is only one Enterprise Zone in the County but more than 100 Opportunity Zones.

Public Comment:

Mary King, resident: The fiscal impact of the rental assistance program is unknown. More questions need to be asked and answered. This covers a large area and many businesses could qualify.

Mary Cook, resident: She is opposed to these huge tax credits. If they can't support themselves through their businesses they shouldn't be in business. All this money we are giving away is money we can't use for amenities in the City. Let's use that money for our residents.

There being no further public comment, Mayor Wojahn declared this public hearing as having been held.

C. 22-O-02, An Ordinance to amend the Fiscal Year 2022 Budget (FY 2022 Budget Amendment #2) to transfer the recovery of lost revenue of \$10M from the ARPA allocation.

Mr. Fields reviewed the staff report. This allows the City to select the \$10M allocation for recovery of lost revenue from ARPA funds.

Councilmember Kabir asked what the procedure is to make specific allocations from the ARPA funds. Mr. Fields said it will be up to the Council to consider during the budget process.

There was no public comment on this item. Mayor Wojahn declared this public hearing as having been held.

D. Ordinance 22-O-03, an Ordinance Of The Mayor And Council Of The City Of College Park, Amending Chapter 175 "Taxation", Article IV, "Revitalization Tax Credit", §175-10 "Eligibility Criteria" To Authorize The Mayor And Council To Approve A Level Two Tax Credit For A Property That Has Received Authority From Prince George's County For A Payment In Lieu Of Taxes Under §7-506.1 Of The Taxation-Property Article, Annotated Code Of Maryland

Ms. Ferguson described this amendment to the Revitalization Tax Credit to allow for a change in the Level 2 tax credit, which is a larger credit for a longer period of time, to add an option that if the county grants a PILOT under certain sections of the state code, that might also qualify a project for a Level 2 City Revitalization Tax Credit. She described the language in the state code. It would allow, among other things, the City to support an affordable housing initiative.

Public Comment:

Peter King, resident: At the introduction of this ordinance the question was raised about whether there was prior discussion of this topic at a Worksession, and Council deferred. He

hopes the Council intends to do that tonight. Ordinances do not come out of thin air, if it was a prior discussion in closed session, the Open Meetings Act requires that some aspect of this to be disclosed, even the Council authorizing the City attorney to draft legislation. He discussed the requirements of the Maryland Open Meetings Act.

Mary King, resident: A tax break of up to 60% for up to 15 years is a whopping tax credit. Financial consultants should be hired to help the City make a more knowledgeable decision about tax credits.

There being no further public comment, Mayor Wojahn declared this public hearing as having been held.

E. Ordinance 22-O-04, An Emergency Amended Ordinance Of The Mayor And Council Of The City Of College Park Authorizing The Acquisition Of Certain Property Located At 4704 Calvert Road and 7307 Rhode Island Avenue, College Park, Maryland, For A Public Purpose.

Mr. Young said the City is interested in purchasing the property identified as 4704 Calvert Road and 7307 Rhode Island Avenue. The property has a single family residence that contains 4 rental units that generate approximately \$48K in revenue/year. Additional land is zoned R55 and R18. Explanation of how we arrived at the purchase price: County's assessed value on 4704 Calvert is \$700K, which tends to be less than the actual value, plus the annual rental income, plus the additional 5 lots at \$200K for each vacant lot. We have the ability to do a number of things with the property which will be determined with community input after we acquire it. We are in the process of doing our due diligence. Phase 1 environmental has been completed, title and appraisal are underway. We will have all of this information before we close on the property. If we close before 3/17 price is \$1.7M. If we close after that date the price goes up by \$50K. R55 zoning is residential with a minimum lot area of 5500 sq ft. R18 zoning is multifamily with 18 dwelling units per acre. The funds for purchase will come from the CIP budget for property acquisition.

Public Comment:

Dave Dorsch, resident: What is the emergency about this ordinance? What is affordable housing? How is it green space if it is developed? What is the City's strategic plan at this location? The City does not need this property. If the City purchases it then the City becomes the landlord. This is in an historic district and the house probably can't be torn down.

D.W. Rowlands, resident of the property in question: Hopes the City will buy the property because it has been maintained by the current owner as affordable housing which is the only reason they can live here. College Park needs an affordable housing program and this would be a good start.

Mary King, resident: The City Council recently told the public about their interest in purchasing this property, as an emergency, without knowing what they want to do with it. It is

not reasonable for the City to pay this much for open space. If there is an emergency it has been created by the parties involved. An extra \$50K is a spurious reason to call this an emergency.

Alaina Pitt, resident: Not pleased with the process or with the haste with which the seller tried to push this through, but is in favor of the purchase. We are in a housing crisis. People need housing, this is next to the metro, putting housing in the vicinity of transit meets many different goals, and hopes that is what we pursue.

Mary Cook, resident: Concerned about the process of this acquisition. Staff knew a year ago that this property was going to be sold; it was discussed at an APC meeting. Staff should have brought it to you immediately. They are aware of the neighborhood and should have known the neighborhood would have been concerned. Making the decision without viewing this within the context of the budget is unwise.

There being no further public comment, Mayor Wojahn declared this public hearing as having been held.

Consent Agenda: A motion was made by Councilmember Mitchell and seconded by Councilmember Esters to adopt the Consent Agenda, which consisted of the following items:

22-R-05	Resolution Of The Mayor And Council Of The City Of College Park Adopting The Recommendation Of The Advisory Planning Commission Regarding Variance Application Number CPV-2022-02, 6909 Rhode Island Avenue, College Park, Maryland, Recommending Approval Of A 10.0% Lot Coverage Variance From Section 27-442(C) Table II Of The Prince George's County Zoning Ordinance, For An Addition.
22-G-37	Award renewal contracts for employees' health, dental and worker's compensation insurance coverages, and the City's general liability insurances, for FY 2023 for a total budgeted cost of \$1,874,182.
22-G-38	Approval of a contract amendment in substantially the form attached to the Consultant Agreement with Mead and Hunt, Inc. for additional services in the amount of \$33,394.36 to complete design of the Hollywood Road sidewalk project.
22-G-43	Authorize staff to contract with Cable Video Specialists, Inc. in the amount of \$63,310.58 to purchase the Cablecast hardware, software, warranties, and installation services as described in the attached quote. Council waives its regular procurement process to authorize this purchase.
22-G-50	Approval of minutes from the February 1, 2022 Worksession; February 1, 2022 Special Session.

22-G-42	Approval of a letter to the Prince George’s County Council, the County Executive, and Maryland-National Capital Park and Planning Commission, expressing the City’s interest in partnering on an M-NCPPC Community Center in north College Park.
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The motion passed 8-0.

22-G-39 Council consideration of the petition request for traffic calming in the 4600 block of Guilford Road

A motion was made by Councilmember Adams and seconded by Councilmember Rigg to approve the installation of speed humps in the 4600 block of Guilford Road between Rhode Island Avenue and Harvard Road, and direct the City Engineer to site the device at his discretion.

Councilmember Adams said he understands the engineering analysis said the speed warrant was not met, but he knows the road and believes traffic calming is needed. He does not believe the device will be sited in front of Ms. Ghee’s home.

Councilmember Rigg said we go through a lot of effort to do the traffic study but Council historically approves traffic calming without both warrants being met. Perhaps we should consider a different approach.

The motion passed 8-0.

22-R-06 Adoption of a Resolution confirming the City’s participation in the renewal of the Greater College Park RISE Zone application

A motion was made by Councilmember Kennedy and seconded by Councilmember Whitney that the City Council adopt Resolution 22-R-06 to authorize the City’s continued participation in the Greater College Park RISE Zone as generally described in the Resolution and attached draft application for a period of five years, set the real property tax credit level for qualified development as provided in the Resolution, and authorize rental assistance to qualified businesses to become part of the RISE zone program.

Mayor Wojahn stated that a public hearing was held earlier this evening so there would be no public comment at this time.

Councilmember Kennedy said she generally supports tax credits because they bring in money we don’t already have, and gets development done more quickly.

Councilmember Mackie said she is usually more conservative with tax credits but supports this one because it is going toward building businesses.

Councilmember Kabir said if we don’t get the development we won’t get the taxes. The limit is the maximum that we can give, but we don’t always have to give that amount.

Councilmember Mitchell described this as another tool in our toolkit to bring about a new change in College Park to attract the businesses we want here.

Councilmember Rigg agreed and said we have a track record of attracting high quality businesses and we need to keep the momentum going. The more commercial development we can attract to our City the less the full tax burden of City services fall on our residents.

Councilmember Whitney said the more businesses we can attract to our City, the more this becomes the place to be.

The motion passed 8-0.

22-G-41 Approval of additional FY 22 public school education grants to Cherokee Lane Elementary School and Hollywood Elementary School

Carolyn Bernache, Chair, Education Advisory Committee and Kiaisha Barber, Director, YFSS said the Education Advisory Committee is bringing forward two additional public school grants tonight. Dr. Bernache described the grants for Cherokee Lane Elementary School for \$2,750 and for Hollywood Elementary School for \$8,000.

A motion was made by Councilmember Mackie and seconded by Councilmember Mitchell that the City Council award the following FY 22 Education Grants: 1) \$2,750 to Cherokee Lane Elementary School, and 2) \$8,000 to Hollywood Elementary School. The total of these awards is \$10,750 which is budgeted in the FY 2022 budget.

The motion passed 8-0.

22-O-02 Adoption of Ordinance 22-O-02, An Ordinance to amend the Fiscal Year 2022 Budget (FY 2022 Budget Amendment #2) to transfer the recovery of lost revenue of \$10M from the ARPA allocation

A motion was made by Councilmember Mitchell and seconded by Councilmember Whitney to adopt Ordinance 22-O-02, An Ordinance of the Mayor and Council of the City of College Park to amend the Fiscal Year 2022 Budget (FY 2022 Budget Amendment #2) to transfer the recovery of lost revenue of \$10M from the City's ARPA allocation fund to the General Fund.

Mayor Wojahn stated that a public hearing was held earlier this evening so there would be no public comment at this time.

The motion passed 8-0.

22-O-03 Adoption of Ordinance 22-O-03, an Ordinance Of The Mayor And Council Of The City Of College Park, Amending Chapter 175 “Taxation”, Article IV, “Revitalization Tax Credit”, §175-10 “Eligibility Criteria” To Authorize The Mayor And Council To Approve A Level Two Tax Credit For A Property That Has Received Authority From Prince George’s County For A Payment In Lieu Of Taxes Under §7-506.1 Of The Taxation-Property Article, Annotated Code Of Maryland.

A motion was made by Councilmember Rigg and seconded by Councilmember Adams to adopt Ordinance 22-O-03, an Ordinance Of The Mayor And Council Of The City Of College Park, to amend the City Code Section 175-10 to allow for greater flexibility with respect to the duration and amount of a revitalization tax credit when Prince George’s County authorizes a payment in lieu of taxes for a property under §7-506.1 of the Taxation-Property Article, Annotated Code of Maryland.

Mayor Wojahn stated that a public hearing was held earlier this evening so there would be no public comment at this time.

Councilmember Rigg said the opportunity to create incentives for affordable housing provides another economic tool to achieve our Strategic Plan goals.

Councilmember Kabir said we are not talking about a specific development, we are only looking at an ordinance that will enable us to provide a tax credit if we choose. We will need to look into the definition of affordable housing, the location, and the impact the development will offer to the community.

The motion passed 8-0.

22-O-04 Adoption of 22-O-04, An Emergency Amended Ordinance Of The Mayor And Council Of The City Of College Park Authorizing The Acquisition Of Certain Property Located At 4704 Calvert Road and 7307 Rhode Island Avenue, College Park, Maryland, For A Public Purpose.

A motion was made by Councilmember Rigg and seconded by Councilmember Adams to adopt Ordinance 22-O-04, an Emergency Amended Ordinance Of The Mayor And Council Of The City Of College Park Authorizing The Acquisition Of Certain Property Located At 4704 Calvert Road And 7307 Rhode Island Avenue, College Park, Maryland, For A Public Purpose.

Mayor Wojahn stated that a public hearing was held earlier this evening so there would be no public comment at this time.

Councilmember Rigg said this presents a unique opportunity this Council may not see again. The house is currently affordable housing; if the City doesn’t act with a high degree of agility the opportunity will be lost. This is linked to a stated strategic plan goal around affordable housing

and around green/open space. Doing either would be in line with our strategic plan goals. This opportunity came up quickly and was presented to us by a resident.

Councilmember Mitchell thanked staff for bringing this to us. We have been as transparent as we could be. We should move forward with this and will seek input from residents about the use of this property.

Councilmember Kabir supported the contract of sale but struggled with the process. There is no point voting otherwise tonight because we would have to pay more. The understands the sentiment of the community. Question about the appraisal: we usually do the appraisal before we buy the property.

Councilmember Adams described this as a great opportunity and hopes we will move in a similar expedited way to meet our strategic goals no matter what district it was in.

Ms. Sevalia asked what the public process will be? No specifics yet about timing but we will do our usual public notice.

The motion passed 8-0.

22-G-40 Presentation and possible action on the request to amend Detailed Site Plan 09028-2 for MSquare/Discovery District

Ms. Schum said this is an amendment to a DSP that has already been approved. There are 2 ways a DSP can be amended – minor amendment or major amendment. Minor amendment is reviewed and approved at the staff level by the Planning Director. Major amendment goes before the Planning Board, has a public hearing, and takes longer. Tonight's agenda item is not to take a formal position on the amendment. It is a request from the applicant that the City support the amendment to the DSP through the limited minor amendment process. The County Planning Director is asking College Park to weigh in on how this should be handled – as either a limited minor amendment or as a major amendment.

Councilmember Mackie asked about a traffic study. The response was that the traffic study is old and they have not been required to do a new one.

Councilmember Rigg asked about the staff recommendation. Ms. Schum said that staff thinks the nature of the changes are major, not minor. Staff put forward suggestions to the applicant that would have more staff support, but the applicant didn't move forward with that recommendation and preferred to present the question to Council. If Council supports the changes, it can go forward as a minor amendment; but if Council has any heartburn, you should recommend the major amendment process.

Councilmember Adams asked if handling this as a minor amendment would set a precedent. Ms. Schum said that the precedent does concern her. She hasn't seen a minor amendment that is as

expansive as this one. But if you like what you see, it makes sense to move forward with the limited minor amendment.

Mr. Young said there is an opportunity to look at this from a broader lens beyond just the Planning lens, so if Council is comfortable with what you see, we can forward our recommendation to the Planning Board.

Councilmember Kabir said the traffic study was done before the proposed changes. Ms. Schum said this particular amendment does not involve an increase in density and doesn't generate the need for a traffic study. If they add density, a new DSP would come forward that would address traffic impacts.

Tom Haller, attorney for the applicant, with Dean Lopez and Ed Maginnis: Mr. Haller said he has been before Council many times over 15 years on this project. This is a great location and a successful office park. When opportunities arise you need to act quickly. Corporate Office Properties Trust (COPT) has built these buildings speculatively. So far, the buildings are in the Town of Riverdale Park. This is the first one in the City of College Park. They are not seeking to increase the square footage or the number of buildings. This is to reorient the buildings to create more opportunity in the future.

Dean Lopez, COPT/M Square Properties, LLC: This joint venture is 15 years old. The demand is opportunistic and time sensitive. They are out of space. The difference between a minor and major amendment could be 6 months. The Site Plan is 11 years old. They want to rearrange the buildings to make more sense as a modern office park. It will have the same density and same uses as the approved plan. The buildings would be rotated and the garage would be moved to create a new pad for another office building. It creates a zone to add a public/private amenity space. Development will proceed in phases. The 3rd building would be built in conjunction with the parking structure. Expect about \$185,000 per building per year to accrue to College Park.

Councilmember Adams said he spoke with the developer last week. He would like to see a hiker/biker trail incorporated more into the design. He wants the Council to move this forward expeditiously.

Councilmember Esters asked what the impact on the project would be if they add six months to the timeline. Councilmember Mackie is concerned that there hasn't been a traffic study done recently.

Mr. Haller said this property went through the subdivision process with a traffic study in 2012 and again in 2016. As they move forward in the future and increase density will have to do it again. He added that the last traffic study did not anticipate the Purple Line.

A motion was made by Councilmember Rigg and seconded by Councilmember Whitney that the City Council support M Square Associates, LLC's application DSP-09028-02 being accepted and processed as a Limited Minor Amendment for approval by the County Planning Director, and authorize the City Manager or his designee to provide written confirmation to the County Planning Director.

Councilmember Rigg said it serves the City's best interest to be pragmatic about this, and we will likely see this again.

There were no comments from the audience or the Council.

Mayor Wojahn said he is glad to see this evolve into more of an urban office park, to engage more with the street front, the plaza space, and wants to see more retail.

Councilmember Rigg and Mayor Wojahn also disclosed they have had conversations with the applicant.

The motion passed 8-0.

ADJOURN: A motion was made by Councilmember Mackie and seconded by Councilmember Esters to adjourn the regular meeting and reconvene in a Closed Session. Mayor Wojahn read the Closing Statement:

Pursuant to the statutory authority of the Maryland Annotated Code, General Provisions Art. § 3-305(b), the Mayor and Council of the City of College Park are providing notice that they will meet in a closed session after the meeting to discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom this public body has jurisdiction. Specifically, the Mayor and Council will review applications for the Restorative Justice Commission and will discuss the timeline and process for the City Manager's Performance Evaluation. They will not return to open session after the Closed Session ends.

The motion passed 8-0 and the Regular Meeting ended at 10:20 p.m.

Janeen S. Miller	Date
City Clerk	Approved

CLOSED SESSION
March 8, 2022

On Tuesday, March 8, 2022, at the conclusion of the Regular Meeting, a motion was made by Councilmember Mackie and seconded by Councilmember Esters to adjourn the regular meeting and reconvene in a Closed Session. Mayor Wojahn read the Closing Statement:

Pursuant to the statutory authority of the Maryland Annotated Code, General Provisions

Art. § 3-305(b), the Mayor and Council of the City of College Park are providing notice that they will meet in a closed session after the meeting to discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom this public body has jurisdiction. Specifically, the Mayor and Council will review applications for the Restorative Justice Commission and will discuss the timeline and process for the City Manager's Performance Evaluation. They will not return to open session after the Closed Session ends.

The motion passed 8-0 and the Regular Meeting concluded at 10:20 p.m.

The Mayor and Council reconvened in the Council Chambers in Closed Session. Mayor Wojahn and all Councilmembers were present (Kabir, Kennedy, Esters, Whitney, Adams, Rigg, Mackie and Mitchell). Also attending: City Manager Kenneth Young attended the full meeting; City Attorney Suellen Ferguson, Assistant City Manager Bill Gardiner and City Clerk Janeen Miller attended a portion of the meeting. Mayor Wojahn was the Open Meetings Trainee.

The Mayor and Council discussed the applications they received for the Restorative Justice Commission. The Mayor and Council and the City Manager discussed the process and timing for the City Manager's six-month evaluation. No action was taken.

At 10:47 p.m., on a motion by Councilmember Rigg that was seconded by Councilmember Mackie, the Closed Session was adjourned with a vote of 8-0.
