

**FEDERAL HILL NEIGHBORHOOD ASSOCIATION  
MINUTES OF THE MEMBERSHIP MEETING  
JANUARY 17, 2016**

**CALL TO ORDER:**

President Beth Whitmer called the meeting to order at 7:00 p.m.

**POLICE REPORT:**

In the interest of allowing the representative from Southern District to return to duty, Ms. Whitmer asked her to speak first. Ms. Macron (?) gave a quick summary of some of the recent crimes that have occurred in the area and reported that follow-up is occurring but no arrests have yet been made.

**MINUTES:**

Beth noted that the minutes had been posted prior to the meeting and asked if there were any questions. The question was asked as to whether the proposed Harbor Hill expansion is five stories. Beth noted that Harbor Hill would be dealt with under a later agenda item. It was moved and seconded that the minutes be approved. The motion passed unanimously.

**CROSSBAR UPDATE:**

Beth introduced guest Steve Fogleman, lawyer for the owners of CrossBar, who gave an update on the proposed CrossBar. He explained as follows:

A request to transfer a liquor license to 12-18 E. Cross St. has been filed  
This is a "great project" which is to be a German restaurant and German beer hall.

In response to questions, Mr. Fogleman stated that one license for the project is on appeal; another license has been applied for.

He stated that the applicant worked on an MOU with the South Baltimore Neighborhood Association (SBNA) and the Federal Hill Neighborhood Association (FHNA) in 2014. (Historical Note: SBNA signed that MOU, FHNA did not, after the membership voted in opposition.)

The building is built for a capacity of 290 people. The Turner's license (the one under appeal) had a capacity of 165-180, but the MOU specified 150, which would be a reduction in capacity. The license will be a BD7 license, but the applicant agreed in the MOU to a ratio of 50% food; 50% alcohol. The applicant is working with German breweries and with the reduction in capacity, the concept is to have a restaurant. (Historical Note: if the license used is the license requested to be transferred from Joey B's where the capacity was 86, the 150 would represent an increase in capacity.)

In response to questions, Mr Fogleman stated that the manager would be Josh Foti, currently manager at Ryleigh's; that the additional applicant on the license is Lilia Poldmae who has some restaurant background; the owner is Ryleigh's Restaurant group; Mr. Fogleman apologized that he didn't have a menu with him but he said the menu has evolved to include handmade wursts and schnitzels--it is beyond pretzels. Responding to whether the MOU refers to an open air venue, Mr. Fogleman said that zoning will not permit an open air venue, and that unless and until they had an open air venue, (emphasis added) any such reference in the MOU would not apply.

In response to a question as to how MOUs are enforced and concern that there was a statement from the Liquor Board that MOUs could not be enforced. Mr. Fogleman explained that the Liquor Board that made that statement has been fired and that the Board "may" enforce an MOU.

Responding to a question as to who Ms. Poldmae is, Mr Fogleman said that Ms. Poldmae used to be employed by a Green Turtle outlet and that her husband has other restaurant interests; that the Green Turtle has no interest in CrossBar, but that the Poldmaes may be investors in Ryleigh's Restaurant group.

Responding to questions of what they would do if the Appeals Court (Maryland Court of Special Appeals) granted the license that is under appeal, would they sell it? use it to try to increase capacity? Mr. Fogleman said it is the Fire Department that ascertains capacity--capacity does not go with a license. To increase, they would have to go to Zoning and to the Liquor Board for a new license. (Not sure of this answer.)

Regarding how to be sure that a 50/50 ratio of food to alcohol was in fact being met, Mr Fogleman stated that once liquor became taxable it became fraud to lie on the required report to the Liquor Board.

Mr. Fogleman did not respond to a question of how a capacity of 155 could be documented/enforced.

Mr. Fogleman asked for us to review the SBNA MOU and decide whether to sign it. To a question on how late the kitchen would be open, Mr. Fogleman said he was not sure--he would find out, but that CrossBar would be open until 2:00 a.m.

The issue of capacity was raised again. If there are 300 people in there and the Fire Department says "fine" how do we enforce the 155? Capacity is material to the MOU. (Still no answer from Mr. Fogleman.)

The statement was made that some establishments file quarterly reports (on food vs. alcohol) and that would be useful. Mr. Fogleman was told that we would like a delay to the hearing that is currently scheduled so we can get everything clarified for the neighborhood. He was asked if we could delay another month. He said he would go back to the applicant and see.

Mr. Fogleman left the room for the ensuing discussion among attendees.

A motion was made and seconded that FHNA agree to sign an MOU, that the Association review and negotiate an MOU and get advice of counsel and business and ultimately ensure the right to enforce.

Discussion of the proposed motion:

We shouldn't agree until we have come to an agreement on the language of the MOU.

Beth noted that the MOU language was previously negotiated but was not passed by the membership.

Ivo noted we have had multiple membership votes in opposition to CrossBar; Mike Murphy (SBNA representative) noted that the original MOU has been signed (NOTE: by SBNA). Ivo stated that the individuals are different, there may be no problem working it out, we should negotiate first, then vote, not before. Questions raised: should we amend the motion? What if we lose at the Liquor Board?

The motion was amended and seconded to have the Board negotiate with them. The motion passed with 1 vote in opposition.

Rose asked whether we would have to have a membership vote on whatever is negotiated? Beth said, yes, we would. We do need to ask them to delay the Liquor Board hearing currently scheduled for January 26.

#### **CROSS STREET MARKET UPDATE:**

Ivo reported that we are trying to get as many neighbors together as possible to go to the City and State to try to get better treatment of the existing vendors. The biggest question is the proposed "market" license: specifically the fact that it would be a free gift to the developer; would include hard liquor as well as beer and wine; that there would likely be about 8 "mini-licenses" under the overall "market" license. We need to review, comment and share limitations we would want to be placed on the proposed market. Interestingly, the Federal Hill Hospitality Association appears to agree with some of our ideas because of the potential for its members to suffer competition from the proposed license. Ivo read through the list of proposed restrictions (there was a handout on the market that was available to those attending--copy attached).

Ivo summarized a meeting held with Luke Clippinger, Bill Ferguson and some of the Liquor Advisory Committee and some FHNA Board members. We talked about Belvedere Square and R Haus and how we didn't want Cross Street to be turned into those kinds of places. Walt commented that Luke is the primary drafter, so codifying what we want and letting him know is crucial. The question was raised: is this going to be a market or something else? What is the developer's vision? Bob said he thinks the developer wants a market something like Pike Place Market in Seattle. The developer has shown an initial plan with a breakfast place and bakery at one end, fish and seafood at the other end, with a wandering path between the ends. Comment: the biggest issue

is the effect on the current vendors; what happens in the meantime and what about those the developer the doesn't want?

Additional questions: Can we really influence the license? How did we come up with a 70 percent food to 30% alcohol ratio? Comment: many attempts have been made in the past to see what the community wants. The results always show items such as fresh food and a bakery. Comment from a neighbor: I already feel like I'm living in a food desert and it sounds like we're heading to a bar and prepared foods arena where you couldn't walk to get fresh food. A big issue is how are the existing vendors been treated? How do we influence this? Do we propose square footage restrictions to ensure the balance we want? What is the building going to look like? Beth answered that she would post the plans. Could protection of the existing licensees be put in the legislation? Could we insist on the definition of a "market" in the legislation?

A motion was made and seconded that we use the list (attached) to send to our legislators regarding the proposed market license. A question was raised: Would item 4: "No alcohol will be sold earlier than 11 a.m. or when less than 75% of the units are open for business and in no instance past 10 p.m." make it easier for more places that we don't want to be put on the market? An amendment was proposed and seconded to strike "or when less than 75% of the units are open for business". The question was raised as to whether the 70/30 ratio stated in Item 1. was too alcohol heavy since the developer has repeatedly stated that alcohol will simply be an incidental factor in the overall market, with one beer stall and one wine stall. An amendment was offered to change the ratio to 80/20. The motion with both amendments offered was passed unanimously.

Mike Murphy (SBNA) said we should share our concerns with everyone. Beth said she will put up a list on the website of all who can be contacted.

#### **CHAP UPDATE:**

Beth Whitmer reported that a CHAP hearing on the proposal to make Federal Hill a CHAP district was held January 9. After a detailed presentation by City planning staff, the proposal was approved by the CHAP Board, with Cindy Conklin, Federal Hill resident and CHAP Board member recusing herself from the vote so as to avoid any appearance of a conflict of interest. The next step is for the proposal to go to City Council, but no date has been set yet for that item to reach their agenda.

Fran Landolf, head of FHNA's Preservation/Design Committee noted how impressed he was with the Planning staff detailed presentation on the history of Federal Hill and that he thought we should, at some future time, invite the staff person to make a presentation to Federal Hill residents.

#### **HARBOR HILL EXPANSION UPDATE:**

Bob Merbler reported on the City's Urban Development Architectural Review Board's UDARP) first meeting on the proposal for Harbor Hill. (Note: this meeting was on the

"Schematic" proposal; a second meeting on the "Final" proposal will take place at which the developer will have responded to the comments made by the UDARP members at the Schematic review.) Bob read the statement prepared by the Preservation/Design Committee (copy attached) as follows:

The Federal Hill Neighborhood Association is in favor of development that is harmonious with our existing neighborhood in general and on this site in particular. We find the proposal not acceptable in its current form. The current design is too large, awkwardly massed, poorly sited and will have a deleterious impact on parking and traffic in this historic corner of Federal Hill.

Discussion: there are two major areas of concern: rear yard setback (25 ft. required, vs. 5 ft. proposed) which would require a zoning variance; and height. The proposal presented to UDARP was for a 40 ft. height which may not require a zoning variance.

A question was raised whether an LDR attached to the property had an effect. Bob answered that when the property was sold it did not apply. A question was raised about the zoning under Transform Baltimore approving an exception to zone the property R-8 rather than R-7. It was noted that all the surrounding properties are zoned R-8, so the original R-7 designation probably was a mistake, as we had been told.

Comment: should our statement object to any request for a variance or is there any reason not to object to the project in total? Bob responded that we don't have much leverage. We would like to be able to sit with them and try to influence the design. Another thing we would like to discuss is the possibility of re-opening the portion of Hamburg St. that was closed during the last renovation in the area so as to improve traffic flow.

Architecture is a big issue. Beth noted that the proposal may already be CHAP compliant. Councilman Eric Costello joined the meeting during this discussion and he promised to put Fran Landolf in touch with the staff person at UDARP so that Fran gets notice of the UDARP meetings. We can post notice of UDARP and Zoning meetings that have this project on their agenda. One neighbor from Grindall St. said she would knock on every door on Grindall and Riverside to get people to come to meetings on the project.

It was moved and seconded that language be added to the statement objecting to any request for variance from setback or height requirements and that the statement be sent to UDARP for the project file. The motion passed unanimously.

## **NEW BUSINESS:**

Jessica Damen reported that she has worked with Peg McCarty (?) submitted a proposal for a grant for artwork--a sculpture for the entrance to Robert Baker Park.

Bob Merbler noted that pick-up for the annual parking pass renewals will be coming up, probably February 11th or the 18th. This may be the last year for in-person pick-up. We may be the test case for virtual renewal.

Councilman Costello gave a detailed report on the rash of crime in the neighborhood. There have been multiple robberies at knife point, and at gun point. Many suspects are known or suspected to be juveniles, which raises difficulties because of the protections afforded juveniles by the justice system.

The Councilman said there will be an expanded police presence, both in cars and on foot. He urged us all to report any suspicious activity to 911 and to take the one step that can influence the handling of juvenile suspects-- to file a "Community Impact Statement". These can be filed by individuals and by community organizations like FHNA. This is the recourse communities have, at present, to try to influence the handling of juvenile suspects.

**ADJOURNMENT:**

The meeting was adjourned at 8:25 p.m.

Submitted by Betsy Homer  
Secretary