



MARCH 26, 2013
CITY OF COLLEGE PARK
COUNCIL CHAMBERS

7:15 P.M.

PUBLIC HEARING ON 13-O-02

An Ordinance Of The Mayor And Council Of The City Of College Park, Maryland, Amending Chapter 30 "Districts, Council" To Amend The Adopted Redistricting Plan For Council Member Elections To Include Land Annexed Since The Adoption Of Ordinance 11-O-09 (the Domain area) into Council Election District 3

7:30 P.M.

MAYOR AND COUNCIL MEETING
AGENDA

MEDITATION

PLEDGE OF ALLEGIANCE: Councilmember Catlin

ROLL CALL

MINUTES: Special Session on March 5, 2013; Regular Meeting of March 12, 2013; Special Session on March 19, 2013

ANNOUNCEMENTS

ACKNOWLEDGMENT OF DIGNITARIES

ACKNOWLEDGMENT OF NEWLY APPOINTED BOARD AND COMMITTEE MEMBERS

AWARDS

PROCLAMATIONS

AMENDMENTS TO THE AGENDA

CITY MANAGER'S REPORT: Joe Nagro

STUDENT LIAISON'S REPORT: Josh Ratner

COMMENTS FROM THE AUDIENCE ON NON-AGENDA ITEMS:

- Good Neighbor Day information

PRESENTATION

**Formula 2040: Preliminary Functional Master Plan for
Parks, Recreation and Open Space**

M-NCPPC Department of Parks and Recreation, Prince George's County

CONSENT AGENDA

- 13-G-43 Award of Contracts to 1) Traffic Systems & Technology in the amount of \$22,460 plus freight for the purchase of two sets of Spot Device Rapid Rectangular Flashing Beacons, and to 2) Scott A. Duncan, Inc. for \$11,000 for the installation of the RRFBs on Rhode Island Avenue at Cherokee Street and Muskogee Street, for a total cost of \$33,460 plus freight. The funding source is Reserved Accounts Restricted 291-07.
- Motion by:
To: Adopt
Second:
Aye: _____
Nay: _____
Other: _____
- 13-G-44 Approval of purchase of three ¾-ton Ford 4x4 Replacement Pickup Trucks from Apple Ford (State of Maryland BPO No. 001B3400276) for \$68,490 (\$22,830.00 each), and three Boss 7'6" Super-Duty Electric Snow Plow Packages from Intercon Truck Equipment for \$11,760.00 (3,920.00 Each). The total cost per truck is \$26,750.00 or \$80,250.00 for three. The funding source is Vehicle Replacement CIP 925061.

ACTION ITEMS

- 13-O-02 Adoption of 13-O-02, An Ordinance Of The Mayor And Council Of The City Of College Park, Maryland, Amending Chapter 30 "Districts, Council" To Amend The Adopted Redistricting Plan For Council Member Elections To Include Land Annexed Since The Adoption Of Ordinance 11-O-09 (the Domain area) into Council Election District 3
- Motion by: Day
To: Adopt
Second:
Aye: _____
Nay: _____ Other: _____
- 13-G-45 Approval of the City's Sustainable Maryland Certified Green Team 3-Year Action Plan
- Motion by: Mitchell
To: Approve
Second:
Aye: _____
Nay: _____ Other: _____
- 13-G-46 Approval, in concept, of a lease agreement and revised agreement with Prince George's County for two SSTAP buses (Call-A-Bus), and for providing insurance for the two buses through the City's policy with LGIT, subject to the review and approval of the City Attorney.
- Motion by: Wojahn
To: Approve
Second:
Aye: _____
Nay: _____ Other: _____
- 13-G-48 Approval of a letter to the County's PZED Committee with comments on CB-6 (Transit Oriented Priority Development) and CB-12 (Expedited Transit-Oriented Development)
- Motion by: Wojahn
To: Approve
Second:
Aye: _____
Nay: _____ Other: _____
- 13-G-49 ***Tentative Agenda Item*** Approval of City position on HB 929 - Motor Vehicles – Speed Monitoring Systems - Local Jurisdictions
- Motion by:
To: Approve
Second:
Aye: _____
Nay: _____ Other: _____
- 13-G-47 Appointments To Boards and Committees
- Motion by:
To: Approve
Second:
Aye: _____
Nay: _____ Other: _____

COUNCIL COMMENTS

COMMENTS FROM THE AUDIENCE

ADJOURN

INFORMATION REPORT

1. Good Neighbor Day 2013 Information Report – Bob Stumpff, Director of Public Works
2. Use of Funds for Police Equipment – Joe Nagro, City Manager

In accordance with the Americans With Disabilities Act, if you need special assistance, you may contact the City Clerk's Office at 240-487-3501 and describe the assistance that is necessary. This agenda is subject to change. For current information, please contact the City Clerk.

7:15
PUBLIC
HEARING



**NOTICE OF PUBLIC HEARING
ORDINANCE 13-O-02
TUESDAY, MARCH 26, 2013
2ND FLOOR COUNCIL CHAMBERS
CITY HALL, 4500 KNOX ROAD
7:15 p.m.**

Ordinance Of The Mayor And Council Of The City Of College Park, Maryland, Amending Chapter 30 "Districts, Council" To Amend The Adopted Redistricting Plan For Council Member Elections To Include Land Annexed Since The Adoption Of Ordinance 11-O-09.

Copies of this Ordinance may be obtained from the City Clerk's Office, 4500 Knox Road, College Park, MD 20740, call 240-487-3501, or visit www.collegeparkmd.gov.

Bulletin board
website
cable } 2/28/13



CITY OF COLLEGE PARK MUNICIPAL SCENE

4500 KNOX ROAD, COLLEGE PARK, MARYLAND 20740 • 240-487-3500
www.collegeparkmd.gov

March 14, 2013

NOTICE OF FAIR SUMMARY ORDINANCE 13-O-01

Ordinance of the Mayor and Council of the City of College Park, Maryland, amending chapter 179 "Tree and Landscape Maintenance" to amend §179-1, "Definitions", §179-2, "Purpose; Applicability", and §179-5 "Tree and Landscape Board" to expand or clarify certain definitions, to clarify that the designees of the Chairperson of the Committee for a Better Environment, the Planning, Community and Economic Development Director and the Public Works Director may act in their place as voting members of the Tree and Landscape Board, and to set the quorum of the board as a majority of the appointed members.

This Ordinance was introduced on January 22, 2013, a Public Hearing was held on February 26, 2013, it was adopted on February 26, 2013 and will become effective on March 19, 2013.

Copies of this Ordinance may be obtained from the City Clerk's Office at 4500 Knox Road, College Park, Maryland 20740 or visit: www.collegeparkmd.gov.

NOTICE OF PUBLIC HEARING ORDINANCE 13-O-02

TUESDAY, MARCH 26, 2013 – 7:15 p.m.
2ND FLOOR COUNCIL CHAMBERS
CITY HALL, 4500 KNOX ROAD

Ordinance of the Mayor and Council of the City of College Park, Maryland, amending Chapter 30 "Districts, Council" to amend the adopted redistricting plan for Council Member elections to include land annexed since the adoption of Ordinance 11-O-09 (the Domain Annexation area).

Copies of this Ordinance may be obtained from the City Clerk's Office, 4500 Knox Road, College Park, MD 20740, call 240-487-3501, or visit www.collegeparkmd.gov.

CITY OFFICES CLOSED FRIDAY, MARCH 29, 2013

City offices will be closed on Friday, March 29, in observance of Good Friday.

Come share ideas on how to build a stronger relationship between police and citizens; how to get parents and the whole community to become more involved with children in school, at home, and in our neighborhoods; etc.

Youth, Family and Senior Services...
Senior Services 301-345-8100
Youth and Family Services 301-487-3550

AVAILABLE CITY SENIOR SERVICES

Do You Know about College Park's

- Quarterly Senior Socials?
- Wonderful Day Trips?
- Transportation to nearby medical appointments?

Did You Know College Park's Senior Services Also Offer:

- Advocacy with Other Agencies and Doctors Offices?
- Information and Referral?
- Liaison to Other Community Resources?

TO LEARN MORE **and to get on City Seniors mailing list**, contact the City Seniors Program office 301-345-8100.

AVAILABLE CITY COUNSELING PROGRAM FOR FAMILIES

College Park Youth and Family Services offers counseling help to families who are having difficulties with everyday living. All counseling services are personalized to the unique needs of each individual family. Professional staff holds advanced degrees. For more information, call 240-487-3550.

**Pay City parking tickets online
with no additional fees at
www.collegeparkmd.gov**

For information about cultural and arts opportunities in College Park, please visit the following websites:

Free Stuff at University of Maryland
www.freestuff.umd.edu

College Park Arts Exchange
www.cpae.org

Clarice Smith Performing Arts Center at Maryland

Animal Control, Code Enforcement, Public Safety and Recreation - Parks Enforcement is at City Hall.

24 Hour Hotline.....240-487-3500

For Urgent Code Enforcement, Noise Control, Animal Control Issues:

Public Works Department, 9217 51st Ave.....240-487-3500

Trash Collection, Recycling and Special Pick-ups.

Senior Program (Attick Towers) 9014 R.I. Ave.....301-345-8100

Youth and Family Services, 4912 Nantucket Rd.....240-487-3500

Drop-In Recreation Center.....301-345-8100

MAYOR AND COUNCIL

Mayor Andrew M. Fellows

5807 Bryn Mawr Road.....301-487-3500

Councilmember Fazlul Kabir (District 1)

9817 53rd Avenue.....301-656-1111

Councilmember Patrick L. Wojahn (District 1)

5015 Lackawanna Street.....240-987-1111

Councilmember Robert T. Catlin (District 2)

8604 49th Avenue.....301-345-8100

Councilmember Monroe S. Dennis (District 2)

8117 51st Avenue.....301-487-3500

Councilmember Robert W. Day (District 3)

7410 Baylor Avenue.....301-724-1111

Councilmember Stephanie Stullich (District 3)

7400 Dartmouth Avenue.....301-724-1111

Councilmember Marcus Afzali (District 4)

9238 Limestone Place.....240-350-1111

Councilmember Denise C. Mitchell (District 4)

3501 Marlborough Way.....240-487-3500

OTHER FREQUENTLY CALLED NUMBERS

EMERGENCY: FIRE-AMBULANCE-POLICE.....

NON-EMERGENCY POLICE SERVICES

Prince George's Co. Police (Hyattsville Station).....301-694-1111

Prince George's Co. Police Non-Emergency Svcs.....301-345-8100

Prince George's Co. Park Police.....301-487-3500

State Police (College Park Barrack).....301-345-8100

University of Maryland Police.....301-487-3500

College Park Community Center.....301-487-3500

5051 Pierce Avenue, College Park

Branchville Vol. Fire & Rescue Squad.....301-487-3500

4905 Branchville Road, College Park www.bvfcc.org

College Park Vol. Fire Department.....301-901-1111

8115 Baltimore Avenue, College Park www.cpf.org

PEPCO - Power Outages, Lines Down.....1-877-777-7777

WSSC: Water Mains.....301-221-1111

Prince George's County Storm Drain.....301-487-3500

SHOP COLLEGE PARK

For information about shopping, dining, attractions, services, and accommodations in College Park, visit shopcollegepark.org

ORDINANCE
OF THE MAYOR AND COUNCIL OF THE CITY OF COLLEGE PARK, MARYLAND,
AMENDING CHAPTER 30 "DISTRICTS, COUNCIL" TO AMEND THE ADOPTED
REDISTRICTING PLAN FOR COUNCIL MEMBER ELECTIONS TO INCLUDE LAND
ANNEXED SINCE THE ADOPTION OF ORDINANCE 11-O-09

WHEREAS, pursuant to § C2-2 "Districts" of the College Park Charter, the City of College Park (the "City"), adopted Ordinance 11-O-09, establishing election district boundaries for City elections following the 2010 decennial census; and

WHEREAS, after the adoption of 11-O-09, Mayor and City Council adopted Annexation Resolution 13-AR-01, annexing certain territory abutting and contiguous to the City boundaries and known as "the DOMAIN Annexation"; and

WHEREAS, the Mayor and City Council deem it to be in the best interests of the residents of the City and consistent with the adopted redistricting plan in 11-O-09 to include the territory annexed by virtue of 13-AR-01 in Council District 3.

Section 1. NOW THEREFORE, BE IT ORDAINED AND ENACTED, by the Mayor and Council of the City of College Park, Maryland, that Chapter 30 of the Code of the City of College Park be, and is hereby, repealed and reenacted to read as follows:

§30-1. Redistricting plan adopted.

Plan C, depicted on the drawing, geographically showing the boundary lines of the four (4) districts, which is to be maintained in the Office of the City Clerk along with the full text of the Commission's report and the federal census tract and block enumeration pertaining to Plan C, is hereby passed and adopted as the redistricting plan of the City of College Park.

District Boundaries

* * * *

CAPS : Indicate matter added to existing law.
 [Brackets] : Indicate matter deleted from law.
 Asterisks * * * : Indicate matter remaining unchanged in existing law but not set forth in Ordinance

District Three

A. Lake Artemesia area, College Park Estates, Yarrow:

This area shall include the College Park Estates and Yarrow subdivisions and areas east of the CSX/WMATA railroad tracks within the City limits.

B. Old Town, Calvert Hills, Fraternity Row and Kropps Addition areas:

The northern boundary of these areas begins at the intersection of Paint Branch Parkway and Route 1 and follows Paint Branch Parkway eastward to Rhode Island Avenue; then follows Rhode Island Avenue north to the Paint Branch Stream; then follows the Paint Branch Stream east to the CSX Railroad/WMATA tracks; then follows the CSX Railroad/WMATA tracks north to the City limit and follows the southern City limit.

C. Lord Calvert Manor area, campus residence halls at South Campus Commons 1, 2, 5, 6 and 7 and the Delta Sigma Phi fraternity house:

This area begins at the intersection of Route 1 and Knox Road. The northern boundary follows the southern boundary of District 2 west of U.S. Route 1 and the western and southern boundary follows the City limit.

D. THE AREA KNOWN AS "THE DOMAIN ANNEXATION" (13-AR-01):

THE AREA SHALL INCLUDE THE PROPERTY MORE COMMONLY KNOWN AS THE DOMAIN PROPERTY AT 3711 CAMPUS DRIVE AS WELL AS A PORTION OF MOWATT LANE ABUTTING THIS PROPERTY, AND THAT PORTION OF CAMPUS DRIVE NOT PRESENTLY WITHIN THE CITY FROM ITS INTERSECTION WITH MOWATT LANE TO ADELPHI ROAD.

* * * *

Section 2. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that, upon formal introduction of this proposed Ordinance, which shall be by way of a motion duly seconded and without any further vote, the City Clerk shall distribute a copy to each Council member and shall maintain a reasonable number of copies in the office of the City Clerk and shall publish this proposed ordinance or a fair summary thereof in a newspaper having a general circulation in the City of College Park together with a notice setting out the time and place for a public hearing thereon and for its consideration by the Council. The public hearing, hereby set for 7:15 p.m. P.M. on the 26th day of March, 2013, shall follow the publication by at least seven (7) days, may be held separately or in connection with a regular or special Council meeting and may be adjourned from time to time. All persons interested shall have an opportunity to be heard. After the hearing, the Council may adopt the proposed ordinance with or without amendments or reject it. As soon as practicable after adoption, the City Clerk shall have a fair summary of the Ordinance and notice of its adoption published in a newspaper having a general circulation in the City of College Park and available at the City's offices. This Ordinance shall become effective on _____, 2013 provided that a fair summary of this Ordinance is published at least once prior to the date of passage and once as soon as practical after the date of passage in a newspaper having general circulation in the City.

INTRODUCED by the Mayor and Council of the City of College Park, Maryland at a regular meeting on the 26th day of February, 2013.

ADOPTED by the Mayor and Council of the City of College Park, Maryland at a regular meeting on the _____ day of _____ 2013.

EFFECTIVE the _____ day of _____, 2013.

ATTEST:

**THE CITY OF COLLEGE PARK,
MARYLAND**

By: _____
Janeen S. Miller, CMC, City Clerk

By: _____
Andrew M. Fellows, Mayor

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:**

Suellen M. Ferguson, City Attorney

MINUTES

MINUTES
Special Session of the College Park City Council
Council Chambers
Tuesday, March 5, 2013
10:03 p.m. – 10:09 p.m.

PRESENT: Mayor Fellows; Councilmembers Wojahn, Kabir, Dennis, Catlin, Stullich, Day, Afzali and Mitchell.

ABSENT: None.

ALSO PRESENT: Steve Groh, Acting City Manager; Suellen Ferguson, City Attorney; Janeen Miller, City Clerk; Chantal Cotton, Assistant to the City Manager; Bob Ryan, Director of Public Services; Josh Ratner, Student Liaison.

During a regularly scheduled Worksession of the College Park City Council, a motion was made by Councilmember Stullich and seconded by Councilmember Wojahn to enter into a Special Session to address several legislative matters that are time-sensitive. The possibility of the Special Session was advertised on the meeting agenda. The motion carried 8 – 0 – 0 and the Council entered into the Special Session at 10:03 p.m.

Action Items:

13-G-27 Opposition to SB 641/HB 1085 (Statewide Container Recycling Initiative)

A motion was made by Councilmember Stullich and seconded by Councilmember Day to oppose SB 641/HB 1085.

Councilmember Stullich said the City has a strong commitment to recycling and this bill could undermine the City's recycling efforts.

The motion passed 8 – 0 – 0.

13-G-28 Support for SB 281/HB 294 (Firearm Safety Act of 2013)

A motion was made by Councilmember Wojahn and seconded by Councilmember Mitchell to support SB 281 and HB 294.

Councilmember Wojahn said this is a matter of public safety and the safety of our community.

The motion passed 8 – 0 – 0.

13-G-29 Support for SB 266/HB375 (Regulated Firearms-Database-Applications for Dealer's License-Record Keeping and Reporting Requirements)

A motion was made by Councilmember Wojahn and seconded by Councilmember Afzali to support SB 266 and HB 375.

There were no comments.

The motion passed 7 – 0 – 1 (Catlin abstained).

13-G-30 Support for SB 540 (Public Safety-Regulated Firearms-Reporting Lost or Stolen)

A motion was made by Councilmember Wojahn and seconded by Councilmember Mitchell to support SB 540.

Councilmember Wojahn said this is a basic public safety issue to have gun owners report stolen or lost guns quickly.

The motion passed 7 – 0 – 1 (Catlin abstained).

13-G-31 Support for the Governor’s Transportation Funding Bill

A motion was made by Councilmember Wojahn and seconded by Councilmember Afzali to support the Governor’s Transportation Funding Bill.

Councilmember Wojahn said this is to ensure funding so we can move forward with the Purple Line and US Route 1.

The motion passed 8 – 0 – 0.

13-G-32 Support for HB 217/SB 373 (Early Voting Act of 2013) and HB 224/SB 279 (Election Law-Improving Access to Voting)

A motion was made by Councilmember Dennis and seconded by Councilmember Day to support HB 217 and HB 224 and their Senate crossfiles.

Councilmember Dennis said the City is interested in increasing the number of early voting centers.

The motion passed 8 – 0 – 0.

Adjourn: A motion was made by Councilmember Afzali and seconded by Councilmember Day to adjourn the Special Session. With a vote of 8 – 0 – 0, the Special Session was adjourned at 10:09 p.m.

Janeen S. Miller, CMC
City Clerk

Date
Approved

MINUTES
Regular Meeting of the College Park City Council
Tuesday, March 12, 2013
7:30 p.m. – 8:54 p.m.

PRESENT: Mayor Andrew Fellows; Councilmembers Kabir, Wojahn, Catlin, Stullich, Day, Afzali and Mitchell.

ABSENT: Councilmember Dennis.

ALSO PRESENT: Joe Nagro, City Manager; Janeen Miller, City Clerk; Suellen Ferguson, City Attorney; Chantal Cotton, Assistant to the City Manager; Bob Ryan, Director of Public Services; Miriam Bader, Senior Planner. Josh Rather, Student Liaison.

Mayor Fellows opened the meeting at 7:30 p.m. Councilmember Kabir led the Pledge of Allegiance.

Minutes: A motion was made by Councilmember Afzali and seconded by Councilmember Wojahn to adopt the minutes of the February 19, 2013 Special Session; February 26, 2013 Public Hearing on 13-O-01; February 26, 2013 Regular Meeting, and the Confidential Minutes of closed sessions held on September 4, September 25, October 3, October 16 and December 4, 2012 and January 8, 2013. The motion passed 7 – 0 – 0.

Announcements:

Councilmember Kabir announced that the North College Park Civic Association would hold their monthly meeting on Thursday at 7:30 p.m. at Davis Hall.

Councilmember Wojahn said one item on the NCPCA's agenda is the Council's FY 2014 Action Plan.

Councilmember Catlin said the Lakeland Civic Association would hold their monthly meeting on Thursday, March 14 at the College Park Community Center, and the Berwyn District Civic Association would meet on Thursday, March 21 at the Fishnet Restaurant.

Councilmember Afzali announced MTA is hosting a Purple Line meeting from 7 - 9 p.m. on Thursday at City Hall to review current plans for the College Park Metro and M-Square stations.

Amendments to the Agenda: Remove item 13-G-35; Add item 13-G-40.

City Manager's Report: Mr. Nagro said the motion for 13-G-37 (Litton) is in the red folders, but an amendment to the motion from the applicant was just presented. The budget will be distributed March 28.

Student Liaison's Report: Mr. Ratner discussed the work they are doing to move tailgates onto campus. They will test the ideas at upcoming April lacrosse games. Councilmember Afzali asked if tailgaters on campus would be allowed to drink. Mr. Ratner said the police said that unless you are creating a problem, it will be fine. Kegs are not allowed, and responsible behavior is an expectation.

Acknowledgements: Mayor Fellows acknowledged Samantha Zwerling, President of the SGA, and Kevin Young, President of the Berwyn District Civic Association.

Comments from the Audience on Non-Agenda Items:

Kevin Young, President, Berwyn District Civic Association, 8800 49th Avenue: He corrected the time of the BDCA meeting this month – it will begin at 7:30 p.m.

Ryan Heisinger, SGA VP of Academic Affairs, 4210A Guilford Avenue: He spoke in support of funding for the College Park Academy Charter School in the governor's budget. He started a petition to tell the Maryland General Assembly to save the funding, and every time someone signs the petition, each member of the MGA gets an e-mail about it. UMD Students will be deeply involved in the school and this is an opportunity to build bridges.

Councilmember Day said he and his son are pleased that his son is enrolled in the inaugural year of the College Park Academy, and that using this academic model, a high school student can graduate with enough credits for an Associate's degree.

Councilmember Catlin, who is a member of the founding board of the College Park Academy, said CPA leadership is looking at various funding sources, and the funding from Annapolis is greatly anticipated.

Councilmember Mitchell, also a member of the founding board, and Mayor Fellows thanked the University and the SGA for their work on behalf of the Academy.

Charles Sarahan, Box E, College Park: He works in the ESOL (English for Speakers of Other Languages) program on campus, and they need volunteers; it is a great program, please get involved. He also said laughter is good for your health, and helped bring a smile to the audience.

Jesse Kranz, 5129 Cumberland Hall, member of Phi Kappa Psi fraternity: They have started Phi Psi Friends, a free program to help out with yard work, pet care, errands, for people in the community who need help.

Consent Agenda: A motion was made by Councilmember Catlin and seconded by Councilmember Mitchell to adopt the consent agenda, which consisted of one item:

13-G-33 Approval of a recommendation letter for Al-Huda School

The motion passed 6 – 0 – 0 (Councilmember Stulich was not at the dais).

Action Items:

13-G-36 Award of FY 2014 Contracts for Dental Insurance (MetLife and DentaQuest for \$43,000), Workers Compensation (IWIF for \$173,488) and Liability Insurances (LGIT and affiliates for \$145,040)

A motion was made by Councilmember Mitchell and seconded by Councilmember Afzali that the Mayor and Council award the following contracts for dental insurance, workers compensation, and liability insurance for FY 2014: Contracts with MetLife and

DentaQuest for dental insurance at a budgeted cost of \$ 43,000; Contract with Injured Workers Insurance Fund (IWIF) for workers compensation insurance at a budgeted cost of \$173,488; Contract with Local Government Insurance Trust (LGIT) for general liability, public officials' liability, auto, property, boiler and machinery, personal injury protection, and uninsured motorists protection insurances at a budgeted cost not to exceed \$145,030; for a total budgeted cost of \$361,518. The contracts submitted for approval and award were negotiated using authorized informal purchasing procedures including brokers, agents and staff research, and therefore require an extra-majority vote of the Mayor and Council.

Councilmember Mitchell commented that the City is electing to stay with our current carriers of MetLife and DentaQuest for dental insurance. Premiums will not increase for either plan next year. Based on our current enrollment levels, the total cost to the City (which does not include the employees' portion of the premium) for FY 2014 will be approximately \$43,000. The Injured Workers Insurance Fund (IWIF) carries the City's workers compensation insurance. Our claims experience this past year has been excellent and our experience modification factor decreased again this year. The City's liability insurance is carried by the Local Government Insurance Trust (LGIT) of which the City is a charter member. This insurance covers City-wide general liability, public officials' liability, auto, property, boiler and machinery, personal injury protection, parking garage, and uninsured motorist's coverage. The City also purchases coverage from other insurance companies affiliated with LGIT for our pollution legal liability, a crime bond, Metro underpass, and fuel storage tanks. The plan year for LGIT coverage is July 1 – June 30 and final premium rates are not available until May. However, LGIT has advised us to budget \$145,030 for FY '14, which is a decrease of over \$10,000 from last year. This overall budget number is \$17,419 less than last year.

There were no comments from the audience. There were no comments from the Council.

The motion passed 7 – 0 – 0.

13-G-37 Approval, With Conditions, Of Preliminary Plan of Subdivision 4-12014 for Litton Technology Center

A motion was made by Councilmember Stullich and seconded by Councilmember Day that the Council recommend approval, with conditions, of Preliminary Plan of Subdivision 4-12014 for Litton Technology Center. Councilmember Stullich read the conditions written by City Planning Staff.

Tom Haller, Attorney representing M Square Associates: The applicant concurs with staff on recommendations #1 – #6. The concerns listed in item #7 will be considered at the time of Detailed Site Plan, and he would prefer that they not be communicated at this time to the Planning Board as conditions, but rather as concerns to be addressed at the DSP.

Councilmember Stullich noted that a revised draft of the conditions was just distributed by the applicant. Mr. Haller indicated that the changes in conditions #1-6 were minor edits proposed by the applicant. He stated that until they have the tenant(s) identified, they can't speak to the

recommendations included in #7. He agrees that those concerns should be communicated to the Planning Board, but prefers that they be communicated as concerns, and not as conditions.

Planning Director Terry Schum agreed that the changes offered by the applicant in conditions #1-6 are non-substantive, and are acceptable to staff. However, she wants to keep the issues raised in condition #7 as a condition of the motion.

The motion was amended by Councilmember Stulich and seconded by Councilmember Day to include the non-substantive revisions provided by the applicant for conditions #2, 3, 4 and 6. Conditions #1, 5 and 7 are unchanged.

The amended motion is: That the City Council recommend approval, with conditions, of Preliminary Plan 4-12014, as follows:

- 1. Support conditions 1-28 in the County Technical Staff Report (See Attachment 1).**
- 2. At such time the existing improvements on Lot 1 are proposed for redevelopment, consideration should be given to extending 52nd Avenue to the south through the lot and extending the proposed northernmost road to the west to intersect with 51st Avenue.**
- 3. At the time of Detailed Site Plan (DSP), if a new floodplain study and TCP II for the subject site are approved which reduce the impact of the floodplain along the northern boundary of proposed lots 2-4, the Applicant should consider relocating the proposed hiker/biker trail between 52nd Avenue and the existing trail (located on the eastern side of the site), further north, closer to the stream buffer.**
- 4. At the time of DSP, if a new floodplain study and TCP II are approved which reduce the impact of the floodplain along the northern boundary of proposed lots 2-4, the Applicant should consider shifting the proposed road that extends east from 52nd Avenue further to the north and to the east to facilitate a possible road connection through the Ellen Linson Pool parking lot to Paint Branch Parkway.**
- 5. At the time of the first DSP for proposed Lots 2-6, a DSP for infrastructure for all these lots shall be included to show the location of all proposed streets (public and private).**
- 6. At the time of DSP, if the secure campus plan has been abandoned by the Applicant, the DSP for infrastructure shall reflect dedicated public rights-of-way.**
- 7. At the time of DSP, consideration should be given to the following items:**
 - a. Buildings should have frontage along streets, whether they are public or private rather than parking lots.**
 - b. Connections between buildings should be provided via sidewalks.**
 - c. Provision of amenities such as green spaces and gathering places should be provided.**
 - d. Surface parking should be minimized to the minimum level necessary in favor of structured parking.**

The amended motion passed 7 – 0 – 0.

13-G-34 and 13-G-39

Discussion of 13-G-34 (CB-6 – Transit-Oriented Priority Development) and 13-G-39 (CB-12 – Transit-Oriented Jobs Act of 2013 - Expedited Transit-Oriented Development) was combined.

Ms. Schum updated the Council on these competing County bills, and said that Staff could support CB-6 with some modifications, but would recommend opposition to CB-12. She requests authorization for staff to present comments at the County's PZED hearing on these two bills, which is tomorrow. There will be another opportunity to comment on these bills while this is still in committee. These comments will be in lieu of a formal letter.

A motion was made by Councilmember Stulich and seconded by Councilmember Wojahn to oppose CB-12 (13-G-39) and to express support of CB-6 with proposed modifications (13-G-34), and to authorize staff to present the City's comments at tomorrow's PZED hearing.

The motion passed 6 – 0 – 1 (Mitchell abstained).

13-CR-01 Introduction of Charter Amendment Resolution 13-CR-01, A Charter Amendment Of The Mayor And Council Of The City Of College Park, Maryland, Amending Article XI, § C11-6 "Special Taxing Districts" To Authorize A Special Taxing District To Finance The Capital And Operating Costs To Enhance Police, Fire Protection And Rescue Services.

A motion for the introduction of Charter Amendment Resolution 13-CR-01 was made by Councilmember Day and seconded by Councilmember Kabir. The Public Hearing will be Tuesday, April 9, at 7:15 p.m. in the Council Chambers.

13-G-38 Appointment of Board of Election Supervisors

A motion was made by Councilmember Mitchell and seconded by Councilmember Wojahn for the biennial appointment of the Board of Election Supervisors, as follows: Jack Robson, Terry Wertz, Maxine Gross and Charles Smolka; Jack Robson shall be designated as the Chief of Elections. The compensation for the Chief of Elections shall be \$480 for each of the next two years, and the compensation for the Supervisors of Elections shall be \$360 in an election year.

The motion passed 7 – 0 – 0.

13-G-40 Appointments to Boards and Committees

A motion was made by Councilmember Wojahn and seconded by Councilmember Mitchell to appoint Tricia Homer to the Cable Television Commission. The motion passed 7 - 0 - 0.

Council Comments:

Councilmember Wojahn discussed the National League of Cities conference in Washington DC that he and Councilmember Day attended. He got some ideas specific to college towns that he will share with the Neighborhood Stabilization and Quality of Life Workgroup.

Councilmember Stullich requested a waiver of the two-hour rule for staff to respond to a request she is making for two data files of municipal citations so she can analyze patterns in noise complaints. Based on her meeting with staff last week, she developed a request for two types of files, one more detailed than the other. Staff advised the project would take more than two hours. There was no objection from Council.

Councilmember Mitchell announced the opportunity for residents to meet the final three candidates for the Superintendent of Public Schools position.

Mr. Nagro pointed out that there is a draft letter in the red folders for a motion that was approved in special session last week to support the Governor's Transportation bill. We found out later that the bill results in a significant loss of Highway User Revenue. This letter supports the Governor's bill and also addresses the concerns about the loss of HURs. The Council agreed with the letter as drafted.

Adjourn: A motion was made by Councilmember Stullich and seconded by Councilmember Wojahn to adjourn from the regular meeting and enter into a Closed Session to: 1) consult with counsel on a legal matter, 2) consider the acquisition or sale of real property for a public purpose, 3) discuss matters that relate to collective bargaining negotiations. The Council will not return to public session. The motion passed 7 – 0 – 0, and the regular meeting adjourned at 8:54 p.m.

Janeen S. Miller, CMC	Date
City Clerk	Approved

Pursuant to §C6-3 of the College Park City Charter, at 8:54 p.m. on Tuesday, March 12, 2013, in the Council Chambers of City Hall, a motion was made by Councilmember Stullich and seconded by Councilmember Wojahn to enter into a Closed Session for the following reasons:

- C: Consider the acquisition of sale of real property for a public purpose
- G: To Consult with Counsel on a legal matter
- I: Discuss matters relating to collective bargaining negotiation.

The motion passed 7 – 0 – 0.

Present: Mayor Fellows; Councilmembers Kabir, Wojahn, Catlin, Stullich, Day, Afzali and Mitchell.

Absent: Councilmember Dennis.

Also Present: **Items #1 and 2:** Joe Nagro, City Manager; Janeen Miller, City Clerk; Suellen Ferguson, City Attorney; Chantal Cotton, Assistant to the City Manager; Josh Ratner, Student Liaison; Terry Schum, Director of Planning; Miriam Bader, Senior Planner.

Item #3: Joe Nagro, City Manager.

Topics Discussed: #1: Discussion of possible transfer of City property
#2: Potential new development to be located in City - impact on development of the City Hall site
#3: Collective Bargaining update

Actions Taken: None.

Adjourn: A motion was made by Councilmember Afzali and seconded by Councilmember Day to adjourn the Closed Session, and with a vote of 7 – 0 – 0, Mayor Fellows adjourned the Closed Session at 9:40 p.m.

MINUTES
Special Session of the College Park City Council
Council Chambers
Tuesday, March 19, 2013
9:13 p.m. – 9:25 p.m.

PRESENT: Mayor Fellows; Councilmembers Wojahn, Kabir, Dennis, Catlin, Stullich, Day, and Mitchell.

ABSENT: Councilmember Afzali.

ALSO PRESENT: Joe Nagro, City Manager; Suellen Ferguson, City Attorney; Janeen Miller, City Clerk; Chantal Cotton, Assistant to the City Manager; Terry Schum, Director of Planning, Steve Halpern, City Engineer; Bob Ryan, Director of Public Services; Josh Ratner, Student Liaison.

During a regularly scheduled Worksession of the College Park City Council, a motion was made by Councilmember Wojahn and seconded by Councilmember Mitchell to enter into a Special Session to address time-sensitive legislation. The possibility of the Special Session was advertised on the meeting agenda. The motion carried 7 – 0 – 0 and the Council entered into the Special Session at 9:13 p.m.

Action Items:

13-G-41 Approval of a letter in opposition to SB 207 Vehicle Laws - Speed Monitoring and Work Zone Speed Control Systems

A motion was made by Councilmember Stullich and seconded by Councilmember Wojahn to approve a letter to Senator Rosapepe in opposition to SB 207.

A draft letter is in the red folders along with the bill and a list of amendments. One aspect of the bill would require that a speed camera vendor be paid a flat fee each year, rather than basing the vendor fee on the number of citations processed, as the City does now with its vendor, Optotraffic. Council's position is that the City prefers to pay based on the number of citations processed, so that we are not paying for processing services we don't receive as the number of citations decreases over time due to the success of the program. Councilmember Stullich suggested some additional language to the letter; Council concurred.

There were no comments from the audience.

The motion passed 7 – 0 – 0.

13-G-42 Support for funding for the College Park Academy in the Governor's budget

A motion was made by Councilmember Mitchell and seconded by Councilmember Day to authorize staff to write a letter in support of continued funding in the Governor's budget for the College Park Academy.

The motion passed 7 – 0 – 0.

Discussion Item:

College Park Day/Event Planner:

Councilmember Wojahn said we received a proposed contract for the College Park Day event planner. It doesn't need Council approval because it is below the \$30,000 threshold, and the funds are already budgeted, but Mr. Groh asked if we are certain that Council wants to go forward with College Park Day based on the attendance of 500 people last year. Councilmember Wojahn said we don't have to deal with early voting this year, and they are considering a new location, so he anticipates that attendance will be better this year. He asked if Council had any objection to proceeding with College Park Day. The budget funds the event at \$12,000 for the event planner and \$5,000 for the event. There was no objection from Council.

Adjourn: A motion was made by Councilmember Wojahn and seconded by Councilmember Kabir to adjourn the Special Session. With a vote of 7 – 0 – 0, the Special Session was adjourned at 9:25 p.m.

Janeen S. Miller, CMC
City Clerk

Date
Approved

13-G-43

MEMORANDUM

To: Joe Nagro, City Manager 
From: Steven E. Halpern, P.E. 
Date: March 19, 2013
Subject: Recommendation for Award of Contracts to install RRFB (Rapid Rectangular Flashing Beacons) on Rhode Island Ave

Background

About three (3) years ago when the City received its first allocation of speed camera revenue, councilmember Christine Nagle of District 1, made a request to the City Manager to have staff observe and investigate the pedestrian crossing device installed on Crescent Road in the City of Greenbelt and determine if it was appropriate for use along Rhode Island Avenue at Cherokee Street near Duvall Field.

Crescent Road is maintained by the City of Greenbelt. Staff observed and investigated the pedestrian activated (RRFB) device, manufactured by Stop Experts. We consulted with Terri Hruby, Assistant Planning Director. The City of Greenbelt purchased their (RRFB) for \$24,800, which included its installation. They spent an additional \$15,200 for a special decorative crosswalk and additional signage.

We furthered our investigation by contacting the City of Gaithersburg and the City of Rockville, who we knew had installed RRFB's in their respective jurisdictions. Both jurisdictions concluded that the RRFB device produced by Spot Devices was the most appropriate device for crosswalk applications.

We then contacted the local representative of Spot Devices, Sandi Dunmyer- TS&T who we invited to the January NCPCA meeting. She presented and demonstrated the various types of Flashing Bacons on the market and answered questions from the audience. The NCPCA was most impressed with the presentation and voted unanimously to endorse the purchase and installation of these devices by the City.

The RRFB Spot Device cost \$11,230 per set (two devices-one on each side of the road) and the respective foundations and installation cost is \$5,500 per set (to be performed by Scott A. Duncan Inc., a traffic signal contractor). The total cost for an installation of one set is \$16,730 plus freight. We are planning to install these devices at two locations; Cherokee Street and Muskogee Street. Therefore the total cost will be \$33,460 plus freight.

Funding source: Reserved accounts restricted (291-07)

Recommendation

Staff recommends that the City Manager be allowed to purchase two sets of Spot Device RRFB's at a cost of \$22,460 plus freight and to enter into a contract with Scott A. Duncan Inc for \$11,000 to install the RRFB's.

MJC
Nagro
Halpern
Cotton

Janeen S Miller

From: John Krouse [johnkrouse@yahoo.com]
Sent: Monday, January 14, 2013 8:13 PM
To: Andrew Fellows
Cc: Patrick L. Wojahn; Fazlul Kabir; Janeen S Miller
Subject: NCPA Position - Installation of RRFB Signals on Rhode Island Avenue

Communication to the Mayor and City Council of College Park
from the North College Park Citizens Association, Jan. 14, 2013

RECEIVED

JAN 16 2013

PUBLIC WORKS
College Park, MD

Dear Mayor Fellows,

As you may be aware, there have been numerous reports of near collisions with pedestrians in crosswalks on Rhode Island Avenue in the area near Duvall Field, near Hollywood Elementary School, and in other locations where children and adults must cross this busy road without the benefit of crossing signals. I have personally witnessed such near collisions.

On January 10, 2013 the members of the North College Park Citizens Association were presented information about the potential value of Rectangular Rapid Flashing Beacons (RRFB) and other traffic devices as a way to improve pedestrian safety on Rhode Island Avenue in North College Park. The RRFB technology appears to be a successful system, and after some discussion of its merits, the members of the North College Park Citizens Assn. voted unanimously to endorse the purchase and installation of these devices by the City of College Park.

We understand from Mr. Halpern that there are several prioritized locations for the installation of RRFB's. If the system proves successful, we hope that crossings near Sunnyside Skate Park and other locations may eventually be protected with these signals.

Thank you very much for considering our endorsement of this technology, and for your interest in our community.

Sincerely yours,

John M. Krouse
President of NCPCA

Scott A. Duncan, Inc.

TRAFFIC SIGNAL CONTRACTOR

7529 Old Coaling Rd Harmans MD 21077

(410) 761-2515

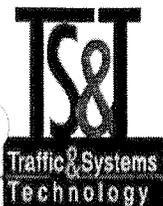
FAX (410) 761-8715

**CITY OF COLLEGE PARK
ATTN: STEVEN HALPERN
SPOT DEVICES INSTALLATION
RHODE ISLAND AVE SOUTH OF EDGEWOOD RD
BID DATE: 5/2/12**

ITEM	DESCRIPTION	QUANTITY	PRICE	TOTAL PRICE	
	Pricing for the installation of two devices:	1	ls	5500.00	5,500.00
	mobilization				
	maintenance of traffic				
	F & I 2 ea - 2'x3' concrete foundations				
	Install 2 ea Spot Devices solar assemblies				
	(includes two days for installation of devices				
	additional tech support \$ 150 hr, 4 hr min)				
	TOTAL ITEMS BID				\$ 5,500.00

1. City to provide all materials from Spot Devices including anchor bolts and bolt pattern. Rebar is not included for foundations. Contractor includes concrete for pole foundations.
2. Prices do not include surveys, grades, permits, bonds, as-builts
3. No removal or replacement of concrete sidewalk, curb & gutter or ramps are included.
4. Prices are good for 60 days from date of bid.

If there are any questions please contact Patti Duncan - 410-761-2515, fax 410-761-8715.



Traffic Systems & Technology
 7853 Coppermine Drive
 Manassas, VA 20109
 Phone: (703) 530-9655
 Fax: (703) 530-9656

QUOTATION

Quote No. 4384- 10205

Quoted To:	Project Information:
Steve Halpern City of College Park phone fax	Project Location: College Park MD 2 locations Project ID No.: Contract ID No.: City / Locale: College Park MD

Notes:

Quote covers one 2 pole RRFB system.
 Does not include installation, tax or freight.
 No plans or specs, if changes needed, may require revised quote.

Quote Date	Bid Date	FOB	Terms	Created By
12/3/2012	12/3/2012	See Notes	Net 30	SDUNMYER

BID#	Description	QTY	UNITS	UNIT PRICE	EXTENDED PRICE
	SC310Controller:NEMA4X Fiberglass Pole Mount Cabinet Notes:	2	EA	1,770.00	3,540.00
	SC210 & SC310, Spread Spectrum Local Wireless Activation Notes:	2	EA	260.00	520.00
	SC304/SC305/SC310 Std. Ntwk. Svcs.: 2 yr Notes:	2	EA	0.00	
	SC210 & SC310 Solar Sys: 45W Side-Mount, 22Ahr Battery Notes:	2	EA	715.00	1,430.00
	SB435 HP RRFB, Gen2, Large, w/ single Ped. Signal, incl. mounts Notes:	4	EA	835.00	3,340.00
	Polara Bulldog PB w/LED & Tone, w/ Rt/Lt R10-25,5"x7", Green Notes:	2	EA	240.00	480.00
	Sign, W11-2 Crosswalk, 30", FYG w/ Mount Notes:	2	EA	170.00	340.00
	Sign, W11-2 Crosswalk Facing Right, 30" FYG w/Mount Notes:	2	EA	170.00	340.00
	Sign, W16-7p Left Down Arrow, 12", FYG w/ Mount Notes:	2	EA	55.00	110.00
	Sign, W16-7p, Right Down Arrow, 12", FYG w/ Mount Notes:	2	EA	55.00	110.00
	Pole, 1B 4" ID (specify height) Mounting HDW Not Included Notes:	2	EA	315.00	630.00
	4" Pole Mounting Kit, Flange, ABs, Washers & Nuts Pole Not Incl Notes:	2	EA	195.00	390.00
	Two year Warranty Notes:	1	EA	0.00	



Traffic Systems & Technology
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QUOTATION

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Quote Date	Bid Date	FOB	Terms	Created By
12/3/2012	12/3/2012	See Notes	Net 30	SDUNMYER

BID#	Description	QTY	UNITS	UNIT PRICE	EXTENDED PRICE
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Terms & Conditions of this Quote:

1. Quoted prices will be held firm for 30 days. Prices subject to change if the order is not release within 60 days from the date of PO.
2. Quotation based on quantities and design information provided at time of quotation. The customer is solely responsible for determining final acceptability of materials and quantities for the intended use. If quantities or design changes occur, TS&T reserves the right to adjust prices accordingly.
3. As of the date of this quotation, Estimated Shipping is as noted above and is after receipt of order, release of material for manufacture, submittal approvals if required, and confirmation of credit worthiness.
4. Shipment lead time is based on current factory schedule and may vary depending on schedule at time of release.
5. Payment terms are net 30 days from date of invoice. Payments not received within 45 days shall be charged 1.5% (18% APR) per month until paid in full. Any material not paid within 75 days will be cause to notify the general contractor, bonding company, and state of non-payment.
6. Statements, terms, or agreements not contained herein shall have NO affect unless signed by an officer of TS&T.
7. It is the customer's responsibility to notify TS&T of any completion dates at time of order. TS&T will not be held accountable for any "liquidated damages" or "penalties" for late shipments, unless agreed to by both parties in writing prior to order entry.
8. All NEW customers will be required to pay 50% at time of order and balance will paid prior to material being shipped.

Authorized Signature: _____ Date: _____
 ***Please fax a copy of signed quote with your PO#, this will assure no delays to your order.

Merchandise Total	11,230.00
Total Misc. Charges	0.00
Sales Tax	Not Included
TOTAL	11,230.00



13-G-44



MEMORANDUM

TO: Mayor and City Council

THRU: Joseph L. Nagro, City Manager

FROM: Robert T. Stumpff, Director of Public Works *RS*

DATE: March 14, 2013

SUBJECT: Approval of a Purchase of Three Replacement Pickup Trucks from Apple Ford (State of Maryland BPO No. 001B3400276) for \$68,490 (\$22,830.00 each) and Three Boss 7'6" Super-Duty Electric Snow Plow Packages from Intercon Truck Equipment for \$11,760.00 (3,920.00 Each).

Background

We have three pickup trucks in our fleet:

- 42 – 2001 Ford 1 – Ton 4x4 Pickup with Meyer Snow Plow Package
- 47 – 2003 Chevrolet ¾ Ton 4x4 Pickup with Meyer Snow Plow Package
- 48 – 2003 Chevrolet ¾ Ton 4x4 Pickup with Meyer Snow Plow Package

that have a lot of rust, including the steel frame rusting out, that need to be replaced. We have the money in our vehicle replacement CIP account to pay for this replacement purchase.

Apple Ford of Columbia, Maryland has the State of Maryland contract (BPO No. 001B3400276) for ¾ Ton pickup trucks for model years 2013. With the four wheel drive and towing and snow plow preparation packages, these trucks are \$22,830.00 each for a total of \$68,490.00 for three.

We want to change from Meyer snow plows to Boss snow plows as we replace pickup trucks. Presently, the City of College Park is 100% Meyer plows. But we have determined that the Boss snow plow is superior. In talking to our local municipalites, Hyattsville, Riverdale Park, University Park and Laurel are 100% Boss. Bowie is replacing their Meyer plows with Boss as they purchase replacement pickup trucks. All of these municipalities state that you have to constantly adjust and do repair work on the Meyer plows both during and after snow storm event, as we know and do. But this is not the case with the Boss plows.

The State contract has Boss Standard-Duty plow at \$3,900.00 each, which is the plow a homeowner would purchase. We can purchase a Boss Super-Duty plow from Intercon Truck Equipment, Joppa, Maryland (who just assembled our large Henderson snow plow truck) at \$3,920.00 each or \$11,760.00 for three. This Super-Duty plow is the one designed for municipalities and the model that our neighbor municipalities are using.

Recommendation

I recommend that the City of College Park purchase from (1) Apple Ford three ¾ Ton Ford 4x4 Pickup Trucks with the towing and snow plow preparation packages off the State of Maryland BPO No. 001B3400276 at \$22,830.00 each, and (2) Intercon Truck Equipment three Boss 7'6" Super-Duty Snow Plow packages at \$3,920.00 each. The total cost per truck would be \$26,750.00 or \$80,250.00 for three.

13-0-02

MOTION:

I move to adopt Ordinance 13-O-02, An Ordinance Of The Mayor And Council Of The City Of College Park, Maryland, Amending Chapter 30 “Districts, Council” To Amend The Adopted Redistricting Plan For Council Member Elections To Include Land Annexed Since The Adoption Of Ordinance 11-O-09 (the Domain annexation area) in Council District 3.

DISCUSSION:

In 2011, the Mayor and Council adopted Ordinance 11-O-09, establishing election district boundaries for City elections following the 2010 decennial census. Earlier this year, the Mayor and Council adopted Annexation Resolution 13-AR-01, annexing the Domain development and other contiguous property into the City. By adoption of this ordinance tonight, the Mayor and Council will designate that the territory annexed by virtue of 13-AR-01, the Domain annexation area, is included in Council District 3.

ORDINANCE
OF THE MAYOR AND COUNCIL OF THE CITY OF COLLEGE PARK, MARYLAND,
AMENDING CHAPTER 30 "DISTRICTS, COUNCIL" TO AMEND THE ADOPTED
REDISTRICTING PLAN FOR COUNCIL MEMBER ELECTIONS TO INCLUDE LAND
ANNEXED SINCE THE ADOPTION OF ORDINANCE 11-O-09

WHEREAS, pursuant to § C2-2 "Districts" of the College Park Charter, the City of College Park (the "City"), adopted Ordinance 11-O-09, establishing election district boundaries for City elections following the 2010 decennial census; and

WHEREAS, after the adoption of 11-O-09, Mayor and City Council adopted Annexation Resolution 13-AR-01, annexing certain territory abutting and contiguous to the City boundaries and known as "the DOMAIN Annexation"; and

WHEREAS, the Mayor and City Council deem it to be in the best interests of the residents of the City and consistent with the adopted redistricting plan in 11-O-09 to include the territory annexed by virtue of 13-AR-01 in Council District 3.

Section 1. NOW THEREFORE, BE IT ORDAINED AND ENACTED, by the Mayor and Council of the City of College Park, Maryland, that Chapter 30 of the Code of the City of College Park be, and is hereby, repealed and reenacted to read as follows:

§30-1. Redistricting plan adopted.

Plan C, depicted on the drawing, geographically showing the boundary lines of the four (4) districts, which is to be maintained in the Office of the City Clerk along with the full text of the Commission's report and the federal census tract and block enumeration pertaining to Plan C, is hereby passed and adopted as the redistricting plan of the City of College Park.

District Boundaries

* * * *

CAPS : Indicate matter added to existing law.
[Brackets] : Indicate matter deleted from law.
Asterisks * * * : Indicate matter remaining unchanged in existing law but not set forth in Ordinance

District Three

A. Lake Artemesia area, College Park Estates, Yarrow:

This area shall include the College Park Estates and Yarrow subdivisions and areas east of the CSX/WMATA railroad tracks within the City limits.

B. Old Town, Calvert Hills, Fraternity Row and Kropps Addition areas:

The northern boundary of these areas begins at the intersection of Paint Branch Parkway and Route 1 and follows Paint Branch Parkway eastward to Rhode Island Avenue; then follows Rhode Island Avenue north to the Paint Branch Stream; then follows the Paint Branch Stream east to the CSX Railroad/WMATA tracks; then follows the CSX Railroad/WMATA tracks north to the City limit and follows the southern City limit.

C. Lord Calvert Manor area, campus residence halls at South Campus Commons 1, 2, 5, 6 and 7 and the Delta Sigma Phi fraternity house:

This area begins at the intersection of Route 1 and Knox Road. The northern boundary follows the southern boundary of District 2 west of U.S. Route 1 and the western and southern boundary follows the City limit.

D. THE AREA KNOWN AS "THE DOMAIN ANNEXATION" (13-AR-01):

THE AREA SHALL INCLUDE THE PROPERTY MORE COMMONLY KNOWN AS THE DOMAIN PROPERTY AT 3711 CAMPUS DRIVE AS WELL AS A PORTION OF MOWATT LANE ABUTTING THIS PROPERTY, AND THAT PORTION OF CAMPUS DRIVE NOT PRESENTLY WITHIN THE CITY FROM ITS INTERSECTION WITH MOWATT LANE TO ADELPHI ROAD.

* * * *

Section 2. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that, upon formal introduction of this proposed Ordinance, which shall be by way of a motion duly seconded and without any further vote, the City Clerk shall distribute a copy to each Council member and shall maintain a reasonable number of copies in the office of the City Clerk and shall publish this proposed ordinance or a fair summary thereof in a newspaper having a general circulation in the City of College Park together with a notice setting out the time and place for a public hearing thereon and for its consideration by the Council. The public hearing, hereby set for 7:15 p.m. P.M. on the 26th day of March, 2013, shall follow the publication by at least seven (7) days, may be held separately or in connection with a regular or special Council meeting and may be adjourned from time to time. All persons interested shall have an opportunity to be heard. After the hearing, the Council may adopt the proposed ordinance with or without amendments or reject it. As soon as practicable after adoption, the City Clerk shall have a fair summary of the Ordinance and notice of its adoption published in a newspaper having a general circulation in the City of College Park and available at the City's offices. This Ordinance shall become effective on _____, 2013 provided that a fair summary of this Ordinance is published at least once prior to the date of passage and once as soon as practical after the date of passage in a newspaper having general circulation in the City.

INTRODUCED by the Mayor and Council of the City of College Park, Maryland at a regular meeting on the 26th day of February, 2013.

ADOPTED by the Mayor and Council of the City of College Park, Maryland at a regular meeting on the _____ day of _____ 2013.

EFFECTIVE the _____ day of _____, 2013.

ATTEST:

**THE CITY OF COLLEGE PARK,
MARYLAND**

By: _____
Janeen S. Miller, CMC, City Clerk

By: _____
Andrew M. Fellows, Mayor

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:**

Suellen M. Ferguson, City Attorney

13-G-45

Approval of Sustainable Maryland Certified Green Team
3-Year Action Plan

I move that the City Council approve the 3-year Action Plan prepared by the College Park Sustainable Maryland Certified Green Team for submission to the Sustainable Maryland Certified Program.

Comments:

- Since August of 2012, the City's Green Team has worked to complete the necessary requirements toward achieving certification in the Sustainable Maryland Certified program. The mandatory actions toward certification include the establishment of the Green Team and the creation of a 3- Year Action Plan. The Plan includes specific environmentally sustainable measures and effectively outlines a strategy towards completing actions that will allow the City to achieve certification within the program.
- The approved Action Plan will be reviewed by the state and considered for certification in the fall of 2013.

13-G-46

MOTION:

I move to authorize a lease agreement between the City and Prince George's County with respect to buses received under the SSTAP Call-a-Bus program, and to authorize the City Manager to sign the lease agreement, subject to review and approval of the final lease agreement by the City Attorney, and further to include the buses in the City's insurance coverage.

DISCUSSION:

The City currently participates in the Call-a-Bus program with Prince George's County. Under this program, the County administers State of Maryland grant funding to purchase a bus, with the City providing a portion of the purchase price. The County retains ownership of the bus, and the City provides the drivers. The City currently has two buses under this program. The useful life of the bus is set at 8 years/350,000 miles. The County retains ownership of the buses, and has in the past agreed to insure them. The County now wishes to renegotiate the Agreements so that the City leases the bus, and can purchase the bus for \$1.00 at the end of the lease term, which is the useful life of the bus. Under the lease agreement, the City would be required to fully insure the bus. From a liability and management standpoint, the Council has determined that entering into such a lease, after review and approval of the City Attorney, is in the public interest.

13-G-48

**Motion for Councilmember Wojahn
CB-6-2013 and CB-12-2013**

Item # 13-G-48

I move that the City Council approve a letter (attached) to the Planning, Zoning and Economic Development Committee of the Prince George's County Council supporting Draft 2A of CB-6-2013 with an amendment and opposing Draft 2 of CB-12-2013.

Comments:

- Two bills are before the PZED Committee aimed at facilitating transit-oriented development by creating an expedited development review for projects near a transit station.
- Both bills eliminate the requirement for a conceptual site plan but otherwise contain different definitions and provisions.
- Only 1 of these bills can be implemented and the City Council favors CB-6-2013.

Attachments:

1. CB-6-2013 (DR2A)
2. CB-12-2013 (DR2)

March 26, 2013

The Honorable Mel Franklin, Chair
Planning, Zoning and Economic Development Committee
Prince George's County Council
14741 Governor Oden Bowie Dr.
Upper Marlboro, Maryland 20772

Re: CB-6-2013 (DR-2A) and CB-12-2013 (DR-2)

Dear Chairman Franklin and Committee Members:

City of College Park staff provided testimony on the first drafts of these bills at the PZED Committee meeting on March 13, 2013 and indicated the City Council's support of CB-6 and opposition to CB-12. Only one of these bills can move forward because, even with the revisions contained in the second drafts of both bills, they are inconsistent with each other. The City of College Park continues to believe that only CB-6 should be approved and recommends the following amendment to this bill: On page 3, line 1, (d), change "in the nearby area" to "in accordance with the approved Transit District Development Plan (TDDP) or mixed-use zone." Also, page 4, line 9, (d) requires county and state agencies to comport with expedited development review and permitting. It would be helpful for these agencies to specifically define these expedited administrative procedures and share them with the public.

The City Council opposes CB-12 (DR-2) for the following reasons:

- Qualifying a project based on its location within one half mile of a Metro station is too large an area unless a transit-oriented development plan for that area has been approved.
- There is no definition for a MTA Station.
- A requirement for the Planning Board to act within 60 days of filing is not a realistic timeframe and will be detrimental to the public's ability to comment. Timing of an application should begin at acceptance of the application and an application should not be accepted by M-NCPPC until it has fulfilled all submittal requirements of the Zoning Ordinance.

While the City of College Park supports an amended CB-6-2013, the City Council urges the County Council to look beyond just the development review process in order to promote transit-oriented development. Recommendations include developing TOD plans appropriate to their context; rezoning property for a mix of uses and higher densities; developing clearer, simpler development standards; providing critical infrastructure and services; forming partnerships with property owners; and offering financial incentives where necessary.

Thank you for your consideration of these comments.

Sincerely,

Andrew M. Fellows
Mayor

cc: The Honorable Mary Lehman
The Honorable Eric Olson
Judith "J" Davis, Mayor, City of Greenbelt

**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL
2013 Legislative Session**

Bill No. CB-6-2013

Chapter No. _____

Proposed and Presented by Council Members Olson, Campos, Patterson, Turner, Toles,
Harrison, Davis and Franklin

Introduced by _____

Date of Introduction _____

ZONING BILL

1 AN ORDINANCE concerning

2 Transit-Oriented Priority Development

3 For the purpose of defining transit-oriented development priority projects and amending the
4 requirements for certain transit-oriented development projects to incentivize development
5 projects near metro stations in Prince George's County.

6 BY repealing and reenacting with amendments:

7 Section 27-107.01,

8 The Zoning Ordinance of Prince George's County, Maryland,

9 being also

10 SUBTITLE 27. ZONING.

11 The Prince George's County Code

12 (2011 Edition).

13 BY adding:

14 Section 27-548.06.01,

15 The Zoning Ordinance of Prince George's County, Maryland,

16 being also

17 SUBTITLE 27. ZONING.

18 The Prince George's County Code

19 (2011 Edition).
20

1 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
2 Maryland, sitting as the District Council for that part of the Maryland-Washington Regional
3 District in Prince George's County, Maryland, that Section 27-107.01 of the Zoning Ordinance of
4 Prince George's County, Maryland, being also Subtitle 27 of the Prince George's County Code,
5 be and the same is hereby repealed and reenacted with the following amendments:

6 **SUBTITLE 27. ZONING.**

7 **PART 2. GENERAL.**

8 **DIVISION 1. DEFINITIONS.**

9 **Sec. 27-107.01. Definitions.**

10 (a) Terms in the Zoning Ordinance are defined as follows:

11 * * * * *

12 (242.1) **Transfer Station:** A place or facility where solid wastes are taken from a
13 transportation unit or collection vehicle and placed in another transportation unit or collection
14 vehicle for transport to a solid waste acceptance facility. The movement or consolidation of
15 solid waste at the point of generation is not a Transfer Station. A "Materials Recovery or
16 Processing Facility," as defined in Section 21-143 of the Prince George's County Code, and a
17 "Waste Material Separation and Processing Facility" and "Recycling Plant," as defined in this
18 Section, are not Transfer Stations.

19 (242.2) **Transit-Oriented Development Priority Project:** A proposal for the
20 development of land located within an approved Transit District Overlay Zone; or, for County
21 metro stations for which there is no approved Transit District Overlay Zone, lying wholly or in
22 part within one-quarter mile of a metro station platform within a mixed use zone; or within the
23 Bowie State MARC Station Community Center designation area as defined in the Approved
24 Bowie State MARC Station Sector Plan and Sectional Map Amendment. Transit-Oriented
25 Development Priority Projects shall, at minimum, use best urban design practices, including the
26 following:

- 27 (a) high-quality pedestrian amenities, including wide sidewalks and appropriate
28 street lighting;
- 29 (b) minimize building setbacks from the street;
- 30 (c) minimize on-site parking and provide facilities to encourage alternative
31 transportation options to single-occupancy vehicles; and

1 (d) provide a mix of uses, unless a mix of uses exists in the immediate nearby
2 area.

3 (243) **Transit Stop, Major:** A rapid rail transit terminal "Building," or a public transit
4 stop served by fifteen (15) or more transit vehicles travelling in one direction during a peak hour.

5 * * * * *

6 SECTION 2. BE IT FURTHER ENACTED that Sections 27-548.06.01 be and the same
7 is hereby added:

8 **SUBTITLE 27. ZONING.**

9 **PART 10A 3. OVERLAY ZONES ADMINISTRATION.**

10 **DIVISION 1 9. T-D-O (TRANSIT DISTRICT OVERLAY) ZONE SITE PLANS.**

11 **Subdivision 1. General.**

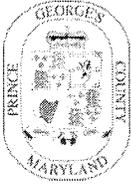
12 **Sec. 27-548.06.01. Requirements for Transit-Oriented Development Priority Projects.**

13 (a) Notwithstanding any other provision of this Ordinance, or any resolution adopted
14 pursuant thereto, any requirement for an approved Conceptual Site Plan is waived for Transit-
15 Oriented Development Priority Projects. Accordingly, any Transit-Oriented Development
16 Priority Project subject to a Detailed Site Plan requirement may immediately file an application
17 for a Detailed Site Plan with the Planning Board in accordance with Part 3, Division 9 of this
18 Code. For phased projects, information on the general vision for the overall project shall be
19 provided at the time of the Detailed Site Plan, if a Conceptual Site Plan was required for
20 development of the site. Permits may be staged to enable specific phases of Transit-Oriented
21 Development Priority Project to proceed while concurrent review for future phases is ongoing.

22 (a) Transit-Oriented Development Priority Projects for which a preliminary plan of
23 subdivision is required may file a preliminary plan application concurrently with an application
24 for a Detailed Site Plan in accordance with Part 3, Division 9 of this Subtitle.

25 (b) Transit-Oriented Development Priority Projects shall be subject to expedited review
26 by the Department of Public Works and Transportation as prescribed by Subtitle 32 of this Code.
27 Review of Transit-Oriented Development Priority Projects by the Department of Public Works
28 and Transportation, as prescribed by Subtitle 32 of this Code, shall be expedited.

29 Notwithstanding any other requirement in this Code, a Detailed Site Plan application for a
30 Transit Oriented Development Priority Project may be filed with the Planning Board thirty (30)
31 days after the stormwater management concept plan for the project is filed with the Department



THE PRINCE GEORGE'S COUNTY GOVERNMENT

(301) 952-3820

Mel Franklin
Councilman, District 9

MEMORANDUM

TO: Planning Board Staff

FROM: Mel Franklin, Council Member, District 9

DATE: March 13, 2013

RE: Council Bill 12 2013, Draft 2

The legislative drafting process has been compared to “sausage-making” with good reason and the process for drafting CB-12-2013 is no different. In response to the feedback the bill sponsors have received, modifications are in the works for CB-12-2013. I have taken the liberty to create a Draft 2 of CB-12, attached to this memo for your consideration.

Here is what Draft 2 does:

- It relies on the existing development review process that we have for DSPs and SDPs by restoring the Planning Board hearing (and eliminating most of the aspects of the pre-application conference), followed by District Council review (if called up or appealed). It would still encourage the applicant to seek a pre-application meeting with the Planning Board's staff in advance of filing, but removes it as a requirement since the Planning Board hearing has now been restored and will continue to be the first major opportunity for public input. This will resolve the concerns of the Planning Board and ZHE about conflicts with state law and the ability to include public comment in the record;
- It authorizes SDPs and DSPs to include components of CDPs and CSPs that are necessary to meet any conditions that were supposed to be met at the CDP or CSP stage of review;
- It makes recommended adjustments by the Planning Board in the TOD radius around WMATA and MTA stations; and
- It makes similar, but slightly different, choices on the time thresholds than the Planning Board staff recommended: CB-12 Draft 2 ties the Planning Board decision deadline from 60 days of “filing” with an option to the *applicant* to extend this time by a *specified* period, if necessary; it gives the District Council 21 days for call-ups or appeals; 21 more days to hold its hearing; and 7 more days to make a decision. The total maximum time (barring an extension decision by the applicant) is 109 days or approximately 3½ months for site plan review for TOD projects, which is faster than that which CB-12-2013, Draft 1, currently proposes (by about a month).

I have included CB-12-2013 Draft 2 for your review and urgent feedback. This Draft 2 of CB-12-2013 may be presented at tonight's PZED meeting, though it is subject to revision in the interim. Thank you.

MRF

14741 Governor Oden Bowie Drive
County Administration Building – Upper Marlboro, Maryland 20772
CouncilDistrict9@co.pg.md.us Fax: 301-952-5275

**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL
2013 Legislative Session**

Bill No. CB-12-2013

Chapter No. _____

Proposed and Presented by Council Members Franklin, Campos, Davis,
Harrison, Toles, and Turner

Introduced by _____

Co-Sponsors _____

Date of Introduction _____

ZONING BILL

1 AN ORDINANCE concerning

2 Expedited Transit-Oriented Development

3 For the purpose of defining Expedited Transit-Oriented Development and amending the approval
4 requirements for certain transit-oriented development projects in order to incentivize transit-
5 oriented development in Prince George's County.

6 BY repealing and reenacting with amendments:

7 Section 27-107.01,

8 The Zoning Ordinance of Prince George's County, Maryland,

9 being also

10 SUBTITLE 27. ZONING.

11 The Prince George's County Code

12 (2011 Edition).

13 BY adding:

14 Sections 27-272, and 27-290.01,

15 The Zoning Ordinance of Prince George's County, Maryland,

16 being also

17 SUBTITLE 27. ZONING.

18 The Prince George's County Code

19 (2011 Edition).

1 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
2 Maryland, sitting as the District Council for that part of the Maryland-Washington Regional
3 District in Prince George's County, Maryland, that Section 27-107.01 of the Zoning Ordinance of
4 Prince George's County, Maryland, being also Subtitle 27 of the Prince George's County Code,
5 be and the same is hereby repealed and reenacted with the following amendments:

6 **SUBTITLE 27. ZONING.**

7 **PART 2. GENERAL.**

8 **DIVISION 1. DEFINITIONS.**

9 **Sec. 27-107.01. Definitions.**

10 (a) Terms in the Zoning Ordinance are defined as follows:

11 * * * * *

12 (242.1) Transfer Station: A place or facility where solid wastes are taken from a
13 transportation unit or collection vehicle and placed in another transportation unit or collection
14 vehicle for transport to a solid waste acceptance facility. The movement or consolidation of
15 solid waste at the point of generation is not a Transfer Station. A "Materials Recovery or
16 Processing Facility," as defined in Section 21-143 of the Prince George's County Code, and a
17 "Waste Material Separation and Processing Facility" and "Recycling Plant," as defined in this
18 Section, are not Transfer Stations.

19 (242.2) Transit Oriented Development, Expedited: A proposal for development on
20 land located entirely at least in part (a) within one-half mile radius of the outer most point of a
21 constructed WMATA Metrorail station or within one-quarter mile radius of a constructed MTA
22 station, as measured from the transit station platform, or (b) within a Transit District Overlay
23 Zone ("TDOZ") for which the development proposal is eligible and seeks expedited review in
24 accordance with Section 27-290.01 of this Code.

25 (243) Transit Stop, Major: A rapid rail transit terminal "Building," or a public
26 transit stop served by fifteen (15) or more transit vehicles travelling in one direction during a
27 peak hour.

28 * * * * *

29 SECTION 2. BE IT FURTHER ENACTED that Sections 27-272 and 27-290.01 of the
30 Zoning Ordinance of Prince George's County, Maryland, being also Subtitle 27 of the Prince
31 George's County Code, be and the same are hereby added:

SUBTITLE 27. ZONING.
PART 3. ADMINISTRATION.
DIVISION 9. SITE PLANS.

Subdivision 1. Conceptual Site Plans and Detailed Site Plans, in General.

Sec. 27-272. Requirements for Expedited Transit-Oriented Development.

Notwithstanding any other provision of this Code, Expedited Transit-Oriented Development projects, as defined in Section 27-107.01(a)(242.2) of this Code, shall be eligible for expedited review in accordance with Section 27-290.01.

* * * * *

Subdivision 4. Expedited Transit-Oriented Development Projects.

Sec. 27-290.01. Requirements for Expedited Transit-Oriented Development Projects.

(a) Expedited Transit-Oriented Development Projects, as defined in Section 27-107.01 (a) (242.2) of this Code, shall be eligible for expedited review as set forth in this Section. Eligible developments seeking expedited review shall be exempt from all applicable site plan requirements other than a Detailed Site Plan in the case of development proposals within a Euclidean zone, or if the property is located in a Comprehensive Design Zone, only a Specific Design Plan shall be required. For eligible developments that do not seek expedited review, the prescriptions of this Section shall not apply.

(b) An Expedited Transit-Oriented Development Detailed Site Plan or Specific Design Plan application shall substantially comply with the following:

(1) all the site design standards set forth in Section 27A-209 and Parts V through VII of Subtitle 27A of this Code;

(2) all the applicable use restrictions set forth in Section 27A-802(b) and (c) of this Code; and

(3) all any site design standards delineated in any Master Plan, Sector Plan or Overlay Zone covering the area of development. In the event of a conflict between the site design standards of (b)(1) of this subsection (b)(1) and those of a Master Plan, Sector Plan or Overlay Zone for the area that is proposed for development under this Section, the site design standards of the Master Plan, Sector Plan or Overlay Zone shall apply.

(c) No later than fifteen (15) calendar days before (c) Prior to filing an application

1 for a Detailed Site Plan or Specific Design Plan pursuant to this Section, the applicant shall is
 2 encouraged hold a pre-application conference, open to the public, meeting with the Planning
 3 Director or the Planning Director's designee to discuss the requirements of this Section, the
 4 Detailed Site Plan or Specific Design Plan application. Any discussion held at the pre-
 5 application meeting shall not be binding on the applicant, the County, or the Commission.

6 ~~———— (1) An applicant shall submit a request (by regular mail, hand delivery or electronic~~
 7 ~~transmission) to the Planning Director or the Planning Director's designee for the scheduling of a~~
 8 ~~pre-application conference. The Planning Director or designee shall work expeditiously with the~~
 9 ~~applicant to schedule a pre-application conference.~~

10 ~~———— (2) At least thirty (30) calendar days before the date of the pre-application~~
 11 ~~conference, the applicant shall send notice and an invitation to appear and provide public~~
 12 ~~comment during the pre-application conference. The notice required by this Section shall~~
 13 ~~supplant the requirements of Section 27-125.01 of this Code. Notice shall be made as follows:~~

14 ~~———— (A) Notice shall be provided to all adjoining property owners, including any~~
 15 ~~property that is situated directly across a street, alley, or stream;~~

16 ~~———— (B) Notice shall be provided to every municipality located within a one (1) mile~~
 17 ~~radius of the subject property proposed for development, and every civic association registered~~
 18 ~~with the Commission for the area which includes the subject property; and~~

19 ~~———— (C) Notice shall be provided to any other groups requested in advance to the~~
 20 ~~Planning Director by any member of the District Council in writing (including by electronic~~
 21 ~~transmission). Notice shall also be provided to the Clerk of the Council.~~

22 ~~———— (D) The public hearing posting requirements of Section 27-125.03(a) shall apply~~
 23 ~~to a pre-application conference.~~

24 ~~———— (3) Any person seeking to become a person of record for a Detailed Site Plan or~~
 25 ~~Specific Design Plan subject to this Section may do so in person at the pre-application~~
 26 ~~conference or in writing (including by electronic transmission) to the Planning Director or the~~
 27 ~~Planning Director's designee during or after the pre-application conference within twenty (20)~~
 28 ~~calendar days after the date the application for the Detailed Site Plan or Specific Design Plan~~
 29 ~~seeking expedited treatment is filed. Every municipality located within a one (1) mile radius of~~
 30 ~~the subject property proposed for development shall be automatically deemed to be a person of~~
 31 ~~record under this Section. The Planning Director or designee shall prepare and maintain an~~

1 official list of persons of record for any Detailed Site Plan or Specific Design Plan filed pursuant
2 to this Section.

3 ~~———— (4) The Planning Director or designee shall accept and consider public comment from~~
4 ~~members of the public at the pre-application conference and shall impose a three-minute time~~
5 ~~limit for each speaker. The Planning Director or designee shall preside over the pre-application~~
6 ~~conference, and speakers shall be encouraged to also submit their public comments in writing.~~
7 ~~The Planning Director or designee shall accept and consider any public comments received at the~~
8 ~~pre-application conference and any written public comment (including any sent by electronic~~
9 ~~transmission) received by the Planning Director or designee during or after the pre-application~~
10 ~~conference within twenty (20) calendar days after the date the application for the Detailed Site~~
11 ~~Plan or Specific Design Plan seeking expedited treatment is filed. All written public comments~~
12 ~~submitted pursuant to this subsection shall be included in the public record of the application for~~
13 ~~the Detailed Site Plan or Specific Design Plan filed pursuant to this section.~~

14 ~~———— (5) A request for a pre-application conference by an applicant shall be accompanied~~
15 ~~by a preliminary project plan to include detailed designs and renderings of the proposed~~
16 ~~development site plan, which shall be made available to the public at the pre-application~~
17 ~~conference and publicly available within seven (7) days after the pre-application conference on a~~
18 ~~website designated by the Planning Director until final action is taken on the application by the~~
19 ~~Planning Director or the District Council (if the Council elects to review or the application is~~
20 ~~appealed). The applicant shall make a public presentation about the content of the anticipated~~
21 ~~application and subject development at the pre-application conference.~~

22 ~~———— (6) During the pre-application conference, the Planning Director or designee shall~~
23 ~~inform the applicant of the applicable requirements for the proposed development, discuss issues~~
24 ~~of concern that may arise during formal application review, suggest possible modifications to the~~
25 ~~proposed application, and identify any technical studies that may be necessary for the review~~
26 ~~process when a formal application is submitted.~~

27 ~~———— (7) Any discussion held at the pre-application conference shall not be binding on the~~
28 ~~applicant, the County, or the Commission. All other procedures related to the pre-application~~
29 ~~conference shall be determined by the Planning Director and may be set forth in procedures~~
30 ~~adopted by the Planning Board.~~

31 (d) Detailed Site Plan or Specific Design Plan applications filed pursuant to this Section

1 are encouraged to display the words **“SEEKING EXPEDITED REVIEW”** in bold capital
2 letters and in a prominent location on at least the first page of the applications when filed.

3 (e) Detailed Site Plan or Specific Design Plan applications filed pursuant to this Section
4 shall take highest priority in the work program of the Planning Department staff. Within seven
5 (7)fourteen (14) calendar days after the date of filing of a Detailed Site Plan or Specific Design
6 Plan application seeking expedited review, the Planning DirectorBoard shall make the
7 application publicly available on a website designated by the Planning Director or designee until
8 a recommendation for final action is madetaken on the application by the Planning
9 DirectorBoard or final action by the District Council (if the Council elects to review or the
10 application is appealed).

11 ~~— (f) Within forty (40) calendar days, but more than twenty (20) calendar days after the date~~
12 ~~an application is filed with the Planning Board pursuant to this Section, the Planning Director~~
13 ~~shall make a recommendation for final action of approval, disapproval, or approval with~~
14 ~~conditions on the application. In the event that no recommendation for final action is made by~~
15 ~~the Planning Director within the time period prescribed herein, the application shall be deemed~~
16 ~~to be recommended for approval by the Planning Director. The Planning Director, upon giving~~
17 ~~advance written notice (including by electronic transmission) to the applicant and all persons of~~
18 ~~record, may extend this time for a recommendation for final action on an application by a~~
19 ~~maximum of ten (10) additional calendar days at the Planning Director’s discretion. The period~~
20 ~~between December 20 and January 3 shall not be considered for the purpose of calculating the~~
21 ~~time for issuing a recommendation for final action on the application or the extension of time for~~
22 ~~issuing a recommendation of final action on an application filed pursuant to this Section.~~

23 ~~— (1) All recommendations for final action on an application filed pursuant to this~~
24 ~~Section shall be made in writing by the (f) All other applicable requirements and~~
25 ~~procedures in the Code for Detailed Site Plans and Specific Design Plans not inconsistent with~~
26 ~~this Section shall apply to Detailed Site Plan and Specific Design Plan applications seeking~~
27 ~~expedited treatment under this Section.~~

28 (g) Applications for Detailed Site Plans and Specific Design Plans filed pursuant to this
29 Section shall incorporate components of Conceptual Site Plans (for Euclidean zones) or
30 Comprehensive Design Plans (for Comprehensive Design Zones), respectively, as needed to
31 comply with specific conditions applicable to the subject development.

1 (h) Planning Board Decision.

2 (1) The Planning Board shall take action of approval, disapproval, or approval with
3 conditions (the "Planning Board's decision") on the Detailed Site Plan or Specific Design Plan
4 application filed pursuant to this Section within sixty (60) days of its filing.

5 (2) The month of December shall not be included in calculating this sixty (60) day
6 period.

7 (3) If no Planning Board action is taken within sixty (60) days, the Detailed Site Plan
8 or Specific Design Plan application shall be deemed to have been approved by the Planning
9 Board. The applicant may (in writing to the Planning Board), in advance of the expiration of the
10 period, waive the sixty (60) day requirement to provide for some longer specified review period.

11 (4) The Planning Director, and such recommendations for final action shall be
12 supported by facts stated therein.

13 ~~_____ (2) The Planning Director or designee~~Board shall send written notice (and may do so
14 ~~by electronic transmission) of the recommendation for final action on the application~~Planning
15 ~~Board's decision, including a copy of the decision and the technical staff report, to the Clerk of~~
16 ~~the Council, all persons of record, and the applicant within seven (7) calendar days after the date~~
17 ~~of the decision by the Planning Director~~Board pursuant to this subsection.

18 (g) Planning Director's Authority.

19 ~~_____ (1) Notwithstanding any other provision of this Code, the Planning Director shall be~~
20 ~~authorized to make recommendations for final action on applications for Detailed Site Plans and~~
21 ~~Specific Design Plans for Expedited Transit-Oriented Development Projects filed pursuant to the~~
22 ~~provisions set forth in this Section.~~

23 ~~_____ (2) Notwithstanding any other provision in this Code, the Planning Director may~~
24 ~~designate any Maryland National Capital Park and Planning Commission staff member to~~
25 ~~represent the Planning Director to perform any duty required by this Section. Notwithstanding~~
26 ~~any such delegation, the Planning Director remains liable for all actions taken by any designee in~~
27 ~~the performance of duties set forth in this Section.~~

28 (hi) District Council Review.

29 (1) Within twenty-five (25) one (21) calendar days after the expiration date of the
30 notice period of subsection (f)(2), above Planning Board's decision, the District Council may vote
31 to review the Planning Director's recommendation for final actionBoard's decision on its own

1 motion, or an applicant or a person of record may appeal the Planning Director's
 2 recommendation for final action Board's decision to the District Council by filing a written
 3 appeal with the Clerk of the Council.

4 (A) An appeal by an applicant or a person of record shall specify the error which
 5 is claimed to have been committed by the Planning Director Board and shall also specify those
 6 portions of the record relied upon to support the error alleged, which shall be the only basis of
 7 the appeal. A copy of the appeal shall be sent by the submitter to all persons of record (by
 8 regular mail), and a certificate of service shall accompany the submission to the Clerk.

9 (B) If, within twenty-five (25) one (21) calendar days after the expiration date of
 10 the notice period of subsection (f)(2), above Planning Board's decision, the District Council has
 11 not elected to review the recommendation of the Planning Director Board's decision and no
 12 appeal has been filed by a person of record or the applicant, the Planning Director's
 13 recommendation for final action Board's decision on the application shall be deemed approved to
 14 be affirmed by the District Council.

15 (2) The Clerk of the Council shall notify (and may do so by electronic transmission)
 16 the Planning Director or designee Board of the review decision or appeal, if any. The Planning
 17 Director or designee Board shall transmit (and may do so by electronic transmission) to the
 18 District Council, within seven (7) calendar days of receipt of the notice from the Clerk, the
 19 Detailed Site Plan or Specific Design Plan application, the official list of persons of record, and
 20 all written evidence and any other materials used in the consideration of the application by the
 21 Planning Director Board.

22 (3) The District Council shall schedule a public hearing on the review or appeal to be
 23 held within thirty (30) twenty-one (21) calendar days after the decision to review or the filing of
 24 an appeal from the recommendation for final action of the Planning Director Board's decision for
 25 a Detailed Site Plan or Specific Design Plan filed pursuant to this Section. A person of record or
 26 an applicant that has appealed a Detailed Site Plan or Specific Design Plan pursuant to the
 27 provisions of this Section may also withdraw their appeal in writing to the Clerk of the Council
 28 (by regular mail or hand delivery) at any time prior to notice being issued for the public hearing
 29 and, provided the District Council has also not elected to review the recommendation of the
 30 Planning Director Board's decision on the application, the application shall automatically be
 31 deemed approved by the District Council so long as the review and appeal period in subsection

1 (hi)(1), above, has expired.

2 (4) The Clerk of the Council shall send (and may do so by electronic transmission)
 3 notice to all parties of record of the appeal or the District Council's election to review the
 4 decision of the Planning Director, Board including notice of the public hearing, not later than
 5 fifteen (15) ten (10) calendar days prior to any public hearing on the review.

6 (5) Within fifteen (15) seven (7) calendar days after the close of the District Council's
 7 public hearing on review of the Planning Director's recommendation for final action Board's
 8 decision on a Detailed Site Plan or Specific Design Plan application filed pursuant to this
 9 Section, the Council shall approve, approve with conditions, or disapprove the application filed
 10 pursuant to this section Section or the Planning Director's recommendation for final
 11 action Board's decision shall be deemed approved affirmed. The District Council shall state the
 12 reasons for its action in writing. Where the District Council approves a Detailed Site Plan or
 13 Specific Design Plan application, the District Council shall make the same findings required for
 14 the Planning Director set forth in subsection (f)(1), above. Board decision. In the event no final
 15 action is taken by the District Council within forty five (45) twenty-eight (28) calendar days after
 16 the date that the District Council elects to review the Planning Director's recommendation
 17 Board's decision or the date an appeal from the Planning Director's recommendation Board's
 18 decision is filed, the Planning Director's recommendation for final action Board's decision on the
 19 application shall be deemed approved affirmed. The months of August and December shall not
 20 be considered for the purpose of calculating the time for consideration or final action by the
 21 District Council on an application filed pursuant to this Section.

22 (6) Copies of the District Council decision on applications filed pursuant to this
 23 Section shall be sent (and may be sent by electronic transmission) to all parties of record, the
 24 applicant, the Planning Director or designee, and the Planning Board.

1 SECTION 3. BE IT FURTHER ENACTED that this Ordinance shall take effect forty-five
2 (45) calendar days after its adoption.

Adopted this _____ day of _____, 2013.

COUNTY COUNCIL OF PRINCE GEORGE'S
COUNTY, MARYLAND, SITTING AS THE
DISTRICT COUNCIL FOR THAT PART OF
THE MARYLAND-WASHINGTON REGIONAL
DISTRICT IN PRINCE GEORGE'S COUNTY,
MARYLAND

BY: _____
Andrea C. Harrison
Chair

ATTEST:

Redis C. Floyd
Clerk of the Council

KEY:

Underscoring indicates language added to existing law.

[Brackets] indicate language deleted from existing law.

Asterisks *** indicate intervening existing Code provisions that remain unchanged.

13-G-49

MEMORANDUM

TO: Mayor and City Council
FROM: Chantal R. Cotton, Assistant to the City Manager *CRC*
THROUGH: Joseph L. Nagro, City Manager
DATE: March 22, 2013
SUBJECT: Speed Camera – HB 929

SUMMARY

To give more information about the pending speed camera legislation, HB 929, I've attached the bill, the fiscal note, and the MML/MACo proposed amendments. The amendments are not yet attached to the bill, but I wanted to circulate them to Council to keep you up to speed on the legislation. No action required yet.

ATTACHMENTS

1. HB 929
2. HB 929 Fiscal note
3. MML/MACo proposed amendments to HB 929

HOUSE BILL 929

R5

3lr1841

By: Delegates Malone and McMillan
Introduced and read first time: February 7, 2013
Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 Motor Vehicles - Speed Monitoring Systems - Local Jurisdictions

3 FOR the purpose of clarifying that a certain warning period for violations recorded by
4 speed monitoring systems operated by local jurisdictions begins when the first
5 speed monitoring system in the jurisdiction is in use; applying certain notice
6 and signage standards for unmanned local stationary speed monitoring systems
7 to all local stationary speed monitoring systems; altering the standards for
8 signage required for local stationary speed monitoring systems; clarifying that a
9 certificate alleging that a certain speeding violation occurred is required to be
10 sworn to or affirmed by a certain law enforcement officer; and generally relating
11 to speed monitoring systems operated by local jurisdictions.

12 BY repealing and reenacting, with amendments,
13 Article - Transportation
14 Section 21-809
15 Annotated Code of Maryland
16 (2012 Replacement Volume)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
18 MARYLAND, That the Laws of Maryland read as follows:

19 Article - Transportation

20 21-809.

21 (a) (1) In this section the following words have the meanings indicated.

22 (2) "Agency" means:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



1 (i) A law enforcement agency of a local political subdivision
2 that is authorized to issue a citation for a violation of the Maryland Vehicle Law or of
3 local traffic laws or regulations; or

4 (ii) For a municipal corporation that does not maintain a police
5 force, an agency established or designated by the municipal corporation to implement
6 this subtitle using speed monitoring systems in accordance with this section.

7 (3) (i) "Owner" means the registered owner of a motor vehicle or a
8 lessee of a motor vehicle under a lease of 6 months or more.

9 (ii) "Owner" does not include:

10 1. A motor vehicle rental or leasing company; or

11 2. A holder of a special registration plate issued under
12 Title 13, Subtitle 9, Part III of this article.

13 (4) "Recorded image" means an image recorded by a speed monitoring
14 system:

15 (i) On:

16 1. A photograph;

17 2. A microphotograph;

18 3. An electronic image;

19 4. Videotape; or

20 5. Any other medium; and

21 (ii) Showing:

22 1. The rear of a motor vehicle;

23 2. At least two time-stamped images of the motor
24 vehicle that include the same stationary object near the motor vehicle; and

25 3. On at least one image or portion of tape, a clear and
26 legible identification of the entire registration plate number of the motor vehicle.

27 (5) "Speed monitoring system" means a device with one or more motor
28 vehicle sensors producing recorded images of motor vehicles traveling at speeds at
29 least 12 miles per hour above the posted speed limit.

1 (6) "Speed monitoring system operator" means a representative of an
2 agency or contractor that operates a speed monitoring system.

3 (b) (1) (i) A speed monitoring system may not be used in a local
4 jurisdiction under this section unless its use is authorized by the governing body of the
5 local jurisdiction by local law enacted after reasonable notice and a public hearing.

6 (ii) Before a county may use a speed monitoring system on a
7 State highway at a location within a municipal corporation, the county shall:

8 1. Obtain the approval of the State Highway
9 Administration;

10 2. Notify the municipal corporation of the State
11 Highway Administration's approval of the use of a speed monitoring system at that
12 location; and

13 3. Grant the municipal corporation 60 days from the
14 date of the county's notice to the municipal corporation to enact an ordinance
15 authorizing the municipal corporation instead of the county to use a speed monitoring
16 system at that location.

17 (iii) 1. This subparagraph applies only in Prince George's
18 County.

19 2. In the county, a municipal corporation may
20 implement and use a speed monitoring system consistent with the requirements of
21 this subsection on a county highway at a location within its corporate limits if the
22 municipal corporation:

23 A. Submits to the county a plan describing the boundary
24 of the applicable school zone and the proposed location of the speed monitoring system;
25 and

26 B. Requests and receives permission from the county to
27 use the speed monitoring system at the proposed location.

28 3. If the county fails to respond to the request within 60
29 days, the municipal corporation may implement and use the speed monitoring system
30 as described in the plan submission.

31 4. The county may not:

32 A. Unreasonably deny a request under this
33 subparagraph; or

1 B. Place exactions, fees, or unreasonable restrictions on
2 the implementation and use of a speed monitoring system under this subparagraph.

3 5. The county shall state in writing the reasons for any
4 denial of a request under this subparagraph.

5 6. A municipal corporation may contest in the circuit
6 court a county denial of a request under this subparagraph.

7 (iv) In Prince George’s County, if a municipal corporation has
8 established a school zone that is within one-quarter mile of a school zone established
9 in another municipal corporation, the municipal corporation may not implement or use
10 a speed monitoring system in that school zone unless it has obtained the approval of
11 the other municipal corporation.

12 (v) An ordinance or resolution adopted by the governing body of
13 a local jurisdiction under this paragraph shall provide that for a period of at least 30
14 days after the first speed monitoring system is [placed] IN USE in the local
15 jurisdiction, a violation recorded by any speed monitoring system in the local
16 jurisdiction may be enforced only by the issuance of a warning.

17 (vi) This section applies to a violation of this subtitle recorded by
18 a speed monitoring system that meets the requirements of this subsection and has
19 been placed:

20 1. In Montgomery County, on a highway in a residential
21 district, as defined in § 21-101 of this title, with a maximum posted speed limit of 35
22 miles per hour, which speed limit was established using generally accepted traffic
23 engineering practices;

24 2. In a school zone established under § 21-803.1 of this
25 subtitle; or

26 3. In Prince George’s County, on that part of a highway
27 located within the grounds of an institution of higher education as defined in §
28 10-101(h) of the Education Article, or within one-half mile of the grounds of a
29 building or property used by the institution of higher education where generally
30 accepted traffic and engineering practices indicate that motor vehicle, pedestrian, or
31 bicycle traffic is substantially generated or influenced by the institution of higher
32 education.

33 (vii) Before activating [an unmanned] A stationary speed
34 monitoring system, the local jurisdiction shall:

35 1. Publish notice of the location of the speed monitoring
36 system on its website and in a newspaper of general circulation in the jurisdiction;

1 (4) (i) A speed monitoring system shall undergo an annual
2 calibration check performed by an independent calibration laboratory.

3 (ii) The independent calibration laboratory shall issue a signed
4 certificate of calibration after the annual calibration check that:

- 5 1. Shall be kept on file; and
6 2. Shall be admitted as evidence in any court proceeding
7 for a violation of this section.

8 (c) (1) Unless the driver of the motor vehicle received a citation from a
9 police officer at the time of the violation, the owner or, in accordance with subsection
10 (f)(4) of this section, the driver of a motor vehicle is subject to a civil penalty if the
11 motor vehicle is recorded by a speed monitoring system while being operated in
12 violation of this subtitle.

13 (2) A civil penalty under this subsection may not exceed \$40.

14 (3) For purposes of this section, the District Court shall prescribe:

15 (i) A uniform citation form consistent with subsection (d)(1) of
16 this section and § 7-302 of the Courts Article; and

17 (ii) A civil penalty, which shall be indicated on the citation, to be
18 paid by persons who choose to prepay the civil penalty without appearing in District
19 Court.

20 (d) (1) Subject to the provisions of paragraphs (2) through (4) of this
21 subsection, an agency shall mail to an owner liable under subsection (c) of this section
22 a citation that shall include:

23 (i) The name and address of the registered owner of the vehicle;

24 (ii) The registration number of the motor vehicle involved in the
25 violation;

26 (iii) The violation charged;

27 (iv) The location where the violation occurred;

28 (v) The date and time of the violation;

29 (vi) A copy of the recorded image;

1 (vii) The amount of the civil penalty imposed and the date by
2 which the civil penalty should be paid;

3 (viii) A signed statement by a duly authorized law enforcement
4 officer employed by or under contract with an agency that, based on inspection of
5 recorded images, the motor vehicle was being operated in violation of this subtitle;

6 (ix) A statement that recorded images are evidence of a violation
7 of this subtitle;

8 (x) Information advising the person alleged to be liable under
9 this section of the manner and time in which liability as alleged in the citation may be
10 contested in the District Court; and

11 (xi) Information advising the person alleged to be liable under
12 this section that failure to pay the civil penalty or to contest liability in a timely
13 manner:

14 1. Is an admission of liability;

15 2. May result in the refusal by the Administration to
16 register the motor vehicle; and

17 3. May result in the suspension of the motor vehicle
18 registration.

19 (2) An agency may mail a warning notice instead of a citation to the
20 owner liable under subsection (c) of this section.

21 (3) Except as provided in subsection (f)(4) of this section, an agency
22 may not mail a citation to a person who is not an owner.

23 (4) Except as provided in subsection (f)(4) of this section, a citation
24 issued under this section shall be mailed no later than 2 weeks after the alleged
25 violation if the vehicle is registered in this State, and 30 days after the alleged
26 violation if the vehicle is registered in another state.

27 (5) A person who receives a citation under paragraph (1) of this
28 subsection may:

29 (i) Pay the civil penalty, in accordance with instructions on the
30 citation, directly to the political subdivision; or

31 (ii) Elect to stand trial in the District Court for the alleged
32 violation.

1 (e) (1) A certificate alleging that the violation of this subtitle occurred and
2 the requirements under subsection (b) of this section have been satisfied, sworn to, or
3 affirmed by [an agent or employee of] **A DULY AUTHORIZED LAW ENFORCEMENT**
4 **OFFICER EMPLOYED BY OR UNDER CONTRACT WITH** an agency, based on
5 inspection of recorded images produced by a speed monitoring system, shall be
6 evidence of the facts contained in the certificate and shall be admissible in a
7 proceeding alleging a violation under this section without the presence or testimony of
8 the speed monitoring system operator who performed the requirements under
9 subsection (b) of this section.

10 (2) If a person who received a citation under subsection (d) of this
11 section desires the speed monitoring system operator to be present and testify at trial,
12 the person shall notify the court and the State in writing no later than 20 days before
13 trial.

14 (3) Adjudication of liability shall be based on a preponderance of
15 evidence.

16 (f) (1) The District Court may consider in defense of a violation:

17 (i) Subject to paragraph (2) of this subsection, that the motor
18 vehicle or the registration plates of the motor vehicle were stolen before the violation
19 occurred and were not under the control or possession of the owner at the time of the
20 violation;

21 (ii) Subject to paragraph (3) of this subsection, evidence that the
22 person named in the citation was not operating the vehicle at the time of the violation;
23 and

24 (iii) Any other issues and evidence that the District Court deems
25 pertinent.

26 (2) To demonstrate that the motor vehicle or the registration plates
27 were stolen before the violation occurred and were not under the control or possession
28 of the owner at the time of the violation, the owner shall submit proof that a police
29 report regarding the stolen motor vehicle or registration plates was filed in a timely
30 manner.

31 (3) To satisfy the evidentiary burden under paragraph (1)(ii) of this
32 subsection, the person named in the citation shall provide to the District Court a
33 letter, sworn to or affirmed by the person and mailed by certified mail, return receipt
34 requested, that:

35 (i) States that the person named in the citation was not
36 operating the vehicle at the time of the violation; and

37 (ii) Includes any other corroborating evidence.

1 (4) (i) If the District Court finds that the person named in the
2 citation was not operating the vehicle at the time of the violation or receives evidence
3 under paragraph (3) of this subsection identifying the person driving the vehicle at the
4 time of the violation, the clerk of the court shall provide to the agency issuing the
5 citation a copy of any evidence substantiating who was operating the vehicle at the
6 time of the violation.

7 (ii) On receipt of substantiating evidence from the District
8 Court under subparagraph (i) of this paragraph, an agency may issue a citation as
9 provided in subsection (d) of this section to the person who the evidence indicates was
10 operating the vehicle at the time of the violation.

11 (iii) A citation issued under subparagraph (ii) of this paragraph
12 shall be mailed no later than 2 weeks after receipt of the evidence from the District
13 Court.

14 (g) If a person liable under this section does not pay the civil penalty or
15 contest the violation, the Administration:

16 (1) May refuse to register or reregister the motor vehicle cited for the
17 violation; or

18 (2) May suspend the registration of the motor vehicle cited for the
19 violation.

20 (h) A violation for which a civil penalty is imposed under this section:

21 (1) Is not a moving violation for the purpose of assessing points under
22 § 16-402 of this article;

23 (2) May not be recorded by the Administration on the driving record of
24 the owner or driver of the vehicle;

25 (3) May be treated as a parking violation for purposes of § 26-305 of
26 this article; and

27 (4) May not be considered in the provision of motor vehicle insurance
28 coverage.

29 (i) In consultation with the appropriate local government agencies, the Chief
30 Judge of the District Court shall adopt procedures for the issuance of citations, the
31 trial of civil violations, and the collection of civil penalties under this section.

32 (j) (1) An agency or an agent or contractor designated by the agency shall
33 administer and process civil citations issued under this section in coordination with
34 the District Court.

1 (2) If a contractor operates a speed monitoring system on behalf of a
2 local jurisdiction, the contractor's fee may not be contingent on the number of citations
3 issued or paid.

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2013.

HB 929

Department of Legislative Services
Maryland General Assembly
2013 Session

FISCAL AND POLICY NOTE

House Bill 929 (Delegates Malone and McMillan)
Environmental Matters

Motor Vehicles - Speed Monitoring Systems - Local Jurisdictions

This bill clarifies that a certificate alleging a speed monitoring system violation must be sworn to or affirmed by a *duly authorized* law enforcement officer, rather than an agent or employee of a law enforcement agency. The bill also specifies that, before activating any stationary speed monitoring system, the local jurisdiction must ensure that each sign that designates a school zone is proximate to the sign indicating a speed monitoring system is in use, and that it is in accordance with the manual and specifications for a uniform system of traffic control devices adopted by the State Highway Administration (SHA). Finally, the bill specifies that the 30-day period in which only warnings may be issued begins when the first speed monitoring system in a jurisdiction is *in use* rather than from the date the first system is *placed*.

Fiscal Summary

State Effect: The bill is not anticipated to materially affect State operations or finances.

Local Effect: Local expenditures may increase, likely minimally, for any jurisdiction that is not in compliance with each of the bill's requirements to alter current speed monitoring system operations. However, it is unclear how many jurisdictions, if any, are not currently in compliance with each provision.

Small Business Effect: Minimal.

Analysis

Current Law: SHA or a local authority may designate an area within a half-mile radius of a school as a school zone, which must have signs designating the school zone and may have other traffic control devices, including timed flashing warning lights. A “local authority” is defined as a political subdivision or a local board or other body that has authority under State law to enact laws and adopt local police regulations relating to traffic. A “school” is not defined by State law, but according to the SHA website, it is an accredited public, parochial, or private learning institution for one or more grades kindergarten through grade 12.

A speed monitoring system that is established based on proximity to an institution of higher education must ensure that all speed limit signs approaching and within the segment of highway on which the speed monitoring system is located include signs that are in accordance with the manual and specifications for a uniform system of traffic control devices adopted by SHA.

A citation mailed to a person whose vehicle was recorded by a speed monitoring system must include specified information, including a copy of the recorded image and a signed statement by a duly authorized law enforcement officer employed by, or under contract with, an agency that, based on an inspection of recorded images, the motor vehicle was being operated in violation of a speed restriction. By contrast, a certificate alleging that a violation occurred must be to the satisfaction of, or sworn to or affirmed by, an *agent or employee* of an authorized agency of a local political subdivision.

For the first 30 days after *the first* speed monitoring system is *placed* in a local jurisdiction, only warnings may be issued by any speed monitoring system.

Background:

Speed Monitoring Systems

Chapter 15 of 2006 (HB 443 of 2005) authorized the first use of speed monitoring systems in the State, but it only applied to highways in school zones and residential districts in Montgomery County. Chapter 500 of 2009 (SB 277) expanded statewide the authorization for the use of speed monitoring systems in school zones. Chapter 474 of 2010 (HB 1477) authorized the use of speed monitoring systems in Prince George’s County on a highway located within the grounds of an institution of higher education or on nearby highways under certain circumstances.

Unless the driver of a motor vehicle received a citation from a police officer at the time of the violation, the owner or driver of the vehicle is subject to a civil penalty if the vehicle is recorded speeding at least 12 miles per hour above the posted speed limit by a

speed monitoring system in violation of specified speed restrictions in the Maryland Vehicle Law. The maximum fine for a citation issued by a speed monitoring system operator is \$40. However, a local law enforcement or other designated agency operating the speed monitoring system may mail a warning notice instead of a citation.

Before activating an unmanned stationary speed monitoring system, a local jurisdiction must:

- publish notice of the location on its website and in a newspaper of general circulation in the jurisdiction;
- ensure that each school zone sign indicates that speed monitoring systems are in use in school zones; and
- for a speed monitoring system near an institution of higher education, ensure that all speed limit signs approaching and within the segment of highway on which the speed monitoring system is located include signs that indicate that a speed monitoring system is in use and that are in accordance with the manual and specifications for a uniform system of traffic control devices adopted by SHA.

A speed monitoring system may be placed in a school zone for operation between 6:00 a.m. and 8:00 p.m., Monday through Friday. Before a speed monitoring system may be used in a local jurisdiction, its use must be authorized by the governing body by ordinance or resolution adopted after reasonable notice and a public hearing.

As shown in **Exhibit 1**, a number of counties and municipal corporations currently implement speed monitoring systems. The Department of Legislative Services advises that, as to municipal corporations, the exhibit only reflects municipal corporations that have reported revenues to the Comptroller in fiscal 2012 and, therefore, may not include all municipal corporations that *currently implement* speed monitoring systems. Further, additional jurisdictions may be *considering* the use of speed monitoring systems at this time.

From the fines generated by a speed monitoring system, the relevant jurisdiction may recover the costs of implementing the systems and may spend any remaining balance solely for public safety purposes, including for pedestrian safety programs. However, if the balance of revenues after cost recovery for any fiscal year is greater than 10% of the jurisdiction's total revenues, the excess must be remitted to the Comptroller. According to data from the Comptroller, about \$2.2 million was remitted in fiscal 2011 from five municipal corporations, but no money was remitted in fiscal 2012. In addition, 17 municipal corporations and Baltimore City generated speed monitoring system fine revenues of about \$36.3 million, of which about \$21.7 million was retained by local jurisdictions for public safety programs after recovery of the costs of implementing the systems.

Exhibit 1
Local Speed Monitoring System Enforcement

<u>County</u>	<u>Municipal Corporation</u>
Baltimore	Bowie
Charles	Brentwood
Howard	Chesapeake Beach
Montgomery	Chevy Chase Village
Prince George's	College Park
Wicomico	Denton
Baltimore City	Forest Heights
	Fruitland
	Hagerstown
	Laurel
	New Carrollton
	Princess Anne
	Riverdale Park
	Rockville
	Salisbury
	Seat Pleasant
	Takoma Park

Source: Comptroller's Office; Department of Legislative Services

Work Zone Speed Control Systems

Chapter 500 of 2009 also authorized State and local law enforcement agencies or their contractors to issue citations or warnings for speeding at least 12 miles per hour above the posted speed limit in highway work zones that are set up on expressways or controlled access highways where the speed limit is 45 miles per hour or greater.

A "work zone" is a segment of a highway identified as a temporary traffic control zone by a traffic control device in conformance with State specifications and where highway construction, repair, maintenance, utility work, or related activities are being performed, regardless of whether workers are present. A work zone speed control system may only be used while being operated by a work zone speed control system operator. The maximum fine for a ticket issued by a work zone speed control system operator is \$40. A conspicuous road sign warning of the use of speed monitoring systems must be placed at a reasonable distance from the work zone.

The Maryland Department of Transportation advises that work zones are inherently dangerous due to obstacles such as concrete barriers, narrowed lanes, and cones, all of which increase the risk of traffic accidents from speeding motorists. In these work zone accidents, about 85% of injuries are to the motorists, and about 15% of those injured are transportation workers according to the Federal Highway Administration. According to the National Work Zone Safety Information Clearinghouse, there were 576 fatalities in highway work zones nationwide in 2010, including 6 in Maryland.

Through fiscal 2012, slightly more than 1 million citations had been generated by work zone speed control systems, according to data from SHA. In fiscal 2012, the State's Automated Speed Enforcement Program generated just under \$15 million in revenues, down from about \$18.4 million in fiscal 2011.

Recent Media Scrutiny

A number of bills related to automated enforcement have been introduced in the 2013 legislative session, in part due to recent media scrutiny of speed cameras statewide. The additional scrutiny has centered around two common criticisms of speed cameras: (1) that technical issues and insufficient review of recorded images result in erroneously generated citations; and (2) that the contracts with vendors are structured in such a manner as to establish an incentive to generate more citations and revenues, thereby casting doubt on the integrity of speed cameras as a safety measure.

Automated Speed Enforcement Efficacy

Although a statewide review of speed monitoring programs has not been conducted, a combination of national and international studies and local program evaluations provide some insight into the level of effectiveness of such programs. According to the Insurance Institute for Highway Safety, several studies have documented reductions in crashes in the vicinities of speed cameras, including crashes that result in an injury or fatality. The most recent of these studies was a meta-analysis by the Cochrane Collaboration in 2010, which reviewed 28 individual studies and found reductions of between 8% and 49% for crashes, between 8% and 50% for crashes resulting in injury, and between 11% and 44% for crashes involving fatalities and serious injuries.

Locally, Prince George's County has evaluated its first year of speed monitoring system implementation and found that compliance with speed limits increased, on average, from about 20% of vehicles in certain locations before speed cameras were installed to about 67% after installation. This was based on an assessment of only seven locations, however. In Montgomery County, a 2009 review of its Safe Speed Program revealed that, on average, the number of citations generated by a speed camera decreased 78% between the first and twelfth months of the system's usage and that the average speed of

passing vehicles declined by 6%. Finally, an SHA review of its work zone speed monitoring systems revealed that work zone crashes decreased by 11.8% between 2009 and 2011; crashes involving an injury dropped by 16.8%; and the number of annual fatalities fell from nine to three.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Baltimore, Harford, Howard, Montgomery, Talbot, and Wicomico counties; Baltimore City; the towns of Bel Air and Leonardtown; Maryland Department of Transportation; Comptroller's Office; National Work Zone Safety Information Clearinghouse; Federal Highway Administration; Insurance Institute for Highway Safety; Cochrane Collaboration; Department of Legislative Services

Fiscal Note History: First Reader - March 1, 2013
mc/ljm

Analysis by: Evan M. Isaacson

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MACo/MML Proposed Amendments for HB 929

AMENDMENT NO. 1 (Contract Requirements, Vendor Penalties, and Annual Calibration Check)

This amendment would require that a contract between a local jurisdiction and a speed monitoring system vendor contain certain provisions relating to vendor performance and penalties for the vendor if performance is not achieved. The amendment also clarifies that an independent laboratory that performs an annual calibration check of a speed camera should be unaffiliated with the manufacturer of the speed monitoring system.

This is new language that would define a "contract administrator" and an "erroneous violation," to be inserted as §21-809(a)(3) and (4).

(A) (3) (i) "CONTRACT ADMINISTRATOR" MEANS AN INDIVIDUAL DESIGNATED BY A LOCAL JURISDICTION TO OVERSEE ANY CONTRACT OR AGREEMENT WITH A SPEED MONITORING SYSTEM VENDOR OR CONTRACTOR.

(ii) A CONTRACT ADMINISTRATOR SHALL BE AN EMPLOYEE OR REPRESENTATIVE OF THE LOCAL JURISDICTION AND MAY NOT BE AN EMPLOYEE OR REPRESENTATIVE OF THE SPEED MONITORING SYSTEM VENDOR OR CONTRACTOR.

(4) (i) "ERRONEOUS VIOLATION" MEANS A VIOLATION SUBMITTED BY A SPEED MONITORING SYSTEM VENDOR OR CONTRACTOR FOR REVIEW BY AN AGENCY THAT IS IMPROPER BASED ON A TECHNICAL VARIABLE OF THE SPEED MONITORING SYSTEM THAT IS UNDER THE CONTROL OF THE VENDOR OR CONTRACTOR.

(ii) "ERRONEOUS VIOLATION" INCLUDES:

1. A VIOLATION BASED ON INCORRECT RADAR IMAGING (THE RADAR EFFECT); AND

2. A VIOLATION BASED ON IMPROPER MEASURING DISTANCE, ANGLE, OR FOCUS OF THE SPEED MONITORING SYSTEM, INCLUDING A VIOLATION FOR A STATIONARY VEHICLE.

This is new language suggested to be inserted as § 21-809(b)(2).

(B) IF A LOCAL JURISDICTION AUTHORIZES A SPEED MONITORING SYSTEM PROGRAM UNDER THIS SECTION:

(1) THE LOCAL JURISDICTION SHALL DESIGNATE A CONTRACT ADMINISTRATOR; AND

(2) THE CONTRACT OR AGREEMENT WITH A SPEED MONITORING SYSTEM VENDOR OR CONTRACTOR SHALL CONTAIN THE FOLLOWING PROVISIONS:

(i) FOR POTENTIAL SPEED MONITORING SYSTEM VIOLATIONS SUBMITTED BY A VENDOR OR CONTRACTOR FOR REVIEW BY AN AGENCY, NO MORE THAN 10% OF THE POTENTIAL VIOLATIONS MAY BE ERRONEOUS VIOLATIONS OR THE VENDOR OR CONTRACTOR SHALL BE SUBJECT TO LIQUIDATED DAMAGES;

(ii) AN AUTOMATIC PENALTY IF THE VENDOR OR CONTRACTOR FAILS TO SUBMIT A SPEED MONITORING SYSTEM FOR AN ANNUAL CALIBRATION CHECK UNDER PARAGRAPH (B)(4) OF THIS SUBSECTION; AND

(iii) THE ABILITY OF THE LOCAL JURISDICTION TO CANCEL A CONTRACT OR AGREEMENT WITH THE VENDOR OR CONTRACTOR IF THE VENDOR OR CONTRACTOR VIOLATES THE PROVISIONS OF THE CONTRACT OR AGREEMENT BEYOND AN AMOUNT SPECIFIED IN THE CONTRACT OR AGREEMENT.

This is amended language for § 21-809(b)(4)(i).

(4) (i) A speed monitoring system shall undergo an annual calibration check performed by an independent calibration laboratory THAT IS UNAFFILIATED WITH THE MANUFACTURER OF THE SPEED MONITORING SYSTEM.

AMENDMENT NO. 2 (Payment Requirements and Program Oversight)

This amendment would clarify how a local jurisdiction could reimburse a speed camera vendor or contractor and defines oversight of the program.

This language would modify the existing language in § 21-809(j)(2).

(j) (2) (i) FOR PURPOSES OF THIS SUBSECTION, "OVERSEE A SPEED MONITORING SYSTEM" MEANS THE:

1. DESIGNATION OF A CONTRACT ADMINISTRATOR;
2. DETERMINATION OF LOCATIONS FOR SPEED MONITORING SYSTEMS;
3. OVERSIGHT OF SPEED MONITORING SYSTEM INSTALLATION;
4. REVIEW OF DAILY SELF TESTS AND SET-UP LOGS FOR EACH DEPLOYED SPEED MONITORING SYSTEM;
5. VERIFICATION TESTING OF A SPEED MONITORING SYSTEM'S ACCURACY;
6. DESIGNATION OF A CUSTOMER SERVICE REPRESENTATIVE OR CONTACT FOR PROGRAMMATIC QUESTIONS;

7. DESIGNATION OF AN INDIVIDUAL TO APPEAR AND TESTIFY IN COURT ON DISPUTED CITATIONS; AND

8. CONVENING OF REGULAR MEETINGS WITH A VENDOR OR CONTRACTOR TO DISCUSS FIELD OPERATION PERFORMANCE, ADMINISTRATIVE OPERATIONS PERFORMANCE, AND CONTRACT COMPLIANCE AND ADMINISTRATION.

(ii) If a VENDOR or contractor ~~operates~~ OVERSEES a speed monitoring system on behalf of a local jurisdiction, the VENDOR OR contractor's fee may not be contingent on the number of citations issued or paid.

AMENDMENT NO. 3 (Training Requirement)

This amendment would require a contract administrator designated under Amendment 2 to receive training upon the establishment of a local jurisdiction's speed camera program and then every 2 years thereafter. The training program would be independently established by the Maryland Chiefs of Police Association and the Maryland Sheriffs Association (i.e., training offered by a vendor would not meet the training requirement).

This is new language to be inserted as § 21-809(b)(5)

(B) (5) (i) THE MARYLAND CHIEFS OF POLICE ASSOCIATION, IN CONSULTATION WITH THE MARYLAND SHERIFFS' ASSOCIATION AND THE MARYLAND HIGHWAY SAFETY OFFICE OF THE MOTOR VEHICLE ADMINISTRATION, SHALL DEVELOP A TRAINING PROGRAM CONCERNING THE OVERSIGHT AND ADMINISTRATION OF A SPEED MONITORING PROGRAM BY A LOCAL JURISDICTION, INCLUDING BEST PRACTICES OF LOCAL SPEED MONITORING PROGRAMS IN MARYLAND.

(ii) 1. EXCEPT AS PROVIDED IN THIS SUBPARAGRAPH, A CONTRACT ADMINISTRATOR SHALL PARTICIPATE IN THE TRAINING PROGRAM REQUIRED UNDER PARAGRAPH (5)(i) OF THIS SUBSECTION WHEN A LOCAL JURISDICTION INITIALLY AUTHORIZES A SPEED MONITORING PROGRAM AND AT LEAST ONCE EVERY TWO YEARS THEREAFTER.

2. IF A LOCAL JURISDICTION DESIGNATES A NEW CONTRACT ADMINISTRATOR, THE NEW CONTRACT ADMINISTRATOR MUST PARTICIPATE IN THE NEXT AVAILABLE TRAINING PROGRAM REQUIRED UNDER PARAGRAPH 5(i) OF THIS SUBSECTION.

AMENDMENT NO. 4 (15 Day "Grace period" for new speed camera locations.)

This amendment requires, in addition to the 30 day warning requirement when a local jurisdiction initially starts a speed camera program, that when a speed camera is placed in a new and previously unadvertised location, the speed camera may not issue citations for at least 15 days.

This is new language to be inserted as § 21-809(b)(1)(vi).

(B) (1) (vi) AN ORDINANCE OR RESOLUTION ADOPTED BY THE GOVERNING BODY OF A LOCAL JURISDICTION UNDER THIS PARAGRAPH SHALL PROVIDE THAT WHEN THE LOCAL JURISDICTION MOVES OR PLACES A STATIONARY SPEED MONITORING SYSTEM AT A LOCATION THAT HAS NOT PREVIOUSLY HAD A SPEED MONITORING SYSTEM, THE LOCAL JURISDICTION MAY NOT ISSUE A CITATION FOR A VIOLATION RECORDED BY THE SPEED MONITORING SYSTEM FOR AT LEAST THE FIRST 15 DAYS THAT THAT SPEED MONITORING SYSTEM IS AT THE LOCATION.

AMENDMENT NO. 5 (Technical Clarification)

This amendment would clarify that a person who receives a speed camera citation may request that the speed camera technician be present and testify at a trial.

This language would modify the existing language of § 21-809(e)(2).

(e) (2) If a person who received a citation under subsection (d) of this section desires the speed monitoring system operator OR TECHNICIAN to be present and testify at trial, the person shall notify the court and the State in writing no later than 20 days before the trial.

13-G-47

Appointments to Boards and Committees

13-G-47

Councilmember Kabir:

- Reappoint Dave Turley to the Animal Welfare Committee

Information
Report
#1 –
Good Neighbor
Day



MEMORANDUM

TO: Mayor and City Council

THRU: Joseph L. Nagro, City Manager *JLN*

FROM: Robert T. Stumpff, Director of Public Works *Res*

DATE: March 22, 2013

SUBJECT: GOOD NEIGHBOR DAY 2013 – Information Report

The second annual Good Neighbor Day will be held on Saturday, April 6, 2013 from 9:00am–1:30pm. Good Neighbor Day is an annual event that celebrates being a good neighbor every day of the year. This year's event will focus on clean-up efforts that contribute to a great quality of life for all City of College Park and University of Maryland residents. Good Neighbor Day is sponsored by the University of Maryland, City of College Park and the Maryland National Capital Park and Planning Commission.

This volunteer service day has several projects for this year:

- Cleaning the Old Town playground, Columbia Avenue
- Painting the fence at the Old Parish House, 4711 Knox Road
- Picking up trash during 5K Lakeland Discovery Trail Hike. Members of the Lakeland Civic Association will be on the trail to inform participants of the history of Lakeland.
- Participating in an interactive workshop about the history of College Park's Lakeland neighborhood at the College Park Community Center
- Repairing the Paint Branch Elementary School basketball court.
- Assisting with neighborhood clean-ups.
- Donating non-perishable goods for donations to area food banks. Collection containers have been placed in many University of Maryland buildings. Containers are also in the front lobby of City Hall and Davis Hall, DPW.

Participants are to report on Saturday, April 6 to the College Park Community Center by 9:00am for registration and check-in. Event T-shirts and breakfast will be available. Work in the field areas will be completed by 12:00noon so that participants can get back to the Community Center for lunch and a short "Thank you" program from representatives of the three sponsoring organizations.

As of Friday, March 15, there were 150 people registered as volunteers

People can sign up to volunteer at www.goodneighborday.umd.edu.

Information
Report
#2 –
Use of Funds
for Police
Equipment

MEMORANDUM

TO: Mayor and Council
FROM: Joe Nagro, City Manager 
DATE: March 22, 2013
RE: Use of Funds For Police Equipment

ISSUE

Changes to state law effective January 1, 2013 allow police officers to issue citations in lieu of arrest for certain offenses that previously required full arrest and processing at the station. However, it is a requirement that fingerprints and photographs be taken by police prior to release of persons arrested for certain minor crimes. The University of Maryland Department of Public Safety (Police) has offered to host a site for the collection of this data. New equipment is needed for fingerprinting. UMPD is already equipped to take mug shots of detainees. The fingerprint processing time in PGPD District I Station in Hyattsville, or Upper Marlboro, average between 40 minutes and 4 hours.

SUMMARY

It would benefit the City if our Contract Police Officers, County Patrol Officers working in the City, and University of Maryland Police Officers, were able to process and release detainees quickly, so that they could get back on patrol sooner. To facilitate the rapid processing of people arrested for certain minor crimes, as now required by state law, a local processing station would be useful, rather than transporting detainees to the District 1 PGPD Station in Hyattsville.

Special equipment is available to expedite fingerprint processing. A digital fingerprint processing system, LiveScan, is recommended by Police. The LiveScan system will enable police to process arrestees in a more efficient manner. It will enable officers to return to patrol activities much faster. This will remove the necessity of transporting the detainee to District I (Hyattsville) or Upper Marlboro. Both PGPD (City Contract Officers and County Officers) and UMPD would be able to use this system to process arrestees as required.

The LiveScan system will cost approximately \$25,000.00. City funds are available for the purchase of this equipment. Due to the mild winter, there are unspent funds in the snow and ice control budget for FY13 (5017). It is my recommendation that we use the funds to reimburse the University of Maryland Department of Public Safety for the purchase of this equipment, which

will be hosted in their police station, and which will be available for use by our City Contract Police and other police agencies.

RECOMMENDATION

If there is no objection from the Council, I will make the offer to fund the purchase of the LiveScan to Chief Mitchell next week. No Council action is required since this purchase is within the City Manager's authority to spend without Council approval.