



MAY 28, 2013
CITY OF COLLEGE PARK
COUNCIL CHAMBERS

7:30 P.M.
MAYOR AND COUNCIL MEETING
AGENDA

MEDITATION

PLEDGE OF ALLEGIANCE: Councilmember Mitchell

ROLL CALL

MINUTES: Public Hearings held May 14, 2013 on 13-O-03, 13-O-04, and 13-O-05 and Regular Meeting of May 14, 2013.

ANNOUNCEMENTS

ACKNOWLEDGMENT OF DIGNITARIES

ACKNOWLEDGMENT OF NEWLY APPOINTED BOARD AND COMMITTEE MEMBERS

AWARDS

PROCLAMATION

AMENDMENTS TO THE AGENDA

CITY MANAGER'S REPORT: Joe Nagro

STUDENT LIAISON'S REPORT

COMMENTS FROM THE AUDIENCE ON NON-AGENDA ITEMS:

PRESENTATIONS

Michael Twigg, President-Elect, Rotary Club of College Park

Presentations to:

College Park Meals On Wheels and

College Park Boys & Girls Club

~~~~~

College Park's "If I Were Mayor, I Would..." Outstanding Essayists:

|                                     |                                        |
|-------------------------------------|----------------------------------------|
| Al Huda School Winner:              | Omar Malash                            |
| Berwyn Christian School Winner:     | Rebekah Paige Tinsley                  |
| Hollywood Elementary School Winner: | Aniyah Jeter                           |
| Holy Redeemer School Winner:        | Andrew Wagner                          |
| MML Semi-Finalist:                  | Asma Aulakh, Al Huda School            |
| MML Semi-Finalist:                  | Mashaal Awan, Al Huda School           |
| MML District Finalist:              | Yomyra Villatoro, Hollywood Elementary |

## ACTION ITEMS

- 13-O-05 Adoption of 13-O-05, An Ordinance of the Mayor and Council of the City of College Park to Adopt the Fiscal Year 2014 Operating and Capital Budget of the City of College Park, Maryland  
Motion by: Day  
To: Adopt  
Second:  
Aye: \_\_\_\_\_  
Nay: \_\_\_\_\_  
Other: \_\_\_\_\_
- 13-O-06 Introduction of 13-O-06, An Ordinance Of The Mayor And Council Of The City Of College Park, Maryland, Amending City Code, Chapter 127 "Rent Stabilization", §127-13 "Expiration Date" To Extend The Effective Date Of The Rent Stabilization Law Through September 1, 2014  
***(The Public Hearing Is Scheduled for Tuesday, June 18, 2013 at 7:00 p.m. in the Council Chambers)***  
Motion by: Wojahn  
To: Introduce  
Second:
- 13-O-07 Introduction of 13-O-07, An Ordinance Of The Mayor And Council Of The City Of College Park, Maryland, Authorizing The Sale Of Certain Property Located In The Osage Street Right Of Way That Is No Longer Needed For Any Public Use  
***(The Public Hearing Is Scheduled for Tuesday, June 18, 2013 at 7:00 p.m. in the Council Chambers)***  
Motion by: Day  
To: Introduce  
Second:
- 13-O-08 Introduction of 13-O-08, An Ordinance Of The Mayor And Council Of The City Of College Park, Maryland, Amending Chapter 184, Vehicles and Traffic, Section 184-11, "Prohibited Parking" To Prohibit Vehicles From Blocking Or Obstructing Public Ways And Trails  
***(The Public Hearing Is Scheduled for Tuesday, June 18, 2013 at 7:00 p.m. in the Council Chambers)***  
Motion by: Dennis  
To: Introduce  
Second:

COUNCIL COMMENTS

COMMENTS FROM THE AUDIENCE

ADJOURN

---

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.

# MINUTES

**MINUTES**  
**Public Hearing of the College Park City Council**  
**Tuesday, May 14, 2013**  
**7:00 p.m. – 7:05 p.m.**

**13-O-03**

**An Ordinance of the Mayor and Council of the City of College Park to Amend the Fiscal Year 2013 Operating and Capital Budget of the City of College Park, Maryland**

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

**ABSENT:** Councilmembers Wojahn and Stullich

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

Mayor Fellows opened the public hearing on 13-O-03 and invited Mr. Groh to give an overview. Mr. Groh said this Ordinance does two things: 1) Transfers \$20,000 of unused funds from the Planning Department's Matching Funds Operating Budget to the CIP for the Commercial Tenant Improvement Program, to provide a City match for a \$75,000 Community Legacy Grant that we received; 2) Transfers \$1,500,000 from the unassigned reserve to the CIP for the City Hall expansion project to provide additional funding for that project. We have done this over the last two years to accumulate funds to reduce future borrowing. The first item is just a transfer, but the second item reduces the unassigned reserve from 40% to 30%.

**Comments from the audience:**

**Dave Dorsch, 4607 Calvert Road:** He asked for an explanation of the \$1.5 million transfer. Didn't we also do this last year? Is this done each year?

Mr. Groh explained this is additional funding for the City Hall expansion project which is estimated at \$7 – 8 million. Rather than have to borrow that amount, we are transferring funds when available to the CIP to minimize the borrowing. We have approximately \$1.5 million in that account now, and moved \$500,000 for this purpose last year.

There being no further public comment, Mayor Fellows closed the public hearing at 7:05 p.m.

---

Janeen S. Miller, CMC

Date Approved

**MINUTES**  
**Public Hearing of the College Park City Council**  
**Tuesday, May 14, 2013**  
**7:05 p.m. – 7:12 p.m.**

**13-O-04**

**An Ordinance of the Mayor and Council of the City of College Park, Maryland, Amending Chapter 110 “Fees and Penalties” by Repealing and Reenacting §110-1 “Fees and Interests” to Increase the Application Fees for the Occupancy Permits Required by Chapter 144**

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

**ABSENT:** Councilmember Stullich

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

Mayor Fellows opened the public hearing on 13-O-04 at 7:05 p.m. and invited Mr. Groh to give an overview. Mr. Groh said this ordinance increases occupancy permit application fees by 3.6% for all categories. The various increases range from \$1 to \$20, the highest being for fraternities and sororities. Single Family Residences, the largest category of permits, increases by \$9. These fees were last increased on July 1, 2010. If adopted, this ordinance will be effective July 1, 2013.

**Comments from the audience:**

**Dave Dorsch, 4607 Calvert Road:** Why is the Council asking for this increase? With the hundreds of new units that have been completed recently, at a cost of \$125 per unit to inspect, the department should be rolling in money. It was stated that this is to cover 75% of the cost of code enforcement, but why is it proper for rental properties to cover 75% of code enforcement when code enforcement is responsible for all the properties in the city? There are more non-rental properties than rentals. Single Family Rental houses are charged the most to inspect, but does it really take more time to inspect a Single Family Rental than McDonalds? This is discriminatory. If you are trying to work with the landlords, increasing this fee at this time is not viewed as a carrot. Council should explore ways to provide code enforcement more economically.

**Mary Cook, 4705 Kiernan Road:** She rents out her former house in College Park and was debating when to sell it. Looking at the amount they pay in occupancy permit and trash fees, they opted to sell now. Part of the reason is the amount of fees they have to pay.

**Christine Nagle, 9506 52<sup>nd</sup> Avenue:** Wasn't it in the strategic plan to have an overview of code enforcement? She thinks it would be a good idea.

There being no further public comment, Mayor Fellows closed the public hearing at 7:12 p.m.

---

Janeen S. Miller, CMC

Date Approved

**MINUTES**  
**Public Hearing of the College Park City Council**  
**Tuesday, May 14, 2013**  
**7:12 p.m. – 7:30 p.m.**

**13-O-05**

**An Ordinance of the Mayor and Council of the City of College Park to Adopt the Fiscal Year 2014 Operating and Capital Budget of the City of College Park Maryland**

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

**ABSENT:** None.

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

Mayor Fellows opened the public hearing on 13-O-05 at 7:12 p.m. and invited Mr. Groh to give an overview. The packet contains a summary of changes made between the requested budget and this revised budget and includes revised pay tables to reflect a 2% COLA to be effective July 1, 2013.

**Comments from the audience:**

**Dave Dorsch, 4607 Calvert Road:** He expects members of the Council to be mindful of how they spend City money but it doesn't look as if they have done been. The City has increased its taxable base and receives speed camera fines, so with all this revenue, the tax rate should be lowered. He knows the City will not lower the tax rate when the assessments go back up. Council should remove the increase in the student liaison stipend – it is not an elected position and the position should not be paid. The City should eliminate the two part-time code enforcement people. Now is not the time to add them when the City has done so much work the last year looking for ways to reduce noise problems. Council should wait and see what comes of this effort and show good-will toward the landlords. Council should try to get more done with carrots rather than sticks.

**Christine Nagle, 9506 52<sup>nd</sup> Avenue:** It doesn't seem there has been due diligence in looking for ways to cut the budget before coming to the residents for a tax increase. She sees no pattern of cuts or decreases – in fact, she sees increases. Residents haven't seen any changes in their own budgets. Employees can be treated well when times are good, but residents are living on a fixed income and costs are getting higher, and the City is asking for a tax increase. Go back and take a hard look at the budget. Or take it out of the undesignated reserve fund instead of a tax increase.

**Tim Miller, 5119 Niagara Place:** The City should not raise property taxes –you can easily find ways to work within current funds. Have Code Enforcement cut apartment inspections in half, so they are done every-other-year. Don't give employees any raises this year. Eliminate overtime. That would give you the savings so you don't have to increase property taxes. It shouldn't cost \$15,000 to install a sink in the animal shelter – he can do it for less than \$1,500.

**Mary Cook, 4705 Kiernan Road:** She is opposed to any increase in property taxes. The City has no long range vision. If you look at future years you know property tax rates will be increasing – you can see that in the economic swing. People are not getting raises at work, are getting furloughed, and are seeing increases in insurance rates. It's a sad thing to ask residents for more money. Cuts need to be made from every department: you shouldn't ask for new FTEs. The budget is supposed to "create increased value for City tax dollars", but she doesn't think she is getting increased value for her tax dollar.

**David Gray, 7306 Radcliffe Drive:** He is opposed to the property tax increase; the budget does not make a compelling case to justify this increase. If we can move \$1.5M from this budget to pay for a City Hall then there is enough money to cover what you need without raising taxes. We don't need electronic voting machines for elections with 1,100 voters; paper ballots work fine. The budget hasn't gone through any revisions or reductions. You spent \$30,000 to market the Farmers Market...if you have money for that you don't need to come to him with increased taxes.

**Jack Robson, 4710 Harvard Road:** He thinks it is a superb idea to include money in the budget for voting machines. We will discuss it later to see if they are really required. Anyone who just says "throw them out" doesn't really understand what is going on. The election workers have a long day. If anyone has questions, they should contact the Board of Election Supervisors.

There being no further public comment, Mayor Fellows closed the public hearing at 7:30 p.m.

---

Janeen S. Miller, CMC

Date Approved

**MINUTES**  
**Regular Meeting of the College Park City Council**  
**Tuesday, May 14, 2013**  
**7:30 p.m. – 9:09 p.m.**

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

**ABSENT:** None.

**ALSO PRESENT:** Joe Nagro, City Manager; Janeen Miller, City Clerk; Suellen Ferguson, City Attorney; Chantal Cotton, Assistant to the City Manager; Steve Groh, Director of Finance; Terry Schum, Director of Planning; Miriam Bader, Senior Planner; Josh Ratner, Student Liaison.

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

**Minutes:** A motion was made by Councilmember Dennis and seconded by Councilmember Mitchell to adopt the minutes of the Special Session on April 16, 2013 and the Regular Meeting on April 23, 2013. The motion passed 8 – 0 – 0.

**Announcements:**

Councilmember Wojahn announced that Friday, May 17 is Bike To Work Day. The College Park Pit Stop opens at 6:30 a.m. It is a good day to bike to work because traffic will be a mess.

Councilmember Catlin said the Berwyn District Civic Association would hold their monthly meeting on Thursday night at 8:00 p.m.

Councilmember Afzali announced that this weekend is UMD Commencement and several other major events on campus, so traffic will be heavy. WMATA is closing the College Park station for track work, but will provide a bus from West Hyattsville. He said that representatives from the County and State had contacted WMATA about the bad timing of the station closure, to no avail.

Councilmember Wojahn said he spoke to Metro today about the timing of the station closings, and said we should encourage a greater level of communication between WMATA and the University.

Councilmember Mitchell said a lease has been signed for College Park Academy to use St. Marks School for the coming year.

**Amendments to the Agenda:** Possible addition to the agenda on the “Cafritz attorney conflict of interest” depending on how the vote goes tonight.

**City Manager’s Report:** Mr. Nagro announced the Memorial Day holiday on May 27 and discussed details of the City’s event at the Veterans Memorial.

**Student Liaison's Report:** This is Mr. Ratner's final meeting as student liaison. He advised people not to drive on campus this weekend.

**Comments from the Audience on Non-Agenda Items:**

**Jack Robson, 4710 Harvard Road:** As a taxpayer he is concerned that if the University of Maryland buys a property from the new Randolph Macon/Kidwell development, it would come off the tax rolls. He recommends that the City add a "payment-in-lieu-of-taxes" provision if that occurs.

**Charles Sarahan, Box E:** Mr. Sarahan discussed the changing economy, wished the best to the 2013 college graduates, and suggested going to Wisconsin. He expressed his concerns about the results of a poor economy – riots, bankruptcy, shortages of food – and the importance of voting.

**Presentations** – Mayor Fellows presented a gift to departing Student Liaison Josh Ratner. Mr. Ratner made remarks on his year of service to the City.

**CONSENT AGENDA:**

**A motion was made by Councilmember Afzali and seconded by Councilmember Day to adopt the Consent Agenda, which consisted of the following item:**

- 13-G-61 Authorization for free Saturday parking in the Downtown Parking Garage from May 25 – August 17, 2013**

**The motion passed 8 – 0 – 0.**

**ACTION ITEMS**

- 13-O-03 Adoption of 13-O-03, An Ordinance of the Mayor and Council of the City of College Park to Amend the Fiscal Year 2013 Operating and Capital Budget of the City of College Park, Maryland (*Requires 6 affirmative votes*)**

**A motion was made by Councilmember Afzali and seconded by Councilmember Mitchell to adopt Ordinance 13-O-03, An Ordinance Of The Mayor And Council Of The City Of College Park, Maryland To Amend The Fiscal Year 2013 Operating And Capital Budget Of The City Of College Park, Maryland.**

Councilmember Afazli stated that this budget amendment ordinance was introduced on April 23rd and a public hearing was held earlier tonight. The ordinance includes interfund transfers between the General Fund and the Capital Improvement Program, primarily to add additional funding for the City Hall expansion project from the unassigned reserve. The ordinance would reduce the current unassigned reserve balance from 40.6% to 30.4% of the FY 2014 expenditure budget.

There were no comments from the Council.

**The motion passed 8 – 0 – 0.**

**13-O-04 Adoption of 13-O-04, An Ordinance of the Mayor and Council of the City of College Park, Maryland, Amending Chapter 110 “Fees and Penalties” by Repealing and Reenacting §110-1 “Fees and Interests” to Increase the Application Fees for the Occupancy Permits Required by Chapter 144**

**A motion was made by Councilmember Wojahn and seconded by Councilmember Afzali to Adopt Ordinance 13-O-04, An Ordinance Of The Mayor And Council Of The City Of College Park, Maryland, Amending Chapter 110 “Fees And Penalties” By Repealing And Reenacting §110-1 “Fees And Interests” To Increase The Application Fees For The Occupancy Permits Required By Chapter 144.**

Councilmember Wojahn stated that this Ordinance increases occupancy permit application fees by 3.6% in all categories of properties. These fees were last increased July 1, 2010. Increases range from \$1 to \$20 per category with single family rentals increasing \$9. This amendment would be effective July 1, 2013, and the Public Hearing was held earlier this evening. The property tax rate increase that is being proposed will predominately impact the owner-occupied properties. The City is increasing efforts to address concerns surrounding rental properties by raising code enforcement, so it is appropriate that landlords take on some of that burden.

**The motion passed 8 – 0 – 0.**

**13-G-62 Adoption of FY 2014 Action Plan (of the 2010 – 2015 Strategic Plan)**

**A motion was made by Councilmember Mitchell and seconded by Councilmember Afzali to adopt the FY 2014 Action Plan in accordance with the goals of the 2010 – 2015 Strategic Plan.**

Councilmember Mitchell stated that this Action Plan was developed with input from the City Council, staff and residents. At a Public Forum on April 9, the draft was presented to the community for input. The public record stayed open until April 30 to allow time for Council to discuss the draft at neighborhood meetings. Council listened to the community in order to create this comprehensive document which identifies where we would like to be in the future and how we plan to get there. Our annual action plans encourage us to determine what we can accomplish in a year to reach our long term goals. This is the second-to-last year of the 2010-2015 Strategic Plan. We will only have one more action plan to adopt after this one as part of this specific strategic planning effort.

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

**The motion passed 8 – 0 – 0.**

**13-G-63 Approval of a City position on the Cafritz Preliminary Plan of Subdivision 4-13002**

**A motion was made by Councilmember Stulich and seconded by Councilmember Day that the City Council recommend disapproval of the Preliminary Plan of Subdivision 4-13002 for the Cafritz property. Councilmember Stulich read a list of reasons for disapproval into the record.**

**Comments from the Audience:**

**Leo Shapiro, 6907 Rhode Island Avenue:** This is not a process to be rushed; there is no justification for skipping over supposedly binding commitments that have not been met, or for recommending “approval with conditions” when other conditions were not met in the past. Put the interest of our town and your constituents ahead of the financial interests of the Cafritzes; join with University Park to disapprove this application and reassert the objection to any kind of connection between this development and the Calvert Hills neighborhood.

**Larry Taub, Attorney for Cafritz:** He requests support for this application. He disagrees with the basis for this motion and believes they have submitted everything required. They are ready to move forward.

**Stefanie McLaughlin, 4605 Fordham Road:** She said the Council listened to their constituents last year and said “No” to this plan, and she urged them to do the same again tonight.

**Jeanne Jennings, 4617 Clemson:** The developers have to meet the conditions that are set, but they haven’t met many of them. We need to hold together on this – she wants this to remain a wonderful place to live.

**Bonnie McClellan, 9003 Gettysburg Lane:** This whole development has been complicated and difficult. She hopes the Council will give serious thought to what is coming and recommends we vote with University Park to disapprove the project.

Mayor Fellows asked Ms. Schum to review the staff recommendations. Ms. Schum said that staff reviewed all the documents submitted by the applicant after last week’s Worksession and provided an updated staff report. She reviewed each condition. Staff feels that the majority of the conditions are now being addressed by the applicant, or are included in conditions by Park & Planning staff, therefore staff disagrees with the motion on the table and would recommend “approval with conditions”.

Councilmember Stulich said she respects the opinion of our Planning staff and does not like to make a motion that is not fully aligned with them; however in this case, it is the right thing to do. She reviewed each of her reasons for disapproval and responded to Ms. Schum’s comments. She is willing to drop condition ‘25a’ as a reason to deny the application, and wants to add to her motion that the staff’s recommended conditions be incorporated into the motion in the event that the Planning Board chooses to approve the application. These modifications to the motion were made without objection. The final motion reads:

**The City Council recommends disapproval of Preliminary Plan of Subdivision Application 4-13002, Cafritz Property, for the following reasons:**

- 1. Critical information and materials needed as part of the review of the application were missing, revised and/or submitted after the deadlines established by the Maryland-National Capital Park and Planning Commission for receipt of such information.**
- 2. Several conditions that were placed on the property at the time of the rezoning approval, and that are required to be met at the time of application for preliminary plan, have not been satisfied by the Applicant. These are:**
  - A. Condition 5 – this condition requires Historic Preservation Commission (HPC) review of impacts of the proposed development and bridge location on the ERCO Historic Site and adjacent historic districts. The HPC has not provided comments on the bridge location referred to as J.3.300 option, which is not the site shown in the preliminary plan.**
  - B. Condition 25b – this condition requires a funding mechanism to be established; government approval of any public funding prior to detailed site plan; a system of financial assurances or security to ensure completion of the bridge crossing; and a timetable for construction. None of these requirements have been met.**
  - C. Condition 25c – this condition requires letters from CSX and the University of Maryland recommending approval of the bridge crossing as shown on the preliminary plan and identification of any right-of-way acquisition cost. The letters provided by the Applicant do not adequately address this condition.**
  - D. Condition 25d – this condition requires cost estimates to be provided for the design, permitting, construction and land acquisition associated with the bridge crossing as well as government approval of public funding prior to detailed site plan. The specific land to be acquired has not been identified and there has been no appraisal of the land since 2008.**

**In addition, the City Council reaffirms our opposition to any future vehicular connection between the Cafritz property and the Calvert Hills neighborhood. We understand that there continues to be consideration of options for facilitating future vehicular access between the Cafritz property and the Calvert Hill neighborhood of College Park. The City of College Park continues to be opposed to allowing such vehicular access and any easements or other mechanism that would facilitate such access.**

**Finally, if the Planning Board chooses to approve the Preliminary Plan, Council requests their consideration of our Planning Staff's recommended conditions (on pages 7 – 9 of the staff report dated May 14, 2013).**

Councilmember Mitchell supports the disapproval because of her concerns with how this has played out, and the inconsistency with the applicant providing the necessary documentation. She has a problem with how the special taxing district was approved and with the transportation management plan.

Councilmember Wojahn said the owner sat on this property for years and is now rushing to get this approved as quickly as possible, which is harmful. He supports the motion and asks the

developer to take a deep breath and work through the remaining issues. He believes given time they can be resolved, and the Council might then be able to take a position of support.

Councilmember Day said he believes the applicant has not satisfied condition '25c', and has not obtained the needed approvals for the bridge. Therefore, there is a chance the bridge will never be built, and it is too important to this project.

Councilmember Catlin supports staff's recommendations, not the motion on the table. He said all the parties involved in the project are working to deal with the last minute change on the bridge and they have made a lot of progress. The Planning Board and District Council will approve this project because it is mostly in the Town of Riverdale Park and they supported it. We should get our recommended conditions included to protect the City's interests.

Councilmember Afzali said there is a possibility he could get to a position of support, but not at this time. The bridge condition is not final, and it is probably the most important aspect to the City. The University probably will get the Board of Regents support, but it hasn't happened yet. He doesn't understand why the applicant is rushing forward instead of waiting for the outstanding issues to be resolved.

Councilmember Dennis will support the application. Our staff has done yeoman's work in the discussions with the County and he is confident there will be a finished product he can support.

Councilmember Kabir agrees with many points in the motion and is disappointed by the delayed response by the developer at the last Worksession. Much critical information came very late. Our staff has developed a good list of recommendations although there are still many unanswered questions. Therefore, he will abstain.

**Roll Call Vote on the motion to disapprove the Preliminary Plan of Subdivision:**

**Aye: 5**

**Nay: 2 (Dennis, Catlin)**

**Abstain: 1 (Kabir)**

**Motion passes 5 – 2 - 1**

**13-G-64 Approval of a City position on the Cafritz Detailed Site Plan DSP-13009**

**A motion was made by Councilmember Stulich and seconded by Councilmember Day that the City Council recommend disapproval of Detailed Site Plan Application DSP-13009 (Cafritz) for the following reasons: 1) Critical information and materials needed as part of the review of the application were missing, revised and/or submitted after the deadlines established by the Maryland-National Capital Park and Planning Commission for receipt of such information; 2) Several conditions that were placed on the property at the time of rezoning approval, and that are required to be met at the time of application for the preliminary plan, have not been satisfied by the Applicant. If the preliminary plan is not approved, a detailed site plan, by law, cannot be approved. In addition, if the Planning Board does decide to approve the DSP, Council requests that they give full consideration to**

**the recommended conditions contained on pages 11 – 13 of the City Staff Report dated May 14, 2013.**

Councilmember Stullich said a Detailed Site Plan is supposed to show the actual plan, and this one does not. She thinks the developer wasn't ready, and chose instead to submit something as a placeholder, which is not acceptable. If a preliminary plan is not approved, then a detailed site plan cannot be approved, so in order to be consistent, the Council should vote to disapprove the DSP.

There were no comments from the audience.

Councilmember Catlin will oppose the motion; there is not enough specificity. This has happened in other projects in the past, and he believes the Planning Board and District Council will be satisfied with the information that has been provided.

**The motion for disapproval passed 6 – 2 – 0 (Catlin and Dennis opposed).**

#### **13-G-65      Appointments to Boards and Committees**

**A motion was made by Councilmember Wojahn and seconded by Councilmember Afzali to appointment Stephen Brimer to the Education Advisory Committee, Judith Oarr to the Recreation Board, and to reappoint Christiane Williams to the Animal Welfare Committee. The motion passed 8 – 0 - 0.**

#### **13-G-66      Conflict of Interest for Cafritz Attorneys**

Ms. Ferguson explained that because of tonight's vote on the Cafritz Preliminary Plan of Subdivision and Detailed Site Plan, there now exists a conflict of interest between she and her partner, Fred Sussman. University Park and College Park (both represented by Ms. Ferguson) voted to disapprove the PP and DSP, but Fred Sussman represents Riverdale Park, who is supporting the applications. She requests a mutual waiver of the conflict of interest.

**A motion was made by Councilmember Stullich and seconded by Councilmember Day to waive the firm's conflict of interest and allow Fred Sussman to act on behalf of Riverdale Park and waive any conflict that creates, in return for the same waiver from Riverdale Park for Ms. Ferguson, and authorization for a letter to this effect to be signed.**

**The motion passed 8 – 0 – 0.**

**13-G-67 Letter to WMATA about Metro closing on UMD Graduation Weekend**

**A motion was made by Councilmember Afzali and seconded by Councilmember Wojahn to send a letter to WMATA requesting they avoid scheduling track work that would disrupt the College Park station during UMD commencement in future years.**

**The motion passed 8 – 0 – 0.**

**ADJOURN:** A motion was made by Councilmember Stullich and seconded by Councilmember Wojahn to adjourn the regular meeting. Mayor Fellows adjourned the meeting at 9:09 p.m. with a vote of 8 – 0 – 0.

---

|                                     |                  |
|-------------------------------------|------------------|
| Janeen S. Miller, CMC<br>City Clerk | Date<br>Approved |
|-------------------------------------|------------------|

---

Pursuant to §C6-3 of the College Park City Charter, at 7:15 p.m. on May 7, 2013, in the Council Chambers of City Hall, a motion was made by Councilmember Stullich and seconded by Councilmember Dennis to enter into an Executive Session for the following reason:

I. Consider matters related to collective bargaining negotiations

The motion passed 6 – 0 – 0.

**Present:** Mayor Andrew Fellows; Councilmembers Kabir, Catlin, Dennis, Day, Afzali and Mitchell.

**Absent:** Councilmembers Wojahn and Stullich.

**Also Present:** Joe Nagro, City Manager.

**Topics Discussed:** Mr. Nagro updated the City Council on the status of the union negotiations.

**Actions Taken:** None.

**Adjourn:** A motion was made by Councilmember Afzali and seconded by Councilmember Day to adjourn the Executive Session, and with a vote of 6 – 0 – 0, Mayor Fellows adjourned the Executive Session at 7:20 p.m.

13-0-05

**Ordinance to Adopt the FY2014 Operating and Capital Budget**

Mr. Mayor:

I move to adopt Ordinance 13-O-05,

**AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF  
COLLEGE PARK, MARYLAND TO ADOPT THE FISCAL YEAR 2014  
OPERATING AND CAPITAL BUDGET OF THE CITY OF COLLEGE PARK,  
MARYLAND**

Additional comments:

The budget ordinance was introduced on April 23rd and a public hearing was held on May 14th. The ordinance reflects the combination of the FY14 City Manager's requested budget and budget changes made by Mayor & Council during budget worksessions.

Total General Fund revenues of \$14,625,708 include operating revenues of \$14,361,797, an interfund transfer from the Parking Debt Service Fund of \$228,906, and use of unassigned reserve of \$35,005. Total General Fund expenditures are \$14,625,708.

In the Parking Debt Service Fund, total revenues are \$250,000 and total expenditures are \$228,906.

The tax rates for real and personal property tax will be set at 33.5 and 83.8 cents per \$100 of assessed valuation, respectively.

The total 5-year Capital Improvement Program is \$50,959,256.

The budget ordinance will be effective July 1, 2013.

[M&C Action on FY14 Budget 05/28/13]

**Proposed Amendment #1 to FY14 Budget Ordinance**

Mr. Mayor:

I move to amend the FY2014 proposed operating and capital budget for the City of College Park as follows:

1. Add \$15,000 to General Fund expenditures for Public Services-Animal Control to add hot and cold running water and sewer inside the animal shelter at the Public Works yard.
2. Increase the use of unassigned reserve by \$15,000 (from \$35,005 to \$50,005) to offset this addition in expenditures.

Additional comments:

This request came from the Animal Welfare Committee after the requested budget was completed, requesting the addition of hot and cold running water and sewer to the inside of the animal shelter to allow washing and sanitizing of supplies and cleaning at the shelter. Currently, only cold water is available outside the shelter building.

[M&C Action on FY14 Budget 05/28/13]

ORDINANCE 13-O-05

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF  
COLLEGE PARK, MARYLAND TO ADOPT THE FISCAL YEAR 2014  
OPERATING AND CAPITAL BUDGET OF THE CITY OF COLLEGE PARK,  
MARYLAND

BE IT ORDAINED, by the Mayor and Council of the City of College Park, Maryland, that the following sums and amounts are hereby appropriated for the fiscal year beginning July 1, 2013 and ending June 30, 2014, the said revenues being used to defray expenses and operations of the City of College Park, Maryland in accordance with the following schedule:

General Fund

**Revenues**

|                                                      |                      |
|------------------------------------------------------|----------------------|
| Taxes                                                |                      |
| Real Property Taxes                                  | \$ 6,686,166         |
| Personal Property Taxes                              | 730,350              |
| Income Taxes                                         | 1,425,000            |
| Other Local Taxes                                    | 500,000              |
| State Shared Taxes                                   | 252,774              |
| County Shared Taxes                                  | 450,000              |
| Licenses & Permits                                   |                      |
| Business Licenses                                    | 41,000               |
| Other Licenses & Permits                             | 787,436              |
| Utility Franchise Fees                               | 300,000              |
| Intergovernmental                                    |                      |
| Federal Grants                                       | 0                    |
| State Grants                                         | 193,605              |
| County Grants                                        | 14,717               |
| Charges for Services                                 |                      |
| General Government Charges                           | 2,200                |
| Highways & Streets                                   | 528,000              |
| Sanitation & Waste Removal                           | 397,078              |
| Health Charges                                       | 10,000               |
| Fines & Fees                                         |                      |
| Fines                                                | 1,765,900            |
| Miscellaneous Revenues                               |                      |
| Investment Earnings                                  | 94,341               |
| Property & Equipment Rental                          | 180,250              |
| Sale of Fixed Assets                                 | 1,000                |
| Other Revenues                                       | 1,980                |
| <i>Total Operating Revenues</i>                      | <u>\$ 14,361,797</u> |
| Non-Revenue Receipts                                 |                      |
| Interfund Transfer from Parking Debt Service<br>Fund | 228,906              |

Use of Unassigned Reserve 35,005

*Total Revenues* \$ 14,625,708

**Expenditures**

|                                             |                |
|---------------------------------------------|----------------|
| General Government                          | \$ 2,805,921   |
| Public Services                             | 3,705,742      |
| Planning, Community & Economic Development  | 608,385        |
| Youth, Family & Senior Services             | 1,075,746      |
| Public Works                                | 4,940,667      |
| Contingency                                 | 10,000         |
| Debt Service                                | 557,247        |
| Interfund Transfer to Capital Projects Fund | <u>922,000</u> |

*Total Expenditures* \$ 14,625,708

Parking Debt Service Fund

**Revenues**

|                       |               |
|-----------------------|---------------|
| Highways & Streets    |               |
| Parking Meter Revenue | \$ 205,000    |
| Fines                 |               |
| Parking Fines Revenue | <u>45,000</u> |

*Total Revenues* \$ 250,000

**Expenditures**

|                                    |                   |
|------------------------------------|-------------------|
| Interfund Transfer to General Fund | <u>\$ 228,906</u> |
|------------------------------------|-------------------|

*Total Expenditures* \$ 228,906

BE IT FURTHER ORDAINED that:

1. The tax levy be, and the same is hereby set at thirty-three and 5/10 cents (\$0.335) per one hundred dollars (\$100.00) of full value assessment on all taxable real property located within the corporate limits of the City of College Park, Maryland;
2. The tax levy be, and the same is hereby set at eighty-three and 8/10 cents (\$0.838) per one hundred dollars (\$100.00) of full value assessment on all taxable personal property located within the corporate limits of the City of College Park, Maryland;
3. In addition to the projected General Fund operating revenue of \$14,361,797, the sum of \$228,906 is transferred from the Parking Debt Service Fund and the sum of \$35,005 is appropriated from prior years' unassigned fund balance;

4. The net speed enforcement camera revenues, after recovery of the costs of implementing and administering the program, are allocated solely for public safety purposes, including pedestrian safety programs;
5. The above listing of revenues and expenditures represents a summary of the detailed material contained in a document entitled "City Manager's Requested Operating and Capital Budget for Fiscal Year 2014", with amendments; said document and any amendments thereto are incorporated herein by this reference;
6. By adoption of this Ordinance, the FY2014 Pavement Management Plan and the FY2014 Pay Plan (including Job Class Table and Pay Table) contained in the FY2014 requested operating budget with amendments, if any, are hereby adopted by this reference;
7. The Unrestricted Capital Projects Fund and Restricted Capital Projects Fund reserve accounts shall be re-appropriated as required in order to fund the projects included in the Capital Improvement Plan as adopted by this Ordinance;
8. The Capital Budget and the Five Year Capital Improvement Plan for Fiscal Year 2014 in the amount of \$50,959,256, as listed and described in the capital projects fund section of the "City Manager's Requested Operating and Capital Budget for Fiscal Year 2014" with amendments is hereby adopted;
9. The Parking Debt Service Fund is hereby budgeted for fiscal year 2014. This fund was established in fiscal year 2008 to receive 50% of the additional parking meter revenue generated from the FY2008 increase in parking meter rates. Beginning in FY2011, this fund also receives the \$2.50 increase in parking tickets for expired meter and overtime parking. The revenues retained in the Parking Debt Service Fund will be used to offset debt service costs on the parking garage debt;
10. Personal property tax accounts delinquent for a period of ninety (90) days shall be assessed a \$100.00 late payment penalty;
11. Should any section of this Ordinance be determined to be invalid, such invalidity shall not affect any other sections; and
12. This Ordinance shall become effective at the expiration of twenty (20) calendar days following its adoption or July 1, 2013, whichever is later.

AND BE IT FURTHER ORDAINED by the Mayor and Council of the City of College Park, Maryland that, upon introduction of this Ordinance, the City Clerk shall distribute a copy of same to each council member and shall publish a fair summary of this Ordinance in a newspaper having general circulation in the City, together with a notice setting out the time and place for a public hearing hereon and for its consideration by the City Council.

A public hearing will be held on this budget Ordinance at 7:00 p.m. on the 14th day of May, 2013 in the Council Chambers, City Hall, 4500 Knox Road, College Park, Maryland. The public

hearing follows the date the "City Manager's Requested Operating and Capital Budget for Fiscal Year 2014" was available for inspection by the public by at least two (2) weeks, and will be held in connection with a regular Council meeting. All persons interested will have an opportunity to be heard. After the public hearing, the Council may adopt the proposed budget Ordinance, with or without amendment, without the need for further advertising or public hearings.

Introduced on the 23rd day of April, 2013

Adopted on the \_\_\_\_\_ day of May, 2013

Effective on the 1st day of July, 2013

\_\_\_\_\_  
Andrew M. Fellows, Mayor

ATTEST:

\_\_\_\_\_  
Janeen S. Miller, CMC, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Suellen M. Ferguson, City Attorney

**CITY OF COLLEGE PARK, MARYLAND**  
**Summary of Changes between FY2014 Requested and Revised Budgets**  
(not a part of Ordinance 13-O-05)

| Program                                               | Description                                                                                                                                 | Increase<br>(Decrease) |
|-------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------|------------------------|
| Revenues-<br>Unassigned<br>Reserve Transfer<br>399.00 | <b>Use of Unassigned Reserve per Requested Budget</b>                                                                                       | <b>\$ 0</b>            |
| Admin-M&C-1010                                        | Increase M&C salary (for new Council) 10% with fringe benefits, effective 01/01/14 (6 months)                                               | 2,563                  |
| Admin-M&C-1010                                        | Increase student liaison stipend 10%                                                                                                        | 150                    |
| Admin-M&C-1010                                        | Increase cable camera operator from \$125 to \$150 per meeting                                                                              | 1,200                  |
| Admin-City<br>Attorney-1011                           | Decrease litigation from \$25,000 to \$15,000                                                                                               | (10,000)               |
| Admin-Elections<br>Supervisors 1012                   | Increase cable camera operator from \$125 to \$150 for live broadcast of election results                                                   | 25                     |
| Admin-Ethics<br>Commission 1014                       | Increase cable camera operator from \$125 to \$150 for live streaming of pre-election training seminar                                      | 25                     |
| Admin-City<br>Manager-1018                            | Reduce Assistant City Manager to 9 months                                                                                                   | (27,634)               |
| Public Services-<br>Contract Police-<br>2030          | Restore contract police to 7.45 FTE's                                                                                                       | 5,236                  |
| Revenues-<br>Occupancy<br>Permits 323.40              | Increase occupancy permit fees approximately 3.6% to have occupancy permit revenue cover 75% self-support of Code Enforcement program costs | (46,886)               |
| Revenues-Real<br>Property Tax<br>310.10               | Reduce proposed real property tax rate increase by 25% (from 0.340 to 0.335)                                                                | 98,575                 |
| Revenues-PILOT<br>UM CASL<br>Property 310.22          | Reduce proposed real property tax rate increase by 25% (from 0.340 to 0.335 rounded down)                                                   | 737                    |

|                                                       |                                                                                              |                  |
|-------------------------------------------------------|----------------------------------------------------------------------------------------------|------------------|
| Revenues-PILOT<br>Wash Post<br>Property 310.23        | Reduce proposed real property tax rate increase by 25%<br>(from 0.340 to 0.335 rounded down) | 564              |
| Revenues-<br>Personal Property<br>Tax 311.10          | Reduce proposed personal property tax rate increase by<br>25% (from 0.850 to 0.838)          | 10,450           |
| Revenues-<br>Unassigned<br>Reserve Transfer<br>399.00 | <b>Use of Unassigned Reserve per Revised Budget</b>                                          | <b>\$ 35,005</b> |

**13-0-06**

**ORDINANCE**  
**OF THE MAYOR AND COUNCIL OF THE CITY OF COLLEGE PARK, MARYLAND,**  
**AMENDING CITY CODE, CHAPTER 127 “RENT STABILIZATION”, §127-13**  
**“EXPIRATION DATE” TO EXTEND THE EFFECTIVE DATE OF THE RENT**  
**STABILIZATION LAW THROUGH SEPTEMBER 1, 2014.**

**WHEREAS**, pursuant to Md. Code Ann., Art. 23A, §2, the City of College Park, Maryland (hereinafter, the “City”) has the power to pass such ordinances as it deems necessary to protect the health, safety and welfare of the citizens of the municipality; and

**WHEREAS**, in 2005, the Mayor and Council adopted Ordinance 05-O-02, which established in Chapter 127 of the City code a rent stabilization program for the purposes stated in the ordinance; and

**WHEREAS**, Chapter 127 contained a provision in §127-13 that required the law to expire and become null and void after the first day of September, 2009; and

**WHEREAS**, in 2009, the Mayor and Council adopted Ordinance 09-O-06, which extended the rent stabilization program through September 1, 2012 for the reasons set forth in the Ordinance; and

**WHEREAS**, the Mayor and Council adopted Ordinance 12-O-06, for the reasons stated in the Ordinance, which are incorporated herein by reference, to extend the rent stabilization law through the first day of September, 2013; and

**WHEREAS**, the Mayor and City Council have determined that the conditions that the rent stabilization program was designed to address have not yet been resolved, and that additional time is needed to receive the full benefit from the law; and

|                        |                                                                                      |
|------------------------|--------------------------------------------------------------------------------------|
| <u>CAPS</u>            | : Indicate matter added to existing law.                                             |
| Asterisks * * *        | : Indicate matter remaining unchanged in existing law but not set forth in Ordinance |
| <u>UNDERLINED CAPS</u> | : Indicates matter added to Ordinance by amendment.                                  |
| [Brackets]             | : Indicate matter deleted from Ordinance by amendment.                               |

**WHEREAS**, the Mayor and City Council deem it to be in the best interest of the City to extend the rent stabilization program for an additional period in order to ensure the availability and maintenance of affordable housing in the City, to protect the standard of living of all City residents, and to strengthen and stabilize the City’s neighborhoods.

**Section 1. NOW, THEREFORE, BE IT ORDAINED AND ENACTED**, by the Mayor and Council of the City of College Park, Maryland that Chapter 127, “Rent Stabilization”, §127-13 “Expiration Date” be and it is hereby amended to read as follows:

\* \* \* \*

§ 127-13. Expiration date.

This ordinance shall expire and shall be null and void after the first day of September, [2013] 2014. This provision, commonly referred to as a “sunset provision,” is included in this ordinance. The effectiveness of and the necessity for this chapter will be reviewed by the Mayor and City Council within a reasonable time after its adoption.

**Section 2. NOW, THEREFORE, 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 7:00 P.M. on the 18<sup>th</sup> day of June, 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 \_\_\_\_\_ day of \_\_\_\_\_ 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

13-0-07

**ORDINANCE**  
**OF THE MAYOR AND COUNCIL OF THE CITY OF COLLEGE PARK, MARYLAND,**  
**AUTHORIZING THE SALE OF CERTAIN PROPERTY LOCATED IN THE OSAGE**  
**STREET RIGHT OF WAY THAT IS NO LONGER NEEDED FOR ANY PUBLIC USE**

**WHEREAS**, pursuant to Md. Code Ann., Art. 23A, §2, the City of College Park, Maryland (hereinafter, the “City”) has the power to pass such ordinances as it deems necessary to protect the health, safety and welfare of the citizens of the municipality and to prevent and remove nuisances; and

**WHEREAS**, pursuant to Md. Code Ann., Art. 23A, §2(b) 24, the City is pursuant to State law authorized to sell at public or private sale after twenty days' public notice and to convey to the purchaser or purchasers thereof any real or leasehold property belonging to the City when such legislative body determines that the same is no longer needed for any public use; and

**WHEREAS**, an application for a Detailed Site Plan DSP 12034 (“DSP”) and a request for rezoning has been filed by Keane Enterprises, Inc., for the property located at 8315 Baltimore Avenue, College Park, MD (the “Property”); and

**WHEREAS**, the Property is owned and will continue to be owned after the proposed development by Crown Real Properties, L.C.; and

**WHEREAS**, the DSP is dependent upon the use of a portion of the unimproved right of way known as Osage Street, which is contiguous to the Property; and

**WHEREAS**, a 592 square foot portion of the Osage Street right of way, as more particularly described in attached Exhibit A, is owned in fee simple by the City; and

**WHEREAS**, the Applicant has requested that the City sell and convey its interest in the said portion of the Osage Street right of way to Crown Real Properties, L.C.; and

**WHEREAS**, the City has already taken the position that the remainder of the Osage Street right of way is no longer needed for any public purpose; and

**WHEREAS**, the Mayor and Council have determined that the 592 square feet portion of the Osage Street right of way as described in Exhibit A is no longer needed for any public purpose; and

**WHEREAS**, it has been determined by the Mayor and Council that the requested sale and conveyance of the 592 square feet portion of the Osage Street right of way as described in Exhibit A to Crown Real Properties, L.C. for the purpose of enabling the development of the Property as described in the DSP, subject to approval of a DSP acceptable to the City, is in the public interest.

**Section 1. NOW THEREFORE BE IT ORDAINED** by the Mayor and Council of the City of College Park that the 592 square feet portion of the Osage Street right of way as described in Exhibit A is no longer needed for any public purpose; and

**Section 2. BE IT FURTHER RESOLVED** that the sale and conveyance of 592 square feet of Osage Street, as more particularly described in Exhibit A, by quit claim deed for the sum of \$1.00 and other valuable consideration, including that the Property be developed as per an approved DSP that is acceptable to the City, with all costs of the conveyance and recordation to be paid by Crown Real Properties, L.C., be and it is hereby authorized after at least twenty days public notice.

**Section 3. 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 7:00 P.M. on the 18<sup>th</sup> day of June, 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 at the expiration of twenty (20) days after its adoption, 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 28<sup>th</sup> day of May, 2013.

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

**EFFECTIVE** the \_\_\_\_\_ day of \_\_\_\_\_, 2013.

**ATTEST:**

**THE CITY OF COLLEGE PARK,  
MARYLAND**

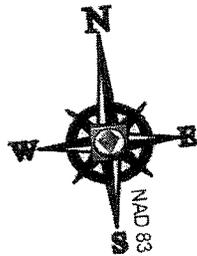
By: \_\_\_\_\_  
Janeen S. Miller, CMC, City Clerk

By: \_\_\_\_\_  
Andrew M. Fellows, Mayor

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

---

Suellen M. Ferguson, City Attorney



BALTIMORE AVENUE - MD RTE. 1  
VARIABLE WIDTH RIGHT-OF-WAY

224.00

214.00

N19°03'44"E 265.78'

N48°48'39"W  
32.34'

P.O.C. 15.33'

LOTS 6-26, 29-37 & PARCEL 121  
GREATER WASHINGTON REALTY  
CORPORATION'S ADDITION TO BERWYN  
LIBER JWB-5 FOLIO 480  
P.B. BDS-1 PG. 14 & 30  
LIBER 2949 FOLIO 367

17

16

LANDS N/F  
CROWN REAL PROPERTIES, L.C.  
LIBER 10926 FOLIO 277 & 281  
TAX MAP GRID 033D1 BLOCK 10

15

N84°46'37"W 423.11'

BERWYN HOUSE ROAD  
VARIABLE WIDTH RIGHT-OF-WAY

S53°02'37"E 76.08'

OSAGE STREET  
55' WIDE RIGHT-OF-WAY

AREA: 592 S.F.  
OR 0.014 AC.

S84°46'37"E 51.46'

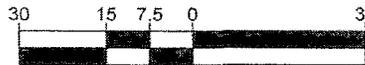
P.O.B.

N53°02'37"W 43.77'

S36°57'23"W  
27.07'



EXHIBIT FOR  
**KEANE ENTERPRISES, INC.**  
OSAGE STREET AND BERWYN HOUSE ROAD  
COLLEGE PARK  
PRINCE GEORGE'S COUNTY, MARYLAND  
SCALE: 1"=30'      DATE: MARCH 11, 2013



1"=30'      SB112007EXB



**BOHLER**  
ENGINEERING

22636 DAVIS DRIVE, SUITE 250  
STERLING, VIRGINIA 20164  
703.709.9500 - 703.709.9501 FAX  
[www.bohlerengineering.com](http://www.bohlerengineering.com)

■ NEW JERSEY   ■ PENNSYLVANIA   ■ NEW YORK   ■ VIRGINIA   ■ MASSACHUSETTS   ■ MARYLAND   ■ FLORIDA

East 100 W

METES AND BOUNDS DESCRIPTION

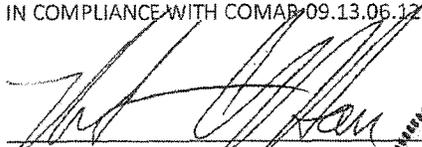
PART OF OSAGE STREET  
55' WIDE RIGHT-OF-WAY  
COLLEGE PARK  
PRINCE GEORGE'S COUNTY, MARYLAND

COMMENCING AT THE SOUTHWEST CORNER OF LOT 15, GREATER WASHINGTON REALITY CORPORATION'S ADDITION TO BERWYN (LIBER JWB-5 FOLIO 480, P.B. BDS-1 PG. 14 & 30, AND LIBER 2949 FOLIO 367), SAID CORNER BEING ON THE NORTHEASTERLY RIGHT-OF-WAY LIMITS OF BERWYN HOUSE ROAD (VARIABLE WIDTH RIGHT-OF-WAY), THENCE WITH SAID NORTHEASTERLY RIGHT-OF-WAY LIMITS, THE FOLLOWING TWO COURSES AND DISTANCES;

- A. SOUTH 84 DEGREES – 46 MINUTES – 37 SECONDS EAST, 15.33 FEET, THENCE;
- B. CONTINUING, SOUTH 53 DEGREES – 02 MINUTES – 37 SECONDS EAST, 76.08 FEET TO THE PLACE OF BEGINNING, THENCE DEPARTING SAID NORTHERLY RIGHT-OF-WAY LIMITS, AND WITH A LINE THROUGH OSAGE STREET (55' WIDE RIGHT-OF-WAY), THE FOLLOWING TWO COURSES AND DISTANCES;
  - 1. SOUTH 84 DEGREES – 46 MINUTES – 37 SECONDS EAST, 51.46 FEET, THENCE;
  - 2. CONTINUING, SOUTH 36 DEGREES – 57 MINUTES – 23 SECONDS WEST, 27.07 FEET TO A POINT ON SAID NORTHEASTERLY RIGHT-OF-WAY LIMITS OF BERWYN HOUSE ROAD, THENCE WITH SAID NORTHEASTERLY RIGHT-OF-WAY LIMITS;
  - 3. NORTH 53 DEGREES – 02 MINUTES – 37 SECONDS WEST, 43.77 FEET TO THE PLACE OF BEGINNING.

CONTAINING 592 SQUARE FEET OR 0.014 ACRES

I HEREBY CERTIFY THAT THE METES AND BOUNDS DESCRIPTION HEREIN WAS PREPARED BY ME PERSONALLY OR UNDER MY DIRECTION AND THAT THIS DESCRIPTION AND ANY SURVEY WORK REFLECTED HEREIN WAS PREPARED IN COMPLIANCE WITH COMAR 09.13.06.12.

  
ROBERT C. HARR, JR.  
STATE OF MARYLAND  
PROFESSIONAL LAND SURVEYOR NO. 21587  
EXPIRATION DATE JANUARY 16, 2015



3-13-13

DATE

**13-0-08**

**ORDINANCE**  
**OF THE MAYOR AND COUNCIL OF THE CITY OF COLLEGE PARK, MARYLAND,**  
**AMENDING CHAPTER 184, "VEHICLES AND TRAFFIC", SECTION 184-11,**  
**"PROHIBITED PARKING" TO PROHIBIT VEHICLES FROM BLOCKING OR**  
**OBSTRUCTING PUBLIC WAYS AND TRAILS**

**WHEREAS**, pursuant to Md. Code Ann., Art. 23A, §2, the City of College Park, Maryland (hereinafter, the "City") has the power to pass such ordinances as it deems necessary to protect the health, safety and welfare of the residents of the municipality; and

**WHEREAS**, the City provides for regulation of the parking of vehicles in Chapter 184, "Vehicles and Traffic" of the City Code; and

**WHEREAS**, the Mayor and Council have determined that it is in the public interest to prohibit parking or standing of vehicles to block or obstruct public ways, trails and other rights of way that are owned, under lease, license or easement, or otherwise controlled and maintained by the City.

**Section 1.** **NOW THEREFORE, BE IT ORDAINED AND ENACTED**, by the Mayor and Council of the City of College Park, Maryland that the title of Chapter 184 "Vehicles and Traffic", §184-11 "Prohibited parking" be, and is hereby, amended, repealed, and re-enacted to read as follows:

§184-11 Prohibited parking.

A. \* \* \* \*

B. No person shall park or allow to be parked any vehicle so as to block any public sidewalk, on any property owned by or under lease, license or easement to the city or on grass or dirt located between the curb and the sidewalk or in any alley or in front of any public driveway or nearer than 15 feet to any fireplug or nearer than 25 feet on the approach side of any stop sign or other traffic sign or nearer than 60 feet on the approach side of any bus stop or nearer any intersecting street than 35 feet from such intersecting street; nor shall any person park any

---

|               |                                                                                      |
|---------------|--------------------------------------------------------------------------------------|
| 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 |
| CAPS          | : Indicate matter added in amendment                                                 |
| [Brackets]    | : Indicate matter deleted in amendment                                               |

automobile or other vehicle in any prohibited area or space designated and indicated by no-parking signs erected under the authority of this chapter; nor shall any person, except a duly authorized taxicab driver who is operating a licensed taxicab, park any automobile or other vehicle in any space designated as a taxi stand and so marked by signs erected under the authority of this chapter. No vehicle shall stand or be parked on any street or passageway so as to block or impede the designated flow of traffic. No person may park or allow to be parked, stand or allow to stand on any city street, roadway or thoroughfare any vehicle headed in a direction other than in the designated flow of traffic. NO PERSON MAY PARK OR ALLOW TO BE PARKED, STAND OR ALLOW TO STAND, ANY VEHICLE SO AS TO BLOCK OR OBSTRUCT ANY PUBLIC WAY, TRAIL OR OTHER RIGHT OF WAY OWNED, UNDER LEASE, LICENSE OR EASEMENT, OR CONTROLLED AND MAINTAINED BY THE CITY.

C. \* \* \* \*

**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 \_\_\_\_\_ P.M. on the \_\_\_\_\_ day of \_\_\_\_\_, 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 \_\_\_\_\_ day of \_\_\_\_\_ 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