

AUGUST 13, 2013
CITY OF COLLEGE PARK
COUNCIL CHAMBERS

7:00 P.M.
ORAL ARGUMENT IN CPV-2013-04
4810 NANTUCKET ROAD

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

(There will be a Closed Session at the end of the Regular Meeting)

MEDITATION

PLEDGE OF ALLEGIANCE: Councilmember Mitchell

ROLL CALL

MINUTES: Special Session on July 9, 2013; Regular Meeting on July 16, 2013, and under separate cover, the confidential minutes of the closed session on July 16, 2013.

ANNOUNCEMENTS

ACKNOWLEDGMENT OF DIGNITARIES

ACKNOWLEDGMENT OF NEWLY APPOINTED BOARD AND COMMITTEE MEMBERS

AWARDS

PROCLAMATION - In Appreciation to Regina Stone-Mitchell, Executive Director, College Park Housing Authority.

AMENDMENTS TO THE AGENDA

CITY MANAGER'S REPORT: Joe Nagro

STUDENT LIAISON'S REPORT

COMMENTS FROM THE AUDIENCE ON NON-AGENDA ITEMS:

PRESENTATIONS

CONSENT AGENDA

13-G-89 Award of FY '14 Miscellaneous Concrete Maintenance and Asphalt Resurfacing (RFP CP-13-01, Optional Year 1 Extension) to NZI Construction Corporation for \$693,000 as follows: \$388,000 for FY '14 concrete maintenance and asphalt resurfacing, plus \$305,000 for the following grant projects, which will be reimbursed to the City:

Motion by:
To: Adopt
Second:
Aye: _____
Nay: _____
Other: _____

- 1) PY 35R for FY 2012 - new streetlights on US 1 (on Knox Road and near Guilford Road) - grant of \$50,000 approved by County March 8, 2012.
- 2) PY 38R for FY2013 – new sidewalks along Knox Road (Yale Ave to Princeton Ave), Lakeland Rd (US1 to Rhode Island Ave) , and Berwyn Rd (US1 to 48th Ave) – grant of \$90,000 approved by County March 8, 2012.
- 3) EDI - Widen sidewalk along US 1 in front of Bagel Place Parking Lot. Estimate \$65,000
- 4) Safe Routes to School phase 3 in Hollywood - grant amount is \$100,000

- 13-R-16 Approval of a Resolution submitting an application to the FY '14 Community Legacy Program for \$75,000
- 13-R-17 Approval of a Resolution submitting an application to the FY '14 Strategic Demolition and Smart Growth Impact Fund for \$125,000
- 13-G-90 Renewal of MOU with University of Maryland Department of Transportation Services to allow City residents to ride the Shuttle UM at a cost to the City of \$6,000

ACTION ITEMS

- | | | |
|---------|--|--|
| 13-G-91 | Approval of a Letter of Agreement with State Highway Administration for a feasibility study (to be conducted by KCI Technologies) for undergrounding utilities on US 1, from College Avenue to MD 193 | Motion by: Afzali To: Adopt Second: Aye: ___ Nay: ___ Other: _____ |
| 13-G-92 | Approval of a letter to the Prince George's County Board of License Commissioners (BOLC) with City comments for the September 4, 2013 Show Cause Hearing re: Big Play Sports Grill for non-compliance with security plan | Motion by: Day To: Adopt Second: Aye: ___ Nay: ___ Other: _____ |
| 13-G-93 | Appointments to Boards and Committees | Motion by: To: Approve Second: Aye: ___ Nay: ___ Other: _____ |

COUNCIL COMMENTS

COMMENTS FROM THE AUDIENCE

ADJOURN FROM REGULAR MEETING

CLOSED SESSION

1. To consult with Counsel on a Legal Matter
2. To Discuss a Personnel Matter

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.

7:00 P.M.
ORAL
ARGUMENT
CPV-2013-04

**RECORD PROVIDED
SEPARATELY--
PLEASE BRING IT
WITH YOU**

MINUTES

MINUTES
Special Session of the College Park City Council
Council Chambers
Tuesday, July 9, 2013
7:48 p.m. – 8:00 p.m.

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

ABSENT: Councilmembers Day and Mitchell.

ALSO PRESENT: Joseph Nagro, City Manager; Suellen Ferguson, City Attorney; Janeen Miller, City Clerk; Michael Stiefvater, Economic Development Coordinator; Terry Schum, Director of Planning; Jill Clements, Director of Human Resources; Jeanne Ripley, Code Enforcement Manager; Leo Thomas, Deputy Director of Finance; Jim Miller, Parking Enforcement Manager; Steve Halpern, City Engineer.

During a regularly scheduled Worksession of the College Park City Council, a motion was made by Councilmember Afzali and seconded by Councilmember Wojahn to enter into a Special Session. The Special Session was advertised on the meeting agenda. The motion carried 6 – 0 – 0 and the Council entered into the Special Session at 7:48 p.m.

Action Items:

13-G-78 Sunday Field Use Request by Berwyn Baptist Church for a concert at Duvall Field on July 14 from 1 – 3:30 p.m.

A motion was made by Councilmember Wojahn and seconded by Councilmember Catlin to approve the request by Berwyn Baptist Church for Sunday use of Duvall Field on July 14.

There were no comments from the audience or from the Council

The motion carried 6 – 0 – 0.

13-G-79 Comments on CB-51-2013: Commercial Zones – Day Care Centers for Children

Terry Schum provided an overview of this County bill, and advised that comments are due to the PZED Committee by Monday, July 15. It appears that the bill would prohibit Day Care Centers in C-S-C zones, which would apply to the Mentor Learning Center in Hollywood, and would require any day care centers in those zones to cease operation by July 1, 2018. Staff needs more information from the County to understand exactly how this would be implemented – no background was provided with the bill. Without further information, Staff recommends opposition at this time.

A motion was made by Councilmember Wojahn and seconded by Councilmember Kabir to send a letter to PZED in opposition to the bill and for staff to contact our county representatives for the reasoning behind the bill.

There were no comments from the audience.

The motion passed 6 – 0 – 0.

13-G-80 Reinstatement Member to the Advisory Planning Commission

A motion was made by Councilmember Catlin and seconded by Councilmember Dennis to reinstate Rose Colby to the Advisory Planning Commission.

Mayor Fellows explained that a member of the Advisory Planning Commission did not submit her Ethics form to the City by the deadline, and was therefore removed from the Commission. She apologized for the delay, has now submitted her form, and has requested reinstatement to the APC.

A motion was made by Councilmember Catlin and seconded by Councilmember Dennis to reinstate Rose Colby to the APC.

There were no comments from the audience or the Council.

The motion passed 6 – 0 – 0.

Adjourn: A motion was made by Councilmember Afzali and seconded by Councilmember Wojahn to adjourn the Special Session. With a vote of 6 – 0 – 0, the Special Session was adjourned at 8:00 p.m.

Janeen S. Miller
City Clerk

Date
Approved

MINUTES
Regular Meeting of the College Park City Council
Tuesday, July 16, 2013
7:42 p.m. – 8:47 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; Terry Schum, Director of Planning; Robert Stumpff, Director of Public Works; Jill Clements, Director of Human Resources; Steve Groh, Director of Finance; Steve Halpern, City Engineer

Mayor Fellows opened the meeting at 7:42 p.m. following a reception to honor the service of Mayor Joe Page. Councilmember Afzali led the Pledge of Allegiance.

Minutes: A motion was made by Councilmember Dennis and seconded by Councilmember Mitchell to adopt the minutes of the Regular Meeting on June 18, 2013; the three public hearings on June 18 on Ordinances 13-O-06, 13-O-07 and 13-O-08; and the confidential minutes of closed sessions on March 12, April 23, May 7 and June 18, 2013. The motion passed 8 – 0 – 0.

Announcements:

Councilmember Dennis announced National Night Out plans in the Lakeland Community: meet at the community park at 6:00 p.m.

Councilmember Wojahn said the next College Park Day planning meeting will be on July 25 at 7:00 p.m. at the College Park Community Center. College Park Day will be held on October 19 at the Wells Ice Rink to make it more Metro accessible. He is looking for volunteers to be on the planning committee.

Amendments to the Agenda: 1) Mayor Fellows added the “re-affirmation of a Resolution of the Mayor and Council” to the end of the agenda. 2) Councilmember Stullich removed 13-G-86, letter to M-NCPPC on Plan Prince George’s 2035. This may return at a future date. 3) Councilmember Wojahn moved 13-G-85, Highway User Revenue Grant Application, to the consent agenda.

City Manager’s Report: Mr. Nagro reminded everyone about the summer meeting schedule: the next meeting is a Worksession on Wednesday, August 7. He also discussed the funeral arrangements for Don Byrd.

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

- 13-G-81 Ratification of a Memorandum of Understanding (MOU) with Prince George's County for the Installation of Rectangular Rapid Flashing Beacon (RRFB) along Rhode Island Avenue (County Right-of-Way).**
- 13-G-82 Approval of a request by the Downtown College Park Management Authority for free evening parking in the Downtown Parking Garage during restaurant week (August 12 – 16, 2013).**
- 13-R-11 Resolution Of The Mayor And Council Of The City Of College Park, Maryland Adopting The Recommendations Of The Advisory Planning Commission Regarding Variance Application Number CPV-2013-03, 8705 48th Place, College Park, Maryland, Recommending Denial Of A Variance From Section 27-442 (E) Table IV Of The Prince George's County Zoning Ordinance For Sideyard Setback For Construction Of A Deck And Recommending Approval Of A Variance From Front And Sideyard Setbacks For The Existing House**
- 13-G-83 Award of a contract to M. T. Laney Company, Inc., in an amount not to exceed \$150,000, for milling and paving the remainder of those streets they are restoring for WSSC. This award is subject to the approval of a contract by the City Attorney and rides WSSC's competitively bid "Solicitation No. 5686" dated April 20, 2011. The City Manager is authorized to sign the contract.**
- 13-G-84 Approval of Declaration of Covenants and Agreement Regarding Land Use between The City of College Park and PPC/CHP Maryland Limited Partnership, Mazza Family College Park, LLC, for maintenance of pedestrian streetlights on the property**
- 13-G-85 Approval of a one-time Grant Application to SHA for participation in the Highway User Revenue appropriation, and certifying that the City agrees to expend the funds only for permitted uses.**

The motion passed 8 – 0 – 0.

ACTION ITEMS

- 13-R-13 Adoption Of 13-R-13, A Resolution Of The Mayor And City Council Of The City Of College Park, Maryland, To Authorize The City To Join The State Retirement And Pension System Of Maryland**

A motion was made by Councilmember Stullich and seconded by Councilmember Day to adopt Resolution 13-R-13 to authorize the City of College Park to join the State Retirement and Pension System of Maryland as of July 1, 2014 on such terms and conditions as the State may prescribe; and to purchase fifty (50) percent of past service credit at an actuarially determined cost of \$1,463,914, subject to adjustment of no more than five (5) percent to reflect entry on that date.

Councilmember Stulich said that since April 2013, City administration has been discussing with the Mayor and Council the possibility of the City joining the Maryland State Retirement and Pension System. Following a careful review of the retirement and pension benefits paid by other municipalities, comparison of the City's current plans with other options that might be available, and a thorough presentation of the pros and cons of the City's current plans and the State's plan, City administration recommended joining the Maryland State Retirement and Pension System.

From the data presented, it is clear that the City's 401(a) and 457 plans do not provide an adequate benefit to enable our long-term employees to retire. In addition, many of the City's employees are not able to effectively manage their 401 savings and investments through the defined contribution approach. A defined benefit plan, alternatively, provides a formula for guaranteed payment throughout retirement, to solve the problem that might otherwise occur where employees run out of money when they enter their older years. The State's defined benefit plan for municipal employees is the only defined benefit plan that is feasible for us to join; creating our own defined benefit plan would also be cost prohibitive.

The annual cost of the Plan will vary from year to year. Required employer contributions for FY 2014 would be 6.47% of base salary, which is slightly less than the 6.5% the City currently contributes to the 401(a) plan. Eligible employees would have to contribute 7% of their base salary. The City would purchase 50% of past service credit for City employees, which would cost approximately \$1.5 million. This one-time expense would be paid by borrowing from current City reserves, and repaid over five years at an annual cost of approximately \$300,000. Once that loan is repaid, the City would continue only the annual percentage contribution, and the employee would also contribute to the plan.

The *Maryland State Retirement and Pension System Annual Actuarial Valuation Report* that was provided by the independent actuarial firm indicated that the total funded ratio for the Employees' Combined System is 76%. Since 2011, the State has made reforms to assure that the entire System will be fully funded by 2023.

Adopting this resolution would be the first step in a process to join the Maryland State Plan. The next step would be to educate employees and obtain a commitment to participate from at least 60% of eligible employees. Because we are proposing to purchase less than 100% of past service, the State Legislature must pass a bill to allow us to enter the Plan, which is another future step.

If we join this Plan, eligible City employees would have a guaranteed pension benefit following a career with the City and the required minimum service period. That is a benefit of great value that they don't currently have, and, as we have seen, a large majority of our neighboring municipalities are already providing to their employees.

Councilmember Afzali stated that it is the will of the Council that staff members who are present tonight feel comfortable commenting on this issue.

Comments from the audience:

Tim Miller, 5119 Niagara Place: Why are we talking about a pension system – it is like a dinosaur; businesses have gotten rid of it because it is too costly. The plan has shown it is not cost beneficial to governments. Counties and states have had to raise taxes or declare bankruptcy to fund retirement obligations. Why are we playing the nanny? If you can't provide for yourself in your retirement, it is not his problem. If you want to retire and live in squalor, that's on you. He is not spending money on lavish vacations so that he can put that money back into a 401(k), not a pension. He is planning for his own retirement. We really want to take money out of our reserve? What are we going to do in the future – raise his taxes? He is already paying enough. It is their choice, to save or not to save.

Morgan Gale, 13352 Moonlight Trail Drive, Silver Spring: He supports this measure because we have really good employees in the City, and he would like to see them be retained. Does the Council think this will help the City be competitive with other municipalities to retain the good employees and attract new ones?

John James, 4906 Blackfoot Road: 46 year resident and 25 year employee of the City. When he began, the City contributed 5% to the 401, then 6%, now 6.5%. The first year he got a contribution of \$1,200. The funds are invested in mutual funds, tied to the stock market. There were good and bad years, but after 25 years, he has \$82,000 in his 401. When he retires, if he takes out 10% per year, or about \$833/month, which is what he would need to cover his health care, he will exhaust the funds in 8 years. On the other hand, the state retirement plan takes the guess work out of where to put your money. Most people here are not investment strategists. ICMA-RC is limited in how it advises employees. The State plan does not put the benefit at the mercy of the stock market. You contribute a certain amount of money over a certain number of years, and the state formula does the rest. When news got out that this plan was being considered, the employees became very interested. He hopes federal, state and county employees who have pensions will be sympathetic to this cause. This will help employees now and in the future to retire with some sense of security.

Tracey Clayton, 9739 Narragansett Parkway: She is here to put a face to the City's workforce. She has worked and lived in the City for 14 years; this will probably be the organization she retires from. We often hear that we are a great workforce for our residents and we are very proud of that, so she can't fathom how people would not want the individuals who have dedicated themselves to this organization to be properly compensated in their retirement. This would enhance the City's benefit package and attract new people to work for the City. Like everyone else here, she looks forward to a viable life in retirement. Voting to include the City in the Maryland Retirement Plan will be a boost to ensure that dedicated employees can enter their retirement years with a sense of security by having a pension.

Lawrence Bleau, 4901 Niagara Road: He is speaking against this resolution given the economic downturn and his concern about the future financial liability. Individuals can contribute more to the plan – it is a personal decision. It will cost employees 7% which is in effect a pay cut. The next time raises are due, employees are going to want a 7% increase. Instead, why doesn't the City give each employee 7% off the top, so there is no future liability. The City can provide financial advice free-of-charge to help them manage their funds.

Councilmember Catlin is opposed to this motion. We have made adjustments in the past to enhance employees' retirement benefits and he is open to doing that again. Two issues: whether the City should join a defined benefit plan which is going out of favor, and whether the Maryland Retirement system is the vehicle to use. According to the Moody's analysis, Maryland is the 9th worst funded system in the Country. He is skeptical of the reforms the state has made to achieve full funding. The system assumes a return rate that is too high. He thinks there is a lot of risk and can't believe there isn't a better way to do it.

Councilmember Wojahn said he has respect for City employees and does not mean to disparage their good work with his remarks. He believes in providing generous benefits and pay to City employees and that we should do what we can to make sure our employees can retire comfortably. However, we are here to act as stewards of taxpayer funds and he doesn't believe this is the appropriate way to do that. A defined-contribution plan can do better for employees when the economy is doing well. He questions the calculations that were used. Given the current financial situation, now is not the time to undertake the risk. He voted against giving a tax credit to a developer last month and doesn't want to continue to give money away. We may continue to face significant challenges over the next five years. We don't know what's going to happen with the Maryland State retirement plan down the road.

Councilmember Kabir also thanked employees for their hard work, but he heard from many residents who were concerned about the upfront cost to support this plan which comes from the tax payers. He has seen a lot of opposition to this plan from the North College Park Citizens Association and he needs to be respectful of them. The defined benefit plan is becoming less popular because of the risk. He will oppose the motion. He believes we should find other ways to support our employees.

Mayor Fellows respects the concerns of the citizens who have expressed their opposition. He thinks of this in terms of an investment, not only for existing employees but also for the future of the City and of the employees that we will be hiring. If we want to be competitive as a municipality it's important to be able to compete with neighboring municipalities, and most do have Defined Benefit packages. Recently Berwyn Heights and University Park went to a Defined Benefit Plan in a way that made fiscal sense for them. We asked our staff to explore what plan made the most sense for us, and they did a good job of researching how we could do this in a fiscally prudent way. He agrees that we should be very careful with our tax dollars and believes this is a sound investment for our future.

Councilmember Stulich said the City's largest and most valuable resource is its employees. Councilmembers rely on staff to help with myriad constituent requests. Our current plans are not providing enough. When we look at the average that employees in the 51 – 60 age range have saved in both the 457 and 401 plans, the average savings is \$65,000. Can you imagine retiring with that amount of money? With an annuity, that generates a monthly income of \$357/month – how can they survive? While other comparable municipalities do participate in defined benefit plans, some private companies are moving away from them, and she is concerned that will harm a lot of Americans down the road, because they will exhaust their 401(k) savings and they will end up in poverty as they are aging, then end up on public assistance, so we will all end up paying another way. Many neighboring municipalities are part of the Maryland plan. People are asking if we can afford this. The answer is yes, we can afford this. The one-time amount of

\$1.5M we will borrow from our reserve and repay over five years. We are not going below the required minimum of our reserve. That amounts to about 2% of our budget. Are we going to say we can't spend 2% of our budget to protect our employees from the risk of falling into poverty as they age? It is a no-brainer – we can and should do this. No one wants to pay taxes. This is a very fiscally conservative government. Although we increased the tax rate, the total tax bill did not increase because of lower assessments. If we appreciate the hard work of our City employees, what does it mean to appreciate them? What do we think will happen to someone who works all their life in the City and retires with a lump sum of \$80,000? That person will likely end up in poverty. We can't continue to operate this way. We have to do the responsible thing.

Councilmember Mitchell said City staff provides services to our residents on a daily basis. We want to make sure we invest in our employees and attract prospective employees. We need to look toward the future – how do we sustain ourselves and keep good employees in College Park.

Councilmember Day seconded this because it is an important discussion, but he needs to hear from the people he is going to affect by this decision: the employees. We haven't heard from them; that piece is missing.

Councilmember Dennis is supporting this motion. He appreciates the staff and the behind-the-scenes work that they do. To Councilmember Day's comment: a part of this plan is that the employees will have an education session about the plan after this resolution is adopted, and 60% of the employees must agree before it will go forward.

Councilmember Afzali has been undecided on this issue. We need to look beyond the City issue and look at it as a societal issue. We saw how much our average employee has in their retirement plan, and it is not enough. That is not exclusive to this City. Do we want to pay up front, or later, after they are retired: either way, we are going to pay. He is uncomfortable with defined benefit plans because of the liability and risk, but he can't support a plan that won't allow people to retire.

Roll Call Vote:

Yes: Mitchell, Afzali, Day, Stulich, Dennis

No: Catlin, Wojahn, Kabir

The motion passes.

13-G-87 Letter to Prince George's County in support of CB-48-2013 – Convenience Stores and Gas Stations – Public Safety

A motion was made by Councilmember Wojahn and seconded by Councilmember Day to send a letter to the County in support of CB-48-2013 which requires convenience stores and gas stations open from 11 p.m. to 6 a.m. to take certain security measures to ensure public safety.

Councilmember Wojahn said this bill was introduced by County Council Member Olson and requires certain business that are open from 11 p.m. - 6 a.m. to register, provide additional training for their employees, use drop boxes and security cameras. This is not only for the store employees but also for residents who might be in the store.

There were no comments from the audience.

The motion passed 8 – 0 – 0.

13-O-09 Introduction of 13-O-09, An Ordinance Of The Mayor And Council Of The City Of College Park, Maryland, Amending Chapter 125 “Housing Regulations” By Repealing And Reenacting §125-8 “Maintenance Of Dwellings” To Require That Roofs Be Covered With Materials Designed For Use As A Permanent Roofing Surface.

A motion was made by Councilmember Wojahn and seconded by Councilmember Kabir to introduce 13-O-09, An Ordinance Of The Mayor And Council Of The City Of College Park, Maryland, Amending Chapter 125 “Housing Regulations” By Repealing And Reenacting §125-8 “Maintenance Of Dwellings” To Require That Roofs Be Covered With Materials Designed For Use As A Permanent Roofing Surface.

Mayor Fellows said the Public Hearing will be held September 10 at 7:15 p.m.

13-G-88 Appointments to Boards and Committees

Mayor Fellows recognized Patrick Brennan who was recently appointed to the Sustainable Maryland Certified Green Team, and thanked him for his service.

A motion was made by Councilmember Wojahn and seconded by Councilmember Stullich to reappoint Alan Bradford to the Ethics Commission and to appoint Janet Evander to the Board of Election Supervisors. The motion passed 8 – 0 – 0.

13-R-14 Reaffirmation of 04-R-35: Opposition to the University of Maryland Connector Road

A motion was made by Councilmember Stullich and seconded by Councilmember Mitchell to send a letter to the University of Maryland reaffirming the position taken in 2004 in opposition to the UM Connector Road.

Mayor Fellows read the 2004 Resolution expressing the City’s opposition to the UM Connector Road. He said the connector road was a live proposal at that time, and the City rose up in opposition because we recognized how injurious it would be. We recently became aware that this proposal was being considered again which caused great alarm and concern with the Mayor

and Council as well as many residents. This motion is to reaffirm the City's opposition to the concept of a connector road.

Councilmember Stulich said that we need to revitalize our main street – Route 1. We can't allow resources to be scattered to other priorities. It would be a terrible mistake because it would undermine our goal to revitalize our downtown.

Councilmember Mitchell said a connector road would negatively impact District 4 and those residents are strongly opposed.

The motion carried 8 – 0 – 0.

COUNCIL COMMENTS:

Mayor Fellows appointed a subcommittee to review the nominations for the Jack Perry Award. Mr. Nagro will appoint a staff person to serve with Mr. Catlin, and a member from the Perry family.

Councilmembers Stulich and Day thanked Mr. Halpern for his efforts to have curb-to-curb repaving completed after the WSSC work in College Park Estates and Yarrow.

ADJOURN: A motion was made by Councilmember Stulich and seconded by Councilmember Dennis to adjourn from the Regular Meeting into a Worksession for discussion of the following topics:

1. Update from Frank Brewer, Executive Director, College Park City-University Partnership, on recent Partnership activities and budget.
2. Discussion with Omar Blaik, President, U3 Ventures, on the University's vision for Downtown Redevelopment

Mayor Fellows also announced that there is a possibility of a closed session during part of this discussion to:

- 1) Consider the acquisition or sale of real property for a public purpose
- 2) Consider a matter that concerns the proposal for a business to locate in the County

The motion passed 8 – 0 – 0 and the Regular Meeting ended at 8:47 p.m. Mayor Fellows said the Worksession would begin after a short recess.

Janeen S. Miller, CMC
City Clerk

Date
Approved

Pursuant to §C6-3 of the College Park City Charter, at 9:34 p.m. on July 16, 2013, in the Council Chambers of City Hall, a motion was made by Councilmember Kabir and seconded by Councilmember Stullich to enter into an Executive Session for the following reasons:

- C: Consider the acquisition or sale of real property for a public purpose.
- D: Consider a matter that concerns the proposal for a business to locate in the County.

The motion passed 8 – 0 – 0.

Present: Mayor Andrew Fellows; Councilmembers Kabir, Wojahn, Catlin, Dennis, Stullich, Day, Afzali and Mitchell. Councilmember Mitchell left before the conclusion of the closed session.

Absent: None.

Also Present: Joe Nagro, City Manager; Janeen Miller, City Clerk; Suellen Ferguson, City Attorney; Terry Schum, Director of Planning; Omar Blaik, U3 Ventures; Sen. Jim Rosapepe, Councilmember Eric Olson, Frank Brewer, Carlo Colella, Ann Martens, Steve Bráyman, Steve Groh, Julie Beavers.

Topics Discussed: Downtown redevelopment and locations for the charter school.

Actions Taken: None.

Adjourn: A motion was made by Councilmember Kabir and seconded by Councilmember Wojahn to adjourn the Executive Session, and with a vote of 7 – 0 – 0, Mayor Fellows adjourned the Executive Session at 11:10 p.m.

PROCLAMATION

**A PROCLAMATION OF
THE MAYOR AND COUNCIL OF THE
CITY OF COLLEGE PARK, MARYLAND
THANKING REGINA STONE-MITCHELL
FOR HER SERVICE AS EXECUTIVE DIRECTOR
OF THE COLLEGE PARK HOUSING AUTHORITY**

WHEREAS, Regina Stone-Mitchell has faithfully served the residents of Attick Towers as their Executive Director for the past 11 years, and

WHEREAS, Regina Stone-Mitchell used her considerable knowledge of the issues, needs, and concerns of the elderly and the handicapped for the betterment of those who have chosen Attick Towers as their home, and

WHEREAS, despite challenging budgetary conditions, Regina Stone-Mitchell has managed to maintain financial stability, growth, and a sense of well-being at Attick Towers, and

WHEREAS, throughout her tenure, Attick Towers has consistently earned a “high performer” status from the Department of Housing and Urban Development, and

WHEREAS, because Regina Stone-Mitchell has cultivated a national following, a spotlight has been focused on the College Park Housing Authority and the City of College Park for the good that is public housing, and

WHEREAS, her dedication to the WorkLive College Park program has proven beneficial to the entire College Park community, and

WHEREAS, Regina Stone-Mitchell has served not only the residents of Attick Towers but also the College Park community at-large with dignity and respect, and

WHEREAS, her many and varied accomplishments remain as a reminder that she walked and worked among us and made us proud.

NOW, THEREFORE, be it proclaimed that I, Andrew M. Fellows, as Mayor of the City of College Park, Maryland, join Regina Stone-Mitchell’s colleagues, friends and residents of Attick Towers, in thanking her for her exemplary service and in extending the best wishes of the City Council, City staff and residents to Regina in all her future endeavors.

PROCLAIMED THIS _____ DAY OF _____, 2013.

Andrew M. Fellows, Mayor
City of College Park, Maryland

13-G-89

MEMORANDUM

To: Joe Nagro, City Manager 
From: Steven E. Halpern, P.E. 
Date: August 7, 2012
Subject: Award of Miscellaneous Concrete Maintenance and Asphalt Resurfacing RFP
CP-13-01 – Contract Option with NZI Construction Corporation for FY14.

Background

On Thursday May 24, 2012, at 2:00 p.m. sealed bids were opened for the Miscellaneous Concrete Maintenance and Asphalt Resurfacing project. NZI Corporation was awarded the base contract for FY13. The CP-13-01 contract is a one year contract with 3 optional 1 year extensions.

NZI Construction Corporation has agreed to maintain their current unit prices. The term of this option is from July 1, 2013 to June 30, 2014.

We have projected that we will spend about \$388,000 in FY14 in the optional 1 year. Additionally, we anticipate adding to this contract the follow grant projects:

- PY 35R for FY 2012 - new streetlights along US 1 (on Knox Rd at US 1 and in front of the former Showcase Furniture building near Guilford Road)-- grant is \$50,000- Approved by County March 8, 2012
- PY 38R for FY2013 – new sidewalks along Knox Rd (Yale Ave to Princeton Ave), Lakeland Rd (US1 to Rhode Island Ave) , and Berwyn Rd (US1 to 48th Ave)-- grant is \$90,000 - Approved by County March 8, 2012
- EDI -- Widen sidewalk along US 1 in front of Bagel Place Parking Lot. Estimate \$65,000
- Safe Routes to School phase 3 in the Hollywood neighborhood. The Grant amount is \$100,000

The estimated total contract value for FY14 is \$693,000 in which the City will be reimbursed \$305,000 in grants.

NZI Construction Corporation was the successful bidder for our previous contract, CP-09-01. Their current work performance under the CP-13-01 contract has been exceptional.

Funding source: Fund 301 Unrestricted C.I.P. Reserve.

Recommendation

Based on staff's review of the subject contract performance it is recommended that Contract CP-13-01 (Option 1) Miscellaneous Concrete Maintenance and Asphalt Resurfacing be awarded to NZI Construction Corp., Inc., for \$693,000

13-R-16

Resolution of the Mayor and Council of the City of College Park, Maryland approving the application and receipt of financing for a Community Legacy Project (the "Project") further described in the Community Legacy Application ("the Application"), to be financed either directly by the Department of Housing and Community Development (the "Department") of the State of Maryland or through other departments or agencies of the State of Maryland

WHEREAS, the Mayor and Council of the City of College Park recognize that there is a significant need for reinvestment and revitalization of the communities in Prince George's County; and

WHEREAS, the Department, either through Community Legacy or through other Programs of the Department, or in cooperation with other State departments or agencies, may provide some or all of the financing for the Project (the "Project Financing") in order to assist in making it financially feasible; and

WHEREAS, the Project is located within a priority funding area under Section 5-7B-02 of the Smart Growth Act and the Project will conform to the local zoning code; and

WHEREAS, the applicable law and regulations require approval of the Community Legacy Project and the Project Financing by the City of College Park and, where appropriate, by the chief elected executive official of the local subdivision;

NOW, THEREFORE BE IT RESOLVED THAT, the Mayor and Council of the City of College Park hereby endorse the Project; and, **HEREBY** approve the request for financial assistance in the form of a grant or loan, up to the amount of \$75,000; and

BE IT FURTHER RESOLVED THAT, the Mayor be, and is hereby requested to endorse this Resolution, thereby indicating his approval thereof; and,

BE IT FURTHER RESOLVED THAT, the City Manager is hereby authorized to execute documents and take any action necessary to carry out the intent of these resolutions; and,

BE IT FURTHER RESOLVED THAT, copies of this Resolution are sent to the Secretary of the Department of Housing and Community Development of the State of Maryland.

READ AND PASSED THIS 13th day of August, 2013.

BY ORDER: I hereby certify that Resolution Number 13-R-16 is true and correct and duly adopted by the Mayor and Council of the City of College Park, Maryland.

ATTEST/WITNESS: CITY OF COLLEGE PARK, MARYLAND

By: _____
Andrew M. Fellows, Mayor
Date: August 13, 2013

13-R-17

Resolution of the Mayor and Council of the City of College Park approving the application and receipt of financing for a Strategic Demolition & Smart Growth Impact Fund project in College Park, Maryland (the "Project") to be funded by the Department of Housing and Community Development of the State of Maryland (the "Department"), or through other departments or agencies of the State of Maryland.

WHEREAS, the Mayor and Council of the City of College Park recognize that there is a significant need for reinvestment and revitalization of the communities in College Park, Maryland; and

WHEREAS, the Department, through Strategic Demolition & Smart Growth Impact Fund or other programs of the Department, or in cooperation with other State departments or agencies, may provide some or all of the financing for the Project (the "Project Financing") to make the Project financially feasible; and

WHEREAS, the Project is located within a priority funding area under Section 5-7B-02 of the Smart Growth Act, is located in a Sustainable Community, as identified in the Sustainable Communities Act of 2010, and the Project will conform to the local zoning code; and

WHEREAS, the applicable law and regulations require approval of the Project and the Project Financing by the City of College Park and, where appropriate, by the chief elected executive official of the local subdivision;

NOW, THEREFORE BE IT RESOLVED THAT, the Mayor and Council of the City of College Park hereby endorse the Project; and, **HEREBY** approve the request for financial assistance in the form of a grant or loan, up to the amount of \$125,000; and

BE IT FURTHER RESOLVED THAT, the Mayor be, and is hereby requested to endorse this Resolution, thereby indicating his approval thereof; and,

BE IT FURTHER RESOLVED THAT, the City Manager is hereby authorized to execute documents and take any action necessary to carry out the intent of these resolutions; and,

BE IT FURTHER RESOLVED THAT, copies of this Resolution are sent to the Secretary of the Department of Housing and Community Development of the State of Maryland.

READ AND PASSED THIS 13th day of August, 2013.

BY ORDER: I hereby certify that Resolution Number 13-R-17 is true and correct and duly adopted by the Mayor and Council of the City of College Park.

ATTEST/WITNESS:

CITY OF COLLEGE PARK, MARYLAND

By: _____

Andrew M. Fellows, Mayor

Date: August 13, 2013

13-G-90



DEPARTMENT OF
TRANSPORTATION SERVICES

**MEMORANDUM OF UNDERSTANDING
BETWEEN
UNIVERSITY OF MARYLAND, DEPT OF TRANSPORTATION SERVICES
AND
THE CITY OF COLLEGE PARK**

This Memorandum of Understanding is entered into by and between the Department of Transportation Services (DOTS), University of Maryland College Park and The City of College Park, Maryland (the City) effective the 1st day of September, 2013. This is a Memorandum of Understanding, which is not a legal document.

In consideration of the mutual promises and undertakings herein, the parties hereto agree as follows:

1. Beginning September 1, 2013 through September 1, 2014, residents and employees of the City in possession of a prescribed identification card issued by the City will be allowed access to all publicly scheduled shuttle routes operated by DOTS.
2. For the above shuttle bus services, the City agrees to pay DOTS \$6,000, which is due by December 31, 2013. The annual rate covers up to 1,000 passes. DOTS shall provide the City with annual ridership data. The City shall keep a record of the total number of passes distributed during the agreement term. If the total number of annual passes distributed reaches 1,000, the City shall notify DOTS which will authorize the City to issue additional passes in increments of 100 at no added cost to the City.
3. Either party may terminate this agreement by providing written notice of termination 60 days prior to the stated termination date. All notices shall be in writing and shall be delivered by messenger or recognized overnight courier, or shall be sent by registered or certified mail return-receipt requested, in each instance to the respective addresses set forth below, or to such other address or addresses as respective party may designate by written notice duly sent to the other. Any other changes to this agreement, by either party, must be in writing and agreed upon by both parties.

CITY OF COLLEGE PARK:

Joseph L. Nagro
City Manager
City of College Park
4500 Knox Road
College Park, MD 20740

DOTS:

University of Maryland
Department of Transportation Services
Attention: J. David Allen
Regents Drive Garage, Building 202
College Park, MD 20742

13-G-91

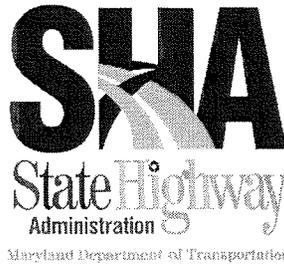
**Motion for Councilmember Afzali
Item# 13-G-91**

**LOA with SHA for a Feasibility Study
for Undergrounding Utilities**

I move that the City Council authorize the Mayor to sign a Letter of Agreement (LOA) with the Maryland State Highway Administration (SHA) pertaining to accomplishing and funding a feasibility study for the undergrounding of utilities in conjunction with the design of improvements for US Route 1 from College Avenue to MD 193.

Comments:

- The SHA is in the design phase of the Route 1 reconstruction project and has informed the city that it is not their policy to relocate utilities underground therefore the cost of a feasibility study, the engineering associated with utility redesign and the construction involved with relocating the utilities underground would be the responsibility of the city.
- The LOA includes the estimated cost of consultant services to perform the feasibility study in the amount of \$130,012.00 as well as \$9,933.00 for SHA overhead for management of the study. The city will also be responsible for all costs that exceed this estimate.
- The University of Maryland has provided a letter supporting the city's efforts to pursue the undergrounding of utilities and agreeing to share the costs associated with the feasibility study equally.
- The city and the university have long advocated that the overhead utilities be placed underground rather than relocated to another aboveground location as part of the Route 1 improvement project.



Martin O'Malley, *Governor*
Anthony G. Brown, *Li. Governor*

James T. Smith, Jr., *Secretary*
Melinda B. Peters, *Administrator*

July 26, 2013

Mayor Andrew M. Fellows
City of College Park
City Hall
4500 Knox Road
College Park, MD 20740-3390

Dear Mayor Fellows:

This Letter of Agreement (“**LOA**”) between the Maryland State Highway Administration (“**SHA**”) and the City of College Park, Maryland (“**CITY**”) sets forth the agreement between the parties pertaining to accomplishing and funding a Project Feasibility Study (“**Study**”) for US 1, from College Avenue (HLR 3.830) to MD 193 (HLR 5.240.)

SHA is currently designing improvements along US 1 in College Park from College Avenue to MD 193 under SHA Project PG624*. As part of SHA’s project, the CITY is requesting that SHA conduct the Study in order to determine the cost and feasibility of undergrounding all existing above ground utilities along US 1 within the project limits. SHA has determined the cost of to perform this Study is One Hundred Thirty Nine Thousand Nine Hundred Forty Five Dollars, (\$139,945.00) which includes SHA’s consultant services +++++(\$130,012) and SHA’s overhead (\$9,933). The CITY has agreed to reimburse SHA for the cost to conduct the Study, up to a not to exceed cap of One Hundred Thirty Nine Thousand Nine Hundred Forty Five Dollars (\$139,945) (“**CITY CAP**”). SHA will advise the CITY once costs to perform the Study reaches ninety percent (90%) of the CITY CAP (i.e., \$125,950) and will advise the CITY if costs are anticipated to exceed the CITY CAP. In the event the Study costs are expected to exceed the CITY CAP, the parties agree that, the CITY shall appropriate additional funds to cover the the increased costs, , SHA will advise it’s consultant to stop all activities for the Study once the CITY CAP is reached.

Within thirty (30) days following receipt of an invoice for the Study, the CITY shall reimburse SHA for the documented costs incurred by SHA for the Study, including SHA’s overhead, which shall not exceed the CITY CAP of One Hundred Thirty Nine Thousand Nine Hundred Forty Five Dollars (\$139,945) unless mutually agreed to as provided in the preceding paragraph. In the event that SHA does not receive payment within thirty (30) days. SHA will notify the CITY in writing that SHA may proceed with a deduction from the CITY’s share of Highway

My telephone number/toll-free number is _____
Maryland Relay Service for Impaired Hearing or Speech 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.roads.maryland.gov

User Revenues that is equal to the overdue invoice amount. If the terms and conditions of the LOA meet with your approval, please sign the two (2) originals of this LOA where indicated on the signature page and return one signed original of the LOA to Mr. Glenn Klaverweiden, Agreements Coordinator, State Highway Administration, 707 N. Calvert Street, Mailstop C-502, Baltimore, MD 21202. Should you have any questions or need additional information, please contact Mr. Glenn Klaverweiden at 410-545-5674, 1-888-204-4828, or gklaverweiden@sha.state.md.us.

IN WITNESS WHEREOF, the parties hereto have caused this MOU to be executed by their respective duly authorized officers on the day and year first above written.

STATE HIGHWAY ADMINISTRATION

WITNESS

By: _____ (SEAL)
Melinda B. Peters Date
Administrator

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

RECOMMENDED FOR APPROVAL:

Assistant Attorney General

Gregory D. Welker
Deputy Administrator/Chief Engineer
for Operations

Douglas H. Simmons
Director of Planning, Preliminary Engineering,
Real Estate and the Environment

Lisa B. Conners
Director Office of Finance

ATTEST:

CITY OF COLLEGE PARK, MARYLAND

Janeen S. Miller, CMC, City Clerk

BY: _____(SEAL)
Andrew M. Fellows Date
Mayor

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

Suellen M. Ferguson, City Attorney



UNIVERSITY OF MARYLAND

OFFICE OF THE VICE PRESIDENT FOR ADMINISTRATION & FINANCE

1132 Main Administration Building
College Park, Maryland 20742-5027
301.405.1105 TEL
www.vpaf.umd.edu

August 7, 2013

Mayor Andrew Fellows
City of College Park
4500 Knox Road
College Park, MD 20740

Subject: SHA US 1 (Baltimore Avenue) Improvements Project
Segment 1 – College Avenue to MD 193

Dear Mayor Fellows:

For years, the University of Maryland and the City of College Park have jointly advocated that utility undergrounding be included as a component of the SHA Route 1 Improvements – a project where two key goals are to enhance aesthetics and operations within the corridor. The segment of US Route 1 through the UMD campus, long ago improved by the placement of utilities underground, provides evidence of the future condition that we have together identified as a priority for the City's main street.

We are pleased, therefore, that College Park proposes to advance this initiative as SHA begins the engineering phase of the project, and that a potential funding plan has been identified for its ultimate implementation.

With this letter, I would like to offer to the City the University's support in funding the SHA commissioned KCI Feasibility Engineering Study for undergrounding overhead utilities. At a total project cost of approximately \$140,000, the University agrees to participate equally with the City and - to the degree that they might do so - with the County in funding the KCI Study.

If you have questions, please do not hesitate to contact me.

Sincerely,

Carlo Collela
Vice President for Administration & Finance

Enclosures: Wallace D. Loh, President
Irene Redmiles, Assistant Vice President for Real Estate
John Farley, Interim Associate Vice President for Facilities Management
Ross Stern, Assistant to the President and Director of State Gov. Relations

13-G-92

INFORMATION REPORT

To: Mayor and Council

From: Suellen M. Ferguson

CC: Joe Nagro, City Manager

Date: August 9, 2013

Re: **Big Play Show Cause Hearing**

ISSUE:

As discussed at the work session, a show cause hearing has been set for September 4, 2013 before the Prince George's Board of License Commissioners with respect to a lapse in the Security Plan on June 8, 2013, which involved a fight outside Big Play. The Council decided to take a position on the show cause hearing, and directed that a letter be drafted for this purpose. We have learned that the show cause hearing involves the Entertainment License and also the liquor license. Depending upon the evidence put into the record, the Board may fine the licensee, continue or revoke the Special Entertainment Permit and/or the liquor license, and/or take any other appropriate actions. The Council did not give direction on which of these options it would support.

SUMMARY:

Two drafts of the letter to the Board are attached. Both support rigorous enforcement of the Security Plan. One letter supports a fine by the Board, and one asks the Board to take appropriate action in their discretion.

RECOMMENDATION:

That the Council approve the letter and decide which option it wishes the Board to take with respect to enforcement.

Option 1: Fine

August 13, 2013

Franklin D. Jackson, Chairman
Board of License Commissioners
County Service Building, Room 204
5012 Rhode Island Avenue
Hyattsville, MD 20781-2037

Re: Show Cause Hearing for Non-Compliance with
Security Plan – Big Play Sports Grill

Dear Chairman Jackson:

A show cause hearing has been set before the Board of License Commissioners ("Board") for September 4, 2013 with respect to non-compliance with the security plan at E2A, LLC, t/a Big Play Sports Grill, located at 7313 A and B Baltimore Avenue, College Park, Maryland 20740 (the "Property"). We understand that the non-compliance is related to a June 8, 2013 failure to provide security personnel as required by the Security Plan applicable to the Property.

The City appeared at the original Board hearing to consider granting a liquor license to this establishment, and eventually supported the application based on the agreement by the owners to sign a Property Use Agreement ("Agreement"). This Agreement, which was made a part of the record, specifically requires compliance, at minimum, with any Security Plan adopted by the Board. Further, the Agreement requires that at least one security person be present at the door every night from 9:00 p.m. to closing, and that, when the University of Maryland is in session, at least three security personnel in addition to the person at the door be present on Friday and Saturday nights. These security provisions were central to the City's support of the liquor license for this Property.

We understand that the Board may fine the licensee, continue or revoke the Special Entertainment Permit and/or the liquor license, and/or take any other appropriate actions. The Mayor and Council voted on August 13, 2013 to support the Board's strict enforcement of the Security Plan, and to request that the Board assess a fine significant enough to insure that lapses in security such as the one involved here do not recur. Thank you for your consideration of our request.

Option 2: Discretion

August 13, 2013

Franklin D. Jackson, Chairman
Board of License Commissioners
County Service Building, Room 204
5012 Rhode Island Avenue
Hyattsville, MD 20781-2037

Re: Show Cause Hearing for Non-Compliance with
Security Plan – Big Play Sports Grill

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We understand that the Board may fine the licensee, continue or revoke the Special Entertainment Permit and/or the liquor license, and/or take any other appropriate actions. The Mayor and Council voted on August 13, 2013 to support the Board’s strict enforcement of the Security Plan, and to request that the Board, in its discretion, take the action that it determines is appropriate to insure that lapses in security such as the one involved here do not recur. Thank you for your consideration of our request.

Sincerely,

Andrew M. Fellows
Mayor

cc: College Park City Council

13-G-93

Appointments to Boards and Committees

13-G-93

- (Kabir) Reappoint Stephen Jascourt to the Committee for a Better Environment
- (Fellows) Reappoint Ed Maginnis to the Ethics Commission