

OCTOBER 8, 2013
CITY OF COLLEGE PARK
COUNCIL CHAMBERS

7:15 P.M.

**Public Hearing On 13-CR-02, A Charter Resolution
Of The Mayor And Council Of The City Of College Park, Maryland, Amending Article III
"Mayor And Council", §C3-4, "Compensation" Of The City Charter To Increase The
Mayor's Annual Salary To \$10,500.00 And Each Council Members' Annual Salary To
\$7,000.00, Effective January 1, 2014.**

7:30 P.M.

**MAYOR AND COUNCIL MEETING
AGENDA**

(There will be a Closed Session After the Meeting)

MEDITATION

PLEDGE OF ALLEGIANCE: Councilmember Wojahn

ROLL CALL

MINUTES: September 24, 2013 Regular Meeting

ANNOUNCEMENTS

ACKNOWLEDGMENT OF DIGNITARIES

ACKNOWLEDGMENT OF NEWLY APPOINTED BOARD AND COMMITTEE MEMBERS

AWARDS

PROCLAMATIONS

AMENDMENTS TO THE AGENDA

CITY MANAGER'S REPORT: Joe Nagro

STUDENT LIAISON'S REPORT: Catherine McGrath

COMMENTS FROM THE AUDIENCE ON NON-AGENDA ITEMS

PRESENTATIONS

CONSENT AGENDA

13-R-22 Resolution of the Mayor and Council of the City of College
Park, Maryland Adopting the Recommendation of the
Advisory Planning Commission Regarding Request for

Motion by:
To: Adopt
Second:

Certification of Non-Conforming Use CNU-2013-02 for College Park Enterprises, LLC, 4802 Calvert Road, College Park, Maryland, Recommending Approval of the Request for Certification of Non-Conforming Use

Aye: _____
Nay: _____
Other: _____

13-G-107 Approval of recipient for 2013 Jack Perry Award

ACTION ITEMS

13-CR-02 Adoption of 13-CR-02, A Charter Resolution Of The Mayor And Council Of The City Of College Park, Maryland, Amending Article III "Mayor And Council", §C3-4, "Compensation" Of The City Charter To Increase The Mayor's Annual Salary To \$10,500.00 And Each Council Members' Annual Salary To \$7,000.00, Effective January 1, 2014

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

13-R-20. Amended Adoption of 13-R-20.Amended, An Amendment To The Resolution Of The Mayor And Council Of The City Of College Park, Maryland, Establishing The Neighborhood Stabilization Committee

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

13-G-108 Appointments to Boards and Committees (placeholder)

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

COUNCIL COMMENTS

COMMENTS FROM THE AUDIENCE

ADJOURN

CLOSED SESSION

There will be a Closed Session following the conclusion of the Regular Meeting to Consult with Counsel on a Legal 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.

7:15 P.M.
Public Hearing
On 13-CR-02



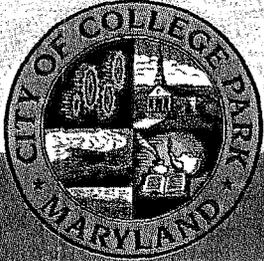
**NOTICE OF PUBLIC HEARING
ORDINANCE 13-CR-02
TUESDAY, OCTOBER 8, 2013
2ND FLOOR COUNCIL CHAMBERS
CITY HALL, 4500 KNOX ROAD
7:15 P.M.**

Charter Resolution Of The Mayor And Council Of The City Of College Park, Maryland, Amending Article III "Mayor And Council", §C3-4, "Compensation" Of The City Charter To Increase The Mayor's Annual Salary To \$10,500.00 And Each Council Members' Annual Salary To \$7,000.00, Effective January 1, 2014.

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

9-11-2013 - B.B.

9-26-13 - Website +
Cable 4



CITY OF COLLEGE PARK MUNICIPAL SCENE

4500 KNOX ROAD, COLLEGE PARK, MARYLAND 20740 • 240-487-3500

www.collegeparkmd.gov

September 26, 2013

City Hall Bulletin Board

MAYOR AND COUNCIL MEETINGS

TUESDAY, OCTOBER 1, 2013

7:30 P.M. MAYOR AND COUNCIL WORKSESSION

TUESDAY, OCTOBER 8, 2013

7:15 P.M. PUBLIC HEARING ON CHARTER AMENDMENT 13-CR-02, PROPOSAL TO INCREASE THE MAYOR'S SALARY TO \$10,500 AND EACH COUNCILMEMBER'S SALARY TO \$7,000 EFFECTIVE JANUARY 1, 2014

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

of College Park, Maryland, amending Article III "Mayor and Council", §C3-4, "Compensation" of the City Charter to Increase The Mayor's Annual Salary to \$10,500.00 and each Councilmembers' Annual Salary to \$7,000.00, effective January 1, 2014. The Public Hearing is scheduled for October 8, 2013 at 7:15 p.m. in the Council Chambers.

NOTICE OF FAIR SUMMARY ORDINANCE 13-O-09

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.

This Ordinance was introduced on July 16, 2013, a Public Hearing was held on September 10, 2013, it was adopted on September 10, 2013 and will become effective on October 1, 2013.

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

NOTICE OF PUBLIC HEARING ORDINANCE 13-CR-02

TUESDAY, OCTOBER 8, 2013 - 7:15 PM
2ND FLOOR COUNCIL CHAMBERS
CITY HALL, 4500 KNOX ROAD

Charter Resolution of the Mayor and Council of the City of College Park, Maryland, Amending Article III "Mayor and Council", §C3-4, "Compensation" of the City Charter To Increase The Mayor's Annual Salary To \$10,500.00 And Each Council Members' Annual Salary To \$7,000.00, Effective January 1, 2014.

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

CITY OF COLLEGE PARK MUNICIPAL ELECTIONS TUESDAY, NOVEMBER 5, 2013

CANDIDATES:

MAYOR

Andrew M. Fellows
Robert J. McCeney

DISTRICT 1 COUNCILMEMBER:

240-487-3501

DOWNTOWN COLLEGE PARK FARMERS MARKET

SUNDAYS, 10:00 AM - 2:00 PM
PARKING LOT OF CITY HALL, 4500 KNOX ROAD

The market is open through November 17, 2013.
WIC & SNAP accepted. Parking is free on Sundays. For more information go to our webpage at: downtowncollegeparkmarket.org

HOLLYWOOD FARMERS MARKET

SATURDAYS, 8:00 AM TO 12:00 PM
HOLLYWOOD SHOPPING CENTER

The market is open through November 26, 2013 at the Hollywood Shopping Center, next to REL, 9801 Rhode Island Avenue.

COLLEGE PARK DAY 2013

SATURDAY, OCTOBER 19, 2013

11:00 AM - 3:00 PM

HERBERT WELLS ICE RINK

5211 PAINT BRANCH PARKWAY, COLLEGE PARK

College Park Day is three weeks away! Be philanthropic and support your community at the event! Bring lots of nonperishable food items to the College Park Community Food Bank booth and receive a raffle ticket for each item you bring to be entered into the Grand Prize drawing for 2 seats on the 50 yard line at one of the upcoming University of Maryland 2013 football games of your choice - (Clemson, Syracuse, or Boston College) along with a great big spirit basket with all sorts of UMD goodies! Help out the hungry, feel good about helping the community, and enter the drawing for the chance to see an epic football game!

You can also support the College Park Animal Welfare Committee by...

Youth, Family and Senior Services...
Senior Services 301-345-8100
Youth and Family Services 240-487-3550

SENIOR HEALTH FAIR

WEDNESDAY, OCTOBER 16, 2013

10:00 AM - 2:00 PM

OLD PARISH HOUSE

4711 KNOX ROAD, COLLEGE PARK

RESIDENT INFORMATION PACKETS

The City is finishing distribution of the Resident Information Guide to residents. This handy guide is the go-to source of information on City services. If you do not receive this Guide in the next few weeks, or if you wish to receive the Spanish version of it, please contact Public Works at 240-487-3590 or publicworks@collegeparkmd.gov.

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

CLIP AND SAVE

COLLEGE PARK DIRECTORY

City of College Park Main Number	240-487-3500
CITY HALL, 4500 Knox Road, College Park, MD 20740	
Hours: M-F 8am-7pm; Sat. 1-5pm; Sun - Closed	
City Hall Departments	
City Manager/City Clerk	240-487-3501
City FAX Number	301-699-8029
Finance	240-487-3509
Human Resources	240-487-3533
Parking Enforcement Div. (M-F 8am-10pm/Sat. 1-7pm)	240-487-3520
Planning/Economic Development	240-487-3538
Housing Authority (Attick Towers) 9014 R.I. Ave.	301-345-3600
Public Services Department , 4601A Calvert Rd.	240-487-3570
Animal Control, Code Enforcement, Public Safety and Recreation. Parking Enforcement is at City Hall.	
24-Hour Hotline	240-487-3588
For Urgent Code Enforcement, Noise Control, Animal Control Issues:	
Public Works Department , 9217 51st Ave.	240-487-3590

CHARTER RESOLUTION
OF THE MAYOR AND COUNCIL OF THE CITY OF COLLEGE PARK,
MARYLAND, AMENDING ARTICLE III "MAYOR AND COUNCIL", §C3-4,
"COMPENSATION" OF THE CITY CHARTER TO INCREASE THE MAYOR'S
ANNUAL SALARY TO \$10,500.00 AND EACH COUNCIL MEMBERS' ANNUAL
SALARY TO \$7,000.00, EFFECTIVE JANUARY 1, 2014.

A Charter Resolution of the Mayor and Council of the City of College Park, Maryland, adopted pursuant to the authority of Article XI-E of the Constitution of Maryland and Article 23A of the Annotated Code of Maryland (1957 edition, as amended); and

WHEREAS, Article 23A of the Annotated Code of Maryland authorizes the Mayor and Council to fix the salary or compensation of the Mayor and Council; and

WHEREAS, the present annual salaries of the Mayor and Council are \$7,500 and \$5,000, respectively; and

WHEREAS, the annual salaries of the Mayor and Council have not increased since 2008; and

WHEREAS, the Mayor and Council desire to increase the annual salaries of the Mayor and Council to \$10,500 for the Mayor and \$7,000 for each Council member annually; and

WHEREAS, this salary increase will be effective January 1, 2014 and will not, as required by the State Constitution and Section C3-4 of the Charter of the City of College Park, be effective during the current term of office of the Mayor and Council.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of College Park, Maryland, that:

Section 1. Article III, "Mayor and Council", §C3-4 "Compensation" of the City Charter is repealed, re-enacted and amended as follows:

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.

§C3-4 Compensation

The Mayor shall receive as compensation [~~\$6,600.00~~] \$7,500.00 per year as salary, payable on a monthly basis. Each Council member holding office under this Charter shall receive as compensation [~~\$4,400.00~~] \$5,000.00 per year as salary, payable on a monthly basis. The effective date for these salary figures shall be January 1, 200[4]8. Effective January 1, 20[08]14, the Mayor shall receive as compensation [~~\$7,500.00~~] \$10,500.00 per year as salary, and each Council member holding office under this Charter shall receive as compensation [~~\$5,000.00~~] \$7,000.00 per year as salary, payable on a monthly basis. No change in these amounts may be enacted by the Mayor and City Council to be effective during their current term of office.

Section 2. **BE IT FURTHER RESOLVED** that this Charter Resolution is adopted this _____ day of _____, 2013, and that the amendment to the Charter of the City of College Park, hereby proposed by this enactment, shall be and become effective upon the fiftieth (50th) day after its passage by the City unless petitioned to referendum in accordance with Article 23A §13 of the Annotated Code of Maryland within forty (40) days following its passage. A complete and exact copy of this Charter Resolution shall be posted in the City offices located at 4500 Knox Road, College Park, Maryland for forty (40) days following its passage by the Mayor and Council and a fair summary of the Charter Resolution shall be published in a newspaper having general circulation in the City not less than four (4) times, at weekly intervals, also within the forty (40) day period following its adoption by the City.

Section 3. **BE IT FURTHER RESOLVED** that, within ten (10) days after the Charter Resolution hereby enacted becomes effective, either as herein provided or following referendum, the City Manager for the City of College Park shall send separately, by mail,

bearing a postmark from the United States Postal Service, to the Department of Legislative Services, one copy of the following information concerning the Charter Resolution: (i) the complete text of this Resolution; (ii) the date of referendum election, if any, held with respect thereto; (iii) the number of votes cast for and against this Resolution by the Council of the City of College Park or in the referendum; and (iv) the effective date of the Charter Resolution.

Section 4. BE IT FURTHER RESOLVED that the City Manager of the City of College Park, Maryland, be, and hereby is specifically enjoined and instructed to carry out the provisions of Sections 2 and 3 as evidence of compliance herewith; and said City Manager shall cause to be affixed to the minutes of this meeting (i) an appropriate Certificate of Publication of the newspaper in which the fair summary of the Charter Resolution shall have been published; and (ii) certification of the mailing referred to in Section 3 and shall further cause to be completed and executed the Municipal Charter or Annexation Resolution Registration Form.

INTRODUCED by the Mayor and Council of the City of College Park, Maryland at a regular meeting on the 10th day of September, 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:

Janeen S. Miller, CMC, City Clerk

**THE CITY OF COLLEGE PARK,
MARYLAND**

By _____
Andrew M. Fellows, Mayor

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

Suellen M. Ferguson, City Attorney

MINUTES

MINUTES
Regular Meeting of the College Park City Council
Tuesday, September 24, 2013
7:30 p.m. – 7:57 p.m.

PRESENT: Mayor Andrew Fellows; Councilmembers Kabir, Catlin, Dennis, Day and Mitchell. (Councilmember Wojahn is testifying at the Public Hearing on the Park and Planning budget.)

ABSENT: Councilmembers Afzali, Stullich and Wojahn.

ALSO PRESENT: Steve Groh, Acting City Manager; Janeen Miller, City Clerk; Suellen Ferguson, City Attorney; Robert Stumpff, Director of Public Works; Catherine McGrath, Student Liaison.

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

Minutes: A motion was made by Councilmember Catlin and seconded by Councilmember Day to approve the minutes of the Special Session on September 3, 2013; the Public Hearing on Ordinance 13-O-09 on September 10, 2013; the Regular Meeting on September 10, 2013; and the Special Session on September 17, 2013. The motion passed 5 – 0 – 0.

Announcements: Councilmember Kabir announced that he and Councilmember Wojahn are hosting a neighborhood clean up in north College Park this Saturday. Participants will enjoy free breakfast and lunch. The event runs from 9 a.m. – 12 noon.

City Manager's Report: Acting City Manager Steve Groh reported that document shredding will take place at the Public Works yard on Saturday October 5. He explained that the agenda item for the Enclave's revitalization tax credit was pulled from tonight's agenda and will be on next week's Worksession.

Student Liaison's Report: Catherine McGrath reported that the Safety Walk would be held on Thursday, October 10 at 6:30 p.m. Chief Mitchell reported to the SGA that the number of alcohol transports is down by half from this time last year. Plans are being made for on-campus tail gates for the home game on October 12.

Ms. Ferguson informed the Council that the District Council voted 9 – 0 to support the Detailed Site Plan and Secondary Amendment for the Cafritz project and the Circuit Court has upheld the rezoning appeal. The result of these actions is that Cafritz now has the green light to proceed.

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

- 13-G-101 Field Use Requests for Duvall Field:** a) Maryland Stingers Women's Rugby Club, Tuesday and Thursday evenings from September 10 – November 7, 2013; b) College Park Boys and Girls Club, Monday, Wednesday and Friday evenings, September 20 – November 6 for Fall Lacrosse for PG Pride;

c) **Berwyn Christian School, after school soccer practice, Tuesdays and Thursdays, September 10 – November 7.**

13-G-102 Award of Contract for CP-13-07 Demolition Services to Goel Services, Inc. of Washington, DC for \$48,000 in substantially the form as attached, subject to the approval of the City Attorney; and Authorization for the City Manager to sign.

13-G-103 Approval of a Letter in Support of an Advisory Work Group to Comment on the Redesign of the Hyattsville Library.

Ms. Ferguson informed the Council that Councilmember Wojahn had a question about the demolition contract (13-G-102) and that it has been addressed and resolved to his satisfaction. The motion passed 5 – 0 – 0.

ACTION ITEMS

13-G-105 Approval of a letter to President Loh supporting the College Park City-University Partnership “Sustainable College Park” project.

A motion was made by Councilmember Mitchell and seconded by Councilmember Day to send a letter to UMD President Wallace Loh supporting the Sustainable College Park project.

Councilmember Mitchell said that part of the Vision 2020 is how the City can work with the University of Maryland on environmental and sustainability issues. The City has been awarded certification under the Sustainable Maryland Certified program and is ready to do more. A partnership such as the “Sustainable College Park” project would enhance the City.

Comments from the Audience:

Matthew Popkin, 6901 Preinkert Drive: This is a great example of how the City can collaborate with the University to share resources and utilize faculty, students and staff to work with the City on these issues.

The motion passed 5 – 0 – 0.

13-R-20 Adoption of a Resolution of the Mayor and Council of the City of College Park Establishing the Neighborhood Stabilization Committee

A motion was made by Councilmember Catlin and seconded by Councilmember Dennis to adopt Resolution 13-R-20.

Councilmember Catlin said the Neighborhood Stabilization and Quality of Life Workgroup was established in 2012, met many times, held two public forums, and recently presented their final report which included 63 possible strategies to address the issues they identified. The NSQLWG recommended that the City establish a smaller, ongoing committee to promote and facilitate the

dialog among the various stakeholders. This Resolution establishes that new group and identifies the stakeholders that should participate.

Comments from the Audience:

Andrea Hawvermale, 1342 Excalibur Lane, Sandy Spring, MD: She wanted to make sure all the necessary stakeholders were included. She recommended the group meet a minimum of four times per year.

Student Liaison Catherine McGrath asked about the three Maryland students who are designated to be on the committee.

A motion was made by Councilmember Mitchell and seconded by Councilmember Day to amend the resolution to increase the number of University of Maryland students by one in order to include a member of the National Pan-Hellenic Council, Inc., the group that represents African American fraternities and sororities.

There were no comments from the audience on the amendment.

The amendment passed 5 – 0 – 0.

The main motion as amended passed 5 – 0 – 0.

13-G-106 Appointments To Boards and Committees

A motion was made by Councilmember Kabir and seconded by Councilmember Mitchell to appoint Cory Sanders to the Education Advisory Committee and Chris Gill to the Advisory Planning Commission. The motion passed 5 – 0 – 0.

Comments from the Audience:

Andrea Hawvermale, 1342 Excalibur Lane, Sandy Spring, MD: She had additional questions about the make-up of the Neighborhood Stabilization Committee.

ADJOURN: A motion was made by Councilmember Mitchell and seconded by Councilmember Dennis to enter into a closed session to consult with counsel on a legal matter. The council will not return to open session. With a vote of 5 – 0 – 0, Mayor Fellows adjourned the regular meeting at 7:57 p.m.

Janeen S. Miller, CMC
City Clerk

Date
Approved

Pursuant to §C6-3 of the College Park City Charter, at 7:57 p.m., in the Council Chambers of City Hall, a motion was made by Councilmember Mitchell and seconded by Councilmember Dennis to enter into an Executive Session for the following reasons:

G: To Consult with Counsel on a Legal Matter

The motion passed 5 – 0 – 0 and after a brief recess the Closed Session convened at 8:10 p.m.

Present: Mayor Andrew Fellows; Councilmembers Kabir, Wojahn (arrived at 8:10, after the vote was taken), Catlin, Dennis, Day, and Mitchell.

Absent: Councilmembers Stullich and Afzali.

Also Present: Steve Groh, Acting City Manager; Janeen Miller, City Clerk; Suellen Ferguson, City Attorney; Catherine McGrath, Student Liaison; Jimmy Marcos and Tommy Marcos.

Topics Discussed: The City Attorney advised the City Council about legal and financial issues related to an existing lease agreement.

Actions Taken: None.

Adjourn: A motion was made by Councilmember Dennis and seconded by Councilmember Wojahn to adjourn the Executive Session, and with a vote of 6 – 0 – 0, Mayor Fellows adjourned the Executive Session at 9:10 p.m.

13-R-22



Office of the Mayor and Council
City of College Park
4500 Knox Road
College Park, Maryland 20740
Telephone: (240) 487-3501
Facsimile: (301) 699-8029

**NOTICE OF FINAL DECISION
of the
MAYOR AND COUNCIL
of the
CITY OF COLLEGE PARK**

RE: **Case No. CNU-2013-02 Name: College Park Enterprises, LLC**

Address: 4802 Calvert Road, College Park, MD 20740

Enclosed herewith is a copy of the Resolution setting forth the action taken by the Mayor and Council of the City of College Park in this case on the following date:
October 8, 2013.

CERTIFICATE OF SERVICE

This is to certify that on **October 10, 2013**, the attached Resolution was mailed, postage prepaid, to all persons of record.

NOTICE

Any person of record may appeal the Mayor and Council decision within thirty (30) days to the Circuit Court of Prince George's County, 14735 Main Street, Upper Marlboro, MD 20772. Contact the Circuit Court for information on the appeal process at (301) 952-3655.

Janeen S. Miller, CMC
City Clerk

Copies to: Advisory Planning Commission
City Attorney
Applicant
Parties of Record

PG Co. DER, Permits & Review Section
M-NCPPC, Development Review Division
City Public Services Department

**RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLLEGE
PARK, MARYLAND ADOPTING THE RECOMMENDATION OF THE ADVISORY
PLANNING COMMISSION REGARDING REQUEST FOR CERTIFICATION OF
NON-CONFORMING USE CNU-2013-02 FOR COLLEGE PARK ENTERPRISES, LLC,
4802 CALVERT ROAD, COLLEGE PARK, MARYLAND, RECOMMENDING
APPROVAL OF THE REQUEST FOR CERTIFICATION OF NON-CONFORMING
USE**

WHEREAS, Maryland Code, Article 28, Section 8-112.4(b)(1)(vi) states that the Prince George's County District Council may provide that the governing body of a municipal corporation may exercise the powers of the district council in regard to certification, revocation and revision of nonconforming uses; and

WHEREAS, Prince George's County Code Section 27-924 (a)(1) provides that an incorporated municipality may enact an ordinance which sets forth procedural regulations for certification of nonconforming uses; and

WHEREAS, pursuant to Section 190-11(B) of the Code of the City of College Park (the "City Code") the Advisory Planning Commission ("APC") is authorized to consider requests for certifications of nonconforming uses, and when appropriate to hold hearings thereon, and to make recommendations to the City Council in connection therewith; and

WHEREAS, Prince George's County Code Section 27-107.01 (166) provides that a "Nonconforming Use" is the use of any building, structure or land which is not in conformance with the requirement of the zone in which it is located, provided that the requirement was adopted after the use was lawfully established or the use was established after the requirement was adopted and the District Council has validated a building, use and occupancy or sign permit issued for it in error; and

WHEREAS, a nonconforming use may be certified if the use has not ceased to operate for more than 180 consecutive calendar days between the time the use became nonconforming and the date when the application is submitted, or based upon a finding that conditions of nonoperation for more than 180 consecutive calendar days were beyond the applicant's control and/or owner's control, were for the purpose of correcting code violations or were due to the seasonal nature of the use; and

WHEREAS, a nonconforming use certification requires submission of documentary evidence showing the following: the commencement date and continuous existence of the nonconforming use; specific data showing the exact nature, size and location of the building, structure or use; a legal description of the property; the precise location and limits of the use on the property and within any building it occupies; and if the applicant possesses one, a copy of a valid use and occupancy permit issued for the use prior to the date upon which it became a nonconforming use; and

WHEREAS, if a copy of a valid use and occupancy permit is submitted with the application and a request is not submitted to the Commission to conduct a public hearing, and, if based upon the documentary evidence the Commission is satisfied as to the commencement date and continuity of the nonconforming use, the Commission shall recommend certification of the use as nonconforming for the purpose of issuing a new use and occupancy permit identifying the use as nonconforming; and

WHEREAS, if a copy of a valid use and occupancy permit is not submitted with the application, if the documentary evidence submitted is not satisfactory to the Commission to prove the commencement date or continuity of the use, or if a public hearing has been requested by any party of interest challenging the commencing date and/or continuity of the use, the Commission shall conduct a public hearing on the application for the purpose of determining whether the use should be certified as nonconforming; and

WHEREAS, the Mayor and Council are authorized by the Ordinance to accept or deny the recommendation of the APC with respect to Certification of Non-Conforming Use requests; and

WHEREAS, on April 26, 2013, College Park Enterprises, LLC (hereinafter, the "Applicant"), submitted a request for certification of a nonconforming uses for an eight unit apartment building located at 4802 Calvert Road, College Park, Maryland ("the Property"); and

WHEREAS, a copy of a valid use and occupancy permit was not submitted to prove the use was lawfully established, therefore, the Commission conducted a public hearing for the purpose of determining whether the use shall be certified nonconforming; and

WHEREAS, on September 5, 2013, the APC conducted a hearing on the merits of the application, at which time the APC heard testimony and accepted evidence, including the Staff Report with Exhibits 1 – 7, and the Staff PowerPoint presentation; and

WHEREAS, based upon the evidence and testimony presented, the APC voted 4-0-0 to recommend certification of the use as nonconforming and not illegal; and

WHEREAS, the Mayor and Council have reviewed the recommendation of the APC as to the Application and in particular have reviewed the APC's findings of fact and conclusions of law; and

WHEREAS, no exceptions have been filed; and

WHEREAS, the Mayor and Council are in agreement with and hereby adopt the findings of fact and conclusions of law of the APC as to the Application as follows:

Section 1 Findings of fact:

- 1) The property is located at 4802 Calvert Road in the Old Town College Park Historic District. The subject development consists of an eight-unit apartment building. The multi-family use was established in 1950.
- 2) The development is nonconforming due to exceeding current maximum density requirements. The buildings became nonconforming on May 6, 1975 when the density requirement changed from 1800 square feet of net lot area per dwelling unit to 12 dwelling units per acre. The density of the subject property is 19.16 dwelling units per acre.
- 3) According to tax records, the building was constructed in 1880, prior to the establishment of the Zoning Ordinance. Based on the configuration of the building, and its original zoning, it is assumed that the building was constructed as a single-family residence.
- 4) On June 27, 1950, the property was rezoned from R-55 (single-family detached residential) to R-18 (multi-family residential). After rezoning to R-18, seven one-bedroom apartments were established and were in compliance with the minimum lot area per dwelling unit of 1800 square feet, which requires a minimum lot size of 12,600 square feet. The lot was 19,085 square feet at the time.
- 5) On July 16, 1971, a fee simple conveyance of a 10 foot strip along Calvert Road (assumed right-of-way dedication) reduced the lot to 18,184 square feet.
- 6) The County amended the Zoning Ordinance on May 6, 1975 to reduce the density to 12 dwelling units per acre making the building nonconforming at 19.16 dwelling units per acre (assuming 8 dwelling units).
- 7) The current property owners, Thomas J. Stemmy and Frank Holmes, bought the property from Edward Wright (Interurban Enterprises, Inc.) on August 31, 1979.

- 8) There is a discrepancy between the County records, the City records, an affidavit and the property owner in terms of when the eighth unit was added. An affidavit from an abutting property owner, Charles Reading, who also did regular maintenance work in the building, stated that there were 8 units since at least 1969. The applicant states in his affidavit that he bought the property as eight units in 1979. The applicant was granted a Prince George's County Certificate of Occupancy for 8 units on June 2, 1981. The City Occupancy Permit indicates that the eighth unit was added in 1983.
- 9) A valid Use and Occupancy permit issued prior to the date of nonconformance was not submitted with the application. The site was posted for a Public Hearing with the required sign and written notice was mailed to all persons of record.
- 10) The Applicant submitted documentary evidence including a Site Plan which specifies the Zoning Ordinance requirements effective in 1950 and indicates that the building conformed to the Zoning Ordinance when it was converted to a multi-family use.
- 11) The Applicant submitted a letter from the Washington Suburban Sanitary Commission (WSSC) that listed the activation date of the property as May 1, 1967. The WSSC letter also stated that they have records of continuous use since 1999. City of College Park Residential Occupancy Permits, Rental Unit License Applications and Inspection Reports from prior to 1967 to the present time were submitted that indicate continuous use.
- 12) The Applicant submitted an affidavit from Charles Reading, previous adjoining resident from 1967-2004 who also was a maintenance man for the building and is a City of College Park Code Enforcement Officer stating that the building has operated as an eight unit multifamily use since at least 1969.
- 13) The Applicant submitted an affidavit from Thomas J. Stemmy, part owner of College Park Enterprises, LLC., stating that he and his partners purchased the property on August 31, 1979 and that it has operated uninterrupted since this time. It further stated his understanding that it has operated as an apartment building prior to 1975.
- 14) Giving particular weight to the affidavit submitted by Charles Redding, the Commission finds that the property has included 8 dwelling units since prior to 1975.

- 15) The Applicant submitted insurance records that the property has been insured for an eight unit apartment building from 1979 to the present.
- 16) No one testified in opposition to the request for certification.

Section 2 Conclusions of Law

- 1) A Nonconforming Use Site Plan was submitted that indicates that the apartment building was established in accordance with all the regulations in effect at the time the use began in 1950.
- 2) Based on a preponderance of the documentary evidence submitted including City of College Park occupancy permits, Washington Suburban Sanitary Commission records, two affidavits, and insurance records, the structure at 4802 Calvert Road has been continuously operated as an 8 dwelling unit apartment building and there has been no break in operation for more than 180 days since the use became nonconforming on May 6, 1975.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the City of College Park, Maryland that the findings of fact and conclusions of law of the APC are hereby adopted and the use is certified as nonconforming and not illegal.

ADOPTED, by the Mayor and Council of the City of College Park, Maryland at a regular meeting on the 8th day of October 2013.

CITY OF COLLEGE PARK
MARYLAND

Janeen S. Miller, CMC
City Clerk

Andrew M. Fellows, Mayor

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

Suellen M. Ferguson
City Attorney

13-G-107



MEMORANDUM

TO: Mayor and City Council

THRU: Joseph L. Nagro, City Manager

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

DATE: September 26, 2013

SUBJECT: Jack Perry Award for 2013

Background

The Mayor and Council under Resolution 13-R-04 on February 26, 2013, created the Jack Perry Award.

The Jack Perry Award Committee (Sean Perry, Councilman Bob Catlin and Bob Stumpff) met on Tuesday, September 17, 2013 at 6:30 pm in the City Hall Council Chambers. The City had received two nominations to consider for this first ever award.

Recommendation

1. The Committee voted unanimously to recommend Jerry Anzulovic as the recipient of the inaugural Jack Perry Award.
2. The committee would like the Mayor and Council to determine if in the future a posthumous nominee may be considered as an award winner. This point is not mentioned in the resolution.

13-CR-02

CHARTER RESOLUTION
OF THE MAYOR AND COUNCIL OF THE CITY OF COLLEGE PARK,
MARYLAND, AMENDING ARTICLE III "MAYOR AND COUNCIL", §C3-4,
"COMPENSATION" OF THE CITY CHARTER TO INCREASE THE MAYOR'S
ANNUAL SALARY TO \$10,500.00 AND EACH COUNCIL MEMBERS' ANNUAL
SALARY TO \$7,000.00, EFFECTIVE JANUARY 1, 2014.

A Charter Resolution of the Mayor and Council of the City of College Park, Maryland, adopted pursuant to the authority of Article XI-E of the Constitution of Maryland and Article 23A of the Annotated Code of Maryland (1957 edition, as amended); and

WHEREAS, Article 23A of the Annotated Code of Maryland authorizes the Mayor and Council to fix the salary or compensation of the Mayor and Council; and

WHEREAS, the present annual salaries of the Mayor and Council are \$7,500 and \$5,000, respectively; and

WHEREAS, the annual salaries of the Mayor and Council have not increased since 2008; and

WHEREAS, the Mayor and Council desire to increase the annual salaries of the Mayor and Council to \$10,500 for the Mayor and \$7,000 for each Council member annually; and

WHEREAS, this salary increase will be effective January 1, 2014 and will not, as required by the State Constitution and Section C3-4 of the Charter of the City of College Park, be effective during the current term of office of the Mayor and Council.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of College Park, Maryland, that:

Section 1. Article III, "Mayor and Council", §C3-4 "Compensation" of the City Charter is repealed, re-enacted and amended as follows:

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.

§C3-4 Compensation

The Mayor shall receive as compensation [~~\$6,600.00~~] \$7,500.00 per year as salary, payable on a monthly basis. Each Council member holding office under this Charter shall receive as compensation [~~\$4,400.00~~] \$5,000.00 per year as salary, payable on a monthly basis. The effective date for these salary figures shall be January 1, 200[4]8. Effective January 1, 20[08]14, the Mayor shall receive as compensation [~~\$7,500.00~~] \$10,500.00 per year as salary, and each Council member holding office under this Charter shall receive as compensation [~~\$5,000.00~~] \$7,000.00 per year as salary, payable on a monthly basis. No change in these amounts may be enacted by the Mayor and City Council to be effective during their current term of office.

Section 2. BE IT FURTHER RESOLVED that this Charter Resolution is adopted this _____ day of _____, 2013, and that the amendment to the Charter of the City of College Park, hereby proposed by this enactment, shall be and become effective upon the fiftieth (50th) day after its passage by the City unless petitioned to referendum in accordance with Article 23A §13 of the Annotated Code of Maryland within forty (40) days following its passage. A complete and exact copy of this Charter Resolution shall be posted in the City offices located at 4500 Knox Road, College Park, Maryland for forty (40) days following its passage by the Mayor and Council and a fair summary of the Charter Resolution shall be published in a newspaper having general circulation in the City not less than four (4) times, at weekly intervals, also within the forty (40) day period following its adoption by the City.

Section 3. BE IT FURTHER RESOLVED that, within ten (10) days after the Charter Resolution hereby enacted becomes effective, either as herein provided or following referendum, the City Manager for the City of College Park shall send separately, by mail,

bearing a postmark from the United States Postal Service, to the Department of Legislative Services, one copy of the following information concerning the Charter Resolution: (i) the complete text of this Resolution; (ii) the date of referendum election, if any, held with respect thereto; (iii) the number of votes cast for and against this Resolution by the Council of the City of College Park or in the referendum; and (iv) the effective date of the Charter Resolution.

Section 4. BE IT FURTHER RESOLVED that the City Manager of the City of College Park, Maryland, be, and hereby is specifically enjoined and instructed to carry out the provisions of Sections 2 and 3 as evidence of compliance herewith; and said City Manager shall cause to be affixed to the minutes of this meeting (i) an appropriate Certificate of Publication of the newspaper in which the fair summary of the Charter Resolution shall have been published; and (ii) certification of the mailing referred to in Section 3 and shall further cause to be completed and executed the Municipal Charter or Annexation Resolution Registration Form.

INTRODUCED by the Mayor and Council of the City of College Park, Maryland at a regular meeting on the 10th day of September, 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:

Janeen S. Miller, CMC, City Clerk

**THE CITY OF COLLEGE PARK,
MARYLAND**

By _____
Andrew M. Fellows, Mayor

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

Suellen M. Ferguson, City Attorney

13-R-20. Amended

**RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLLEGE
PARK, MARYLAND, ESTABLISHING THE NEIGHBORHOOD
STABILIZATION COMMITTEE**

WHEREAS, the Mayor and Council of the City of College Park had formed a Neighborhood Stabilization and Quality of Life Work Group (“Work Group”) by Resolution 12-R-18 in 2012 to engage with various stakeholders, including the University of Maryland, City residents, University of Maryland students, public safety officials, and rental property owners, to identify possible strategies to stabilize neighborhoods and improve quality of life for College Park residents; and

WHEREAS, the Work Group held numerous committee meetings from November 2012 through June 2013 to identify and define potential strategies for 1) reducing issues that negatively impact quality of life for College Park residents, 2) increasing rates of homeownership, 3) building positive relations between different groups in the community, and 4) expanding options for affordable housing; and

WHEREAS, the Work Group held two public forums, in January and April 2013, to provide an opportunity for members of the broader community to express their concerns and ideas related to these issues, and at which a large number of people representing a broad spectrum of the community provided input through oral and written testimony; and

WHEREAS, the Work Group submitted its report to the Mayor and Council on August 7, 2013, including 63 possible strategies for addressing the above issues as well as 23 potential metrics that might be used to assess progress; and

WHEREAS, the Work Group’s report fulfills the original mission and charge of the Neighborhood Stabilization and Quality of Life Work Group; and

WHEREAS, the Work Group's report recommended that the City Council designate a smaller, ongoing committee to promote and facilitate a continuing dialogue among various stakeholders; and

WHEREAS, the Mayor and Council have determined to accept the final report of the Work Group, express the Council's appreciation for the considerable effort and substantial contributions made by the Work Group and each of the Work Group members, and establish a new Neighborhood Stabilization Committee that includes various stakeholders as part of the Committee.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the City of College Park that the Neighborhood Stabilization Committee ("Committee") be and it is hereby established; and it is further

RESOLVED, that the purposes for the Committee are to support implementation of strategies, continue to develop new strategies, and evaluate progress; and it is further

RESOLVED, that the Committee shall consist of the following members, each serving a two-year term:

- Two Councilmembers
- One representative of the University of Maryland Department of Public Safety, selected by the University
- One representative of the University of Maryland administration, selected by the University
- ~~Three~~Four City residents; selected by Council, with the goal of having one resident from each Council district
- Four University of Maryland students (the student liaison to the City Council, one Student Government Association representative, one representative of the Interfraternity Council/Pan-Hellenic Association, and one representative of the National Pan-Hellenic Council, Inc.)
- One representative of the Graduate Student Government
- One representative of the Prince George's County Police Department (at least District Commander Level)
- Director of the City's Public Services Department
- Two rental property owners, selected by Council

and it is further

RESOLVED, that the Committee shall elect its chair, adopt procedures with respect to a quorum and other operations, and determine how it will accomplish its charge from the Council; and it is further

RESOLVED, that in developing its strategies, the Committee shall meet at least four times per year, and shall hold at least one public forum per year to solicit broader community input; and it is further

RESOLVED, that the Committee shall provide annual reports of its activities to the City Council and such other reports as the Council requests or the Committee deems useful.

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

EFFECTIVE the _____ day of _____, 2013.

WITNESS:

**THE CITY OF COLLEGE PARK,
MARYLAND**

Janeen S. Miller, CMC, City Clerk

Andrew M. Fellows, Mayor

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

Suellen M. Ferguson, City Attorney

October 8, 2013

Dr. Wallace D. Loh, President
University of Maryland College Park
1101 Main Administration Building
College Park, MD 20742

Re: Appointments to the Neighborhood Stabilization Committee

Dear President Loh,

In 2012 the City of College Park established the Neighborhood Stabilization and Quality of Life Workgroup (NSQLWG) to identify potential strategies to help the City regain a balance in the types of housing and population in our neighborhoods and to address quality of life concerns that stem from rental housing in our community. The NSQLWG assembled stakeholders from the landlord community, police agencies, City and University officials, residents and students. The Workgroup and its various subcommittees met from November 2012 through June 2013 and held two public forums. In August 2013 their final report was submitted to the City. The report identified 63 possible strategies to address issues in the following broad categories: 1) reducing issues that negatively impact quality of life for College Park residents, 2) increasing rates of homeownership, 3) building positive relations between different groups in the community, and 4) expanding options for affordable housing. That final report fulfilled the original mission and charge of the NSQLWG.

To continue this vital work, the City has established a new Neighborhood Stabilization Committee to support the implementation of approved strategies, continue to develop new strategies, and evaluate the progress that is made (please see attached Resolution 13-R-20). This smaller, ongoing committee will work to promote and facilitate a continuing dialogue among various stakeholders.

I am writing today to ask for your assistance in filling the following positions on the Neighborhood Stabilization Committee:

- One representative of the University of Maryland Department of Public Safety, selected by the University
- One representative of the University of Maryland administration, selected by the University

Dr. Wallace Loh
October 8, 2013
Page 2

We are excited by the possibilities of this continued partnership and are optimistic that together we will make significant progress toward achieving our shared vision for a greater College Park. Thank you for your support.

Sincerely,

Andrew M. Fellows
Mayor

Enclosure

13-G-108

(This is a placeholder in case any
appointments come forward)