

**MINUTES**  
**Public Hearing of the College Park City Council**  
**Ordinance 08-O-04**  
**Tuesday, May 27, 2008**  
**7:30 P.M.**

**PRESENT:** Mayor Brayman; Councilmembers Wojahn, Catlin, Perry, Stullich, Mark Cook, Hampton and Mary Cook; SGA President Jonathan Sachs.

**ABSENT:** Councilmember Molinatto

**ALSO PRESENT:** Joe Nagro, City Manager; Suellen Ferguson, City Attorney; Yvette Allen, Assistant City Clerk; Sara Imhulse, Assistant to the City Manager; Robert Ryan, Director of Public Services; Steve Groh, Director of Finance; Leo Thomas, Deputy Director of Finance; and Bob Stumpff, Director of Public Works.

Mayor Brayman announced that this Public Hearing was being held to take public comment on Ordinance 08-O-04, an Ordinance of the Mayor and Council of the City of College Park, Maryland Amending Chapter 110 “Fees and Penalties”, by Repealing and Reenacting §110-1 “Fees and Interests: To Increase the Application Fees for the Occupancy Permits Required by Chapter 144 and to Clarify a Fee Category.

Mayor Brayman invited Robert Ryan to provide an overview.

Mr. Ryan stated staff was requested to review the schedule of fees of residential rental occupancy permits. Ordinance 08-O-04 is proposed to amend Chapter 110 to increase the application fee for Occupancy Permits and to clarify Condominium units. Mr. Ryan stated that these fees are permit application fees, not inspection fees. The time required to inspect the various categories is one factor considered in the fee structure; it is not the only or often the major factor to be considered. Different kinds of properties require different amount of staff time to process permit applications, schedule inspections, conduct interior annual and repeat inspections, conduct regular exterior inspections, process notices of violations and municipal infractions, attend court to prosecute municipal infractions, respond to noise complaints with Code and Police Officers, and respond to tenant complaints.

Single-Family Residences – no fee change. These are the most labor-intensive properties.

Townhouse Units – no fee change. These are only slightly less labor intensive than single-family residences.

Rooming House Units – no fee change.

Building With 6 Or More Units – no fee change. These are apartment building such as the University View.

Buildings With 2 To 5 Units – no fee change. There is a constant need for exterior property maintenance inspections due to common use of large backyards for parties. These are the most labor intensive for noise control other than fraternity/team satellite houses. Increased demand on

contract police services due to the absence of on-site private security and there is usually a greater need for repeat inspections for violations found during annual inspections.

Fraternity/Sororities – no fee change.

Hotels/Motels And Tourist Facilities – no fee change.

Commercial/Non-Residential – no fee change.

Condominium Units – a \$25.00 proposed fee increase. These units require scheduling and administrative processing with individual owners. Administration time is more labor intensive for a comparable apartment style building.

Mayor Brayman asked Mr. Ryan if he had an estimate of what percentage of the cost of code enforcement is recouped with these fees. Mr. Ryan stated that when we looked at this five or six years ago we were looking to recover up to 75%-80%. Within the last five years the work pertaining to rental properties has decreased and the owner occupied properties has greatly increased. The proposed ordinance targets approximately 51% recovery.

Councilman Perry asked Mr. Ryan why it is more difficult to inspect single-family rental residences than condominium units that cause the fee differential. Mr. Ryan stated that the administration process is comparable; however; condominium units require less property maintenance. Single-family residences require more drive-by/windshield inspections throughout the year.

Councilmember Mary Cook asked if the additional fee could be split between single-family residences and condominium units. Mayor Brayman stated that our fees are under extreme scrutiny and possible lawsuit. Staff has looked into this matter and has determined the cost of administration fees. If staff cannot support the cost being raised, then there is a good opportunity to have someone question the cost.

Dave Dorsch, Landlord Forum Chair, commented that this is the first time he has heard that this is a permit application fee and not an inspection fee. He questioned whether this is the cost to write an application or is this to raise revenue. Mr. Dorsch does not feel a fee increase is needed and suggested a revaluation of the entire inspection program. Council should be working with the landlords to keep the properties in a well-maintained condition. If the City keeps adding new inspectors, then administration fees are going to keep going up. We should be looking at how to get the cost down and still maintain the quality of product we are trying to achieve within the City. We need to use the limited resources more effectively to achieve the same goals. The landlords strongly recommend against this fee increase.

Mayor Brayman noted that no additional public comment would be taken during the regular meeting when the Council takes action on this item unless there is an amendment to the proposed Ordinance.

The Public Hearing was declared closed at 7:54 p.m.

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Yvette Allen, Assistant City Clerk