



OCTOBER 28, 2014
CITY OF COLLEGE PARK
COUNCIL CHAMBERS

7:00 P.M.
PUBLIC FORUM
SITE SELECTION FOR A NEW CITY HALL

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

MEDITATION

PLEDGE OF ALLEGIANCE: Councilmember Hew

ROLL CALL

MINUTES: Special Session on October 7, 2014; Regular Meeting on October 14, 2014;
Public Hearing on October 14, 2014.

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: Cole Holocker

COMMENTS FROM THE AUDIENCE ON NON-AGENDA ITEMS

PRESENTATIONS

CONSENT AGENDA

14-G-108 Approval of a Letter to the County Executive requesting
prioritization of funding for U.S. 1

Motion By:
To:
Second:

- 14-R-33 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-2014-07, 4900 Indian Lane, College Park, Maryland, Recommending Approval of Variances from the Requirements of the Prince George's County Zoning Ordinance, Section 27-442 (e), Table IV, Prescribing a Minimum Front Yard Setback and Section 27-422 (c)(1) Permitting a Setback Encroachment Allowance for Open Porches in Order to Permit the Construction of a Open Deck/Porch on a Corner Through Lot
 Aye: _____
 Nay: _____
 Other: _____
- 14-R-34 A Resolution Of The Mayor And Council Of The City Of College Park To Amend The Composition Of The College Park Aging-In-Place Task Force

ACTION ITEMS

- 14-CR-02 Charter Resolution Of The Mayor And Council Of The City Of College Park, To Amend Article I, "General Provisions", To Add §C1-2, "City Policy Of Non-Discrimination", To Adopt A General City Policy Against Discrimination With Respect To Employment, Housing And Public Accommodation *(The Public Hearing is November 25 at 7:00 p.m.)*
 Motion By: _____
 Wojahn
 To: Introduce
 Second: _____
- 14-CR-03 Charter Resolution Of The Mayor And Council Of The City Of College Park, To Amend Article IX "Officers And Employees", §C9-1, "Discrimination", To Add Certain Non-Discrimination Provisions Concerning City Employment And To Make Clarifying Changes *(The Public Hearing is November 25 at 7:00 p.m.)*
 Motion By: _____
 Wojahn
 To: Introduce
 Second: _____
- 14-G-109 Appointments to Boards and Committees
 Motion By: _____
 To: _____
 Second: _____
 Aye: _____
 Nay: _____
 Other: _____

COUNCIL COMMENTS

COMMENTS FROM THE AUDIENCE

ADJOURN

INFORMATION/STATUS REPORTS (For Council Review)

(None)

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

MINUTES

MINUTES
Special Session of the College Park City Council
Council Chambers
Tuesday, October 7, 2014

PRESENT: Mayor Fellows; Councilmembers Kabir, Wojahn, Brennan, Dennis, Day, Hew and Mitchell.

ABSENT: Councilmember Stullich.

ALSO PRESENT: Joe Nagro, City Manager; Janeen Miller, City Clerk; Suellen Ferguson, City Attorney; Bill Gardiner, Assistant City Manager; Terry Schum, Director of Planning; Bob Ryan, Director of Public Services; Steve Groh, Director of Finance; Steve Halpern, City Engineer; Cole Holocker, Student Liaison.

During a regularly scheduled Worksession of the College Park City Council, a motion was made by Councilmember Day and seconded by Councilmember Mitchell to enter into a Special Session to act on County legislation that is time sensitive. The possibility of the Special Session was listed on the Worksession agenda. The motion passed 7 – 0 – 0 and the Council entered Special Session at 8:11 p.m.

ACTION ITEMS

14-G-96 Approval of a letter in support of CB-82-2014, Prince George's County Nuisance Abatement Board

A motion was made by Councilmember Wojahn and seconded by Councilmember Mitchell to send a letter in support of CB-82-2014 and to authorize staff to testify at the October 9 hearing in support of this bill.

County Council Member Eric Olson said they have passed several nuisance abatement laws over the last few years, and people are now realizing that having a nuisance abatement board is a good thing and they identified a few things they can do to strengthen the nuisance law. The committee hearing is scheduled for October 9. The States Attorney's office is interested in having this as a tool.

City Attorney Ferguson is authorized to testify on behalf of the City at the October 9 hearing.

Councilmember Wojahn said this is one of the strategies in the Neighborhood Quality of Life report.

Comments from the audience:

Dave Dorsch: We are all trying to have a nice livable community but there are some people who do not like students, period, and they will file grievances for no good reason. When you adopt legislation like this that takes away licenses based on complaints it is dangerous and we need to make sure they are really valid complaints and not someone trying to take advantage of this.

Andrea Hawvermale: There are different types of complaints and it is not clear in the bill what is part of the demerit structure. She is all for the general principal but if she slips one day and the grass gets too tall she shouldn't get a demerit. Does it include red cups, grass too high? It doesn't seem clear.

Student Liaison Cole Holocker said that the SGA has not taken a formal position but he believes it is a great tool and he is in support. He appreciates that there are opportunities for warnings and that it provides a structure for landlords to get problem tenants out of their properties.

Councilmember Day asked whether this would diminish the capacity or operation of our current Noise Control Board. City Attorney Ferguson said this would not impact the City's authority in any way.

Councilmember Kabir asked if this bill could help with the prostitution issue in the north College Park motels. Councilmember Olson said we have a variety of issues all over the County and that this bill is designed to address quality of life issues in neighborhoods. Councilmember Wojahn said these amendments can help us.

The motion passed 7 – 0 – 0.

At 8:23 p.m., a motion was made by Councilmember Dennis and seconded by Councilmember Day to recess the Special Session

At 8:26 p.m. with a motion by Councilmember Mitchell and seconded by Councilmember Dennis, the Council returned to Special Session.

14-G-97 Approval of a letter in support for CB-22-2014, Length of Service Retirement Award

Bob Ryan and Frank Underwood joined the Council for this discussion. Mr. Ryan said Chief Corrigan from College Park, who could not attend tonight, is in support of this bill. Mr. Underwood explained how this bill can help volunteer fire fighters who retire after 25 years of service and have reached the age of 55 by increasing the amount of retirement benefits they would receive. It also adds in a County line-of-duty death award.

Amendments to the draft letter were suggested.

A motion was made by Councilmember Mitchell and seconded by Councilmember Wojahn to approve the letter as amended in support of CB-22-2014.

The motion passed 7 – 0 – 0.

ADJOURN:

A motion was made by Councilmember Dennis and seconded by Councilmember Wojahn to adjourn the Special Session, and with a vote of 7 – 0 – 0 Mayor Fellows adjourned the Special Session at 8:29 p.m.

Janeen S. Miller, CMC
City Clerk

Date
Approved

MINUTES
Regular Meeting of the College Park City Council
Tuesday, October 14, 2014
7:30 p.m. – 8:43 p.m.

PRESENT: Mayor Fellows; Councilmembers Kabir, Wojahn, Brennan, Dennis, Stulich (arrived at 7:34 p.m.), Day, and Hew.

ABSENT: Councilmember Mitchell.

ALSO PRESENT: Joe Nagro, City Manager; Janeen Miller, City Clerk; Bill Gardiner, Assistant City Manager; Suellen Ferguson, City Attorney; Bob Ryan, Director of Public Services; Terry Schum, Director of Planning; Cole Holocker, Student Liaison.

Mayor Fellows opened the regular meeting at 7:30 p.m. Councilmember Day led the pledge of allegiance.

Minutes: A motion was made by Councilmember Day and seconded by Councilmember Dennis to adopt the minutes of the September 16, 2014 Special Session; September 23, 2014 Regular Meeting; and the confidential minutes of the September 23 Executive Session. The motion passed 6 – 0 – 0.

Announcements:

Councilmember Hew commented on the successful permaculture planting project that took place on Saturday.

Councilmember Dennis said the College Park Think-a-Thon, held last Saturday, was a great success and he is looking forward to the white paper.

Councilmember Brennan discussed the Pedestrian Safety meeting he attended. The lighting improvements have been completed, and a possible crosswalk on Knox Road from the 7-11 to the shopping center is under discussion.

Councilmember Wojahn said the Coalition for Smarter Growth is doing a series of walking tours this fall including one in College Park on Saturday, October 25 from 3 – 5 p.m. starting from the College Park Metro.

Councilmember Kabir announced two health-related events in Hollywood: Thursday Carrollton Enterprises is sponsoring free health screenings in the REI shopping center, and on Saturday at the Farmers Market a doctor will provide free health check-ups.

Amendments to the Agenda: None.

City Manager's Report: Mr. Nagro said the most recent Resident Satisfaction Survey was distributed tonight for comments. We also want to remind people that this is the last Saturday

that Public Works will be open, and they will also have shredding, Community Forklift, and American Rescue Workers for residents.

Student Liaison's Report: Mr. Holocker reported on his participation in the Think-A-Thon; SGA is advocating in favor of CB-82-2014 the Nuisance Abatement Ordinance; he attended the ribbon-cutting for the new pedestrian light at Hartwick Road; the SGA cabinet met with Dr. Loh's cabinet and focused on quality of life issues; he attended a police sensitivity brainstorming session today; this weekend is the Homecoming game against Iowa – there will be another on-campus tailgate event.

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

- 14-G-98 **Approval of a Letter to SHA indicating that the City is interested in assuming maintenance of an SHA designed/built retaining wall at the corner of US Route 1 @ Erie Street**
- 14-G-99 **Approval of an amendment to the City Manager's Employment Agreement**
- 14-G-100 **Approval of a Letter with City comments on the MDOT Draft FY 2015-2020 Consolidated Transportation Program**
- 14-G-101 **Approval of a Letter to M-NCPPC requesting information about the status of the tree work conducted near the College Park Airport**
- 14-R-32 **Approval Of A Resolution Of The Mayor And Council Of The City Of College Park, Maryland In Support Of The United States Environmental Protection Agency And Army Corps Of Engineers' Proposed Definition Of "Waters Of The United States" Under The Clean Water Act**
- 14-G-107 **Approval of a Field Use Request by Open Bible Deaf Church for use of parking area and restrooms at Duvall Field on Saturday, October 18, 2014**

The motion carried 7 – 0 – 0.

ACTION ITEMS

- 14-O-10 **Adoption of 14-O-10, An Ordinance Of The Mayor And Council Of The City Of College Park, Amending The College Park Code By Repealing Chapter 15, "Boards, Commissions And Committees", Article IX, "Rent Stabilization Board", §§15-39 Through 15-54, And Chapter 127 "Rent Stabilization", §§127-1 Through 127-13, In Their Entirety; And By Repealing An Re-Enacting Chapter 110, "Fees And Penalties", §110-1, "Fees And Interests" And §110-2, "Penalties", To Delete Those Sections That Comprise The Rent Stabilization Law**

A motion was made by Councilmember Day and seconded by Councilmember Kabir to adopt Ordinance 14-O-10, amending the College Park Code by repealing Chapter 15, “Boards, Commissions and Committees”, Article IX, “Rent Stabilization Board”, §§15-39 through 15-54 and Chapter 127 “Rent Stabilization” §§127-1 through 127-13, in their entirety; and by repealing and re-enacting Chapter 110, “Fees and Penalties”, §110-1, “Fees And Interests” and §110-2, “Penalties”, to delete those sections that comprise the Rent Stabilization Law.

Councilmember Day said that in 2005, the Mayor and Council adopted Ordinance 05-O-02, which established a rent stabilization program in Chapter 127 of the City code, fees and penalties in Chapter 110, and a Rent Stabilization Board in Chapter 15. Chapter 127 contained a provision that required the law to expire and become null and void after the first day of September, 2009. The Mayor and Council adopted various ordinances which extended the rent stabilization program through September 1, 2014. In Resolution 14-R-12, the Council determined that Chapter 127 was no longer necessary for the public good and so should be allowed to expire and become null and void after the first day of September, 2014. As a result, the provisions now contained in the City Code with respect to Rent Stabilization and the Rent Stabilization Board should be deleted in their entirety.

Due to the earlier public hearing, there will be no audience comment at this time.

Councilmember Stullich is opposed to this motion. She voted against the sunset of rent stabilization because she doesn't believe it's the right time to end rent stabilization. We haven't yet accomplished what we set out to and rents remain high.

Councilmember Wojahn said he was also opposed to the sunset of rent stabilization, but because that was the decision of the Council, he will abstain on this motion.

Councilmember Kabir supports the motion; he voted to sunset rent stabilization. It was a source of conflict and friction among various groups and cost tax dollars. He thinks the Neighborhood Quality of Life approach is best; it brings together all stakeholders.

Roll Call Vote:

Yes: Hew, Day, Dennis, Kabir

No: Stullich, Brennan

Abstain: Wojahn

The motion carried.

14-G-103 Approval of letter of support of a College Park City-University Partnership Pre-K through elementary school proposal

A motion was made by Councilmember Brennan and seconded by Councilmember Day that the Council authorize the Mayor to sign the attached letter of support to Senator Jim Rosapepe, Chair of the College Park City-University Partnership (CPCUP). The letter provides the City's support for a proposal by CPCUP to launch a specialty contract

program in one or more College Park public elementary schools in the fall of 2015. The proposed kindergarten through elementary program will use a project-based learning model, similar to the approach by University of Maryland's Center for Young Children program.

Councilmember Brennan said the City Council received information regarding the College Park City-University Partnership proposal in the Council packet prior to the October 7th Worksession. The CPCUP would like the City and the University of Maryland to support the proposal, and then it will present the proposal to the Prince George's County Board of Education. The letter of support is in reference to the proposed program that would be located in one of the public elementary schools in the area. It is not in reference to a possible pre-K and/or daycare program but we are hopeful that will come in the future.

The motion passed 7 – 0 – 0.

14-G-104 Motion to voice no objection to application for a Class B, Beer, Wine and Liquor License, to support an exemption from the Special Entertainment Permit requirement, for Ben and Brian Games, LLC, t/a The Board and Brew, 8150 Baltimore Ave., College Park, subject to applicant entering into an amended Property Use Agreement with the City in substantially the form attached, authorization for City Manager to sign PUA and staff to testify at BOLC hearing

A motion was made by Councilmember Dennis and seconded by Councilmember Brennan that the City Council voice no objection to the application for a new Class B, Beer, Wine and Liquor License for the use of Ben and Brian Games, LLC, t/a The Board and Brew, 8150 Baltimore Avenue, Suites F2 and G, College Park, subject to the applicant entering into a revised Property Use Agreement with the City of College Park in substantially the form as attached; to authorize the City Manager to sign the PUA; to authorize staff to testify to the City's position before the Board of License Commissioners; and to authorize staff to testify that the City supports an exemption from obtaining a Special Entertainment Permit.

Councilmember Dennis said the applicant applied for a beer and wine license in May 2014. A Property Use Agreement (PUA) between the City and applicant was executed at that time but the license was not awarded by the Board of License Commissioners (BOLC). A new Beer, Wine, and Liquor license has become available for which the applicant has applied. Staff met with the applicant and revised the PUA to reflect the change from the sale of beer and wine only, to beer, wine, and liquor. The applicant expects to offer drinks such as Irish coffee and spiked milkshakes. During discussion, the alcohol to food ratio of 25%/75% was determined to still be acceptable to the applicant. Based upon the proposed business plan to include some entertainment, such as game tournaments, trivia quiz nights and open mike nights, the applicant has indicated an intention to request an exemption from the Special Entertainment Permit

requirement. The revised PUA is drafted to include the requirement that the applicant obtain a Special Entertainment Permit, or an exemption from that permit, pending a BOLC determination. After review of the applicant's plans, an exemption seems appropriate. An exemption will allow persons under 21 to remain after 9:00 p.m. The applicant does not propose to charge a cover charge. Security will be as required if an entertainment license is necessary. The applicant's employee alcohol service policy continues to be incorporated in the PUA. The applicant will use a scanning device to check the ID of customers, and to inspect the forms of ID approved by the BOLC for all customers.

Councilmember Brennan said that Ben and Brian, who are UMD alumni, are model entrepreneurs creating a new and diverse offering in the City.

Councilmember Kabir supports the business model but had questions about the exemption to the Special Entertainment Permit. He is concerned about the safety of our students and noted that one of the pedestrian deaths was related to drinking. It would go in the wrong direction to allow people under 21 to remain in the establishment after 9:00 p.m. so he will abstain.

Councilmember Wojahn agrees we want to discourage underage drinking but he prefers to support a thriving, strong business. This is not the type of business to be concerned about.

Councilmember Day supports this and believes we need options like this for students under 21 in our community.

Mr. Ryan clarified that the exemption would not allow anyone under the age of 21 to drink alcoholic beverages.

Councilmember Stulich also supports the motion and the business. It is important to have entertainment options available to those under 21.

Councilmember Dennis said this business offers a different option for entertainment in the City and is not geared just toward students.

Councilmember Hew said this allows an opportunity for young people approaching the age of drinking to witness responsible drinking without a binge drinking atmosphere.

Mr. Holocker said this is an attraction for people of all ages and he thinks more students would attend who could stay after 9:00 p.m. and support the business.

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

14-G-102 Approval of a Letter to M-NCPPC with City comments on the FY '16 Park and Planning Budget

A motion was made by Councilmember Wojahn and seconded by Councilmember Kabir that the City Council authorize the Mayor to sign the attached letter to Elizabeth Hewlett,

Chair of the Prince George’s County Planning Board. The letter identifies the City’s budget requests for the FY16 M-NCPPC budget. The City is requesting that M-NCPPC include funding for a display board at Cherry Hill Neighborhood Park, improvements to the Hollywood Community Park Entrance and park reconfiguration to allow for a soccer field, a lighting study along the Paint Branch Trail, a feasibility study for a north College Park community facility, accessibility improvements to the College Park Woods Playground and recycling containers at Lake Artemesia.

Councilmember Wojahn said M-NCPPC annually seeks input from municipalities and other organizations for its upcoming budget. City residents pay a tax for planning and recreation services and it is important that the Council and residents provide input on how M-NCPPC allocates its resources. He then offered an amendment to the letter to add “A consultant for establishment of a Transportation Demand Management (TDM) district in College Park.” Councilmember Kabir seconded the amendment.

There were no comments from the audience on the amendment.

Councilmember Brennan said that development of a TDM plan is paramount to our strategic vision.

The Council voted 7 – 0 - 0 on the amendment.

Councilmember Dennis mentioned that the idea of lighting the trail was discussed at the Think-A-Thon.

Councilmember Hew said it is important to light the trail for safety especially when it gets dark early.

The motion passed 7 – 0 – 0.

14-G-105 Award of Contract in substantially the form attached for Hollywood Commercial District Streetscape Conceptual Design Plan to Floura Teeter Landscape Architects in an amount not to exceed \$32,000, and authorize the City Manager to sign the Contract (Requires a Super Majority)

A motion was made by Councilmember Kabir and seconded by Councilmember Wojahn that the City Council award a contract in substantially the form attached to Floura Teeter Landscape Architects in the amount of \$32,000 for the preparation of conceptual streetscape designs for the Hollywood Commercial District, and that the City Manager be authorized to execute the contract.

Councilmember Kabir stated that competitive bids were not obtained for this project and a super majority vote of the City Council is required. The firm of Floura Teeter successfully designed the Hollywood Wind and Weather Park and is familiar with the location and community. The

project will evaluate pedestrian, bicycle and vehicular access and circulation, use of the Rhode Island Avenue service roads and landscape and lighting issues. Conceptual design alternatives will be presented to the community and a final design concept will be developed and presented to the City Council.

Ms. Ferguson noted that Exhibit A to the contract was distributed this evening.

There were no comments from the audience.

Councilmember Wojahn expressed his excitement about this project moving forward.

Councilmember Kabir asked about the timeline. Ms. Schum said it should be a fast effort that will get underway by the end of this year and be completed in early 2015.

The motion passed 7 – 0 – 0.

14-G-106 Appointments to Boards and Committees

A motion was made by Councilmember Wojahn and seconded by Councilmember Dennis to appoint Darlene Nowlin to the Aging in Place Task Force, Annie Rice as a student representative to the Sustainable Maryland Certified Green Team, Jonathan Plyman to the Citizens Corps Council, Denise Mitchell as a Council representative to the Aging In Place Task Force and Chuck Ireton to the Aging In Place Task Force. The motion passed 7 – 0 – 0.

COUNCIL COMMENTS:

Councilmember Kabir said SHA came to the NCPCA meeting last week and discussed the widening of I-495 in an area that would impact houses in north College Park. He asked if they could present this project at a Worksession. Ms. Schum will contact them to determine the appropriate time.

Councilmember Wojahn asked for specific questions to be answered by SHA regarding the potential beltway widening project: why is it necessary to do this vis-à-vis the Greenbelt station interchange, what is the additional traffic burden. This could have a serious impact on people who live near the beltway in north College Park.

Councilmember Brennan mentioned the Neighborhood Quality of Life Public Forum scheduled for November 6. Also, the College Park Community Foundation will hold their winter gala on Saturday, December 13 at 7:00 p.m.

Councilmember Dennis attended the Monument groundbreaking and said it was good to see some of our development efforts come to fruition.

Councilmember Day was excited to attend the ribbon cutting for the pedestrian light at Hartwick Road; we have been asking for this for a long time.

Councilmember Hew also commented on the Monument groundbreaking and said the community was involved for many years with this project. He thinks they are going to be a great part of the community.

COMMENTS FROM THE AUDIENCE:

Brian Epstein, The Board and Brew: Lighting the paths should be a priority; a staff member was recently mugged at 1:00 a.m. when walking home after work.

ADJOURN:

A motion was made by Councilmember Dennis and seconded by Councilmember Day to adjourn the meeting. With a vote of 7 – 0 – 0, Mayor Fellows adjourned the meeting at 8:43 p.m.

Janeen S. Miller, CMC
City Clerk

Date
Approved

MINUTES
Public Hearing of the College Park City Council
Tuesday, October 14, 2014
7:25 P.M.

14-O-10

Ordinance Of The Mayor And Council Of The City Of College Park, Amending The College Park Code By Repealing Chapter 15, "Boards, Commissions And Committees", Article IX, "Rent Stabilization Board", §§15-39 Through 15-54, And Chapter 127 "Rent Stabilization", §§127-1 Through 127-13, In Their Entirety; And By Repealing An Re-Enacting Chapter 110, "Fees And Penalties", §110-1, "Fees And Interests" And §110-2, "Penalties", To Delete Those Sections That Comprise The Rent Stabilization Law

PRESENT: Mayor Fellows; Councilmembers Kabir, Brennan, Dennis, Day and Hew.

ABSENT: Councilmembers Wojahn, Stullich and Mitchell.

ALSO PRESENT: Joe Nagro, City Manager; Janeen Miller, City Clerk; Bill Gardiner, Assistant City Manager; Suellen Ferguson, City Attorney; Bob Ryan, Director of Public Services; Terry Schum, Director of Planning; and Cole Holocker, Student Liaison.

Mayor Fellows opened the public hearing on Ordinance 14-O-10 at 7:25 p.m. and invited Ms. Ferguson to provide an overview.

Ms. Ferguson stated that the Rent Stabilization law was adopted in 2005 and was allowed to sunset in 2014. This ordinance removes reference to the law from our City code and completes the process of sunsetting the law.

Mayor Fellows invited public comment.

No one came forward to comment on this ordinance.

Mayor Fellows closed the public hearing at 7:27 p.m.

Janeen S. Miller, CMC
City Clerk

Date Approved

14-G-108

October 28, 2014

The Honorable Rushern L. Baker, III
Prince George's County Executive
14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772-3050

Dear County Executive Baker:

The reconstruction of Baltimore Avenue in College Park has been a City priority for decades. The current condition impedes economic growth in the area, increases environmental damage, and contributes to an unsafe and unattractive gateway to the City. After many years of planning, the City is appreciative of the work by our elected officials to obtain full funding for the final design and right of way acquisition for segment 1 (College Avenue to MD 193). We now need construction funding in the FY 2015-2020 Maryland Consolidated Transportation Plan so the region, the University of Maryland, and the City can benefit from the improved traffic flow and safety, and additional multi-modal infrastructure and aesthetic enhancements.

The City respectfully requests that you designate this project as a top Prince George's County Transportation Priority to the State. Your designation of the project as a top priority will support State construction funding in FY16, and avoid yet another delay.

Additionally, the City asks that you request the State to submit a federal TIGER grant application for additional federal funding that will enable undergrounding the utilities along a portion of the project. Undergrounding the utilities will provide public benefits along the main transportation route through the City and the University of Maryland, and would likely stimulate additional development and property value appreciation.

The City Council and staff are collaborating with the State Highway Administration on this issue, and last year invested \$140,000 for a utility undergrounding feasibility study. This year the City has committed up to \$300,000 to complete the design of undergrounding the utilities. Now is the only practical opportunity to complete this work, and the award of TIGER funding would help create an environment befitting the entrance to the City's downtown and the University of Maryland.

Thank you for your work to improve our community, and we look forward to your positive response on this critical issue.

Sincerely,

Andrew M. Fellows
Mayor

cc: 21st District Delegation
County Council Members Eric Olson and Mary Lehman
President Wallace D. Loh, University of Maryland

14-R-33



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. CPV-2014-07 Name: Karl F. Huemmrich

Address: 4900 Indian Lane, 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 28, 2014

CERTIFICATE OF SERVICE

This is to certify that on October 30, 2014, 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 RECOMMENDATIONS OF THE ADVISORY PLANNING COMMISSION REGARDING VARIANCE APPLICATION NUMBER CPV-2014-07, 4900 INDIAN LANE, COLLEGE PARK, MARYLAND, RECOMMENDING APPROVAL OF VARIANCES FROM THE REQUIREMENTS OF THE PRINCE GEORGE'S COUNTY ZONING ORDINANCE, SECTION 27-442 (E), TABLE IV, PRESCRIBING A MINIMUM FRONT YARD SETBACK AND SECTION 27-422 (C)(1) PERMITTING A SETBACK ENCROACHMENT ALLOWANCE FOR OPEN PORCHES IN ORDER TO PERMIT THE CONSTRUCTION OF AN OPEN DECK/PORCH ON A CORNER THROUGH LOT.

- WHEREAS**, the City of College Park, Maryland (hereinafter, the "City") has, pursuant to Ordinance Number 11-O-03 (hereinafter, the "Ordinance"), and in accordance with Section 27-924 of the Prince George's County Zoning Ordinance (hereinafter, "Zoning Ordinance"), enacted an ordinance which sets forth procedural regulations governing any or all of the following: departures from design and landscaping standards, parking and loading standards, sign design standards, and variances for lot size, setback, and similar requirements for land within the corporate boundaries of the City, alternative compliance from landscaping requirements, certification, revocation, and revision of nonconforming uses, and minor changes to approved special exceptions; and
- WHEREAS**, the City is authorized by the Ordinance to grant an application for a waiver or variance for lot size, setback, and similar requirements where, by reason of exceptional narrowness, shallowness, shape, topography, or other extraordinary situation or condition of the specific parcel of property, the strict application of the Zoning Ordinance would result in peculiar and unusual practical difficulties or an exceptional or undue hardship upon the owner of the property, and a variance can be granted without substantial impairment of the intent, purpose and integrity of the General Plan or Master Plan; and
- WHEREAS**, the Advisory Planning Commission (hereinafter "APC") is authorized by the Ordinance to hear requests for variances from the terms of the Zoning Ordinance with respect to lot size, setback, and other requirements from which a variance may be granted by the Prince George's County Board of Appeals, including variances from Section 27-442(c) of the Prince George's County Zoning Ordinance, and to make recommendations to the Mayor and Council in connection therewith; and
- WHEREAS**, Section 27-442 (e), Table IV, of the Prince George's County Zoning Ordinance prescribes a minimum front yard setback of 25 feet in the R-55 zoning district; and
- WHEREAS**, Section 27-422 (c) (1), of the Prince George's County Zoning Ordinance prescribes open porches shall not extend beyond 9 feet from the front building line; and

- WHEREAS,** Section 27-107.01 (183) of the Prince George’s County Zoning Ordinance defines a “Porch, Open” as “a porch without a roof or other covering” and County practice is to consider a non-roofed deck as an open porch in terms of zoning regulations; and
- WHEREAS,** the Mayor and Council are authorized by the Ordinance to accept or deny the recommendation of the APC with respect to variance requests; and
- WHEREAS,** on August 20, 2014, Karl F. Huemmrich (hereinafter, the “Applicant”), submitted an application for variances from Section 27-442 (e), Table IV and Section 27-422 (c) (1) in order to construct an open porch/deck on a corner through lot at the premises known as 4900 Indian Lane, College Park, Maryland (the “Property”); and
- WHEREAS,** on October 2, 2014, 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 and Exhibits 1 – 13 with respect to whether the subject application meets the standards for granting a variance set forth in the Ordinance.
- WHEREAS,** based upon the evidence and testimony presented, the APC voted 4-0-0 to recommend that the variances be granted; and
- WHEREAS,** the Mayor and Council have reviewed the recommendation of the APC as to th 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:

- 1.1 The property has an area of 7,364 square feet on 4 lots and is improved with a 2-story, frame structure, a 25-foot by 4.5-foot shed (112.5 square feet), a 4-foot high chain-link fence and a board-on-board fence that varies in height from 6 to 8 feet.
- 1.2 There is a retaining wall in the back of the house that varies in height from 1.5 feet to 2 feet and is located 4 to 10 feet from the house.
- 1.3 The subject house was constructed in 1908, before Zoning Regulations which started in 1928. A 14-foot by 33-foot and 6-foot by 14-foot addition was approved in 2013.
- 1.4 The applicant bought the house in 1985. The shed and fences were already in place when the house was purchased.

- 1.5 The western boundary of the property is bounded by the unimproved 49th Avenue right-of-way (ROW). A private, asphalt driveway has been built on the ROW to serve the adjoining property.
- 1.6 The property is an odd, non-rectangular shape. The southern property along Indian Lane is 53.35 feet wide. The northern property line along Huron Street is 74.57 feet wide. The western property line along the 49th Avenue right-of-way is 82.09 feet long and the eastern property line is made up of two segments that are 58.42 feet long and 58.49 feet long for a total measurement of 116.91 feet.
- 1.7 The immediate neighborhood is zoned R-55, single-family residential.
- 1.8 The subject property and the adjoining property to the east are both through lots that are oriented towards Indian Lane.
- 1.9 The houses on Huron Street are oriented to face Huron Street except for the two houses at the end of Huron Street mentioned above. Huron Street is a dead-end street.
- 1.10 The proposed open deck varies in length and width. It is 39 feet 1 inch long by 14 feet, 3 inches wide at its longest and widest point.
- 1.11 The lot is defined in Section 27-107.01 (144) of the Zoning Ordinance as a "corner through lot" since the lot fronts on three streets: Indian Lane, 49th Avenue right-of-way and Huron Street. The front yard setback must be met for all yards that abut a street (Sect. 27-107.01 (261)). A through lot has no rear yard (Sect. 27-107.01 (262)).
- 1.12 The property owner, Mr. Karl F. Huemrich, testified at the October 2, 2014 hearing that he built an addition to the rear of his house in 2013 and would like to add a deck to this addition to make it accessible and level with the "rear" yard of his house.
- 1.13 Mr. Bill Gales, testified that he is an abutting property owner, living at 4902 Indian Lane. He stated that he supports the deck proposal. He stated that he feels the property owner has made significant improvements to the property in the past and that this proposal will be an improvement.

Section 2 Conclusions of Law

The APC makes the following conclusions of law with regard to CPV-2014-07 for variances to construct an open deck/porch on a corner through lot.

- 2.1 The lot has an extraordinary condition in that it is bounded by three streets, one of which is unimproved (49th Avenue). The lot also has an exceptional shape with 5 sides. Finally, the lot has an exceptional topographic condition. It has rolling topography and a retaining wall constructed behind the house. The house is above grade along Indian Lane and the 49th Avenue right-of-way.

As for validating the existing conditions variances, the house was built in 1908, prior to the first Zoning Ordinance, which was enacted in 1928.

- 2.2 The site constraints are such that the strict application of the County Zoning Ordinance results in peculiar and unusual practical difficulties for the applicant as a 25-foot setback must be met on three sides of the house rather than the more typical one side. Decks are typically built in the rear yard but the subject lot has no legal rear yard.

In terms of validating the existing conditions variances, moving the house so that it complies with the current zoning ordinance setback standards would be an undue hardship.

- 2.3 Granting the setback variances of 2 and 6 feet for an open deck will not substantially impair the intent, purpose and integrity of any applicable County General Plan or County Master Plan. It is common to have a deck in the rear yard, which practically, if not legally, is the condition of this application.

As for validating the existing conditions variances, the house predates the County General Plan and County Master Plan; however, single-family use at this location is consistent with the County General and Master Plan.

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 following 5 variances are hereby granted with the condition that the open porch/deck shall not be enclosed and/or under roof as specified in Section 27-422(c) (4) unless another variance is granted for such a request:

1. A variance of 2 feet from the minimum front yard setback of 16 feet for an open porch from Huron Street.
2. A variance of 6 feet from the minimum front yard setback of 16 feet for an open porch from the 49th Ave ROW.
3. A variance of 13 feet to validate the existing front yard building setback from Indian Lane.
4. A variance of 17 feet to validate the existing front yard building setback from the 49th Avenue right-of-way.
5. A variance of 4 feet to validate the existing front yard building setback from Huron Street.

ADOPTED, by the Mayor and Council of the City of College Park, Maryland at a regular meeting on the 28th day of October 2014.

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

14-R-34

**A RESOLUTION OF THE MAYOR AND COUNCIL OF
THE CITY OF COLLEGE PARK TO AMEND THE COMPOSITION OF
THE COLLEGE PARK AGING-IN-PLACE TASK FORCE**

WHEREAS, the Mayor and Council of the City of College Park established the Aging-In-Place Task Force by adoption of Resolution 14-R-07 on April 8, 2014, and

WHEREAS, the composition of the Aging-In-Place Task Force included two seats designated for Councilmembers, and

WHEREAS, the City Council now desires to expand the number of seats on the Task Force designated for Councilmembers from two to four.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of College Park that the composition of “College Park Aging-In-Place Task Force” be and it is hereby amended as follows:

1. Charge:

- Identify existing City resources that support our aging population
- Identify existing County resources that support our aging population
- Identify needs of the City’s aging population who desire to age-in-place
- Identify gaps between current resources and the needs of the aging-in-place population
- Identify and research potential strategies that the City could pursue to address the gaps between the available resources and current needs for aging-in-place. Such potential strategies could include:
 - an information and referral service
 - a volunteer network
 - a senior day care facility
 - addressing nutritional needs with current stakeholders
- Prepare a final report of strategies and recommendations for the Mayor and Council to be presented in January of 2015.

- 2. **Composition:** the College Park Aging-In-Place Task Force shall consist of 8 City residents (with the goal of having two from each Council district) and [2] 4 City Council representatives, for a total of [10] 12 members. The Task Force is encouraged to include experts from outside agencies (i.e., Prince George’s County, University of Maryland, AARP or MetLife) to participate to the extent deemed desirable and necessary by the Task Force. These guests are not voting members of the Task Force.
- 3. **Structure:** The College Park Aging-In-Place Task Force shall select a Chair from among its members. The staff liaison shall be the Director of Youth, Family and Senior Services (or her designee). A quorum shall be 5 members. The affirmative vote of a majority of the members present and voting is required to take an action. The Task Force shall be discharged after the final report has been presented to the Mayor and City Council (anticipated in January of 2015).

ADOPTED by the Mayor and City Council of the City of College Park, Maryland at a regular meeting on the _____ day of _____, 2014.

EFFECTIVE the _____ day of _____, 2014.

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

14-CR-02

CHARTER RESOLUTION
OF THE MAYOR AND COUNCIL OF THE CITY OF COLLEGE PARK, TO AMEND
ARTICLE I, "GENERAL PROVISIONS", TO ADD §C1-2, " CITY POLICY OF NON-
DISCRIMINATION", TO ADOPT A GENERAL CITY POLICY AGAINST
DISCRIMINATION WITH RESPECT TO EMPLOYMENT, HOUSING AND PUBLIC
ACCOMMODATION

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 §4-301 *et seq.*, Local Government Article, Annotated Code of Maryland, as amended.

WHEREAS, the Mayor and Council have determined that it is appropriate to state a general City policy of non-discrimination in providing services and adopting and applying policies and practices.

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

Section 1. Article I, "General Provisions" §C1-2 "City Policy of Non-Discrimination" be enacted to read as follows:

§C1-2 CITY POLICY OF NON-DISCRIMINATION

THE CITY PROHIBITS DISCRIMINATION ON THE BASIS OF RACE, RELIGION, SEX, AGE, ETHNICITY, ANCESTRY OR NATIONAL ORIGIN, PHYSICAL OR MENTAL DISABILITY, COLOR, MARITAL STATUS, SEXUAL ORIENTATION, GENDER IDENTITY, GENETIC INFORMATION OR POLITICAL AFFILIATION IN ITS PROVISION OF SERVICES, ITS ADOPTION OF POLICIES, AND IN ITS PRACTICES, WITH RESPECT TO EMPLOYMENT, HOUSING AND PUBLIC ACCOMMODATION.

Section 2. **BE IT FURTHER RESOLVED** by the Mayor and Council of the City of College Park that, upon formal introduction of this proposed Charter Resolution, the City Clerk shall publish this proposed Charter Resolution or a fair summary thereof in a newspaper having

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.

a general circulation in the City of College Park together with a notice setting out the time and place for a public hearing thereon and for its consideration by the Council. The public hearing is hereby set for _____ p.m. on the _____ day of _____, 2014. All persons interested shall have an opportunity to be heard.

Section 3. BE IT FURTHER RESOLVED that this Charter Resolution is adopted this _____ day of _____, 2014, 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 §4-304 of the Local Government Article, 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 4. 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 5. BE IT FURTHER RESOLVED that the City Manager of the City of College Park 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) return receipts 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 at a regular meeting on the _____ day of _____ 2014.

ADOPTED by the Mayor and Council of the City of College Park at a regular meeting on the _____ day of _____ 2014.

EFFECTIVE the _____ day of _____, 2014.

ATTEST:

CITY OF COLLEGE PARK,

Janeen S. Miller, CMC, City Clerk

By _____
Andrew M. Fellows, Mayor

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

Suellen M. Ferguson, City Attorney

14-CR-03

CHARTER RESOLUTION
OF THE MAYOR AND COUNCIL OF THE CITY OF COLLEGE PARK, TO AMEND
ARTICLE IX “OFFICERS AND EMPLOYEES”, §C9-1, “DISCRIMINATION”, TO
ADD CERTAIN NON-DISCRIMINATION PROVISIONS CONCERNING CITY
EMPLOYMENT AND TO MAKE CLARIFYING CHANGES

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 §4-301 *et seq.*, Local Government Article, Annotated Code of Maryland, as amended.

WHEREAS, §C9-1 of the City Charter currently prohibits discrimination in City employment practices on certain specified bases; and

WHEREAS, the Mayor and Council have determined that it is appropriate to expand the list of prohibited discrimination in City employment practices.

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

Section 1. Article IX, “Officers and Employees” §C9-1 “Discrimination” be repealed, re-enacted and amended to read as follows:

§C9-1 Discrimination IN CITY EMPLOYMENT, HOLDING PUBLIC OFFICE.

No Official or employee or applicant for CITY employment shall be appointed, promoted, demoted, removed or in any way favored or discriminated against IN THESE RESPECTS because of [~~his/her~~] race, religion, SEX, AGE, ETHNICITY, ANCESTRY OR NATIONAL ORIGIN, PHYSICAL OR MENTAL DISABILITY, COLOR, MARITAL STATUS, SEXUAL ORIENTATION, GENDER IDENTITY, GENETIC INFORMATION or political affiliation or any other factors not related to ability to perform the work. A City employee who is subject to the personnel regulations of the City may continue in such position after being elected or appointed to any public office, other than a public office of the City of College Park, unless

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.

such office presents a real or potential conflict of interest or the appearance of a conflict of interest.

Section 2. BE IT FURTHER RESOLVED by the Mayor and Council of the City of College Park that, upon formal introduction of this proposed Charter Resolution, the City Clerk shall publish this proposed Charter Resolution or a fair summary thereof in a newspaper having a general circulation in the City of College Park together with a notice setting out the time and place for a public hearing thereon and for its consideration by the Council. The public hearing is hereby set for _____ p.m. on the _____ day of _____, 2014. All persons interested shall have an opportunity to be heard.

Section 3. BE IT FURTHER RESOLVED that this Charter Resolution is adopted this _____ day of _____, 2014, 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 §4-304 of the Local Government Article, 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 4. 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 5. BE IT FURTHER RESOLVED that the City Manager of the City of College Park 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) return receipts 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 at a regular meeting on the _____ day of _____ 2014.

ADOPTED by the Mayor and Council of the City of College Park at a regular meeting on the _____ day of _____ 2014.

EFFECTIVE the _____ day of _____, 2014.

ATTEST:

CITY OF COLLEGE PARK,

Janeen S. Miller, CMC, City Clerk

By _____
Andrew M. Fellows, Mayor

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

Suellen M. Ferguson, City Attorney

14-G-109

Appointments to Boards and Committees

14-G-109

Councilmember Wojahn:

Appoint Spiro Dimakas to the Citizens Corps Council

Councilmember Stulich:

Reappoint Mark Wimer to the Tree and Landscape Board

Reappoint James Sauer to the Cable Television Commission