



TUESDAY, APRIL 14, 2015
CITY OF COLLEGE PARK
COUNCIL CHAMBERS

7:15 P.M.

PUBLIC HEARING ON ORDINANCE 15-O-02:

An Ordinance of the Mayor and Council of the City of College Park, MD to Amend the Fiscal Year 2015 Operating and Capital Budget of the City of College Park, MD

7:30 P.M.

MAYOR AND COUNCIL MEETING
AGENDA

(There will be a Worksession at the conclusion of the Regular Meeting)

MEDITATION

PLEDGE OF ALLEGIANCE: Councilmember Kabir

ROLL CALL

MINUTES: March 24, 2015 Regular Meeting; Confidential Minutes of the February 17
Closed Session

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

- Mr. Stacey Friedly, General Manager, Landmark Student Housing Development

CONSENT AGENDA

- 15-G-41 Field Use Request by Sigma Chi Fraternity for a community Service Softball Game at Duvall Field, Field B, on Friday, April 17, 2015 or April 24, 2015 from noon to 5:00 p.m. Motion By:
To: Approve
Second:
Aye: _____ Nay: _____
Other: _____
- 15-G-42 Field Use Request by the College Park Boys and Girls Club at Duvall Field on Sunday, April 19, 2015 as a rain date for Girls Lacrosse games should the games scheduled for Saturday, April 18th be cancelled due to weather.
- 15-G-43 Field Use Request by Berwyn Baptist Church for a Soccer Camp at Duvall Field on Monday, July 20 through Friday, July 24, 2015 from 5:30 p.m. to 7:30 p.m.
- 15-G-44 Field Use Request by Berwyn Baptist Church for Game Time for Children at Duvall Field on Sundays, September 27, October 4 and October 11, 2015 from 4:45 p.m. to 6:00 p.m.

ACTION ITEMS

- 15-O-02 Adoption of Ordinance 15-O-02, An Ordinance of the Mayor and Council of the City of College Park, MD to Amend the Fiscal Year 2015 Operating and Capital Budget of the City of College Park, MD Motion By: Mitchell
To: Approve
Second:
Aye: _____ Nay: _____
Other: _____
- 15-G-45 Appointments to Boards and Committees Motion By:
To: Approve
Second:
Aye: _____ Nay: _____
Other: _____

COUNCIL COMMENTS

COMMENTS FROM THE AUDIENCE

ADJOURN

WORKSESSION

1. Fiscal Year 2016 Operating and Capital Budget
2. Advisory Board Discussion with Chairs of Airport Authority, Cable Television Commission, Election Supervisors and Ethics Commission

INFORMATION/STATUS REPORTS (For Council Review)

1. Legislative Report – Len Lucchi, O’Malley, Miles, Nysten & Gilmore, PA

**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**

Public Hearing

15-O-02

Ordinance 15-O-02, An Ordinance of the Mayor and Council of the City of College Park, MD to Amend the Fiscal Year 2015 Operating and Capital Budget of the City of College Park, MD



**NOTICE OF PUBLIC HEARING
ORDINANCE 15-O-02
TUESDAY, APRIL 14, 2015
2ND FLOOR COUNCIL CHAMBERS
CITY HALL, 4500 KNOX ROAD
7:15 P.M.**

An Ordinance of the Mayor and Council of the City of College Park to Amend the Fiscal Year 2015 Operating and Capital Budget of the City of College Park, Maryland.

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 SCENE

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

www.collegeparkmd.gov

March 26, 2015

NOTICE OF PUBLIC HEARING ORDINANCE 15-O-02 TUESDAY, APRIL 14, 2015 - 7:15 P.M. CITY HALL, 2ND FLOOR COUNCIL CHAMBERS 4500 KNOX ROAD, COLLEGE PARK

An Ordinance of the Mayor and Council of the City of College Park to Amend the Fiscal Year 2015 Operating and Capital Budget of the City of College Park, Maryland.

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

2020 STRATEGIC PLAN

The City Council has released a draft 2020 Strategic Plan, and needs to hear from you!

Please download a copy at http://www.collegeparkmd.gov/government/administration/StrategicPlan/Framework_FINAL_150303.pdf

You can also pick up a copy in the Lobby of City Hall, 4500 Knox Road or Davis Hall, 9217 51st Avenue.

You can submit individual comments electronically at <http://goo.gl/MoEkCF>, or hold a "Meeting in a Box" with a few neighbors or others to discuss the draft plan and provide comments. For more information, go to: http://www.collegeparkmd.gov/programs_and_initiatives/2020strategicplan.php

All comments should be submitted by April 10.

STATE TAX REMINDER

Please remember to specify "College Park" as your "Incorporated City" on your Maryland Tax Return.

Around Town!

SPRING EGG HUNT

SATURDAY, MARCH 28, 2015 - 10:00 A.M. TO 12:00 P.M.
4912 NANTUCKET ROAD, COLLEGE PARK

Free admission and activities including: Egg Hunt; Roller Skating; Games & Prizes; Face Painting; Arts & Crafts and meet the Beltsville fire crew and Blaze the Buffalo!

Sponsored by City of College Park Youth and Family Services and the Maryland National Capital Park and Planning Commission Department of Parks and Recreation.

COLLEGE PARK COMPLETE STREETS WORKSHOP

WEDNESDAY, APRIL 8, 2015 - 7:00 P.M.
CITY HALL, 2ND FLOOR COUNCIL CHAMBERS
4500 KNOX ROAD, COLLEGE PARK

The City of College Park invites you to an informative presentation and hands-on workshop to re-imagine active transportation within our city. Complete streets provide equal access to all modes of transportation from driving to biking to walking. They also provide safe access to all types of users including children, seniors and the handicapped. Complete streets provide important safety features such as sidewalks, bicycle lanes and crosswalks as well as green elements such as trees and rain gardens. Join us on April 8th to see how we can make our streets more accessible and more pleasant for everyone to enjoy.

For more information, contact Steve Beavers at sbeavers@collegeparkmd.gov

DOWNTOWN COLLEGE PARK FARMERS MARKET

OPENS SUNDAY, APRIL 12, 2015 - 10:00 A.M. TO 2:00 P.M.
4500 KNOX ROAD - CITY HALL PARKING LOT

The market is celebrating its fifth season of operation, which will be its biggest yet with more than 20 vendors expected to attend throughout the season. Products available this year will include BBQ, beer, bread, cheese, chocolate, crepes, fudge, gluten-free baked goods, meat, pickles, produce, root beer, tea, wine, and much more. Enjoy free parking in Downtown on Sundays on the street or the parking garage across from the market.

For more information visit www.downtowncollegeparkmarket.org

COLLEGE PARK MOTHERS DAY 5K RACE

SUNDAY, MAY 10, 2015 - 7:30 A.M.
HOLLYWOOD SHOPPING CENTER
9800 RHODE ISLAND AVENUE, COLLEGE PARK

Registration is open for the second annual College Park Mothers Day 5K race!

The College Park Mothers Day 5K is an event focused on promoting health and family togetherness. Proceeds of the race will benefit College Park Community Foundation (CPCF), which raises money to support charitable projects in College Park.

Runners, families, and running families are invited to join us to run or walk the five kilometer course, which starts and ends in the Hollywood Shopping Center on Rhode Island Avenue. The race features a separate start for parents with strollers as well as families racing with children.

For new and lapsed runners, or anyone interested in meeting their neighbors, CPCF is coordinating several Couch to 5K groups with meet-ups



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	240-487-3500
City FAX Number	301-699-8020
Finance	240-487-3500
Human Resources	240-487-3530
Parking Enforcement Div. (M-F 8am-10pm/Sat. 1-7pm)	240-487-3520
Planning/Economic Development	240-487-3530
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	240-487-3580
For Urgent Code Enforcement, Noise Control, Animal Control Issues	
Public Works Department , 9217 51st Ave.	240-487-3590
Trash Collection, Recycling and Special Pick-ups.	
Senior Program (Attick Towers) 9014 R.I. Ave.	301-345-8100
Youth and Family Services , 4912 Nantucket Rd.	240-487-3550
Drop-In Recreation Center	301-345-4420

MAYOR AND COUNCIL

Mayor Andrew M. Fellows	
5807 Bryn Mawr Road	301-441-8140
Councilmember Fazlul Kabir (District 1)	
9817 53rd Avenue	301-659-6290
Councilmember Patrick L. Wojahn (District 1)	
5015 Lackawanna Street	240-988-7760
Councilmember P.J. Brennan (District 2)	
4500 Knox Road	301-220-1640
Councilmember Monroe S. Dennis (District 2)	
8117 51st Avenue	301-474-6270
Councilmember Robert W. Day (District 3)	
7410 Baylor Avenue	301-741-1960
Councilmember Stephanie Stullich (District 3)	
7400 Dartmouth Avenue	301-742-4440
Councilmember Alan Y. Hew (District 4)	
9118 Autoville Drive	240-391-8670
Councilmember Denise C. Mitchell (District 4)	
3501 Marlborough Way	240-460-7620

OTHER FREQUENTLY CALLED NUMBERS

EMERGENCY: FIRE-AMBULANCE-POLICE	911
NON-EMERGENCY POLICE SERVICES	
Prince George's Co. Police (Hyattsville Station)	301-699-2630
Prince George's Co. Police Non-Emergency Services	301-352-1200
Prince George's Co. Park Police	301-459-9080
State Police (College Park Barrack)	301-345-3100



CITY OF COLLEGE PARK MUNICIPAL SCENE

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

www.collegeparkmd.gov

April 9, 2015

NOTICE OF PUBLIC HEARING ORDINANCE 15-O-02

TUESDAY, APRIL 14, 2015 – 7:15 P.M.
CITY HALL, 2ND FLOOR COUNCIL CHAMBERS
4500 KNOX ROAD, COLLEGE PARK

An Ordinance of the Mayor and Council of the City of College Park to Amend the Fiscal Year 2015 Operating and Capital Budget of the City of College Park, Maryland.

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.

STATE TAX REMINDER

Please remember to specify "College Park" as your "Incorporated City" on your Maryland Tax Return.

CITY EMPLOYMENT OPPORTUNITY

LABORER

Full-time laborer position for a municipal Public Works department. Duties include a variety of manual labor tasks, including but not limited to route collections of solid waste and recycling, snow, leaf, and litter removal; general grounds maintenance work, and outdoor work in all weather conditions. Physical requirements include the ability to lift items up to 75 pounds without assistance, push/pull objects up to 150 pounds, stoop, kneel, bend, and stand for extended periods. Valid driver's license and the ability to follow oral and written directions are also required.

Join us for the 25th Arbor Day Celebration on Friday, May 1, 2015 at 6:00 p.m. on the Trolley Trail at the 7300 block of Rhode Island Ave. This year's celebration will be a commemorative event to remember and recognize the environmental efforts of Dr. Amelia Murdoch. The City will receive our Tree City USA award for 2014. Everyone is welcome!

COLLEGE PARK MOTHERS DAY 5K SUNDAY, MAY 10, 2015 – 7:30 A.M.

HOLLYWOOD SHOPPING CENTER
9800 RHODE ISLAND AVENUE, COLLEGE PARK

Registration is open for the second annual College Park Mothers Day 5K race!

The College Park Mothers Day 5K is an event focused on promoting health and family togetherness. Proceeds of the race will benefit College Park Community Foundation (CPCF), which raises money to support charitable projects in College Park.

Runners, families, and running families are invited to join us to run or walk the five kilometer course, which starts and ends in the Hollywood Shopping Center on Rhode Island Avenue. The race features a separate start for parents with strollers as well as families racing with children.

Registration is just \$25 (including parents with strollers), or \$55 for a family ticket, good for up to three teens or adults. Children 8 and under are free to run. Prizes will be awarded to the top 3 runners in each group, and all paid participants will receive a t-shirt.

To find out more or to register for the event go to <https://runsignup.com/Race/MD/CollegePark/CollegeParkMothersDay5Krace>

Sponsored by the College Park Community Foundation and the City of College Park.



Environment (CBE) has produced brochures titled "Grass Clippings - Let 'em Lay!" and "Composting in 4 Easy Steps" to give you some ideas on how to manage grass clippings in an environmentally-responsible way. Visit www.collegeparkmd.gov then click on Government and go down to Boards & Commissions, then click on Committee for a Better Environment to download these brochures.

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	240-487-3500
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
Trash Collection, Recycling and Special Pick-ups	
Senior Program (Attick Towers) 9014 R.I. Ave.	301-345-8100
Youth and Family Services, 4912 Nantucket Rd.	240-487-3558
Drop-In Recreation Center	301-345-4425

MAYOR AND COUNCIL
Mayor Andrew M. Fellows

ORDINANCE 15-O-02

An Ordinance of the Mayor and Council of the City of College Park to Amend the Fiscal Year 2015 Operating and Capital Budget of the City of College Park, Maryland

WHEREAS, the Mayor and Council of the City of College Park, Maryland did adopt a budget for the fiscal year beginning July 1, 2014 and ending June 30, 2015 (hereinafter referred to as "Fiscal Year 2015" or "FY2015") on May 27, 2014 by the enactment of Ordinance 14-O-02; and

WHEREAS, the Mayor and Council of the City of College Park, Maryland desire to amend the FY2015 budget in order to provide additional interfund transfers to Capital Improvement Program ("C.I.P.") projects.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the City of College Park, Maryland, that the budget for fiscal year 2015 be, and hereby is, amended in accordance with the following schedule, with said amendments being indicated by asterisks in the right column. The individual budget amendment changes are itemized in Appendix A, attached hereto and incorporated herein by this reference.

General Fund

	<u>Budget as Adjusted</u>	<u>As Amended by this Ordinance</u>
Revenues		
Taxes	\$ 10,225,768	\$ 10,225,768
Licenses & Permits	1,167,934	1,167,934
Intergovernmental	238,322	238,322
Charges for Services	957,324	957,324
Fines & Fees	1,921,900	1,921,900
Miscellaneous Revenues	<u>195,839</u>	<u>195,839</u>
<i>Total Operating Revenues</i>	\$ 14,707,087	\$ 14,707,087
Non-Revenue Receipts		
Interfund Transfer from Parking Debt Service Fund	314,815	314,815
Use of Unassigned Reserve	<u>73,002</u>	<u>373,002</u> *
Total Revenues	<u>\$ 15,094,904</u>	<u>\$ 15,394,904</u> *

Expenditures

General Government	\$ 3,160,265	\$ 3,160,265
Public Services	3,725,973	3,725,973
Planning, Community & Economic Development	638,146	638,146
Youth, Family & Senior Services	1,124,202	1,124,202
Public Works	5,096,819	5,096,819
Contingency	10,000	10,000
Debt Service	558,274	558,274
Interfund Transfers to Capital Projects Fund	<u>781,225</u>	<u>1,081,225</u> *
Total Expenditures	<u>\$ 15,094,904</u>	<u>\$ 15,394,904</u> *

Parking Debt Service Fund

	<u>Budget as Adjusted</u>	<u>As Amended by this Ordinance</u>
Revenues		
Highways & Streets		
Parking Meter Revenue	\$ 205,000	\$ 205,000
Fines		
Parking Fines Revenue	<u>45,000</u>	<u>45,000</u>
Total Revenues	<u>\$ 250,000</u>	<u>\$ 250,000</u>

Expenditures

Interfund Transfer to General Fund	<u>\$ 314,815</u>	<u>\$ 314,815</u>
Total Expenditures	<u>\$ 314,815</u>	<u>\$ 314,815</u>

BE IT FURTHER ORDAINED that:

1. All matters and facts contained in Ordinance 14-O-02 other than the amendments contained herein shall remain in full force and effect;
2. In addition to the projected General Fund operating revenue of \$14,707,087, the amount of \$373,002 is appropriated from the unassigned reserve and the sum of \$314,815 is transferred from the Parking Debt Service Fund;
3. This budget amendment Ordinance provides for interfund transfers to the Capital Improvement Program (C.I.P.), as itemized in Appendix A, attached hereto and incorporated herein by this reference. The net result is a \$300,000 increase in the budgeted use of unassigned reserve from \$73,002 to \$373,002; and

4. This Ordinance shall become effective at the expiration of twenty (20) calendar days following its adoption.

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

A public hearing will be held on the proposed Ordinance at 7:15 p.m. on the 14th day of April, 2015 in the Council Chambers, City Hall, 4500 Knox Road, College Park, Maryland. The public hearing will be held in connection with a regular Council meeting. All persons interested will have an opportunity to be heard. After the public hearing, the Council may adopt the proposed Ordinance, with or without amendment, by the affirmative vote of at least six (6) members of the Council. It shall become effective twenty (20) days following its adoption. After its adoption, the City Clerk shall have a fair summary of the Ordinance and notice of its adoption published in a newspaper having a general circulation in the City of College Park, and shall have copies of the adopted Ordinance available at City offices.

Introduced on the 10th day of March, 2015

Adopted on the _____ day of April, 2015

Effective on the _____ day of May, 2015

Andrew M. Fellows, Mayor

ATTEST:

Janeen S. Miller, CMC, City Clerk

APPROVED AS TO FORM:

Suellen M. Ferguson, City Attorney

CITY OF COLLEGE PARK, MARYLAND
Ordinance 15-O-02, Appendix A
Itemized FY2015 Budget Amendment Changes

Program	Description	Increase (Decrease)
Revenues- Unassigned Reserve Transfer 399.00	Use of Unassigned Reserve in Adjusted Budget	\$ 73,002
Interfund Transfers-9210	Transfer \$300,000 to C.I.P. to provide funding for the Route 1 Underground Utilities project (project 143001). This transfer will cover design and engineering of a State Highway Administration (SHA) underground utilities option for the U.S. Route 1 reconstruction, approved by Mayor & Council on May 13, 2014 (14-G-52).	<u>300,000</u>
Revenues- Unassigned Reserve Transfer 399.00	Use of Unassigned Reserve in Amended Budget	<u>\$ 373,002</u>

MINUTES

MINUTES
Regular Meeting of the College Park City Council
Tuesday, March 24, 2015
Council Chambers
7:30 p.m. – 8:25 p.m.

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

ABSENT: None.

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

Mayor Fellows opened the Regular Meeting at 7:30 p.m. Councilmember Mitchell led the Pledge of Allegiance.

Minutes: A motion was made by Councilmember Dennis and seconded by Councilmember Mitchell to approve the minutes of the March 10, 2015 Regular Meeting. The motion passed 8 – 0 – 0.

Announcements:

Councilmember Stullich announced that a group of residents is hosting an aging-in-place idea and information exchange on Monday, April 6 at St. Andrews Church.

Councilmember Brennan said the Berwyn neighborhood is launching a “Drive Like Your Kids Live Here” campaign to encourage people to slow down. A painting depicting historic Berwyn has been presented to the Berwyn District Civic Association and is hanging at the Fishnet restaurant.

Councilmember Wojahn announced that the College Park Community Foundation would hold their 2nd annual “Taste of Spring” fundraiser at 4:00 p.m. on Sunday at Fishnet. He also announced that the next “Live Smart, Eat Local” tour would be held on Monday, March 30 at The Jerk Pit.

Councilmember Mitchell said that District 4 is holding a Table Talk on Saturday April 4 from 2 – 4 p.m.

Acknowledgement of Dignitaries: Mayor Fellows acknowledged former Mayor Steve Brayman.

Amendments to the Agenda: None.

City Manager's Report: Mr. Nagro reminded everyone that there is no Council meeting next Tuesday, March 31, since it is a 5th Tuesday. He also announced that City offices are closed on Friday, April 3 for Good Friday. He discussed the Public Works "Clean-Up Saturdays" schedule during the month of April. Mr. Nagro congratulated City Clerk Janeen Miller on being named "Clerk of the Year" by the Maryland Municipal Clerks Association.

Student Liaison's Report: Mr. Holocker said the application for Deputy Student Liaison has been posted on the SGA website. He hosted a "Meeting in a Box" to get comments on the Council's draft Strategic Plan. He discussed Good Neighbor Day. Mr. Holocker congratulated the Lady Terps who are advancing in the tournament.

Comments from the Audience on Non-Agenda items:

Miss College Park 2014, Symphony Dixon: Ms. Dixon discussed the many activities she has participated in during her reign as Miss College Park.

David Gray, 7306 Radcliffe Drive: Discussed his research about the role the College Park Airport plays in our local economy: about \$200,000 - \$240,000/year in revenue is generated at the airport, but it loses an equal amount of money and costs the taxpayers \$400,000 to operate each year. The new building costs \$6.5 M. That is a lot of money for a relatively small number of people. He distributed supporting documents.

Jack Robson, Chair, Airport Authority: Over the years there has been one person who has complained about the airport. The second floor of the new building is community meeting space and will be shared between airport operations and the museum. The airport was severely impacted by 9 – 11 so they are not able to contribute now what they used to. At that time there were 120 planes at the airport, and there was a waiting list. They are working to have some of the restrictions relaxed. This is the world's oldest continually operating airport which counts for something.

CONSENT AGENDA

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

15-G-35 Approval of Spring And Summer Field Use Requests by College Park Boys and Girls Club for use of Duvall Field and Calvert Road Field

The motion passed 8 – 0 – 0.

ACTION ITEMS:

- 15-G-36 Approval of Conditions for the revised Detailed Site Plan application for The Hotel at the University of Maryland subject to the applicant entering into an Agreement with the City.**

A motion was made by Councilmember Day and seconded by Councilmember Brennan that the City Council recommend approval of Detailed Site Plan-14022 for The Hotel at the University of Maryland subject to the following:

- 1. Prior to certification, the Applicant shall revise the Site Plan to increase the number of on-site bicycle parking spaces where feasible. This may be accomplished by providing additional inverted “U”-type bicycle racks within the locations already designated on the site plan and by adding bicycle parking on the north side of Hotel Drive North and the south side of Hotel Drive South.**
- 2. Prior to certification, the Applicant shall revise the site plan and elevations to show a building height less than or equal to 198-feet Above Mean Sea Level (AMSL). No building, structure, or natural feature shall be constructed, altered, maintained, or allowed to grow greater than 198 feet AMSL unless a variance is obtained in compliance with COMAR 11.03.05.06 with a finding that the height does not endanger the public health, safety and welfare.**
- 3. The applicant shall comply with all conditions of the “Determination of No Hazard to Air Navigation” letters issued by the Federal Aviation Administration dated March 4, 2015.**
- 4. Prior to certification, the Applicant shall revise the Sign Plan to reduce the size of the electronic message center sign (EMC) and relocate it to Greenhouse Drive, near the hotel entrance on Hotel Drive South or below the glass curtain wall on the north elevation.**
- 5. Prior to certification, the Applicant shall revise the Landscape Plan to:**
 - a. Provide a detail to show how trees will be planted on the green roof.**
 - b. Replace the Japanese Blood Grass species which is invasive with a non-invasive species.**
 - c. Replace the Pin Oaks with another species due to pH and branching concerns.**
 - d. Revise the plant schedule to accurately reflect the landscape plan, Sheet LS-1.**
- 6. Prior to certification, if the façade elevations or signage are modified by the Applicant or Planning Board, the Applicant shall provide copies to the City of College Park staff for review with the Urban Design Section of M-NCPPC.**
- 7. Consideration should be given to the parking garage serving as a shared public parking facility for the larger innovation district.**
- 8. Prior to the Planning Board Hearing of the DSP, the Applicant shall sign an Agreement with the City of College Park, in substantially the form attached, including the following:**
 - a. The applicant, its successors and assigns, shall reimburse the City for all costs of maintenance and operation of pedestrian street lights within the SHA right-of-way and shall enter into an Agreement, requiring reimbursement, which shall be recorded against the Property.**

- b. Prior to obtaining a Building Permit, the Applicant shall designate the City of College Park Planning Director as a team member in the USGBC's LEED Online system. The City's team member will have privileges to review the project status and monitor the progress of all documents submitted by the project team.**
- c. Prior to obtaining a Use and Occupancy Permit, and subject to the conditions in the agreement, the Applicant shall pay the sum of \$45,000 to the City of College Park for the installation and operation of an 11 dock/6 bike bikeshare station on or near the subject property.**
- d. A copy of the approved Stormwater Management Landscape Plan shall be submitted to the City.**

Councilmember Day said the Detailed Site Plan for the Hotel at the University of Maryland was revised to comply with Airport Height Standards by decreasing the height by 35 feet. The Applicant has added a floor to the parking garage and increased the number of vehicular parking spaces in the parking garage by 96 spaces. The Planning Board is scheduled to hear this request on Thursday, March 26. The County technical staff report is available and recommends approval with conditions. This will be a great addition to our City.

Comments from the Audience:

Carlo Colella, Vice President for Administration and Finance, UMD: On behalf of the University, he thanked the City Council and Staff for support of this important project. He appreciates the developer's efforts to make the needed changes. When a challenge comes up at the late stage of design for a project of this caliber, it is often hard to keep the project on track. He was pleased with the efforts of the project team to work this through.

Arthur Horne, Attorney for the Applicant: On behalf of Mr. Hillman, he thanked the Council for their support. Condition #8 is a covenant that won't be part of any Agreement publicly in the future, but Mr. Hillman has authorized Mr. Horne to say he will sign it and follow it. There is still some language that we are working through, but as a concept we think what you have done is tremendous.

Jack Robson, Chair, College Park Airport Authority: He doesn't know what Mr. Horne says is still unresolved. The FAA says that any building in that area greater than 198 feet will be a hazard. They have redesigned the hotel to a 198 foot height. There is some contention about the ground level vs. height of the hotel, so the Airport Authority has suggested the language in Condition #2 to make sure it stops at 198 feet, which is needed because site plans and construction plans differ.

Councilmember Stullich thanked the developer for the changes they made and is excited about the project. She asked if staff agrees with the memo from the Airport Authority. Ms. Schum said that staff agrees, and has included that language in the motion.

The motion passed 8 – 0 – 0.

15-G-37 Renewal of Health, Dental, Workers Compensation and General Liability Insurance for Fiscal Year 2016 (Requires a Super Majority)

A motion was made by Councilmember Wojahn and seconded by Councilmember Dennis to award the following contracts for health, dental, workers' compensation, and liability insurances for FY 2016: 1) Contract with Benecon, benefits administrator for Maryland Local Government Healthcare Cooperative, for employees' health insurance, at a budgeted cost of \$865,070; 2) Contracts with MetLife and DentaQuest for dental insurance at a budgeted cost of \$45,519; 3) Contract with Chesapeake Employers Insurance Company for workers' compensation insurance at a budgeted cost of \$156,025; 4) Contract with Local Government Insurance Trust (LGIT) and affiliates for general liability, public officials' liability, auto, property, boiler and machinery, personal injury protection, and uninsured motorists protection insurances at a budgeted cost not to exceed \$152,062, for a total budgeted cost of \$1,218,676. The contracts submitted for approval and award were negotiated using authorized informal purchasing procedures including brokers, agents, and staff research and therefore require an extra-majority vote of the Mayor and Council.

Councilmember Wojahn said the City used a broker to research the health and dental contract information submitted for approval and award. The options for both insurance products have been evaluated and compared to assure that the City is purchasing products that are acceptable to the City and its employees at competitive prices. Staff also recommends that the workers' compensation and general liability insurances be renewed with our current carriers. Our health insurance has been self-insured since April 2012. This year our premiums will increase by 3.3%. The total change for combined coverage of all contracts is 3.6%.

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

The motion passed 8 – 0 – 0.

15-G-38 Approval of the disposition of Maryland Local Government Health Cooperative Rebate for Fiscal Year 2014

A motion was made by Councilmember Wojahn and seconded by Councilmember Dennis that the Mayor and Council utilize the FY 2014 health insurance rebate of \$102,995 in the following manner: 1) The City will not deduct the employee's share of the health insurance premium for one pay period for all employees who are covered by the City's health insurance; 2) The City will set aside the remainder of the rebate to start a fund to pay for bad claim years and/or run-off claims in case the City should decide to leave the Maryland Local Government Health Cooperative (MLGHC) in the future.

Councilmember Wojahn said the City has received a rebate of \$102,995 from MLGHC for premiums paid in excess of claims and expenses in FY 2014. This is a primary feature of self-insurance that is not available in a fully-insured plan. The cost of the first recommendation, a one-pay period waiver of premium for insured employees, would be approximately \$8,500. There would be \$94,500 remaining to save for future bad claim years or to pay run-off claims

should we decide to leave the MLGHC in the future. Run-off claims are those claims that are incurred while insured but not paid until after the date we leave the MLGHC. If we left the Cooperative, the City would be responsible to pay those run-off claims. There is no plan or reason to leave the MLGHC, but this claim fund would put us in a position to more easily leave if we ever had the need.

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

The motion passed 8 – 0 – 0.

15-G-39 Appointments to Boards and Committees

A motion was made by Councilmember Kabir and seconded by Councilmember Wojahn to reappoint Robert Boone to the Neighborhood Watch Steering Committee and Christiane Williams to the Animal Welfare Committee. The motion passed 8 – 0 – 0.

COUNCIL COMMENTS:

Councilmember Mitchell asked for more information about HB 644. We received a response from Park & Planning about the City's request to rename a park in west College Park for Mayor Anna Owens - she requested a follow up discussion with Council about this. She requested a discussion about the County Executive's proposed budget at next week's Worksession. She requested a future Worksession about the City's Emergency Management Plan – she thinks it is time to review it again.

Councilmember Hew announced tomorrow's "Street Smart" press event.

Councilmember Day congratulated the University of Maryland men's and women's teams on their successful season.

Councilmember Kabir asked about the status of the City's Open Space funding for Hollywood Gateway Park. He also has concerns about the County Executive's proposed budget. He discussed the opening of the Hollywood Farmers Market.

COMMENTS FROM THE AUDIENCE:

Eric White, 8400 48th Avenue: Mr. White represents CHUM (Cooperative Housing at the University of Maryland) and invited everyone to the weekly pot luck at his house.

ADJOURN: A motion was made by Councilmember Dennis and seconded by Councilmember Day to adjourn the regular meeting. Mayor Fellows said the Council would be meeting in Administrative Function session with the Executive Search Consultant after a brief recess. With a vote of 8 – 0 – 0, Mayor Fellows adjourned the regular meeting at 8:25 p.m.

Janeen S. Miller, CMC City Clerk	Date Approved
-------------------------------------	------------------

Pursuant to §C6-3 of the College Park City Charter, at 7:35 p.m. on February 17, 2015, during a Regular Meeting of the College Park City Council held in the Council Chambers of City Hall, a motion was made by Councilmember Brennan and seconded by Councilmember Hew to enter into a Closed Session to consider a matter that concerns the proposal for a business or industrial organization to locate in Prince George's County, and to consult with Counsel on a legal matter.

The motion passed 6 – 0 – 0 and the Council entered into the closed session at 7:35 p.m.

Present: Mayor Andrew Fellows; Councilmembers Kabir, Brennan, Dennis, Day, Hew and Mitchell. Councilmember Stullich arrived at 7:43 p.m. during the Closed Session.

Absent: Councilmember Wojahn.

Also Present: Joe Nagro, City Manager; Janeen Miller, City Clerk; Suellen Ferguson, City Attorney; Terry Schum, Director of Planning; Cole Holocker, Student Liaison.

Topics Discussed: The Council requested legal advice about a condition in an agreement that is under negotiation.

Actions Taken: None.

Adjourn: A motion was made by Councilmember Brennan and seconded by Councilmember Mitchell to adjourn the closed session, and at 8:11 p.m. with a vote of 7 – 0 – 0, Mayor Fellows adjourned the meeting.

Pursuant to Section 3-103 of the General Provisions Article of the Annotated Code of Maryland, the College Park City Council met in Administrative Function session after the Regular Council Meeting on March 24, 2015 in the Council Chambers of City Hall. All members of the City Council were present. Council met with the Executive Search Consultant, Jim Mercer, to discuss the City Manager search.

15-G-41

V-a



Field Use Reservation Application

Complete both pages and Submit to: publicservices@collegetparkmd.gov

Select One: Calvert Hills Playground (Youth field – groups must be 13 and under) Duvall Field

Date of Application: 03/31/2015

Name of Organization: Sigma Chi Fraternity, Gamma Chi Chapter

Is this Organization: City-Based Youth Yes No City Headquartered Yes No

Contact Name(s): Robert Prindall

Mailing Address: 14 Fraternity Row, College Park, MD 20740

Email Address: prindall@terpmail.umd.edu

Day Phone: N/A Evening Phone: N/A Cell Phone: (508) 641-5666

Description of Activity/Event: Community Service Softball Game co-hosted by Sigma Chi and UMPD

Sports Baseball Football Lacrosse Softball T-ball

Expected Number of Participants 30 Age Range 18-50

Additional Requirements: Toilets Lights Concession Stand

Date(s) Requested: Either 04/17/2015 or 04/24/2015

See Facilities Rules and Regulations for acceptable times and age group

Day(s) of Week Requested: Sun. Mon. Tues. Wed. Thurs. Fri. Sat.

Time(s) Requested 12 a.m. p.m. UNTIL 5 a.m. or p.m.

Are you collecting a fee? Yes No If yes, Purpose: _____

hereby confirm that I have received and read the City Recreation Facilities Rules and Regulations.

Organization's Proof of Adequate Minimum Liability Insurance as required under Section IV, Item 5 is attached hereto

In addition, applicant/organization agrees to indemnify and hold harmless the City from and against all actions, liability, claims, suits, damages, cost or expenses of any kind which may be brought or made against the City or which the City must pay and incur by reason of or in any manner resulting from injury, loss or damage to persons or property resulting from his/her negligent performance of or failure to perform any of his/her obligations under the terms of this application/permit.

Recommendations and Notifications

Recreation Board Approve Fee Waived Approve with Fee of \$ _____ Denied

Comments: 4/10/2015 OK for 'B' Field either date.

Pub. Svcs Director Concur Yes No _____

Comments: _____

City Manager Concur Yes No _____

Comments _____

Mayor and Council Concur Yes No _____

Comments: _____

Waiver of Fees – the Council may vote to waive user fees, in whole or in part, upon recommendation of the Recreation Board. When considering whether to recommend or grant a full or partial waiver of user fees.

Please describe how your organization meets any of the following criteria:

- a. The level of use that is involved with the activity, including wear and tear on the facility;

The Duvall Field will be home to a friendly softball game between the brothers of Sigma Chi and the University of Maryland Police Department. There will be minimal wear and tear on the facility, as only one "light" softball game will be played.

- b. The level of involvement by College Park residents in the activity;

All of the members of the Sigma Chi team will be College Park residents. The UMPD police officers are employees of the City of College Park and are very involved in our community.

- c. The community benefit that may result from the activity, for example, recreational opportunities for youth or seniors;

This event will bring the benefit of providing undergraduate students and police department officials the chance to work together for a day of bonding and community service.

- d. Volunteer services that the user provides to the City or its residents;

The brothers of Sigma Chi have participated in College Park street cleaning efforts, have raised \$70,000 through philanthropic events over the past 3 years, and continue to function as a role model for Greek Life at the University of Maryland.

- e. Assistance to be provided by the user for maintenance of the recreational facility; and

The brothers of Sigma Chi would like to do a few hours of maintenance and upkeep on the Duvall Field before the game begins. Ideas we've had for this include raking fresh dirt on the infield, cleaning up any trash on the field, painting new foul lines, etc.

- f. Whether user activities promote the interests of the College Park community.

We believe this event will provide the benefit of freshening up the Duvall Field for the City of College Park, while also allowing University of Maryland students a means to connect with our local police department.

15-G-42

CITY OF COLLEGE PARK FIELD USE RESERVATION APPLICATION
Duval Field



Date of Application APRIL 7 2015
 Name of Organization College Park Boys + Girls Club
 Name of Contact Individual Mary Lintner
 Address 5030 Laguna Rd College Park Md 20740
Street City State Zip
 Telephone: Home 3014747130 Work _____ Cell 3013353106

Is the Organization a City-located youth Organization? Yes No Is the Organization Headquartered in College Park? Yes No

REQUESTING DUVAL FIELD FOR: Lacrosse
 Football, Age 6-12 Soccer, Age _____ Baseball, Age _____ T-Ball, Age: _____
 Softball, Age: _____ ADDITIONAL NEEDS: Lights Bathrooms Concession Stand

Date(s) Requested APRIL 19th Times Requested: From 9:00 AM To 5:00 PM

Description of Activity or Event Girls lacrosse games if Sat. April 18th are rained out.
 Are you charging a fee? Yes No If yes, for what purpose? _____

Expected number of participants: 200 Age range: 6-12

I hereby confirm that I have received and read the City Recreation Facilities Rules and Regulations.
 The organization's "Proof of adequate minimum liability insurance" (required under Section IV, Item 5) is attached to this application.

In addition, applicant/organization agrees to indemnify and hold harmless the City from and against all actions, liability, claims, suits, damages, cost or expenses of any kind which may be brought or made against the City or which the City must pay and incur by reason of or in any manner resulting from injury, loss or damage to persons or property resulting from his/her negligent performance of or failure to perform any of his/her obligations under the terms of this application/permit.

07 April 15 Mary Lintner
Date Signature of Contact Individual

Do Not Write Below This Line

Recommendation of Recreation Board _____ Damage Deposit \$ N/A
 Approval Disapproval _____ Estimated Fee \$ _____

Comments Discussed at 4/06/2015 Recreation Board Meeting or per email submission
 Date 4/6/2015 Signature Saf for Alan Bradford

Recommendation of Public Services Director
 Approval _____ Disapproval _____
 Comments _____
 Date _____ Signature _____

Action by Mayor and Council (or City Manager)
 Approval _____ Disapproval _____
 Comments _____
 Date _____ Signature _____

15-G-43



V-C

Field Use Reservation Application

Complete both pages and Submit to: publicservices@collegetparkmd.gov

Select One: Calvert Hills Playground (Youth field - groups must be 13 and under) Duvall Field

Date of Application: March 18, 2015

Name of Organization: Berwyn Baptist Church

Is this Organization: City-Based Youth Yes No City Headquartered Yes No

Contact Name(s): Betty Phelps / Anita Hanna

Mailing Address: 4720 Cherokee Street, College Park, MD 20740

Email Address: Betty.Phelps1@verizon.net / AHanna77@comcast.net

Day Phone: Betty 301-458-4072 church Evening Phone: 301-474-7117 Cell Phone: 301-466-0222 (Betty)
301-439-9435 301-351-7683 (Anita)

Description of Activity/Event: Soccer Camp

Sports Baseball Football Lacrosse Softball T-ball Soccer

Expected Number of Participants 30-50 Age Range: 5-12 years old

Additional Requirements: Toilets Lights Concession Stand

Date(s) Requested: July 20-24, 2015

See Facilities Rules and Regulations for acceptable times and age group

Day(s) of Week Requested: Sun. Mon. Tues. Wed. Thurs. Fri. Sat.

Time(s) Requested 5:30 a.m. p.m. UNTIL 7:30 a.m. or p.m.

Are you collecting a fee? Yes No If yes, Purpose: \$5/student for Booklet

I hereby confirm that I have received and read the City Recreation Facilities Rules and Regulations.

Organization's Proof of Adequate Minimum Liability Insurance as required under Section IV, Item 5 is attached hereto

In addition, applicant/organization agrees to indemnify and hold harmless the City from and against all actions, liability, claims, suits, damages, cost or expenses of any kind which may be brought or made against the City or which the City must pay and incur by reason of or in any manner resulting from injury, loss or damage to persons or property resulting from his/her negligent performance of or failure to perform any of his/her obligations under the terms of this application/permit.

Recommendations and Notifications

Recreation Board Approve Fee Waived Approve with Fee of \$ _____ Denied

Comments: 4/6/15 All date/week approved

Pub. Svcs Director Concur Yes No _____

Comments: _____

City Manager Concur Yes No _____

Comments: _____

Mayor and Council Concur Yes No _____

Comments: _____

Waiver of Fees – the Council may vote to waive user fees, in whole or in part, upon recommendation of the Recreation Board. When considering whether to recommend or grant a full or partial waiver of user fees.

Please describe how your organization meets any of the following criteria:

- a. The level of use that is involved with the activity, including wear and tear on the facility:

Soccer Drills & games for one week for
children 5-12 years old. Wear & tear should be
- weather permitting LIMITED.

- b. The level of involvement by College Park residents in the activity;

Many of the participants will be from families
living in the College Park, MD city.

- c. The community benefit that may result from the activity, for example, recreational opportunities for youth or seniors;

All College Park residents ages 5-12 may
participate in this activity (recreational / soccer)

- d. Volunteer services that the user provides to the City or its residents:

Youth may receive service hours for school.

- e. Assistance to be provided by the user for maintenance of the recreational facility; and

- f. Whether user activities promote the interests of the College Park community.

Activities promote recreational opportunities
for children and a safe environment for
families to bring their children

15-G-44



Field Use Reservation Application

Complete both pages and Submit to: publicservices@collegetparkmd.gov

V-b
V-d, e, f

Select One: Calvert Hills Playground (Youth field - groups must be 13 and under) Duvall Field

Date of Application: March 18, 2015

Name of Organization: Berwyn Baptist Church

Is this Organization: City-Based Youth Yes No City Headquartered Yes No

Contact Name(s): Betty Phelps / Anita Hanna

Mailing Address: 4720 Cherokee Street, College Park, MD 20740

Email Address: Betty.Phelps1@verizon.net / ANITAHANNA77@COMCAST.NET

Day Phone: Betty 301.459.4072 Church 301.439.9435 Evening Phone: 301-474-7117 Cell Phone: 301.466.0222 (Betty) 301.351.7683 (Anita)

Description of Activity/Event: Game Time for Children (AWANA GROUP)

Sports Baseball Football Lacrosse Softball T-ball General Games; Soccer, Kickball.

Expected Number of Participants: 20-30 Age Range: Kindergarten - 7th Grade

Additional Requirements: Toilets Lights Concession Stand

Date(s) Requested: April 19, 2015 & Sept 27, Oct 4, & Oct 11, 2015

See Facilities Rules and Regulations for acceptable times and age group

Day(s) of Week Requested: Sun. Mon. Tues. Wed. Thurs. Fri. Sat.

Time(s) Requested: 445 a.m. p.m. UNTIL 6pm a.m. or p.m.

Are you collecting a fee? Yes No If yes, Purpose: 50¢/week to help defray expenses

I hereby confirm that I have received and read the City Recreation Facilities Rules and Regulations.
 Organization's Proof of Adequate Minimum Liability Insurance as required under Section IV, Item 5 is attached hereto

In addition, applicant/organization agrees to indemnify and hold harmless the City from and against all actions, liability, claims, suits, damages, cost or expenses of any kind which may be brought or made against the City or which the City must pay and incur by reason of or in any manner resulting from injury, loss or damage to persons or property resulting from his/her negligent performance of or failure to perform any of his/her obligations under the terms of this application/permit.

Recommendations and Notifications

Recreation Board	<input checked="" type="checkbox"/> Approve Fee Waived	<input type="checkbox"/> Approve with Fee of \$ _____	<input type="checkbox"/> Denied
Comments:	<u>9/27, 10/4 and 10/11 Only; 4/19 Denied.</u>		
Pub. Svcs Director	Concur <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
Comments:	_____		
City Manager	Concur <input type="checkbox"/> Yes <input type="checkbox"/> No		
Comments:	_____		
Mayor and Council	Concur <input type="checkbox"/> Yes <input type="checkbox"/> No		
Comments:	_____		

April 19, 2015: Reserved for CP Boys and Girls Club. *[Signature]*

Waiver of Fees – the Council may vote to waive user fees, in whole or in part, upon recommendation of the Recreation Board. When considering whether to recommend or grant a full or partial waiver of user fees.

Please describe how your organization meets any of the following criteria:

- a. The level of use that is involved with the activity, including wear and tear on the facility;

General games on 4 Sundays in the year -

weather permitting - for children Kind-7th grade. LIMITED wear & tear expected.

- b. The level of involvement by College Park residents in the activity;

A majority of the participants will be children living in College Park, MD.

- c. The community benefit that may result from the activity, for example, recreational opportunities for youth or seniors;

All college park residents ages 5-12 may participate in this activity.

- d. Volunteer services that the user provides to the City or its residents;

Youth may receive service hours for school.

- e. Assistance to be provided by the user for maintenance of the recreational facility; and

- f. Whether user activities promote the interests of the College Park community.

Activities promote recreational opportunities for children and a safe environment for families to bring their children for spiritual growth.

15-0-02

Adoption of Ordinance 15-0-02,
An Ordinance of the Mayor and
Council of the City of College
Park, MD to Amend the Fiscal
Year 2015 Operating and Capital
Budget of the City of College
Park, MD

Ordinance to Amend the FY2015 Operating and Capital Budget

Mr. Mayor:

I move to adopt Ordinance 15-O-02,

**AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF
COLLEGE PARK, MARYLAND TO AMEND THE FISCAL YEAR 2015
OPERATING AND CAPITAL BUDGET OF THE CITY OF COLLEGE PARK,
MARYLAND**

Additional comments

This budget amendment transfers \$300,000 from the unassigned reserve to the C.I.P. to fund the design and engineering of a Route 1 underground option. This option was approved by Mayor & Council in a Memorandum of Understanding with State Highway Administration on May 13, 2014, but was never funded.

The \$300,000 unassigned reserve transfer comes from the FY2014 surplus.

The public hearing on this budget amendment Ordinance was held at 7:15 p.m. this evening, April 14, 2015.

[M&C Adoption 04/14/15]

ORDINANCE 15-O-02

An Ordinance of the Mayor and Council of the City of College Park to Amend the Fiscal Year 2015 Operating and Capital Budget of the City of College Park, Maryland

WHEREAS, the Mayor and Council of the City of College Park, Maryland did adopt a budget for the fiscal year beginning July 1, 2014 and ending June 30, 2015 (hereinafter referred to as "Fiscal Year 2015" or "FY2015") on May 27, 2014 by the enactment of Ordinance 14-O-02; and

WHEREAS, the Mayor and Council of the City of College Park, Maryland desire to amend the FY2015 budget in order to provide additional interfund transfers to Capital Improvement Program ("C.I.P.") projects.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the City of College Park, Maryland, that the budget for fiscal year 2015 be, and hereby is, amended in accordance with the following schedule, with said amendments being indicated by asterisks in the right column. The individual budget amendment changes are itemized in Appendix A, attached hereto and incorporated herein by this reference.

General Fund

	<u>Budget as Adjusted</u>	<u>As Amended by this Ordinance</u>
Revenues		
Taxes	\$ 10,225,768	\$ 10,225,768
Licenses & Permits	1,167,934	1,167,934
Intergovernmental	238,322	238,322
Charges for Services	957,324	957,324
Fines & Fees	1,921,900	1,921,900
Miscellaneous Revenues	<u>195,839</u>	<u>195,839</u>
<i>Total Operating Revenues</i>	\$ 14,707,087	\$ 14,707,087
Non-Revenue Receipts		
Interfund Transfer from Parking Debt Service Fund	314,815	314,815
Use of Unassigned Reserve	<u>73,002</u>	<u>373,002</u> *
Total Revenues	<u>\$ 15,094,904</u>	<u>\$ 15,394,904</u> *

Expenditures

General Government	\$ 3,160,265	\$ 3,160,265
Public Services	3,725,973	3,725,973
Planning, Community & Economic Development	638,146	638,146
Youth, Family & Senior Services	1,124,202	1,124,202
Public Works	5,096,819	5,096,819
Contingency	10,000	10,000
Debt Service	558,274	558,274
Interfund Transfers to Capital Projects Fund	<u>781,225</u>	<u>1,081,225</u> *
Total Expenditures	<u>\$ 15,094,904</u>	<u>\$ 15,394,904</u> *

Parking Debt Service Fund

	<u>Budget as Adjusted</u>	<u>As Amended by this Ordinance</u>
Revenues		
Highways & Streets		
Parking Meter Revenue	\$ 205,000	\$ 205,000
Fines		
Parking Fines Revenue	<u>45,000</u>	<u>45,000</u>
Total Revenues	<u>\$ 250,000</u>	<u>\$ 250,000</u>

Expenditures

Interfund Transfer to General Fund	<u>\$ 314,815</u>	<u>\$ 314,815</u>
Total Expenditures	<u>\$ 314,815</u>	<u>\$ 314,815</u>

BE IT FURTHER ORDAINED that:

1. All matters and facts contained in Ordinance 14-O-02 other than the amendments contained herein shall remain in full force and effect;
2. In addition to the projected General Fund operating revenue of \$14,707,087, the amount of \$373,002 is appropriated from the unassigned reserve and the sum of \$314,815 is transferred from the Parking Debt Service Fund;
3. This budget amendment Ordinance provides for interfund transfers to the Capital Improvement Program (C.I.P.), as itemized in Appendix A, attached hereto and incorporated herein by this reference. The net result is a \$300,000 increase in the budgeted use of unassigned reserve from \$73,002 to \$373,002; and

4. This Ordinance shall become effective at the expiration of twenty (20) calendar days following its adoption.

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

A public hearing will be held on the proposed Ordinance at 7:15 p.m. on the 14th day of April, 2015 in the Council Chambers, City Hall, 4500 Knox Road, College Park, Maryland. The public hearing will be held in connection with a regular Council meeting. All persons interested will have an opportunity to be heard. After the public hearing, the Council may adopt the proposed Ordinance, with or without amendment, by the affirmative vote of at least six (6) members of the Council. It shall become effective twenty (20) days following its adoption. After its adoption, the City Clerk shall have a fair summary of the Ordinance and notice of its adoption published in a newspaper having a general circulation in the City of College Park, and shall have copies of the adopted Ordinance available at City offices.

Introduced on the 10th day of March, 2015

Adopted on the _____ day of April, 2015

Effective on the _____ day of May, 2015

Andrew M. Fellows, Mayor

ATTEST:

Janeen S. Miller, CMC, City Clerk

APPROVED AS TO FORM:

Suellen M. Ferguson, City Attorney

CITY OF COLLEGE PARK, MARYLAND
Ordinance 15-O-02, Appendix A
Itemized FY2015 Budget Amendment Changes

Program	Description	Increase (Decrease)
Revenues- Unassigned Reserve Transfer 399.00	Use of Unassigned Reserve in Adjusted Budget	\$ 73,002
Interfund Transfers-9210	Transfer \$300,000 to C.I.P. to provide funding for the Route 1 Underground Utilities project (project 143001). This transfer will cover design and engineering of a State Highway Administration (SHA) underground utilities option for the U.S. Route 1 reconstruction, approved by Mayor & Council on May 13, 2014 (14-G-52).	<u>300,000</u>
Revenues- Unassigned Reserve Transfer 399.00	Use of Unassigned Reserve in Amended Budget	<u>\$ 373,002</u>

15-G-45

Appointments to Boards and Committees

Appointments to Boards and Committees

15-G-45

Councilmember Stulich

- Appoint Helen Barnes to the Aging-In-Place Task Force

Councilmember Brennan

- Reappoint Dr. John Lea Cox to the Tree and Landscape Board
- Reappoint Rose Green-Colby to the Advisory Planning Commission

WORKSESSION

Fiscal Year 2016 Operating and Capital Budget

Please bring your City
Manager's Requested Operating
and Capital Budget for Fiscal
Year 2016 book.

**Advisory Board
Discussion with Chairs
of Airport Authority,
Cable Television
Commission, Election
Supervisors and Ethics
Commission**

MEMORANDUM

TO: Mayor and City Council

FROM: Janeen S. Miller, City Clerk *JSM*

THROUGH: Joe Nagro, City Manager

DATE: April 1, 2015

RE: 2015 Comprehensive Review of Council Advisory Boards:
Step 1 – Information Gathering

ISSUE

The Mayor and City Council are conducting a comprehensive review of the City's advisory boards. Step 1, the "Information Gathering" phase, continues on April 14 with:

- Cable Television Commission – Tom Davis
- Ethics Commission – Ed Maginnis
- Board of Election Supervisors – Jack Robson
- Airport Authority – Jack Robson

Staff offers the following comments to Council on Step 1 of this comprehensive review:

Council should review the original charge which established the Board (attached) and consider the following questions to guide the discussion:

1. Do you feel the original charge to this Board is still relevant and appropriate?
 - a. Does the charge as written accurately reflect the Board's current operations? If not, where is it different?
 - b. Should it be amended? If so, how?
2. Would you suggest any changes to the number of members/district designation of the Board (not specific individuals)
3. What can the Mayor and Council do to help improve the effectiveness of the Board?

Council is encouraged to remember that Step 1 is the information-gathering phase of this five-part process and not to get into details about operational issues at this time.

Attachments

- 1 – Comprehensive Review of Advisory Boards: Outline
- 2 – Cable Television Commission: City Code Chapter 15, Article III
- 3 – Ethics Commission: City Code Chapter 38, Article II
- 4 – Board of Election Supervisors: City Charter Chapter C, Article IV, §C4-3
- 5 – Airport Authority: City Code Chapter 11, Article II, §11-5

2015 Comprehensive Review of Advisory Boards Outline

Step 1: Information Gathering – The Big Picture

Council will take a fresh look at all of their advisory Boards to review the charge to each Board. Council should consider whether any Boards should be restructured, combined or eliminated; consider which are inactive; and determine if there is a subject area where creation of an advisory board would be beneficial to Council. Council wanted to invite the Chairs of the Boards in for these discussions, which will be conducted in four or five parts. Once the Council has met with all of the Board Chairs, there will be an opportunity for Council to discuss any changes they wish to make.

- March 10 – APC
- March 17 – CBE, TLB, Farmers Market, Sustainable Maryland Certified Green Team
- April 14 – Board of Elections, Ethics Commission, Cable Television Commission, Airport Authority
- April 28 – Education Advisory Committee

Step 2: Discussion of Board Relationships and Interactions with Council and Staff – Operational Issues

This will be a Council/Staff discussion on operational matters such as the relationship between Council and Boards, and the relationship between Boards and the Staff Liaison; communication between Council and Boards; Council direction on Board Workplans; budgeting funds for boards; development of a policy regulating the use of funds that are donated to City Boards; the legal authority of Boards as appointees of Council and the duty of Boards to abide by City policies and state/county law.

Step 3: Council Discussion with Boards

Council will meet with their advisory Boards to review the outcomes of Step 1 and Step 2. This is the time to convey any proposed changes to the Board's charge and/or composition and solicit feedback; to review the general rules and responsibilities that apply to Boards; to discuss Council-Board interactions; to clarify the role of the Staff Liaison; to convey policies including those relating to the expenditure of funds; and to address issues raised by the Boards.

Step 4: Recommended Changes – Opportunity for Public Comment

A summary of any proposed changes to specific Boards will be provided for public comment.

Step 5: Implementation

Finalize any changes that are going to be made, and determine the implementation plan.

City of College Park, MD
Tuesday, March 10, 2015

Chapter 15. BOARDS, COMMISSIONS AND COMMITTEES

Article III. College Park Cable Television Commission

§ 15-9. Creation; purpose.

There is hereby created a City agency, designated as the "College Park Cable Television Commission." The Commission shall represent the Mayor and City Council in dealing with any cable television company operating in and franchised by College Park and shall take such actions as are authorized by ordinance, specification, rules and regulations, including this Article.

§ 15-10. Powers and duties.

The Commission shall:

- A. Perform those functions set forth in Chapter **93** of the College Park Code and the College Park Cable Television Specification adopted pursuant to College Park Council Resolution No. 80-R-1 and shall monitor the franchisee's actions to ensure compliance with the College Park Code and the Cable Television Specification and shall report any deviation or omission to the franchisee and, if not corrected, to the Mayor and Council.
- B. In accordance with § 93-6 of the College Park Code, perform those functions relating to the regulation of rates for basic cable service and equipment set forth therein.
[Amended 5-10-1994 by Ord. No. 94-O-7]
- C. Hear and resolve consumer complaints that have reached an impasse status between the consumer and the franchisee.
- D. Conduct or cause to be conducted such audits or inspections of the franchisee's books and accounts as may be required to ensure compliance with City orders or with contracts or agreements between the City and the franchisee.
- E. Make recommendations to the Mayor and Council concerning renewal or revocation of a franchise or other enforcement action.

§ 15-11. Composition.

[Amended 7-13-2004 by Ord. No. 04-O-4]

The Commission shall be composed of four Commissioners plus a voting Chairperson. Two of the Commissioners shall be appointed for one-year terms; two of the Commissioners shall be appointed for two-year terms; and the chairperson shall be appointed for a three-year term. The members of the Commission shall be appointed by the Mayor with the approval of the Council. After the expiration of the initial term by each of the initial Commissioners and Chairperson, thereafter each successive appointment shall be for a period three years so as to achieve a reasonably staggered Commission.

§ 15-12. Rules and regulations.

Subject to override by the Mayor and Council, the Commission shall promulgate, in writing, such reasonable rules and regulations for its own governance and operation.

§ 15-13. Meetings.

The Commission shall meet at least once per quarter, at the call of the Chairperson, with reasonable notice to the other members of the Commission. In the event that the Chairperson declines to do so, any two Commissioners may call a meeting, to be held at a reasonable time and place, after reasonable notice to the Chairperson. At least three of the five Commission members must be present at any meeting at which business is conducted.

§ 15-14. Compensation.

Each of the Commissioners and the Chairperson shall receive compensation in an amount set by the Mayor and Council in the annual City budget. Such compensation shall be paid on a monthly basis.

§ 15-15. Budget; payment of fees.

[Amended 3-24-1987 by Res. No. 87-R-2; 12-10-1991 by Ord. No. 91-O-24]

- A. The Commission shall submit a proposed annual budget to the City Manager in the same form and subject to the same conditions as any budget of any department of the City government. The Commission budget shall be submitted to the City Manager at least three months prior to the presentation of the City budget to the Mayor and Council for its consideration and approval. The Commission is authorized to budget for and employ a technical expert to assist it in performing its functions.
- B. Any fees payable by the cable television franchise to the City shall be remitted to the City and not to the Commission. The Finance Director shall be

responsible for disbursements covering any authorized expenditures by the Commission. The procedure for requisitioning funds or disbursements shall be in accordance with established City procedures.

§ 15-16. Conflict of interest.

Members of the Commission shall disclose to the Commission any conflict of interest, as that term is understood in the Maryland Common Law,^[1] and shall refrain from voting or taking action in any matter concerning which that particular member has a potential conflict of interest. "Conflict of interest" shall refer to a real conflict and not of some insignificant matter, as, for example, owning some shares in American Telephone and Telegraph or General Motors and voting on the installation of a telephone system or purchase of a motor vehicle.

[1] *Editor's Note: See Article 5 of the Constitutions Article of the Annotated Code of Maryland.*

§ 15-17. Removal.

By a two-thirds majority of the full Council, the Chairperson or any member of the Commission may be removed for cause. Cause for removal could be, among other things, indictment for felony or serious misdemeanor, conflict of interest or absenteeism.

City of College Park, MD
Tuesday, March 10, 2015

Chapter 38. ETHICS, CODE OF

Article II. Ethics Commission

§ 38-5. Establishment.

- A. There shall be a City Ethics Commission, composed of seven members appointed by the Mayor and approved by the Council. Of the seven members, one shall be appointed from each of the City's four election districts and three from the City at large.
- B. Members of the Commission shall be appointed to renewable two-year terms and during those terms may only be removed for cause.
- C. Commission members shall elect one member as Chair, to serve in such capacity for a renewable one-year term.
- D. An independent attorney shall serve as Ethics Counsel to the Commission. The Ethics Counsel shall assist the Commission in fulfilling its duties and exercising its powers enumerated in § 38-6. The Ethics Counsel shall serve as a special prosecutor consistent with the procedures specified in § 38-8.
- E. Consistent with the provisions of state and City laws and ordinances, the Commission shall operate under Roberts' Rules of Order, and its members shall take an oath of office comparable to that taken by elected City officials.

§ 38-6. Duties and powers.

The Ethics Commission shall have the duty and the power to:

- A. Render advisory opinions. Pursuant to § 38-7, the Commission shall provide written advisory opinions as to the applicability of any of the provisions of this chapter or Chapter 34, §§ 34-9 and 34-11 through 34-17 inclusive.
- B. Investigate and adjudicate alleged violations. Consistent with the procedures set forth in § 38-8, the Commission shall investigate and make determinations as to any conduct that the Commission believes may be in violation of this chapter or Chapter 34, §§ 34-9 and 34-11 through 34-17 inclusive, whether upon complaint or on its own motion. The Commission has the power to levy penalties and other sanctions pursuant to the rules set forth in this chapter and Chapter 110. The Commission has the power of subpoena to require the attendance of persons and the production of evidence at final hearings.
- C.

Grant exemptions and modifications. Pursuant to § **38-10**, the Commission may grant exemptions and modifications to the requirements of this chapter.

- D. Devise, receive and maintain disclosure statements. The Commission shall devise, receive and maintain all forms and disclosure statements required under this chapter.
- E. Conduct public education. The Commission shall conduct a public information program regarding the purposes and application of this chapter and Chapter **34**.
- F. Promulgate regulations. The Commission may, subject to approval by the Mayor and Council, promulgate written rules and regulations consistent with the provisions of this chapter.
- G. Maintain proper records. The Commission shall maintain proper records in accordance with this chapter and the requirements of the Maryland Open Meetings Law.^[1]
[1]: *Editor's Note: See the State Government Article, §§ 10-501 et seq. of the Annotated Code of Maryland.*
- H. Certification to State Ethics Commission. The Commission shall certify to the State Ethics Commission on or before October 1 of each year that the City is in compliance with the requirements of the State Government Article, Title 15, Subtitle 8, Annotated Code of Maryland for Elected Officials.
[Added 8-9-2011 by Ord. No. 11-O-10]
- I. The Commission shall determine if changes to this chapter are required to be in compliance with the requirements of the State Government Article, Title 15, Subtitle 8, Annotated Code of Maryland, and shall forward any recommended changes and amendments to the City Council for its consideration.
[Added 8-9-2011 by Ord. No. 11-O-10]
- J. The Commission shall provide ethics training to the City's elected officials, candidates for elected office, employees and board and commission appointees as necessary and appropriate.
[Added 8-9-2011 by Ord. No. 11-O-10]

§ 38-7. Advisory opinion.

- A. Procedure. Any person subject to this chapter may request the Commission for an advisory opinion concerning the application of the provisions of this chapter or of Chapter **34**, §§ **34-9** and **34-11** through **34-17** inclusive. Such request shall be in writing. The Commission shall respond to the request within 60 days, or as soon thereafter as is practical, provided that the Commission's interpretation of these provisions is based on the facts provided or reasonably available to it.
- B. Issues. In an advisory opinion, the Commission shall limit its findings to matters of law. The Commission shall not make any findings of fact regarding the conduct or intent of any person in an advisory opinion.
- C. Effect. Until amended or revoked, an advisory opinion shall be binding on the City, the City Council and the Ethics Commission in any subsequent actions concerning the person who sought the opinion and who acted on it in good faith, unless material facts were omitted or misstated in the request for the

opinion. Such opinion shall not be binding in any court action initiated by any private citizen.

- D. Confidentiality. Copies of the advisory opinion shall be submitted to the Mayor and the Council and made available to the public within five working days after the opinion has been rendered. However, the name of the person requesting the opinion and the names of all persons or business entities mentioned in the opinion shall be deemed confidential information and shall not be disclosed by the members of the Commission unless each person or business entity waives such confidentiality.

§ 38-8. Procedures for adjudicating alleged violations.

Investigation and adjudication of alleged violations of this chapter or of Chapter 34 shall proceed as follows:

A. Complaint.

- (1) Who may file. Any person may file a complaint with the Commission alleging a violation of any of the provisions of this chapter or of Chapter 34. The Commission may consider possible violations of this chapter or Chapter 34 on its own initiative. Within five working days of the Commission's decision to consider a possible violation, or as soon thereafter as is practicable, the Commission shall draft a written complaint specifying the section(s) of this chapter or Chapter 34 alleged to have been violated and transmit a copy of such complaint, signed by the Chair, to its Ethics Counsel.
- (2) Contents. The complaint must assert facts that if proven true would constitute a violation of the provisions of this chapter or of Chapter 34. It is not necessary that the complaint cite the chapter provisions allegedly violated, but such citation is advised. All complaints shall be in writing and signed under oath. Complaints initiated by the Commission shall be signed by the Chair.
- (3) Ethics Counsel review. The Commission shall immediately transmit a copy of the complaint to its Ethics Counsel. The Ethics Counsel shall review the complaint and, at his or her discretion, may prepare an addendum to the complaint. The purposes of this addendum are to assure that the respondent has adequate notice of the specific Code provisions alleged to have been violated and to aid the Commission in limiting the scope of any preliminary hearing to relevant factual inquiries. Any addendum is to be submitted to the Commission within 10 working days of receipt of the complaint by the Ethics Counsel. If the Ethics Counsel determines that the complaint is time barred under Subsection A(4) of this section or does not assert facts that if proven true would constitute a violation of this chapter or Chapter 34, the Ethics Counsel may recommend that the Commission dismiss the complaint without notice to the respondent or a preliminary hearing. Upon receipt of the recommendation, the Commission may dismiss the complaint.
[Amended 9-9-2014 by Ord. No. 14-O-09]
- (4) Limitation on actions. No complaint shall be processed if filed more than one year from the date of the action alleged to constitute a violation.

- B. Notice to parties. Within 15 working days after the complaint is transmitted to its Ethics Counsel, the Commission shall provide the complainant with written acknowledgment of receipt of the complaint together with a copy of any Ethics Counsel addendum and shall provide the respondent with copies of the complaint and any Ethics Counsel addendum. Within 10 working days after acknowledging receipt of the complaint, the Commission shall provide written notice to the complainant and to the respondent of the date for a preliminary hearing.
- C. Preliminary hearing.
- (1) Right to Counsel. The complainant and the respondent shall have the right to be represented by counsel at any preliminary or final hearing. The Commission shall be represented by its Ethics Counsel on complaints initiated by the Commission.
 - (2) Issue. The issue at a preliminary hearing shall be whether there exists reasonable grounds to believe that a violation of this chapter or Chapter **34** has occurred.
 - (3) Stating the complainant's case. The Ethics Counsel shall state the alleged violation and shall describe in narrative form the testimony and other evidence which would be presented to prove the alleged violation as stated in the written complaint. The complainant shall then be given an opportunity to describe in narrative form the testimony and other evidence which would be presented to prove the alleged violation. All statements at a preliminary hearing shall be under oath. There shall be no cross-examination. There is no subpoena power at a preliminary hearing. Members of the Commission may question the complainant, the Ethics Counsel or the respondent.
 - (4) Respondent's right to respond. The respondent shall have the opportunity to respond but is not required to attend or make any statement. Such person may describe in narrative form the testimony and other evidence which would be presented to disprove the alleged violation. If the respondent agrees that a violation has occurred, he or she may at any time waive the right to a final hearing and consent to a decision based on the facts alleged in the complaint or otherwise agreed upon. The disposition of any complaint without final hearing shall be by written order of the Commission in the form specified by Subsection **D(5)**.
[Amended 9-9-2014 by Ord. No. 14-O-09]
 - (5) Dismissing the complaint. The Commission, at any time during the preliminary hearing, may dismiss a complaint if the complaint does not allege conduct which would be a violation of this chapter or Chapter **34**. Before a complaint is dismissed for failure to allege a violation, the complainant or Ethics Counsel shall be permitted one opportunity, within a time period to be specified by the Commission, to revise and resubmit the complaint.
 - (6) Commission's decision. At the conclusion of the preliminary hearing, the Commission shall determine whether a final hearing should be held. If the Commission does not determine that reasonable grounds exist to believe that a violation of this chapter or Chapter **34** has occurred, the complaint shall be automatically dismissed. If at any time during the preliminary hearing the Commission determines that there is an ambiguity in the law that prevents it from making a determination of whether reasonable grounds exist to support a violation, and that there was no apparent

intent to violate the code, the complaint shall be dismissed. In this event, the Commission shall forthwith report its determination that an ambiguity exists to the Mayor and Council, while maintaining the confidentiality of the proceeding. If the Commission decides that there are reasonable grounds to believe that a violation occurred, it shall schedule a final hearing. A decision to conduct a final hearing is not a finding that a violation has occurred.

[Amended 1-11-2005 by Ord. No. 04-O-12]

- (7) Confidentiality. During any preliminary inquiry by the Commission or following the filing of a complaint, all meetings and activities of the Commission in connection with the complaint and the preliminary hearing shall be conducted in a confidential manner. The Commission, the complainant and the respondent shall not disclose any information relating to the complaint, except that the Commission may release any information agreed upon in writing by the respondent.

D. Final hearing.

- (1) Timing. The final hearing shall be held within 45 days, or as soon thereafter as practical, following the preliminary hearing and a determination by the Commission that there are reasonable grounds to believe that a violation of this chapter or Chapter 34 has occurred. The Commission may grant one postponement each to the complainant and to the respondent. Each postponement shall not exceed 30 days.
- (2) Subpoena power. At least 15 days prior to the date of the scheduled final hearing, the respondent and Ethics Counsel may ask the Commission to seek the attendance of persons and production of evidence at the final hearing, pursuant to the Commission's subpoena powers. In the event that any person declines to respond to the request, the Commission may apply to the circuit court for an appropriate order.
- (3) Public hearing. The final hearing is open to the public. All witnesses shall make their statements under oath. An audio or video recording of the hearing shall be retained by the Commission. The Ethics Counsel shall state the alleged violation and shall present such testimony or other evidence necessary to prove the alleged violation as stated in the written complaint. The respondent will be afforded an opportunity to cross-examine witnesses and to present evidence.
- (4) Standard of proof. The issue at a final hearing shall be whether a violation of this chapter or Chapter 34 has occurred. The Commission shall make its determination based on the preponderance of the evidence in the record of such hearing.
- (5) Decision. After consideration of the evidence, the Commission shall prepare a written report setting forth its findings of fact and conclusions of law with respect to each of the alleged violations. If at any time during the hearing the Commission determines that there is an ambiguity in the law that prevents it from making a determination of whether a violation has occurred, and that there was no apparent intent to violate the code, the complaint shall be dismissed. In this event, the Commission shall report its determination that an ambiguity exists to the Mayor and Council. A copy of the report shall be mailed or delivered to the complainant and the respondent within five working days from the date of the decision. The report shall be made available to the public and a

copy submitted to the Mayor and the Council within 10 working days from the date of the decision.

[Amended 1-11-2005 by Ord. No. 04-O-12]

- E. Appeals. Any respondent aggrieved by a decision or action of the Ethics Commission under this section shall have the right to appeal such decision or action to the Circuit Court of Prince George's County. Jurisdiction to hear and determine such appeals is hereby conferred upon the Circuit Court.

§ 38-9. Penalties.

[Amended 8-9-2011 by Ord. No. 11-O-10]

If the Commission determines that a violation of this chapter or Chapter 34 has occurred, it shall determine the appropriate penalty or other relief. The Commission may receive additional testimony or statements before considering the appropriate remedy or penalty, but is not required to do so. If the respondent relied upon a written advisory opinion, the Commission shall consider that fact. The Commission may:

- A. Letters of reprimand. The Commission may issue a public letter of reprimand to the respondent and may direct respondent to submit a new or amended report or statement, otherwise required under this chapter or Chapter 34, where such report or statement was not filed by respondent when required or was not filed in compliance with the requirements of said chapters.
- B. Fines. The Commission also may impose a penalty for each violation, in an amount not to exceed the amount set forth in Chapter 110, Fees and Penalties, for any violation of the provisions of this chapter or Chapter 34. All violations of this chapter or Chapter 34 shall be municipal infractions.
- C. Injunctions. The Commission may issue a cease-and-desist order against any person found to be in violation of the provisions of this chapter or Chapter 34 and may seek enforcement of this order in the Circuit Court for Prince George's County, Maryland. The court may issue a cease-and-desist order and also may issue a fine as set forth in Chapter 110, Fees and Penalties, for any violation of the provisions of this chapter or Chapter 34.
- D. Sanctions. If the person found in violation of the provisions of this chapter or Chapter 34 is a City official or employee, the Commission shall advise the Mayor and Council of its findings regarding a City official or employee subject to the authority of the Mayor and Council and shall advise the City Manager of its findings with respect to any City employee directly subject to the authority of the City Manager. In addition to any penalties heretofore provided by this section, a City official or employee may be subject to disciplinary or other personnel action, including but not limited to termination of employment or suspension of City salary or other compensation and removal from office. The Commission may include with its findings a recommendation as to the sanction deemed appropriate to the gravity of the violation.
- E. Enforcement of required disclosures. In addition to any other enforcement mechanism authorized in this Code, the Ethics Commission may remove any appointed City official for failure to file the disclosures required by this article. The Commission, or its designee, shall provide any required disclosure form to the member with instructions concerning when and where to file same. In the event that the disclosure form is not timely filed, the Commission shall telephone the member concerning the failure to file, and shall send written

notice to the member at his/her last known address, requiring that the member show cause in writing within 10 days why he/she should not be removed from his/her position. A copy of the notice shall be sent to the Chair of any affected authority, board, commission or committee. The Ethics Commission may, by majority vote, extend the time for the filing of the required disclosure form, or may remove the member from an authority, board, committee or commission. Any decision to remove a member from an authority, board, commission or committee may be appealed in writing to the Mayor and Council within 30 days of notice of removal.

§ 38-10. Exemptions and modifications.

[Amended 8-9-2011 by Ord. No. 11-O-10]

- A. The Commission may grant exemptions and modifications to the provisions of Article III and Article IV, § 38-17, of this chapter to employees and to appointed officials if it determines that the application of such provisions would constitute an unreasonable invasion of privacy or significantly reduce the availability of qualified persons for public service to the City and if it also finds that the exemption or modification would not be contrary to the purposes of this chapter. Requests for an exemption or modification under this section shall be in writing, signed under oath.
- B. The Commission shall notify the Mayor and Council in writing, within 30 days, of any exemptions or other modifications granted under this section.

*City of College Park, MD
Tuesday, March 10, 2015*

Chapter C. CHARTER

Article IV. Voting and Elections

§ C4-3. Supervisors of Elections.

[Amended 3-22-1994 by Res. No. 94-CR-1]

The Mayor and Council shall, not later than the first regular meeting in March of each year in which there is a general election, appoint and fix the compensation for five qualified voters of said city, not holding any office thereunder, as Supervisors of Elections, who shall act as Judges of Elections at any elections held during the two years succeeding their appointment and who shall perform such other duties as may be delegated to them under the College Park Code, one of whom shall be appointed from the qualified voters of each of the four election districts and one of whom shall be appointed by the Mayor with the consent of the Council, and such Supervisors of Elections are hereby authorized to administer oaths in the performance of their duties. The Mayor and Council shall designate one of the five Supervisors of Elections as the Chief of Elections.

City of College Park, MD
Tuesday, March 10, 2015

Chapter 11. AUTHORITIES

Article II. Airport Authority

§ 11-5. Creation; members; compensation; conflicts of interest.

[Amended 5-22-1984 by Ord. No. 84-O-6]

- A. There is hereby created and established the College Park Airport Authority, hereinafter sometimes referred to as the "Authority," which shall consist of seven members, all of whom shall reside in and be qualified voters of the City of College Park, Maryland. The members shall be appointed by the Mayor and City Council and shall serve for such a term or terms as decided by said appointing body. Vacancies shall be filled by the Mayor and City Council for any unexpired portion of a term. Members of said Authority shall serve without compensation.

[Amended 9-26-2006 by Ord. No. 06-O-7]

- B. Members of the Authority shall disclose to the Authority and the Ethics Commission any conflict of interest, as that term is understood in the Maryland Common Law and the College Park Ethics Code,^[1] and shall refrain from voting or taking action on any matter concerning which that member has a potential conflict of interest, such as owning all or a portion or share of a flying club aircraft and voting or taking action on the regulation of any flying club or their aircraft that might affect that members' interest or ownership in a financial way. "Conflict of interest" shall refer to a real conflict and not to some insignificant matter such as owning stock in General Motors and voting on the purchase of a motor vehicle. Clarification and recommendations concerning doubtful situations can be requested of the City Ethics Commission.

[1] *Editor's Note: See Article 5 of the Constitutions Article of the Annotated Code of Maryland and Ch. 38, Ethics, Code of, of the Code of the City of College Park, respectively.*

§ 11-6. Purpose; use of airport.

[Amended 5-13-1975 by Ord. No. 75-O-3]

- A. The purpose of said Authority shall be to investigate, review and report on the use and future use of the College Park Airport and its facilities, to review

periodically the operating procedures in order to assure the compatibility of such procedures with the welfare of the community and, when necessary, to hold hearings regarding these matters.
[Amended 5-22-1984 by Ord. No. 84-O-6]

- B. The Authority shall encourage use of the airport as an historical, recreational and educational center and promote good community relations. It will recommend to the Mayor and Council its findings for action.

§ 11-7. Election of officers; meetings; hearings.

[Amended 5-13-1975 by Ord. No. 75-O-3; 9-26-2006 by Ord. No. 06-O-7]
The Authority shall elect its Chairperson from its membership. All members of the Authority shall be entitled to vote, and its decision shall be determined by majority vote of the members present. A quorum of a majority of currently serving appointed members present is required before the Authority may take any official action. Meetings of the Authority shall be open to the public, and full and impartial hearings shall be granted. The Authority shall specify a regular meeting date at least once every three months. Additional meetings may be called by the Chairperson or a majority of the members. Insofar as reasonably possible, all hearings held by the Authority shall be informal and free from technical rules of law and evidence. On voting on any question, determination may be made by ballot, but no proxy shall be allowed at any time. The Authority shall keep minutes of its proceedings and all findings, decisions and recommendations to the Mayor and City Council. A report of the business of each meeting shall be made to the Mayor and Council at a Council meeting not later than two weeks after each meeting of the Authority. In matters concerning the procedures for meetings, the Authority may establish its own rules, provided that they are not contrary to the spirit and intent of this article.

**INFORMATION/STATUS REPORTS (For
Council Review)**

Legislative Report

O'MALLEY, MILES, NYLEN & GILMORE, P.A.

Attorneys & Counselors at Law

11785 Beltsville Drive, 10th Floor

Calverton, MD 20705

www.omng.com

(301) 572-7900 ☎ (301) 572-6655 (f)

Matthew D. Osnos
Lawrence N. Taub
Lynn Loughlin Skerpon
Nathaniel A. Forman

Mark G. Levin
William M. Shipp
Kate Pomper Pruitt
Eddie L. Pounds

Nancy L. Slepicka
Leonard L. Lucchi
Stephanie P. Anderson

Peter F. O'Malley
(1939-2011)

Edward W. Nysten
(1922-2010)

John D. Gilmore, Jr.
(1921-1999)

MEMORANDUM

**TO: Bill Gardiner, Assistant City Manager
City of College Park**

**FROM: Leonard L. Lucchi, Esquire
Eddie L. Pounds, Esquire
City Lobbyists**

DATE: April 3, 2015

RE: Weekly Report #12

As the 2015 Session winds down into what is supposed to be the last few days, there is an air of uncertainty as the one bill that the Maryland Constitution requires that the General Assembly pass, the State Budget, is in limbo. Legislative leaders thought they had worked the budget out with the Administration when it passed both Houses by overwhelming margins but recent actions by the Governor have thrown that expectation into great doubt. When the budget was not approved this past Monday, the Governor was required by the Constitution to extend the session for another ten days. Usually, this is just a formality as the budget is worked out by the 90th day. In this case, however, the parties are further apart instead of closer. Left in the balance is funding for Prince George's Hospital, Prince George's County Public Schools, Medicaid coverage for pregnant women and negotiated pay raises for state employees.

1. **HB 83/SB 444 - Public Records – Inspection** – This bill essentially serves as a means to clarify technical language in the State code. The bill requires state agencies and local governments to designate the types of public records that are immediately available to an applicant upon a request made pursuant to the Public Information Act, and to maintain a list of records so designated. **The House Bill has passed. The Senate Bill has passed Second Reading in the House Health and Government Operations Committee. Bill should pass.**

2. **HB 584/SB 283 – Ethics Law – Financial Disclosure Statement by Elected Local Official of a Municipal Corporation – Confidential Information** – This bill would treat as confidential, information in a financial disclosure statement regarding a spouse or dependent children; or (1) interests in real property located in a county other than the county where the municipality sits; (2) interests in corporations, partnerships, and LLCs; (3) employment; and (4) indebtedness. However, interests relating to a business entity currently doing business with the municipality or that has done business with the municipality within the last ten years will not be treated as confidential and may be disclosed. This bill is an agenda item of the Maryland Municipal League, but has generated a letter of concern from the State Ethics Commission and is unlikely to pass. **House Environment and Transportation Committee issued an unfavorable report this week so the bill is dead for the Session.**
3. **HB 113 – Local Government Tort Claims Act – Limits on Liability** – This bill would result in a significant increase in expenditures for local governments to pay judgment awards that exceed the current limits on liability under the Local Government Tort Claims Act (LGTCA) and pay increased insurance premiums for coverage of LGTCA claims. The bill passed Third Reader (93-45) and was heard by the Senate Judicial Proceedings Committee on Thursday, April 2, 2015. **The Senate passed the bill in a different form so the legislation must be worked out in conference committee.**
4. **HB 114 – Maryland Tort Claims Act – Limit on Liability** – This bill would increase the liability limit under the Maryland Tort Claims Act (MTCA) from \$200,000 to \$500,000 to a single claimant for injuries arising from a single incident or occurrence. The bill was heard by the House Judiciary Committee on February 18, 2015. The bill passed Third Reader (92-46) and was heard by the Senate Judicial Proceedings Committee on Thursday, April 2, 2015. **Third Reader passed with amendments (34-13). Amended to reflect that the liability limit would be increased from \$200,000 to \$300,000.**
5. **HB 147 – Taxpayer Protection Act – State Income Tax – Consumer Price Index Adjustments** – This bill indexes specified State income tax rate brackets based on the annual change in the Consumer Price Index (CPI). **The bill received an unfavorable report by the House Ways and Means Committee on March 12, 2015 and is dead for the Session..**
6. **HB 161 – Personal Property Tax – Investments in Maryland** – This bill would exempt personal property, that is owned by small business start-ups or businesses that relocate their headquarters to Maryland, from county or municipal property taxes. The bill was heard by the House Ways & Means Committee on February 18, 2015. It is opposed by the Maryland Municipal League, thereby reducing its chance of passage. The bill is hung up in committee and unlikely to pass this session.

7. **HB 271 – Vehicle Laws – Speed Monitoring Systems – Quarterly Audits** – This bill would require those jurisdictions with speed monitoring systems to obtain and keep on file quarterly audits that are to be used as evidence in court proceedings resulting from a speeding citation. **The bill received an unfavorable report by the House Environment and Transportation committee and is dead for the Session.**
8. **HB 283/ SB 319 – Award of Attorney’s Fees and Expenses – Violation of Maryland Constitutional Right** – This bill would enable a prevailing plaintiff to be awarded attorney’s fees and expenses in a claim for relief against the State, any political subdivision of the State, or any employee or agent of the State or any political subdivision, for claims filed under the Maryland Constitution or the Maryland Declaration of Rights. The House Bill passed Third Reader (87-50)(all but two of the 50 no votes were by Delegates of the Republican party) and has been referred to the Senate Judicial Proceedings Committee. **Bill not likely to pass this legislative session, as the House Bill appears to be hung up in Judicial Proceedings Committee. The same appears to be the case for the Senate Bill.**
9. **HB 341/SB 401 – Underground Utility Damage Prevention – Connecting Buildings to Sewerage Systems – Detectable Wires** – This bill would require detectable tracer wires to be installed with sewerage system piping. This bill would not have a material effect on local operations or finances. **Bills have passed and are awaiting the Governor’s signature.**
10. **HB 376 – Electric Companies – Vegetation Management – Local Law, Rule, or Regulation** – This bill, sponsored by Delegate Jimmy Tarlau, would authorize local governments to adopt or enforce specified local laws, rules, or regulations related to an electric company’s efforts to comply with vegetation management standards set by the Public Service Commission. **This bill received an unfavorable report by the House Economic Matters Committee and is dead for the Session.**
11. **HB 484/SB 591 – Transportation – Highway User Revenues – Phased Restoration** - This bill would gradually restore Highway User Revenues (HUR) to 30% by fiscal year 2024. The House Bill was heard on March 6, 2015, by the House Environment and Transportation Committee. The Senate Bill was heard by the Senate Budget & Taxation Committee on March 10, 2015. **This bill will not be brought up for a vote and is dead for the Session.**
12. **HB 539 – State Highway Administration – Evaluation of Urban Highways – Classifications and Speed Limits** – This bill requires the State Highway Administration to examine the classifications of speed limits for State highways for the purpose of highway reclassifications and setting appropriate speed limits. Local government

finances are not expected to be materially affected. **The bill received an unfavorable report by the House Environment and Transportation Committee and is dead for the Session.**

13. **HB 628 – Prince George’s County - Municipal Zoning Authority** – The sponsor of the bill, Delegate Geraldine Valentino-Smith, withdrew the bill on February 12, 2015, as it did not appear to have sufficient votes to pass out of the Bi-County subcommittee. In addition, the County Council took a “no position” vote on the bill and in doing so acknowledged that “there are larger municipalities within Prince George’s County which may possess the capacity to make their own land use decisions.” The Prince George’s County Municipal Association did not take a position on this bill even though municipal land use was one of its priority items for the year. It is likely that this matter will be revisited in the 2016 Session.
14. **HB 682 – Municipalities – Charter Amendments – Referendum and Signatures Required for Petitions** – This bill lowers the threshold of signatures from registered voters in a municipality necessary to petition a proposed charter amendment to a referendum or to initiate a proposed charter amendment. The bill was heard March 3, 2015, by the House Environment and Transportation Committee. It is opposed by the Maryland Municipal League. **Bill received an unfavorable report by House Environment and Transportation Committee and is dead for the Session.**
15. **HB 938/SB 564 – Prince George’s County – Maryland – Washington Regional District – Fairness in Zoning** - This bill would place limitations on the duration of time a Zoning Hearing Examiner has to decide a zoning matter to no more than 100 days after the date of the last hearing; authorizes any person or entity who is aggrieved by a final decision by the District Council to initiate judicial review of the decision; and authorizes the District Council to remand a zoning matter back to the Zoning Hearing Examiner, only once, and with a condition that a decision be made within 30 days after remand. On March 13, 2015, the Prince George’s House Delegation voted favorable. The Senate Bill was heard on March 10, 2015, by the Senate Education, Health and Environmental Affairs Committee, where a favorable with amendments report was adopted. The Senate Bill passed Second Reading with amendments. It has a fairly good chance at passage, as it is supported by M-NCPPC and will likely not face opposition by County Council. The House Bill passed Third Reader with Amendments (137-1) and received a favorable with amendments report by the Senate Education, Health, and Environmental Affairs Committee. **House Bill has passed and awaits the Governor’s signature. The Senate Bill passed Third Reader (46-0) and received a favorable with amendments report by the House Environment and Transportation Committee.**
16. **SB 36 – Stormwater Management – Watershed Protection and Restoration Program – Repeal** – This bill would repeal the requirement that a county or municipality, subject to a specified municipal stormwater permit, to adopt and implement, by July 1, 2013,

local laws or ordinances that establish an annual stormwater remediation fee and a local watershed protection and restoration fund. **The bill received an unfavorable report has been withdrawn by the sponsor.**

17. **SB 132/HB 1086 – Speed Monitoring Systems – Local Designees – Hearing and Approval** – This bill would require the governing body of a local jurisdiction to approve the designation of an official, by the jurisdiction after a public hearing, to investigate and respond to questions or concerns about its speed monitoring program. The Senate Bill passed Third Reader (46-0) and has been referred to the House Environment and Transportation Committee. **The House Bill received an unfavorable report by the House Environment and Transportation Committee and has been withdrawn by the bill's sponsor.**
18. **SB 147 – Local Government Tort Claims Act and Maryland Tort Claims Act – Repeal of Certain Notice Requirements** – This bill would repeal (1) notice requirements under the Local Government Tort Claims Act (LGTCA) and (2) provisions under the Maryland Tort Claims Act (MTCA) that bar a claimant from filing an MTCA action unless a written claim has been submitted within one year after the injury. Passage of this bill would result in a significant increase in expenditures for local governments related to (1) litigation costs involved with LGTCA cases; (2) payout of judgments awarded in those cases; and (3) increased insurance premiums for liability coverage against LGTCA claims. **This bill received an unfavorable report by the Senate Judicial Proceeding Committee and is dead for the Session.**
19. **SB 197 – Municipalities –Vacant and Blighted Buildings** – This bill would authorize municipalities, by ordinance, to establish a vacant and blighted buildings registry and require owners of vacant buildings to register their buildings and pay a registration fee to the municipality. **The bill received an unfavorable report and has been withdrawn by the bill sponsor.**
20. **SB 369/HB932 – Prince George’s County – City of College Park – Class D Beer and Wine License** – This bill would convert one Class D (on-sale) beer and wine license issued for premises in the 7100 block of Baltimore Avenue in the City of College Park into a Class D (on- and off-sale) beer and wine license for premises that are located in the 7100 to 7200 block of Baltimore Avenue. **The bill has passed both the House and Senate and awaits the Governor’s signature.**
21. **SB 371/HB 450 – State Highway Administration – Bicycle and Pedestrian Priority Areas** – Introduced by Senator Jim Rosapepe, this bill requires the State Highway Administration (SHA) to adopt a statewide policy related to bicycle and pedestrian priority areas (BPPAs) and to also determine whether it should designate an existing local BPPA as a State BPPA if there is a State highway within the limits of the locally designated area. The Senate Bill received a favorable report by the House Environment

and Transportation Committee. The House Bill passed Third Reader (134-3) and was referred to Senate Finance Committee, where the bill passed Third Reader (47-0). **Bills have passed both houses await the Governor's signature.**

22. **HB 919/SB 551 – Land Use – Plans – Development and Adoption** – This bill would allow a legislative body to adopt, modify, or disapprove a plan (in whole or part), a plan for one or more geographic sections or divisions of the local jurisdiction, or an amendment or extension of or addition to the plan. The Senate Bill has passed and has been referred to the House Environment and Transportation Committee for First Reading. The House Bill passed Third Reader (135-2) and was referred to the Senate Education, Health, and Environmental Affairs Committee, where the bill passed Third Reader (38-9). The Senate Bill passed Third Reader with Amendments (46-0) and was referred to the House Environment and Transportation Committee, where the bill received a favorable report. **Bills have passed both houses and await the Governor's signature.**
23. **HB 583/SB 879 – Open Meetings Act – Requirements for Providing Agendas** – This bill requires a public body to provide notice of agenda items at least 24 hours before the meeting. The bill is supported by the Maryland Municipal League, but is likely to be revisited in the 2016 session because it is hung up in committee.
24. **HB 229/ SB 604 - Human Relations - Employment Discrimination - Protection for Interns** - This bill would apply employment discrimination standards to unpaid interns. The House Bill passed Third Reader (136-0) and was referred to the Senate Judicial Proceedings Committee, **where the bill passed Third Reader (45-2)**. The Senate Bill passed Third Reader (44-2) and was referred to the House Health and Government Operations Committee for First Reading. The Senate Bill has received a favorable report by the House Health and Government Operations Committee. **Bills have passed and await the Governor's signature.**
25. **House Bill 71 – The Capital Budget** – City Hall Bond reauthorization has been inserted into the capital budget on the Senate side. The bill is now in conference committee.
26. **HB 644 – Property Tax Credit – Elderly, Veterans, and Returning Residents (Welcome Home, Stay at Home Act)** – Under this bill, local governments would be required to grant a property tax credit to an individual who (1) is at least 65 years old and has lived in the same house for the past 40 years; (2) is retired military; or (3) moved to another state from Maryland, but returned to live in the State of Maryland within the past ten years. The property tax credit is granted for a five year period and is equal to 20% of the property tax imposed on the property by the county or municipality. The bill passed Third Reader with Amendments (138-0) and has been referred to the Senate Budget and Taxation Committee which has taken no action.

27. **HB 597/SB 867 – Prince George’s County Board of Education – Public High Schools – Outdoor Synthetic Turf Fields (PG 407-15)** – This bill is sponsored by Delegate Jay Walker, Chair of the Prince George’s House Delegation and Senator Doug Peters, Chair of the Prince George’s Senate Delegation. The bill requires outdoor artificial turf fields to be installed at all county public high schools by fiscal year 2020. The Senate Bill passed Third Reader (44-2) and has been referred to House Appropriations where it has died in previous sessions.

28. **HB 372 – Real Property – Vacant and Abandoned Residential Property** – This bill, sponsored by Delegate Jay Walker, would require mortgage lenders to inspect, maintain and register abandoned residential properties. The bill also authorizes local jurisdictions to enact local laws that impose a civil penalty of up to \$1,000 for failure to register a property. **The bill received an unfavorable report by the House Environment and Transportation Committee and is dead for the Session.**