



TUESDAY, SEPTEMBER 22, 2015
CITY OF COLLEGE PARK
COUNCIL CHAMBERS

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

(There will be a Worksession following the Regular Meeting)

MEDITATION

PLEDGE OF ALLEGIANCE: Councilmember Wojahn

ROLL CALL

MINUTES: Transcript in lieu of minutes of the August 11, 2015 Oral Argument in case CPD-2014-01 re: 4618 College Avenue; Special Session on September 1, 2015; Public Hearing on Ordinance 15-O-04 held on September 8, 2015; Regular Meeting on September 8, 2015.

ANNOUNCEMENTS

ACKNOWLEDGMENT OF DIGNITARIES

ACKNOWLEDGMENT OF NEWLY APPOINTED BOARD AND COMMITTEE MEMBERS

AWARDS

PROCLAMATIONS

AMENDMENTS TO THE AGENDA

CITY MANAGER'S REPORT: Bill Gardiner, Acting City Manager

STUDENT LIAISON'S REPORT: Cole Holocker

COMMENTS FROM THE AUDIENCE ON NON-AGENDA ITEMS

PRESENTATIONS

CONSENT AGENDA

15-G-102 Award of contract for two replacement trash trucks from Heil Environment in an amount not to exceed \$551,768 to be funded from Master Lease #3 effective January 2016, subject to contract review and approval by the City Attorney.

Motion By:
To: Approve
Second:
Aye: ___ Nay: ___
Other: ___

ACTION ITEMS

- 15-R-18 Adoption of 15-R-18, a Resolution of the Mayor and Council in Case CPD-2014-01 re: 4618 College Avenue
(tentative) Motion By: _____
To: Approve
Second:
Aye: __ Nay: __
Other: _____
- 15-G-103 Approval of the City's position for the Board of License Commissioners Show Cause Hearing on Backyard Sports Grill Motion By: Stulich
To: Approve
Second:
Aye: __ Nay: __
Other: _____
- 15-G-104 Approval of an Agreement with Election Systems & Software, LLC (ES&S) for Electronic Voting Machines and associated costs in the November 3 elections Motion By: _____
To: Approve
Second:
Aye: __ Nay: __
Other: _____
- 15-G-105 Appointments to Boards and Committees Motion By: _____
To: Approve
Second:
Aye: __ Nay: __
Other: _____

COUNCIL COMMENTS

COMMENTS FROM THE AUDIENCE

ADJOURN

WORKSESSION

1. Board and Committee discussion with:
 - Noise Control Board
 - Neighborhood Watch Steering Committee
2. Application for Revitalization Tax Credit from David Hillman for The Hotel and College Park Place (**possible Special Session**)
3. City Operations Sustainability Plan – Bill Gardiner, Assistant City Manager

INFORMATION/STATUS REPORTS (For Council Review)

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

MINUTES

CITY OF COLLEGE PARK

+ + + + +

ORAL ARGUMENT
CASE # CPD-2014-01
STEVEN BEHR
4618 COLLEGE AVENUE

+ + + + +

TUESDAY
AUGUST 11, 2015

+ + + + +

The oral argument was heard in the College Park City Hall, 4500 Knox Road, College Park, Maryland, at 7:00 p.m. Andrew Fellows, Mayor, presiding.

PRESENT

ANDREW FELLOWS, Mayor
DENISE C. MITCHELL, Mayor Pro Tem
P.J. BRENNAN, Councilmember
ROBERT W. DAY, Councilmember
MONROE S. DENNIS, Councilmember
ALAN Y. HEW, Councilmember
FAZLUL KABIR, Councilmember
STEPHANIE STULLICH, Councilmember
PATRICK WOJAHN, Councilmember

ALSO PRESENT

JOSEPH NAGRO, City Manager
JANEEN S. MILLER, City Clerk
TERRY SCHUM, Planning Director
SUELLEN FERGUSON, City Attorney
SUE FORD, City Attorney
MIRIAM BADER, City Planner
BILL GARDINER, Assistant City Manager

1 P-R-O-C-E-E-D-I-N-G-S

2 7:01 p.m.

3 MAYOR FELLOWS: Good evening and welcome
4 to the hearing on oral argument -- may I have
5 everybody's attention, please? The hearing on the
6 oral argument CPD-2014-01, 4618 College Avenue.

7 I believe we're going to first have an
8 orientation by the planning stuff. And if necessary,
9 a representative of the Office of the City Attorney.

10 Ms. Schum.

11 MS. SCHUM: Yes, thank you, Mr. Mayor,
12 members of the Council. Terry Schum, planning
13 director for the City.

14 As you said, this is a case for a departure.
15 And the specific request is for a departure of 11.4
16 feet from the required 22-foot driveway width for a
17 parking lot to be accessed from the street. The
18 applicant in this case is Steven Behr, and the address
19 is 4618 College Avenue.

20 So, in this case the reason the applicant
21 is before you is because he is proposing to convert
22 the single-family dwelling he currently has and is

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1 rented and licensed with the City as a rental, he's
2 proposing to convert it to a rooming house which allows
3 five guestrooms for up to nine guests. And this is
4 a permitted use in this zone by the zoning ordinance.

5 So, the departure is necessary, because
6 the zoning ordinance requires this parking lot and
7 driveway design for this particular use.

8 So, obviously you've been here before on
9 this application. And I'll go through the history of
10 the case in just a minute, but let me just run through
11 quickly some slides to orient you to the site.

12 So, this is the location of the property
13 at 4618 College Avenue. It's in the Old Town Historic
14 District. And the property is a contributing
15 resource to the Historic District.

16 This shows the zoning of the property.
17 So, the subject property is outlined in blue. So, you
18 can see it is zoned R-18, which is a multifamily,
19 medium-density residential zone, but it adjoins
20 property in the single-family residential zone, and
21 then the commercial -- it's like a local neighborhood
22 commercial zone at the corner of College and Rhode

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1 Island.

2 This is an aerial view of the property.
3 The subject property is under the blue dot.

4 This is a bird's eye view of the property,
5 which gives you a little bit better view of how the
6 property exists today with the driveway from the
7 street and a gravel -- a gravel driveway and a gravel
8 parking lot in the rear.

9 And this is probably the best view to stay
10 on for a few minutes looking at the particular issue.

11 So, the subject property, 4618, is on the
12 left. And to the right is 4620, the adjoining
13 property. And these two properties have a Joint
14 Driveway Agreement.

15 So, they actually share access, because
16 they both have parking lots in the rear of their
17 respective properties.

18 So, if you look at this, you can see how
19 the driveway right now extends a little bit into --
20 in front of the house in the front yard and it is not
21 of consistent width.

22 It's widest at the front, it narrows

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1 between the two houses and it's 10.6 feet in width at
2 its narrowest. And then in the back obviously it
3 widens out again, and in fact there is a 22-foot
4 driveway width in the rear of the property.

5 This is the site plan and the landscape
6 plan as proposed by the applicant if this departure
7 is granted.

8 So, what you see here is a redefined
9 driveway that narrows in the front yard by placing
10 timber framing and landscaping to specifically define
11 the driveway and to prohibit the kind of spillover
12 parking that sometimes occurs now in the front yard.

13 And you see how the parking spaces are laid
14 out in the rear. And then you can see the additional
15 landscaping that's proposed in the rear, on the side
16 and in the front yard.

17 The joint driveway easement with the
18 adjoining property owner ends up providing the subject
19 property with an additional six feet of driveway width
20 under the terms of that agreement. However, for the
21 sake of this departure, that isn't allowed to be
22 counted. So, the amount of departure required is that

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1 11.4 feet. That's part of the application.

2 Okay. So, let's go back in time a little
3 bit. We've been with this application for just over
4 a year. The applicant first submitted his
5 application in July 2014.

6 And before it was sent to the Advisory
7 Planning Commission, he went to the Historic
8 Preservation Commission in Prince George's County to
9 see if he would be able to get an Historic Area Work
10 Permit to implement that site plan I just showed you,
11 so, to reconvert that environmental setting, which,
12 frankly, was converted many years ago from a grassy
13 rear yard to a parking area, but to officially get
14 approval to convert that to a parking lot with some
15 changed landscaping.

16 So, that went to the HPC. It was approved
17 by the HPC. That application was supported by the
18 City Council back then.

19 And then in December of that year, the APC
20 held their hearing on the departure application, made
21 a recommendation coming out of the hearing to approve
22 it with a number of conditions.

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1 That was sent to the City Council in the
2 form of a resolution, which on January 3rd after
3 reviewing that resolution, I believe it was Council
4 Member Stullich requested that oral argument be heard
5 on the case rather than just setting in for approval.
6 So, that oral argument was held on January 27th, 2015.

7 And at that time, your decision was not to
8 make a final decision at that time, which you could
9 have done, but instead you remanded the case back to
10 the APC for them to take additional testimony and to
11 specifically look at a couple of issues.

12 So, in May, that hearing was held by the
13 APC, and again the APC decided to approve the departure
14 and they made some revisions to their initial
15 conditions to address the concerns in the Remand
16 Order, and I'll go over those in just a minute, and
17 issued another resolution.

18 That resolution was then called up, if you
19 will, where a request was made to hear oral argument.
20 This time I believe Council Member Day made that
21 request.

22 And then that brings us to tonight where

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1 we're hearing again oral argument specifically on the
2 remand hearing, but also this case needs to be decided
3 in its entirety.

4 So, a decision has never been made in this
5 case. So, this case needs to be decided. It could
6 also be remanded again to the APC.

7 Are there other choices? I'll turn to the
8 attorneys maybe when I'm done and they might need to
9 fill in some blanks for you in terms of what your
10 options are tonight once the hearing is held.

11 So, the Remand Order that you've sent to
12 the APC really focused around two things. One, to
13 address a criterion in the county zoning ordinance
14 that was inadvertently left out of the city code and,
15 therefore, wasn't addressed at all by the APC when they
16 took up this case the first time.

17 And that was to show how the departure
18 would not impair the visual, functional or
19 environmental quality or integrity of the site or the
20 surrounding neighborhood. So, the APC took that up.

21 The second item was to look more closely
22 at the condition that was in the first resolution that

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1 required signage to be placed on the driveway to ensure
2 that it would remain free of parked cars to allow
3 adequate ingress and egress.

4 So, the fault you found with that when you
5 took up the case, was that it didn't really address
6 the Joint Driveway Agreement and the fact that the
7 adjoining property owner, there was nothing in that
8 condition that required that property owner to post
9 signage or otherwise, except for the agreement itself,
10 which we had no enforcement authority over, to ensure
11 that the driveway would be free and clear. So, that's
12 what the APC took up and decided in their June 4th
13 resolution.

14 I should back up just for your information
15 and say that at the first hearing of the APC, no one
16 appeared in support or in opposition of the
17 application. But at the second hearing, there were
18 a number of people who appeared in opposition.

19 So, there were two individuals who
20 appeared to testify in opposition. There were
21 another three letters entered into the record opposing
22 the departure. And then seven other individuals

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1 became parties of record in opposition to the case.

2 So, therefore, all of these persons are now
3 able to come before you tonight and participate in this
4 oral argument and be the opposition to the case. And
5 I see some of them may be in the audience tonight.

6 So, you have the APC's resolution before
7 you. What I've done is just, you know, put it on the
8 screen for reference if you need to.

9 There are seven conditions that the APC has
10 recommended. Most of this was in their initial
11 resolution and recommendation with the exception of
12 1D shown here, which is very specific language now
13 about how signage should occur in the driveway to
14 hopefully ensure adequate ingress and egress and that
15 it remain free and clear, including signage that would
16 indicate that anyone parked in the driveway could be
17 towed.

18 And the other new item here is just a
19 statement about, you know, replenishing the driveway
20 with gravel and the fact that the gravel should
21 aesthetically match others in the neighborhood.

22 And the other new condition is in part

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1 Number 7. And it's very lengthy, but the key point
2 here is that it requires that the Joint Driveway
3 Agreement be amended to require the other party to the
4 agreement, besides the applicant here, also post
5 signage on the driveway saying "no parking" and that
6 towing would enforce it. And specifically, that the
7 County and/or the City would be able to do the towing,
8 enforce this particular condition.

9 So, those are the primary changes since the
10 first round. And if there aren't any questions, that
11 concludes the staff's orientation.

12 MAYOR FELLOWS: Questions of staff?

13 (No questions.)

14 MAYOR FELLOWS: I see none. Thank you.

15 (Pause.)

16 MAYOR FELLOWS: And next we go to the --
17 I'm trying to find my place.

18 (Pause.)

19 MAYOR FELLOWS: This would be your
20 argument against the recommendation of the Advisory
21 Planning Commission. Sorry it took me so long to get
22 that out.

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1 So, who will be presenting the oral
2 argument against the Advisory Planning Commission
3 recommendation?

4 (Pause.)

5 MS. FERGUSON: Okay. This would be the
6 opposition. If the applicant is opposed in any way
7 to any portion of the recommendation of the Advisory
8 Planning Commission, then that position should be
9 taken now.

10 And I'd like to mention for the Council and
11 the Mayor that with me tonight is Susan Ford, who is
12 a partner in my firm who sits with the APC and is here
13 to help with the background.

14 MAYOR FELLOWS: Mm-hm. So, this oral
15 argument isn't necessarily against the entire
16 recommendation, just any part of the recommendation.

17 MS. FERGUSON: Yes.

18 MR. BEHR: Thank you all for clarifying.
19 Appreciate that.

20 I do want to reiterate my name is Steven
21 Behr. I live at 14835 Melfordshire Way, Silver
22 Spring, Maryland, Montgomery County, but I appreciate

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1 all your time and effort in this case and I am 100
2 percent in agreement with 99.9 percent of this.

3 There's one section that we did oppose at
4 the APC, which is Number 7, which was the addition of
5 a condition on the driveway agreement itself to allow
6 the City or the County to tow and enforce tickets.

7 We feel that it's an undue additional
8 burden on my neighbor's property, as well as my
9 property, to keep something like that tied forever
10 with these properties when the current agreement
11 already enforces -- says that there shall be no parking
12 in the shared driveway.

13 And we're aware of that now and plan to
14 enforce that ourselves between both of the neighbors.
15 So, we don't feel that there's a need for this
16 additional condition.

17 Other than that, I wanted to thank the City
18 and the Council Members for their support in working
19 with me through this process. And we're definitely
20 looking forward to getting a successful vote tonight
21 to be granted the departure and will do our utmost to
22 make the property great. Thank you.

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1 MAYOR FELLOWS: All right. Thank you.
2 Sir, welcome.

3 MR. FARRAR: Good afternoon, Mr. Mayor,
4 distinguished members of the City Council, the staff.

5 My name is Bradley Farrar. I'm council to
6 Mr. Behr. I'm also a resident of the city of College
7 Park.

8 I'd like to reiterate what Mr. Behr said,
9 which is that we are essentially, for the most part,
10 in favor of the adoption of the resolution with the
11 exception of Item Number 7.

12 We think it's problematic for a number of
13 reasons. It's problematic for the City. It's
14 certainly problematic for the property owners.

15 It calls into question the process, we
16 believe. You remanded this at APC, they took it under
17 consideration, but what you said initially was -- in
18 your initial remand was for the APC to take additional
19 testimony and to do further consideration.

20 You didn't ask them to come back with
21 additional conditions, which they did, which is
22 outside the scope of what you remanded them -- you

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1 remand to do.

2 The record is complete as it relates to the
3 Joint Driveway Agreement. And the Joint Driveway
4 Agreement prohibits, it already prohibits parking in
5 the joint driveway.

6 What this particular resolution does is it
7 creates a burden not only on the City of College of
8 Park as it relates to the easement -- so, the City of
9 College Park might get an easement, and then you're
10 actually placing an easement on Prince George's
11 County, which may or may not want the easement.

12 So, then you're raising questions about
13 maintenance of the easement, payment for the easement,
14 who enforces, how you enforce, can you actually have
15 under Prince George's County Code Title 26, does the
16 City of College Park actually as an easement owner
17 versus a property owner, do you have the right to
18 actually enforce parking in the easement?

19 I don't know. Hadn't been addressed.
20 Hadn't really been thought out. No one's really
21 talked about it. Those are items that you have to
22 consider.

1 What about revenue? Who shares in the
2 revenue for the parking and the towing? How is it
3 split? How is it divided?

4 What about liability? As we mentioned
5 during our hearing with the APC, we told them that if,
6 for instance, someone comes out and sees their car
7 being towed and someone goes ballistic, someone gets
8 hurt, who takes the liability if the City of College
9 Park called?

10 Certainly the City of College Park doesn't
11 have any tow trucks. You'd have to obviously -- you'd
12 obviously have to contract this out. How do you do
13 that?

14 There's a number of questions we believe
15 that the City hasn't really considered in thinking
16 about this.

17 We believe that Mr. Behr and Ms. Miller,
18 who are the joint driveway owners, they've done an
19 outstanding job of enforcing the parking agreement.

20 The City of College Park certainly can't
21 do any better. There is no evidence below with the
22 APC that there is a problem with parking, that there

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1 is a problem with overcrowding in the Joint Driveway
2 Agreement.

3 And so, because of that we think it's
4 important, we think it's critical that you adopt the
5 resolution without Item Number 7.

6 Finally, what I'd like to suggest to the
7 City Council is this represents under the law what's
8 called an impermissible change of mind.

9 The APC originally approved and
10 recommended what happened, the resolution that was
11 submitted to the City Council. When you remanded it,
12 it came back and they changed their position and under
13 the current case law, what they have to demonstrate
14 is a number of items.

15 What they have to demonstrate is that there
16 was -- that there was fraud. They have to demonstrate
17 that there was a mistake. They have to show a number
18 of other items that just have not been demonstrated
19 here in order for them to put this resolution in.

20 So, for the following reasons, and I'm
21 willing to take any questions, for the following
22 reasons we would respectfully ask the City Council to

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1 adopt the resolution without Item Number 7. Thank
2 you, Mr. Mayor.

3 MAYOR FELLOWS: Questions.

4 MR. FARRAR: Certainly.

5 MAYOR FELLOWS: Yes, is this the
6 appropriate time for questions for those arguing
7 against this portion?

8 MS. FERGUSON: Yes.

9 MAYOR FELLOWS: So, Mr. Brennan.

10 COUNCILMEMBER BRENNAN: Thanks, Mr.
11 Mayor.

12 Earlier Mr. Behr mentioned that he would
13 like to have Number 7 taken off of the APC's
14 recommendation and that he had a procedure with the
15 adjacent property owner in place to manage any issues
16 that might arise in the driveway to eliminate cars from
17 the driveway that might be blocking ingress and
18 egress, as stated here.

19 Who does the tenant contact if one of Mr.
20 Behr's tenants have a complaint related to that
21 blocking?

22 MR. FARRAR: Certainly. Mr. Behr or Ms.

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1 Miller are certainly -- they're here and they can
2 testify as to how this process works if you'd like to
3 hear from them.

4 COUNCILMEMBER BRENNAN: Sure. That
5 would be great.

6 MR. FARRAR: Yes.

7 MR. BEHR: In the time I've owned the home
8 we've, I think, only had one occasion where a tenant
9 has in fact called to be towed themselves.

10 We actually haven't had any issues with
11 parking in our driveway. We work very closely
12 together. We're neighbors. We're very good
13 neighbors and we have, you know, a vested interest
14 to ensure that the parking area is habitable because
15 we do have a lot of people sharing the shared driveway.
16 So, they have to get in and out.

17 So, if there's ever been an issue with a
18 car blocking the driveway, then, you know, our tenants
19 call us, you know. If it's my tenants, they call me.
20 And if it's her tenants, they call her. And then we
21 talk and we get it resolved.

22 In fact, Lisa's husband testified that he

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1 has access to towing contracts that he's dealt with
2 in the past and we could even put something like that
3 in place.

4 So, we're not thinking that we can do it
5 our own, but we do have some people to help us in terms
6 of doing that if it became a bigger issue, which it
7 hasn't been an issue.

8 COUNCILMEMBER BRENNAN: Okay. And so, if
9 somebody parks in either area that's making an issue
10 for your property, they will contact you.

11 Can they contact Ms. Miller as well and
12 vice-versa?

13 MS. MILLER: Yes.

14 COUNCILMEMBER BRENNAN: Mr. Behr, you may
15 have a scenario where a house manager would be
16 involved.

17 MR. BEHR: Um-hm.

18 COUNCILMEMBER BRENNAN: Would that house
19 manager be involved in a complaint of this nature?

20 MR. BEHR: Yes. And we could make sure
21 that they double-check with us before any cars are
22 towed or any action such as that is taken.

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1 COUNCILMEMBER BRENNAN: So, the tenant
2 would contact the house manager first?

3 MR. BEHR: They'd be the first line of
4 offense, obviously, because they're right there.

5 COUNCILMEMBER BRENNAN: Okay. And then
6 the house manager would directly contact the
7 enforcement agent, or they would contact you to
8 address it?

9 MR. BEHR: Correct.

10 COUNCILMEMBER BRENNAN: That's a
11 question.

12 MR. BEHR: Oh, I would prefer they contact
13 me so we resolve it beforehand, because we've actually
14 had that one situation in the past where a tenant took
15 it upon themselves to tow a car and it happened to be
16 our neighbor's car, which had every right to be there.

17 So, that's why I would want it to go through
18 Lisa and myself so we can talk and make sure the right
19 car gets towed and that nobody is put out and that any
20 liability is shared amongst ourselves.

21 COUNCILMEMBER BRENNAN: Okay. But in
22 this case if somebody is parked in the driveway

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1 regardless of whether or not they're a friend or not
2 if you can't get in touch with them to remove it, you
3 would have to have the car removed.

4 MR. BEHR: And there are going to be
5 provisions in my lease for sure, and Lisa can speak
6 to hers, that there will be no parking along the
7 driveway from any tenant. And that the tenants are
8 responsible for ensuring none of their friends, guests
9 or anyone else park there, because they'll be reliable
10 for any fines, any towing expenses or anything else
11 associated with that.

12 And if we have to, we will tow it if it
13 becomes an obstacle.

14 COUNCILMEMBER BRENNAN: And when you say
15 "fines," do you mean assessed by the tow company, or
16 will you be assessing your own fines to your tenants?

17 MR. BEHR: We're not -- I'm not assessing
18 any fines. But with this potentiality in place where
19 the City or the County could potentially fine us or
20 tow, I don't know what could be involved. So, we need
21 to have enough language to cover all.

22 COUNCILMEMBER BRENNAN: I'm considering

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1 that Seven is not on the table and you're enforcing
2 it yourself.

3 So, there would be no other penalty, say,
4 to the lease other than the charges for towing.

5 MR. BEHR: Correct.

6 MS. MILLER: Well, at this time that's
7 true. Although, that may be something reasonable to
8 add to the lease. We haven't gotten that far yet.

9 COUNCILMEMBER BRENNAN: Okay. I mean,
10 that would be something -- if enforcement is something
11 that you're going to be -- you want to be managing and
12 you don't want Item 7, something in the lease that
13 would address a penalty would certainly be something
14 that would be worth considering now.

15 MS. MILLER: No, it's a good idea. Good
16 suggestion.

17 COUNCILMEMBER BRENNAN: And who is the
18 contractor -- who is the towing company that you're
19 contracted to work with to address issues like this?

20 MS. MILLER: I don't know.

21 MR. BEHR: Right now we don't have one, but

22 --

1 MS. MILLER: I don't have the name of one
2 at this point.

3 MS. FERGUSON: Mayor, if I may, and I hate
4 to interrupt the council member --

5 COUNCILMEMBER BRENNAN: Sure.

6 MS. FERGUSON: -- however, you are
7 restricted at this point. These conversations could
8 have happened at the APC, but did not --

9 COUNCILMEMBER BRENNAN: Okay.

10 MS. FERGUSON: -- and you are restricted
11 to the record of what happened there. If you need more
12 information or something else of a plan, a proposal
13 from this applicant, you'd have to send it back down
14 again.

15 This is not the place for this at this
16 point, because you are stuck with what's in the
17 transcript and this is getting beyond where you can
18 go.

19 And, in fact, if you start making a
20 decision based on that, we would get into some tricky
21 territory about --

22 COUNCILMEMBER BRENNAN: Sure.

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1 MS. FERGUSON: -- using it as facts that
2 you could rely on, frankly.

3 COUNCILMEMBER BRENNAN: I understand. I
4 guess what I was trying to -- what's unique to this
5 situation based on our testimony previous is this is
6 -- this new item is before us and they're opposing this
7 new item, and I'm trying to -- and the enforcement
8 mechanism is something that I think warrants
9 additional scrutiny, but I'll digress.

10 MS. MILLER: Well, maybe I can address
11 this --

12 MS. FERGUSON: At this point --

13 MS. MILLER: -- and let me answer.

14 MS. FERGUSON: At this point, my point to
15 the Council is this line of questioning is well outside
16 of the record and is adding new facts onto something
17 which you're not allowed to do at this level.

18 You can send it back to the APC to follow
19 these inquiries if you think that that's appropriate
20 and necessary, but you cannot proceed on this and use
21 these facts later to base your decision, because it
22 will call the decision into question then.

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1 COUNCILMEMBER BRENNAN: Thank you.

2 MS. FERGUSON: So, I'm sorry to have to --

3 MAYOR FELLOWS: Thank you for that
4 clarification. Actually, when I asked if it was the
5 time to ask questions, I should have clarified that
6 the questions need to be based on things that are
7 already in the record. So, that was my instructional
8 error.

9 Ms. Mitchell.

10 MAYOR PRO TEM MITCHELL: Thank you, Mr.
11 Mayor. And thank you to my colleague for bringing up
12 that point and I guess I want to get clarification on
13 procedure-wise since you're saying that the
14 conversation that just occurred is out of the realm
15 of discussion that came back for the recommendation.

16 If in fact we decide as a council to take
17 it back to APC for discussion on Item Number 7,
18 procedurally what is the time frame for APC to look
19 at it and then bring it back forward?

20 MS. FERGUSON: I believe that -- well,
21 that is a combination of what -- of the availability
22 of the APC, which meets at least once a month, and the

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1 notice that has to be given by the applicant of the
2 fact that it's coming back before the APC.

3 And so, those are the two items that have
4 to be taken care of. APC meets the first, I think,
5 Thursday of every month to hear these cases.

6 MAYOR PRO TEM MITCHELL: Okay. Thank
7 you, Mr. Mayor.

8 MAYOR FELLOWS: Ms. Stullich.

9 COUNCILMEMBER STULLICH: Thank you, Mr.
10 Mayor. I have a question for Mr. Behr.

11 MR. BEHR: Sure.

12 COUNCILMEMBER STULLICH: So, I believe I
13 saw in the record that -- well, you have said tonight
14 also that you are opposed to this provision. And the
15 APC's recommendation or their decision was to
16 recommend approval of the departure request on the
17 condition of what's up there on Number 7, condition
18 of the enforcement mechanism by the City.

19 And so, are you, you know, you would like
20 us to take out that condition. But if we do not take
21 out that condition, are you willing to sign the
22 agreement that would meet this condition with your

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1 adjoining property owner?

2 MR. BEHR: I would be willing to do that.
3 Because for me, the amount of time, effort and energy
4 spent on the entire departure process is much more
5 important to me than this one condition, but we feel
6 like it is a very tenuous condition and it was an
7 afterthought that came up after our initial
8 discussions of this, came out of the APC.

9 It wasn't something they should have
10 talked about. It wasn't something they should have
11 added as a condition, because it wasn't in their realm
12 to add this type of condition at that time.

13 But, you know, in the grand scheme of
14 things I'd rather have the departure approved and
15 moved forward than not, but we do -- we did object at
16 the APC to this and we didn't really get a chance to
17 talk about it very much at the APC as much as we're
18 talking about it here now, but we did object, all of
19 us. Lisa, myself and my attorney, we all put those
20 objections on the record.

21 COUNCILMEMBER STULLICH: Right. So, I
22 understand that you objected to it. I don't think

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1 that means that there's agreement that their decision
2 was outside of the scope of the remand order. I --
3 that's your opinion.

4 MR. BEHR: Sure.

5 COUNCILMEMBER STULLICH: You had the
6 opportunity to object at the APC hearing and you did
7 so.

8 And when you say you didn't have the
9 opportunity to go into it as fully as you would like,
10 are you saying that you wanted to discuss it more, but
11 the APC would not let you continue discussing it?

12 MR. BEHR: We gave a few minutes of
13 testimony and then they went into a recess, a
14 closed-door session where we were not allowed, you
15 know, it's closed-door.

16 And then when we came back, we were not
17 given any other opportunity to talk about the matter.
18 So, yes, we don't feel that we were able to cover all
19 the ground that would be necessary for a provision of
20 this magnitude.

21 And I don't, as my attorney said, I don't
22 believe it's been well thought out how the City or the

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1 County would help us enforce that or help bear burden
2 of the cost.

3 For me, I mean, hey, if the City wants to
4 tow, you know, and do the enforcement for us, that's,
5 you know, that's a benefit, but there are other issues
6 involving that with tenants and how would that impact
7 our tenants, how is it going to impact the land
8 long-term value.

9 Say either myself or Lisa were to sell our
10 land. This law would go on forever with the
11 properties however they're being used. So, I don't
12 --

13 COUNCILMEMBER STULLICH: Because the
14 departure would also continue forever with the
15 property.

16 So, if you added value of the rooming house
17 together with the departure, it would also be
18 something that would continue.

19 MR. BEHR: I can understand that, and that
20 only impacts my property. It does not impact Lisa's
21 property.

22 COUNCILMEMBER STULLICH: Right. And I

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1 also have a question for Ms. Miller.

2 MR. BEHR: Sure.

3 MAYOR FELLOWS: All right.

4 COUNCILMEMBER STULLICH: So, Ms. Miller,
5 I have the same question for you. Are you willing to
6 if the Council does not agree to the applicant's desire
7 to remove this condition, are you willing to sign and
8 have recorded an amendment to the existing parking
9 agreement that would allow city enforcement of the
10 parking restrictions?

11 MS. MILLER: Yes, I would. I think that
12 it's gone on way too long and these are just blocks
13 -- one block after another.

14 Like Suellen had said, the discussion here
15 was out of the realm. I believe this was out of the
16 realm of them adding this at the last minute without
17 any input from me.

18 I just think that if they're going to add
19 my house to this, then the departure should also be
20 attached to my house.

21 If ever someone, myself or whoever owns the
22 house in the future, decides to go for a rooming house

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1 exemption, they shouldn't have to revisit the
2 driveways issue.

3 MAYOR FELLOWS: Ms. Ferguson.

4 MS. FERGUSON: Thank you. I think it's
5 appropriate to interject again. And I apologize
6 again for doing so.

7 The answer just given by Ms. Miller, I
8 assume on behalf of herself and her husband, is
9 different from the answer that was given that's in your
10 transcript at the hearing.

11 At the hearing they said, no, they would
12 not agree to the amendment of the joint driveway use
13 agreement to include --

14 MR. FARRAR: Mr. Mayor -- excuse me,
15 Suellen. I hate to interject, but I understand -- I
16 apologize.

17 (Speaking over each other.)

18 MR. FARRAR: I apologize, but --

19 MAYOR FELLOWS: Let Ms. Ferguson --

20 MR. FARRAR: Wait, Mr. Mayor.

21 MAYOR FELLOWS: Let Ms. Ferguson finish.

22 MR. FARRAR: Again, I apologize because as

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1 Ms. Ferguson interjected during Mr. Brennan's
2 testimony --

3 MAYOR FELLOWS: Well, but she's our
4 attorney and I allowed her to do so.

5 MR. FARRAR: I understand she's your
6 attorney, but --

7 MAYOR FELLOWS: So, this is a College Park
8 --

9 MR. FARRAR: I understand, Mr. Mayor.

10 MAYOR FELLOWS: -- hearing that's being
11 held by College Park and our counsel is speaking.

12 MR. FARRAR: Right.

13 MAYOR FELLOWS: It shouldn't be long until
14 you can get a chance to respond to her.

15 MR. FARRAR: But she's putting facts that
16 are already on the record.

17 MS. FERGUSON: They're in the transcript.

18 MR. FARRAR: In the transcript.

19 MS. FERGUSON: They're in the transcript
20 as part of the record of this hearing.

21 MR. FARRAR: And she answered the
22 question.

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1 MS. SCHUM: Mayor, may I speak?

2 MAJOR FELLOWS: Yes.

3 MS. SCHUM: Thank you.

4 The transcript of course is part of your
5 record. It's what comes up to you from the APC and
6 it's also what tells us what is allowable subject
7 matters to go into this evening.

8 You are looking at this as a reviewing
9 body, a recommendation. And the transcript, which is
10 part of this record, indicates that when the Millers
11 were asked this question at the APC hearing, they
12 indicated an unwillingness to sign such an agreement.
13 So, that is a change.

14 So, again, we have something -- additional
15 testimony happening this evening that was not the
16 testimony on the night at the APC -- I will note also
17 on the APC's behalf since they don't testify here, I
18 was present, as was Ms. Ford, during the full hearing
19 of this case. And at no time was any request for
20 additional time to consider Number 7 denied to the
21 applicant or his attorney or any other person.

22 No one was rushed on this hearing and

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1 everyone had an opportunity to speak as long as they
2 wished to. There was no denial of a request. You can
3 also see that in the transcript.

4 It is important that we stick with what was
5 actually in the record as opposed to how that's
6 characterized here.

7 And if there is other information that this
8 applicant wishes to say that they wish they had said
9 at the APC, they can certainly make that request to
10 you that you send it back to the APC for that very
11 purpose.

12 MAYOR FELLOWS: All right. Thank you.

13 So, Mr. Wojahn.

14 COUNCILMEMBER WOJAHN: Yes. Thank you
15 for your presentation, Mr. Behr and Mr. Horn, and of
16 course to staff.

17 I guess my question is for staff. I'm
18 wondering, and Mr. Behr and Mr. Horn raised some
19 questions about the --

20 MAYOR FELLOWS: Farrar.

21 COUNCILMEMBER WOJAHN: I'm sorry. Mr.
22 Farrar raised some questions about the practicality

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1 of the -- and the legality of Number 7. And I'm
2 wondering to what extent the APC dealt with those
3 issues, discussed those issues in determining to
4 recommend that Number 7 be made a condition of granting
5 the departure.

6 MS. FERGUSON: The APC, as noted, was
7 fully represented by counsel that evening. And as
8 also noted, they broke to consult with counsel. So,
9 they have had the advice.

10 And if you would -- if the council would
11 like to hear the response to the various comments that
12 were made this evening, we can do so. We can go
13 through those items in terms of liability and whether
14 the city would have the ability to go on a property,
15 et cetera. So, I could answer those if you would like
16 me to do so.

17 COUNCILMEMBER WOJAHN: I think that would
18 be helpful. Thank you.

19 MS. FERGUSON: Okay. First of all, this
20 is not an easement. There's no reference to an
21 easement, and this is not what's requested.

22 Number Two, the city orders tows

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1 routinely. Cars are towed at the request of the City
2 on a very routine basis based on certain criteria.

3 Towing can take place from private
4 property when it's been properly signed under the
5 Code. And that's what a portion of this looks at. It
6 requires the required towing signage before any cars
7 could be towed from the property.

8 The municipality may exercise authority on
9 private property when there's an agreement with the
10 owner to allow it.

11 That is what this would accomplish, the
12 agreement to allow that to be accomplished on the
13 private property.

14 With respect to liability, the towing
15 companies have insurance, the city has insurance, and
16 the owners have insurance. The city is insured to the
17 actions that it takes, as is the towing company.

18 There is also obviously a towing
19 commissioner who can handle claims of folks who feel
20 that they've been towed improperly.

21 There's no revenue from towing. So,
22 there's no sharing of any kind of revenue. And I --

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1 and when we talk about the burden on the city, the city
2 always has the burden of enforcement whether it be
3 zoning enforcement to ensure that departures are
4 followed and U&Os are followed, or whether it be under
5 our own code. So, we have that enforcement
6 obligation.

7 I think the effort here is to make sure that
8 it's clear how that enforcement would proceed.

9 Without Number 7 you do have -- and there's
10 some reference in the record to individuals taking
11 care of complaints, but that of course depends on the
12 individual owner. And if that owner changes and the
13 subsequent owners are not interested in enforcing the
14 agreement, there is then no way for the government to
15 go onto private property.

16 The bottom line is -- I know this is a while
17 back you had this. The concern that you all expressed
18 the last time this came up was that this applicant was
19 using the property of another person as part of an
20 application for a departure when they don't have
21 absolute control over that other property and don't
22 have control over whether signs are placed on the

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1 buildings and whether the enforcement happens. So,
2 that was the concern that came up last time around.

3 You're being asked to grant a departure,
4 which is an exception, based on someone else's
5 property that's not part of the U&O. And so, this was
6 the concern that got sent back down to the APC and the
7 APC responded appropriately.

8 The argument that's been made to you that
9 in fact there has to be some fraud, mistake or
10 irregularity, only applies to the decision that you
11 make eventually out of this case, not what the APC
12 recommends to you.

13 It's just a recommendation. And so, that
14 argument has no weight. And any cases discussing that
15 have no weight with respect to this case, because a
16 decision hasn't been made here.

17 COUNCILMEMBER WOJAHN: Thank you.

18 MAYOR FELLOWS: Thank you. Other
19 questions or comments. So, we've heard essentially
20 the oral argument against the recommendation of
21 specifically Number 7.

22 And now, typically, we come to the oral

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1 argument in favor of the recommendation of the
2 Advisory Planning Commission probably this time
3 limited to Number 7 rather than the entire argument,
4 unless that makes sense.

5 So, who would make that argument in favor
6 of the recommendation of the Advisory Planning
7 Commission?

8 MS. FERGUSON: The only -- I'm sorry.

9 MAYOR FELLOWS: That's all right.

10 MS. FERGUSON: I was distracted for a
11 second. Anyone who is in support of the APC's
12 recommendation would testify now.

13 The APC does not testify on its own behalf
14 --

15 MAYOR FELLOWS: I understand.

16 MS. FERGUSON: -- because you have their
17 reasoning in front of you. And their recommendation
18 is -- you may support it, or not support it. So, you
19 would hear from any other -- any of the parties of
20 record that were there that evening or any other
21 parties of record that -- well, it would have to be
22 there that evening, because we're just talking about

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1 the two issues.

2 So, any other parties of record that
3 evening who are supportive of the APC's recommendation
4 can now testify.

5 MAYOR FELLOWS: And is it okay if I narrow
6 it to Number 7 since the rest of it has not really been
7 opposed?

8 So, the recommendation related to Number
9 7 is the thing that -- unless there's a contextual
10 argument --

11 MS. FERGUSON: Yes.

12 MAYOR FELLOWS: -- for a bigger
13 discussion.

14 MS. FERGUSON: My recollection is that
15 there was some testimony in the transcript that
16 certain of the people who testified were against this
17 regardless.

18 MAYOR FELLOWS: Uh-huh.

19 MS. FERGUSON: So, I think you should
20 allow them to express that if that's what they care
21 to do.

22 I don't know what they care to testify to

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1 this evening, but you can ask that they be focusing
2 on number 7, certainly.

3 MAYOR FELLOWS: Okay.

4 (Speaking off mic.)

5 MAYOR FELLOWS: Oh, okay. Well, actually
6 I suppose -- yeah, we can take your testimony.

7 So, this is in opposition to Number 7
8 specifically?

9 MS. MILLER: Correct.

10 MAYOR FELLOWS: All right.

11 MS. MILLER: Mayor, counsel, Lisa Miller.
12 Thank you all for your hard work, always.

13 I do want to say that I am in opposition
14 of this, but I won't stand in the way with this.

15 I also would like to say that Suellen's
16 explanation that she just gave would have been nice
17 to have heard at the APC. All we had was this. So,
18 we had no understanding of how the city might
19 orchestrate this, what rules they had to be able to
20 do this, et cetera.

21 So, this is also out of the record, but now
22 I have a little bit more understanding and I would not

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1 get in the way. So, that is a change.

2 I do think, though, in terms of this in and
3 of itself is I don't understand -- I always try to look
4 at how does it benefit College Park? How does it
5 benefit the community to do something?

6 And I don't understand why at two
7 residences where there's no common element, there's
8 no thoroughfare, there's no -- doesn't affect anyone
9 except people that live on those two residences, why
10 the city would want to get involved in managing that
11 except for ticketing like you do for trash or other
12 things.

13 You don't -- you may have other towing
14 mechanisms that I'm unaware of, but I don't believe
15 you own tow trucks to do that. We could call just as
16 easily to get that tow truck and we're just asking to
17 do something for you and not have you do that if its
18 necessary, which I don't believe we ever will have a
19 problem.

20 The only parking that ever has occurred in
21 the driveway ever, ever, ever, and I hardly ever say
22 ever or never, but in this case ever, is the two spots

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1 as you saw in the picture where it was indented on
2 Steven's property, which will be closed in. So, there
3 won't be any place to park without really blocking the
4 driveway.

5 No one has ever parked on my side, because
6 it's a straight through. You couldn't. So, I think
7 once that is covered up, there will be no issue. So,
8 we're kind of making a lot of nothing.

9 That's why I won't stand in the way of it,
10 because I think it's a nonissue.

11 MAYOR FELLOWS: Thank you.

12 So, are there any persons of record who
13 would like to argue in favor of the recommendation of
14 the Advisory Planning Commission, including Number 7?

15 Ms. Schum.

16 MS. SCHUM: Excuse me, Mr. Mayor, but I
17 believe there is still persons of record who would wish
18 to testify against the APC recommendation.

19 MAYOR FELLOWS: Oh, I apologize. I did
20 not realize that there were additional people who
21 would like to testify against.

22 So, would other people who are against the

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1 recommendation of the Advisory Planning Commission
2 whether related to Number 7 or anything, care to come
3 to the podium?

4 All right. Ms. Bryant. And I will, I
5 guess, remind hopefully everybody now to speak to
6 things that are on the record.

7 MS. BRYANT: I'm a party of the record.
8 My testimony is very close to what it was before. So,
9 I will just go through it again for the record.

10 Thank you for the opportunity to speak
11 tonight. My name is Catherine Bryant and I live at
12 7406 Columbia Avenue. I am president of the Old Town
13 College Park Civic Association and I am speaking
14 tonight on behalf of the Civic Association regarding
15 Mr. Behr's request for a departure from the
16 requirement for a 22-foot-wide driveway from the
17 parking lot to the street as is required for commercial
18 use of the property.

19 The Old Town Civic Association held a
20 meeting on Sunday, May 3rd to discuss this matter and
21 the motion to express our opposition to granting this
22 departure passed unanimously.

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1 There were 11 Old Town residents who
2 attended the remand hearing of the Advisory Planning
3 Commission on May 7th, 2015. Although, only two of
4 us actually testified in person.

5 All of those Old Town residents were
6 opposed to the granting of this departure, and some
7 also submitted their testimony in writing.

8 There were two issues that the city council
9 directed the APC to consider through their remand
10 order.

11 The first is the criterion in the county
12 zoning ordinance that requires the applicant to show
13 that the departure will not impair the visual,
14 functional or environmental quality or integrity of
15 the site, or the surrounding neighborhood.

16 The second is whether and how the
17 applicant's proposal to use the driveway of the
18 adjoining property to meet the 20-foot-wide driveway
19 requirement can be enforced.

20 With regards to the first issue, we believe
21 that granting the departure would in fact impair the
22 functional integrity of the site and the visual,

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1 functional and environmental quality of the
2 surrounding neighborhood.

3 Parking is a significant problem in our
4 neighborhood due to the increasing use of many
5 single-family houses to house groups of five or more
6 unrelated persons who often each have their own car.
7 The neighborhood simply was not designed for this many
8 cars.

9 When there is not sufficient accommodation
10 for parking on the site, then the spillover parking
11 detrimentally affects other residents.

12 Residents unable to reach their parking
13 space will often park in the street where parking is
14 in short supply.

15 And what is even more problematic is that
16 they will often park on lawns or in other neighbors'
17 driveways.

18 Old Town residents frequently need to call
19 College Park parking enforcement with complaints of
20 cars parked on lawns. Not only is this unsightly when
21 it occurs, but also it often results in large mud and
22 dirt patches where repeated parking has damaged the

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1 lawn.

2 And many of us have experienced
3 unauthorized cars parking in our own driveways, which
4 can prevent us from using our driveways or having
5 access to our own cars because they are blocked by an
6 unauthorized car.

7 We have had unauthorized parkers tell us
8 that they needed to park in our driveway because they
9 didn't want to get a parking ticket. And residents
10 are often afraid to have the trespassing car towed,
11 because neighbors who have done that have had their
12 own cars vandalized in retaliation.

13 We understand that the applicant is
14 proposing to provide parking spaces in the rear of the
15 property, but the narrow width of his driveway may
16 prevent his tenants and their guests from accessing
17 those spaces particularly when other cars are parked
18 in the driveway, including cars owned by residents and
19 guests of the adjoining property that shares the
20 driveway.

21 In order to address this issue, the APC
22 voted to approve the driveway variance with the

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1 condition that the applicant and the adjoining
2 property owner amend their existing shared parking
3 agreement to allow the city to enforce the agreed upon
4 parking restrictions.

5 Without effective enforcement, it is
6 inevitable that the increased occupancy that the
7 applicant is proposing will result in increased
8 conflicts over the available parking.

9 At the remand hearing, Bob Schnovel
10 testified that there were 17 cars that were parked that
11 afternoon on the two properties, 4618 and 4620 College
12 Avenue, including three cars parked in the driveway,
13 three cars parked in the driveway as well as the cars
14 in the parking area behind the two houses. You have
15 photographs of those cars in the record marked 24A,
16 B and C.

17 There was some dispute at the hearing about
18 whether the actual number of cars was 17 or 14, but,
19 in any case, it was well over the number of legal
20 occupants in the two houses, which was 10.

21 Of course tenants have guests, and that is
22 part of the parking strain caused by increasing the

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1 number of occupants.

2 This situation will only get worse if this
3 departure is granted and the house is converted to a
4 rooming house with even more tenants and their guests
5 competing for a limited amount of parking.

6 I'd like to add that my own personal
7 experience with shared driveways is that they don't
8 work well when the houses have a lot of tenants and
9 they just create conflicts between households.

10 My own house has had a shared driveway with
11 the house next door for my entire life even before I
12 was born.

13 Back when that house was owned and lived
14 in by the two Rainey brothers and their families next
15 door, 7410 Columbia, there was never a problem.

16 But since that house became a rental with
17 10 or more occupants, the shared driveway has led to
18 continuing conflicts and problems.

19 In fact, I have not ever been able to use
20 my driveway as a driveway since it became a tenant
21 house, because the tenants next door routinely always
22 park in the driveway and block it so that I can't get

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1 through. I have complained about this to the property
2 owner, but the problem has continued.

3 And the house behind me on College Avenue,
4 the students who live there always park at my garage.
5 They are always parking in the two spaces and I cannot
6 get them to stop. I've had them towed. I complained
7 to Abraham, the owner. I cannot get it stopped.

8 In short -- so I never get to park at my
9 garage. In short, parking is just a very difficult
10 problem in Old Town and that is why it is so important
11 to have the city able to enforce the parking
12 restrictions, which is the condition that the APC
13 voted on to require as a condition of granting the
14 parking departure.

15 Thank you for giving me the chance to
16 testify on this important matter.

17 MAYOR FELLOWS: Thank you. So, that was
18 in argument against the recommendation of the Advisory
19 Planning Commission, but it certainly was supportive
20 of the idea of the agreement, I think.

21 COUNCILMEMBER STULLICH: Number 7, yeah.

22 MAYOR FELLOWS: Yeah. Are there any

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1 other persons of record who would like to make an oral
2 argument against the recommendation of the Advisory
3 Planning Commission?

4 (No comments.)

5 MAYOR FELLOWS: All right. Hearing none,
6 we're back to any oral arguments of people of record
7 who are -- or persons of record who would like to make
8 the argument in favor of the recommendation of the
9 Advisory Planning Commission.

10 (Speaking off mic.)

11 MAYOR FELLOWS: So, you did actually
12 testify already and I think we have the gist of what
13 your comments were.

14 (Speaking off mic.)

15 MAYOR FELLOWS: Yeah, so I think the
16 record, I believe, will reflect the fact that although
17 comments were made in the argument against the
18 recommendation of the Advisory Planning Commission's
19 recommendation, they were accepting of them even
20 though there was a disagreement with a part of it.

21 So, I believe at this point there is no --
22 there's not really too much of an argument on either

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1 -- on both sides, I'd say, at this point, without the
2 need to hear any other testimony.

3 Is there anyone else who is not -- who is
4 a person of record who has not testified who would like
5 to testify?

6 (No comments.)

7 MAYOR FELLOWS: Seeing none, we will go to
8 the Council.

9 Ms. Stullich.

10 COUNCILMEMBER STULLICH: Thank you, Mr.
11 Mayor.

12 So, I know this has been a rather
13 protracted and challenging case. Certainly
14 complicated issues and not very usual issues for us
15 to deal with.

16 We have a recommendation before us of the
17 APC to approve the departure with the conditions
18 including the condition that the applicant is
19 objecting to.

20 One of my concerns about that condition is
21 that as I believe it was written in the APC's decision,
22 the -- can we see or is there the language about that

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1 this would be settled at the time of the Use and
2 Occupancy permit being granted?

3 Is there a slide for that, or am I missing
4 it here?

5 (Comments off the record.)

6 COUNCILMEMBER STULLICH: Oh, I'm sorry.
7 Right there in plain view.

8 So, prior to the issuance of a Use and
9 Occupancy Permit, that Use and Occupancy Permit would
10 be issued by the county, not by us.

11 And so, the requirement is for the
12 applicant to submit to city planning staff, obtain
13 approval of and have recorded in the land records of
14 Prince George's County the amendment to the Joint
15 Driveway Agreement that we've been discussing.

16 My concern is, is that what if the
17 applicant doesn't submit such a recorded agreement to
18 the city and would we -- are we guaranteed to know when
19 that Use and Occupancy Permit comes to the county to
20 make its decision, because this condition is not
21 something that they're a party to, not something the
22 county is specifically concerned with.

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1 So, my concern is that the applicant could
2 say that they're willing to do this, but then it might
3 not happen and the U&O would get granted anyway.

4 So, my concern is I think the condition is
5 important, but I'm concerned about the timing of it
6 being something that could just slip through the
7 cracks because the U&O Permit application would not
8 come to us.

9 MS. SCHUM: That is a really good question
10 and a concern, because typically the city doesn't
11 review and have any say in the issuance of the Use and
12 Occupancy Permit except in this case, I believe,
13 because the county has granted the city the authority
14 to act on departures.

15 The departure resolution needs to be part
16 of the application for a U&O, and Park and Planning
17 would need to sign off prior to the issuance of the
18 U&O that this condition has been met.

19 So, they would therefore if everything
20 works well, call City Planning staff because that
21 would be the only way for them to verify it unless --
22 unless that amendment was also submitted as part of

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1 the applicant's U&O request.

2 So, I believe this would be enforceable
3 because of -- because we have the authority to act on
4 this departure. It's a condition. This condition
5 will be present on the site plan and would need to be
6 looked at prior to the U&O being issued.

7 So, typically I think it would be a
8 problem, but not so much here, I don't think. But --

9 MS. FERGUSON: Ms. Schum, can I follow up
10 on that, too?

11 We don't require that it be noted on the
12 -- we do require the signs to be noted on the site plan,
13 I believe, up in 1D of the -- at least the
14 recommendation from the APC there's a requirement to
15 show the locations and wording for two No Parking and
16 Driveway signs with required towing information.
17 That's there to be shown, I believe, on the plans.
18 Yeah, revise the site plan.

19 But the contents of the agreement itself
20 or the reference to the fact that there is an
21 agreement, there's nothing in Seven that requires that
22 it be on the plan so far.

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1 Is it your suggestion that a reference to
2 the reported Joint Driveway Agreement requirement be
3 placed on the plans also?

4 MS. SCHUM: No. What I was speaking to
5 were these seven conditions need to be reproduced on
6 the site plan.

7 MS. FERGUSON: All of them.

8 MS. SCHUM: All of them.

9 MS. FERGUSON: All right. And is that
10 something -- that would be something then that the
11 council should require as part of its order?

12 Because right now the recommendation from
13 the APC only references in; one, revise the site plan;
14 two, reflect certain things.

15 MS. SCHUM: To be safe, I would recommend
16 that. We don't do a lot of these. Just thinking it
17 through, I believe that's how the Planning Board would
18 handle it. They would require these conditions to be
19 duplicated on the site plan itself. So, we should do
20 the same.

21 So, this will be -- this is -- that's a
22 practice I think we should follow, but certainly

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1 including that in the recommendation is a good idea.

2 MS. FERGUSON: And so, that would make it
3 more likely that Park and Planning would not miss it
4 and, therefore, enforce it.

5 MS. SCHUM: Yes.

6 MS. FERGUSON: Since we don't have control
7 of --

8 MS. SCHUM: Yes.

9 MS. FERGUSON: -- that process.

10 MAYOR FELLOWS: Ms. Stullich.

11 COUNCILMEMBER STULLICH: So, I guess it's
12 the word "more likely" that concerns me, because more
13 likely is not a certainty. And we do know things can
14 go wrong in Upper Marlboro especially around permits.

15 It's certainly not unheard of for permits
16 to be issued in error or without notifying the city
17 when that's appropriate. And so, it just seems to me
18 that I -- I would like to support the APC's
19 recommendation.

20 Although, I do understand that the
21 residents of Old Town, which is my own neighborhood,
22 would like to see the departure not granted. There

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1 is strong feeling about that, but it seems like there
2 is a middle ground here, which is this agreement. But
3 I think the agreement needs to be certain and not just,
4 you know, likely.

5 And so, it seems to me that the time to have
6 the agreement signed and recorded is prior to the
7 issuance of the departure rather than at the time of
8 the U&O, because we can't really be certain that this
9 will in fact happen at the time of the U&O.

10 MAYOR FELLOWS: All right. Thank you,
11 Ms. Stullich.

12 Mr. Day.

13 COUNCILMEMBER DAY: Well, I have a concern
14 in Number 7. I think we're diving to something that
15 we shouldn't be doing on private property.

16 I think we're putting the city in a
17 position where we're going to be trying to enforce
18 something that could be easily handled between a
19 discussion between two people.

20 We've heard from in the record and time and
21 time again that this has not been an issue. So, we're
22 creating something to oversee what the landlords or

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1 the property owners are currently overseeing and
2 handling.

3 Maybe there's a way that we could make sure
4 that, you know, they register their process with the
5 city so that the city is aware of it.

6 I am concerned that by putting a joint
7 agreement in place between the two houses, between two
8 owners and then we're telling them that what they have
9 is not good enough for us when they're trying to do
10 the right thing, Mr. Behr is trying to do the right
11 thing and legally, you know, put his property in the
12 right place in the city by, you know, following through
13 and doing everything we've asked him to do, I think
14 that we need to look at Number 7, possibly remove it
15 and allow the residents -- I mean allow the property
16 owners to have an agreement that is registered with
17 the city so that the city sees it. And it doesn't need
18 to be a law or anything like that.

19 I think we have seen time and time again
20 without disagreement if you have a problem, you call
21 Code Enforcement. They will come and they will ticket
22 a car, but most of the time they will actually try and

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1 take the effort in situations like this to find out
2 how to solve it without, you know, having somebody
3 forcefully removed from a property.

4 So, I just don't see this as being the way
5 to go forward with this. There's got to be a better
6 way and I think that, you know, we need to allow the
7 property owners to do their part and to, you know, have
8 faith in people that we haven't seen an issue before.

9 I think if they put it in their rental
10 agreements, that this would be something that they can
11 enforce very easily and we don't need to be overseeing
12 that as one more thing for us to do.

13 MAYOR FELLOWS: All right. Thank you. I
14 have two comments from council.

15 Mr. Brennan, and then Mr. Wojahn.

16 COUNCILMEMBER BRENNAN: Thanks. Just a
17 few comments here. The applicant's counsel mentioned
18 that the city's enforcement mechanism is unclear.
19 Although, our counsel did clarify that there are
20 mechanisms in place that are quite standard for the
21 enforcement of Item Number 7.

22 Would it be appropriate for that if Item

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1 Number 7 were to become a permanent condition, to
2 record those particular enforcement mechanisms that
3 we do have for the applicant?

4 MS. FERGUSON: I don't know that I'm clear
5 on your question. Let me do a little background
6 before I try to answer that.

7 Right now the city would not be allowed to
8 go on private property to ticket or to tow without
9 permission of the owner -- without permission of the
10 owner.

11 And that becomes especially difficult when
12 you're talking about situations where somebody has a
13 right to be present on the property such as a tenant.

14 So, that's why this Number 7 -- and also
15 about the signs, there's no way to require going into
16 the future through an easily enforceable mechanism
17 that these signs be present.

18 COUNCILMEMBER BRENNAN: The written
19 agreement would make clear the enforcement of --

20 MS. FERGUSON: Yeah, the purpose of this
21 -- and nobody is trying to say that these current
22 owners are not good for their word and are going to

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1 do what they're going to do, that they say they're
2 going to do, but they're not necessarily going to own
3 these properties down the road.

4 The way that you make sure that a condition
5 stays with the property is to record it. And that's
6 the only way to do it, because then it's in the chain
7 of title and everyone taking the property after that
8 is working under that requirement.

9 Departures and the requirements of
10 departures get lost in the midst and they are more
11 difficult for the city to enforce.

12 The city does have zoning enforcement, but
13 then of course the default is we're back to the city
14 enforcing. We have zoning enforcement, we have
15 parking enforcement. We don't have the ability right
16 now to go onto private property and ticket without the
17 owner's permission.

18 We do own the rights of way in other places
19 where we have permission such as the parking lots that
20 we have agreements about. That's why we have those
21 agreements.

22 COUNCILMEMBER BRENNAN: And as I noted

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1 earlier when I went off script a little bit, the
2 applicant's own enforcement mechanism is not a part
3 of the record.

4 And they've stated that the enforcement
5 mechanism that they have themselves and between the
6 other adjacent owner is the reasoning for the removal
7 of the seventh condition.

8 MS. FERGUSON: Yes.

9 COUNCILMEMBER BRENNAN: Would that need
10 to be -- I imagine that would -- it would be helpful
11 to have that as -- that clarified before --

12 MS. FERGUSON: There's a Joint Driveway
13 Agreement. It's an old agreement and it prevents
14 parking in the driveway. And of course there is
15 parking in the driveway now.

16 It depends, however, regardless of whether
17 anyone is following it all the time or not following
18 it, it depends on the enforcement willingness of two
19 private parties.

20 There's no public enforcement mechanism.
21 There's just private enforcement mechanisms.

22 It depends on what complaint a tenant wants

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1 to make to the owner, and what the owner then wants
2 to do about that. So, all those are private
3 decisions.

4 This is a public benefit that's being
5 granted through a process to be able to have a rooming
6 house there. It requires a 22-foot-wide driveway
7 which is very clear is not there even using the
8 adjacent property's width.

9 And this is a difficult issue, because --
10 and you don't run into it very often. But what makes
11 it difficult is you are using someone else's property,
12 a dimension from somebody else's property, or use of
13 somebody else's property to support a departure for
14 your property.

15 And if there's nothing there that
16 guarantees that that's going to continue, I mean,
17 these parties and the parties subsequent to them could
18 decide not to have a joint driveway use agreement.
19 They could decide to do that.

20 COUNCILMEMBER BRENNAN: So, that
21 departure could be reversed.

22 MS. FERGUSON: Well, their agreement

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1 could be reversed. If you have a publicly enforceable
2 agreement that's recorded, no, because it would take
3 all the parties to take that off.

4 Now, as a -- if this departure was no longer
5 used, if this house was no longer used as a rooming
6 house and would no longer require that kind of width
7 of the driveway, the council could certainly say, you
8 know, only for so long as this property is used as a
9 rooming house.

10 (Comment off mic.)

11 MS. FERGUSON: That's already in there.
12 That's already part of the recommendation. So, my
13 apologies. It's already part of the recommendation.
14 It's only for so long as the house is used as a rooming
15 house.

16 COUNCILMEMBER BRENNAN: Okay. In the
17 pictures in the record there appear to be 13 to 14
18 vehicles parked between the two properties.

19 MS. FERGUSON: Yes.

20 COUNCILMEMBER BRENNAN: And the APC has
21 done a good job of providing us recommendations, but
22 there doesn't seem to be any design elements on the

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1 property that would restrict that from recurring.

2 MS. FERGUSON: Part of -- and I think Ms.
3 Schum can speak to this, too. Part of the landscaping
4 that's being proposed for this does, with the railroad
5 ties, hopefully stop that parking in the front yard
6 that's been happening very frequently there.

7 COUNCILMEMBER BRENNAN: Right.

8 MS. FERGUSON: And there's also some --
9 the narrowest part of the driveway is 16.6 feet. And
10 -- I'm sorry, total. Total 16.6 feet at the narrowest
11 point. So, obstructions there are a real problem.

12 And so, there can't be any obstructions put
13 in there. And that's part of these conditions also,
14 but then it comes down to enforcement of that.

15 COUNCILMEMBER BRENNAN: One last
16 question. I've asked Planning previously their
17 reason for the 22-foot-wide driveway. Although the
18 -- it's not really -- it was more of a technical answer
19 and I was wondering from a legal standpoint if there
20 were any liability issues why that 22-foot requirement
21 is there and if -- how that might impact the future
22 -- the property -- present and the future owners of

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1 the property.

2 MS. FERGUSON: The rooming house, and
3 we've had some issues with this going back and forth
4 with the county and talking to the county about the
5 definition of rooming house.

6 The proposal right now is for nine separate
7 bedrooms and there is an allowance of nine persons to
8 be living in this property.

9 Currently, legally speaking, only five
10 persons -- unrelated persons could live there, because
11 it's a one-dwelling unit premises.

12 So, this would change that to nine. Their
13 floor plan is showing us nine bedrooms. And so,
14 you're increasing the amount of parking -- I'm sorry,
15 of the occupant -- legal occupant load.

16 That requires a certain amount of parking,
17 minimum parking at the rear of this property which is
18 being provided. So, that side is not an issue.

19 On the other side where this applicant
20 doesn't have control of the other property, the
21 occupant load there is whatever it is and the parking
22 is whatever it is there.

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1 So, you know, they're not dependent on each
2 other for the parking spaces that have to be provided
3 and delineated. At least this one property isn't.

4 That's, again, the issue of using someone
5 else's property to come up to an acceptable amount of
6 width for this driveway.

7 The reason it's a 22-foot-wide requirement
8 is because it's considered to be a commercial use.
9 And that's the requirement, because there's
10 anticipated to be more coming and going on the
11 property.

12 COUNCILMEMBER BRENNAN: Okay. Thank
13 you.

14 MAYOR FELLOWS: Thank you, Mr. Brennan.
15 Mr. Wojahn.

16 COUNCILMEMBER WOJAHN: Thank you, Mr.
17 Mayor. I have a question.

18 In response to Council Member Stullich's
19 concerns about the enforceability of this, I am
20 somewhat troubled by the lack of certainty that if we
21 require something like Condition Number 7 that it
22 might be ignored or forgotten or not noticed by the

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1 County Planning Board.

2 And I'm wondering if it might be possible
3 in response to Council Member Stullich's suggestion
4 that it be enforced before -- prior to the issuance
5 of the departure, if it might be possible to consider
6 tabling this or putting it in abeyance until the point
7 where the parties come to the table with an agreement
8 along the lines that are stated and then to pass a
9 departure at that point.

10 MS. FERGUSON: I don't -- I checked in with
11 Ms. Schum about this, too. We don't believe sitting
12 here this evening that there's any statutory
13 requirement as to when -- what the trigger would be
14 here. And so, we think that prior to the departure
15 being granted would be one -- a trigger you could use
16 that the --

17 COUNCILMEMBER WOJAHN: Okay.

18 MS. FERGUSON: -- agreement would have to
19 be -- the wording would have to be agreed to, approved
20 and recorded before the departure would proceed.

21 COUNCILMEMBER WOJAHN: So, we could vote
22 to essentially grant the departure tonight once, but

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1 only upon that time at which an agreement is in
2 compliance with Number 7 is presented.

3 MS. FERGUSON: Yes. We think that the --
4 I'm sorry.

5 MS. SCHUM: Well, technically, wouldn't
6 the council have to deny the request until such time
7 as --

8 MS. FERGUSON: I think probably that they
9 could continue this matter subject to getting that
10 agreement. And then with the understanding that
11 assuming that the agreement came through, that you
12 would then be approving the recommendation from the
13 APC with the added requirement that -- of having the
14 departure contingent on this agreement being
15 provided.

16 COUNCILMEMBER WOJAHN: Okay.

17 MS. FERGUSON: I think you could continue
18 it.

19 MAYOR FELLOWS: Thank you, Mr. Wojahn.

20 MS. SCHUM: I'm just looking at the
21 language in our code. It doesn't say "continue."
22 So, that's why I question that.

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1 It says, the Mayor Council shall accept,
2 deny or modify the recommendation of the Commission
3 or return the variance application to the Commission.

4 MS. FERGUSON: And before they take any of
5 those steps, they could continue the case until
6 they're ready to hear it. So, I think -- I think that
7 you could do that. I don't think that's precluded by
8 that.

9 MS. SCHUM: Okay.

10 MAYOR FELLOWS: All right. So, any other
11 council members' questions or comments?

12 So, there is -- Ms. Stullich.

13 COUNCILMEMBER STULLICH: So, I just want
14 to say a few things briefly. We heard that the parking
15 is not going -- parking in the driveway is not going
16 to be a problem, but in fact we do have a photo in the
17 record of three cars parked in the driveway on the very
18 day of the remand hearing.

19 We've also been told it's not going to be
20 a problem in the future. And if that's true, then
21 there really should be no objection to an agreement
22 for city enforcement. If it's not going to be a

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1 problem, then city enforcement won't be needed.

2 I think having provisions in the lease
3 about this is a great idea, but we know that tenants
4 don't always abide by all of the provisions of the
5 lease.

6 In terms of whether the city should not get
7 involved because it's an issue on private property,
8 in fact the city does get involved on issues on private
9 property all the time. And particularly in Old Town
10 we have a lot of issues on private property that do
11 affect other residents of the neighborhood.

12 That's why we have this committee called
13 the Neighborhood Quality of Life Committee.

14 And we do have also testimony in the record
15 that parking is a significant problem in the
16 neighborhood in a variety of ways.

17 And the fact that allegedly it hasn't been
18 a problem in the past, that's in the past. There was
19 fewer occupants.

20 Fewer occupants means not only fewer
21 occupants, but also fewer guests. More occupants are
22 going to have more guests. It just stands to reason.

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1 And so, for all of those reasons I would
2 like to support the recommendation of the APC, but to
3 modify it and to change the timing of when that signed
4 agreement, recorded agreement would be provided in
5 advance of the departure approval.

6 And so, in order to do that, it seems that
7 we would need to continue this proceeding to allow time
8 for that to occur. So, I would like to make a motion
9 to that affect.

10 MAYOR FELLOWS: All right. We have a
11 motion.

12 Do we have a second?

13 COUNCILMEMBER WOJAHN: Second.

14 MAYOR FELLOWS: Second by Mr. Wojahn.

15 Further comments?

16 Ms. Ferguson.

17 MS. FERGUSON: Mayor, I think at this
18 point it would be appropriate to inquire of the
19 applicant and his attorney to make sure that they have
20 their opportunity to comment on whether -- what their
21 position is with respect to the continuance for this
22 purpose.

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1 MAYOR FELLOWS: All right. Thank you for
2 that suggestion.

3 Mr. Farrar, thank you.

4 MR. FARRAR: Mr. Mayor, as a part of this,
5 Mr. Behr had to receive a Historic Area Work Permit.
6 I haven't had an opportunity to review the file as to
7 if the Historic Area Work Permit has an expiration
8 date. It very well may.

9 So, again, we can't leave this going out
10 into perpetuity. The matter is before the Council
11 again. This has been going on for a year.

12 I think that the Council can make a
13 decision this evening. Thank you.

14 MAYOR FELLOWS: All right. And, Mr.
15 Behr.

16 MR. BEHR: Yes. Ladies and gentlemen, I
17 again appreciate your time. We all have been working
18 hard on this. It has been a very long time.

19 I do have other agreements with the County
20 that are also in effect that need to be met to get this
21 through, as well as the Historic Work Area Permit.

22 We would definitely be if it is of the

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1 opinion that this Number 7 does end up having to stay,
2 we will ensure that that agreement if you want to put
3 the language in there that it is going to be signed,
4 we will ensure it is signed before the departure is
5 granted. That way we do not have to reconvene and wait
6 another several months to get this done.

7 We'll work with you guys. I've been
8 working with every level of this to get this completed.
9 And any way I can be helpful in pushing this forward,
10 I would like to do that. Appreciate it.

11 MAYOR FELLOWS: Ms. Ferguson.

12 MS. FERGUSON: Okay. Can I suggest that
13 the last time that this happened in terms of the order
14 from the Council, the Council referred it to the
15 attorney for preparation of an Order.

16 MAYOR FELLOWS: Mm-hm.

17 MS. FERGUSON: We could have that prepared
18 again, a preparation of an order for your next session.

19 MAYOR FELLOWS: Mm-hm.

20 MS. FERGUSON: And presumably that would
21 give Mr. Behr and his attorney sufficient amount of
22 time to come up with the Millers with an agreement that

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1 -- or acceptable language.

2 Because if you premise it, if you condition
3 it on the issuance of the departure order or
4 resolution, you'll be issuing it and you'll have to
5 have the agreement done before then or --

6 MR. BEHR: (Speaking off mic) I cannot get
7 through the County without the departure.

8 MS. FERGUSON: Right. So, what if we set
9 -- if this gets put down for the consideration of the
10 final order, the written order as is stated here and
11 you would work with the Millers to come up with an
12 agreement then that's acceptable to the City prior to
13 this coming up before the Council, at least then you
14 would have a date that you knew it was coming back
15 before council and you could move from there. It
16 would give you a date certain for it.

17 Otherwise they can't really issue an order
18 that makes it -- once they issue the order, the
19 departure is done.

20 MS. SCHUM: (Speaking off mic) are met,
21 the departure is official.

22 MS. FERGUSON: Complied with, but --

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1 MS. SCHUM: So, it's subject to condition.

2 MS. FERGUSON: Council Member Stullich is
3 talking about putting, you know, instead of saying
4 prior to the issuance of the Use and Occupancy Permit,
5 prior to the issuance of a decision in this case about
6 the departure.

7 That was the question, and we've answered
8 that question. So, then the question to the applicant
9 and his attorney is if we set this down for the approval
10 of a final order, written order on this in September,
11 so you have a date certain and that gives you some dates
12 to work with so that you can get the agreement together
13 and get it into the City for approval, is that
14 something that you could work with?

15 MR. BEHR: Honestly, I really believe that
16 we've discussed this, hashed this out, done everything
17 with this that we possibly can.

18 We are all agreeing that obviously Seven
19 is going to stay for everyone to have agreement, maybe.
20 I don't know. No vote has been taken on that.

21 No vote has been taken to -- on the
22 departure as yet in eight months since we've had this

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1 before the Council.

2 And to then delay it again just to get a
3 written agreement, which we're already saying if that
4 is a condition I would have to meet before I get the
5 departure, it doesn't make sense to me that we would
6 have to wait another month and then maybe have another
7 potential glitch in another month.

8 We're going to be here three years before
9 this is resolved.

10 MAYOR FELLOWS: Well, if I might respond,
11 I think a significant difference between the last time
12 you were here was that we remanded back to the Advisory
13 Planning Commission, which resulted in a fairly
14 lengthy process of going to another hearing before the
15 Advisory Planning Commission. And that's scheduling
16 another return to us after the hearing was over.

17 I believe that what we're hearing is some
18 concern about -- and I think there's also a lot of
19 agreement that wanting to work something out where
20 there's agreement on some sort of enforcement
21 mechanism that it's a publicly enforceable parking
22 restriction and I think sort of setting that sort of

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1 putting in motion a process where we're going to be
2 addressing this in September it's not like going back
3 to the Advisory Planning Commission.

4 This is something where we're hearing you
5 that we don't want to drag this on. I don't think the
6 City wants to. We really want to resolve this.

7 And we do appreciate your patience in this
8 matter, but I think that because you're in agreement,
9 that we want to come to an agreement before, you know,
10 issuing Use and Occupancy Permit that there's value
11 in just setting it for the next September hearing or
12 September meeting so that we've got clarity.

13 That's my observation. So, and hopefully
14 you'll take it in the spirit and you're right. We have
15 not acted on this at this point. We're only
16 discussing.

17 MR. FARRAR: Right. But, Mr. Mayor, if I
18 may, I think the real problem is that you don't have
19 an order directing him to go to the City to do that.

20 So, if you adopt it as it is, I think the
21 language is sufficient. I think Ms. Schum has already
22 laid out a mechanism by which -- by including this in

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1 the site plan and having it recorded.

2 Then you're also going to have the
3 agreement recorded after it's approved by city
4 planning staff. So, I think as it's written, I think
5 you already have what you're after.

6 MAYOR FELLOWS: Except that the concern is
7 that -- the desire at least of some council is to have
8 it prior to the issue of the departure as opposed to
9 the Use and Occupancy Permit.

10 So, it's actually a little earlier than the
11 issuance of the Use and Occupancy Permit, which for
12 the purpose of actually moving forward I don't think
13 it has that much of a difference for you all if there
14 is actually an agreement that works.

15 Ms. Stullich.

16 COUNCILMEMBER STULLICH: Just a short
17 comment.

18 The departure is the last decision that we,
19 the City Council, get to make in this case.

20 So, when you refer to the approval of our
21 planning staff, what you mean is that planning staff
22 would, under your scenario, they would see that the

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1 words of Number 7 were on the site plan, but that's
2 not the same as being certain that there will be a
3 signed agreement.

4 And so, the -- to me, the way to be certain
5 that this agreement that's been talked about will in
6 fact happen, is to have that happen before the
7 departure.

8 And if we continue, you know, if my motion
9 passes to continue this in order to allow this
10 agreement to be created, then when that agreement is
11 signed and before us, then we have no reason to not
12 approve the departure.

13 MR. FARRAR: Right. Except what the
14 Condition Number 7 actually doesn't say without the
15 departure. You'll have the agreement with the City
16 and the amendment. That will be approved by planning
17 staff prior to the issuance of the U&O.

18 So, that will be on the site plan, which
19 will be also recorded with Park and Planning.

20 COUNCILMEMBER STULLICH: Not
21 necessarily. I mean, it just -- it doesn't
22 necessarily happen that way.

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1 MR. FARRAR: It always happens that way.
2 The site plans are always with Park and Planning.

3 So, if we list these conditions on the site
4 plan --

5 COUNCILMEMBER STULLICH: Right, but Park
6 and Planning doesn't always -- Park and Planning, you
7 know, with all due respect, Park and Planning makes
8 mistakes in the issuance of permits.

9 MR. FARRAR: Right. I understand. I
10 understand your concern. But if it has those seven
11 conditions, Park and Planning checks to make sure that
12 those conditions are met prior to the issuance of the
13 U&O.

14 COUNCILMEMBER STULLICH: It depends.
15 They may not consider those conditions are relevant
16 for them to check.

17 MAYOR FELLOWS: So, I think we hear your
18 concerns. So, by advice of council we do have a motion
19 and a second before the Council.

20 The motion is in essence to continue the
21 matter. Actually, and because we have a motion and
22 a second, I mean, we're actually now addressing

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1 something that's on the table.

2 We're taking -- actually, is this the kind
3 of motion and second that where additional comments
4 and then the public is heard from?

5 Because you asked us, and actually I
6 thought it was good idea to hear from the applicant,
7 but we heard the applicant's concerns about that. So,
8 I guess I'm wondering if we need or should hear from
9 additional people in the public who want to testify
10 on this, or is it back to the Council?

11 MS. FERGUSON: This is not a legislative
12 act.

13 MAYOR FELLOWS: Right.

14 MS. FERGUSON: This -- you are deciding as
15 a quasi-judicial body.

16 MAYOR FELLOWS: Yes.

17 MS. FERGUSON: So, you take -- you've
18 already followed your process up to now.

19 MAYOR FELLOWS: Right.

20 MS. FERGUSON: And so, there's no further
21 process to follow.

22 MAYOR FELLOWS: Right.

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1 MS. FERGUSON: What you're talking about
2 now is, the suggestion is that I think if in fact you
3 are in agreement that -- in your decision that you want
4 to have Number 7 remain in and that an agreement must
5 be reached and approved by the City and be ready for
6 recordation and be recorded prior to the issuance of
7 the departure decision, what you would do is agree,
8 do a motion to that effect and say we are going to refer
9 this matter for a written order, like you did for the
10 first order that you had in this case --

11 MAYOR FELLOWS: Mm-hm.

12 MS. FERGUSON: -- to come back to you. It
13 would come back to you in September. That would give
14 the applicant and the Millers the opportunity to put
15 together the language.

16 It's not that complicated the language on
17 this, and their own joint driveway agreement is not
18 all that complicated either.

19 And, you know, to get the language
20 together, get it approved so that you can come in and
21 issue the order. And that requirement will have been
22 met by that.

1 MAYOR FELLOWS: So, I want to ask the
2 motion maker if that's acceptable as a -- basically
3 a longer version of the motion that you want to make.

4 COUNCILMEMBER STULLICH: Yes, it is. And
5 I'm certainly comfortable with that. And I guess I
6 would also add that we sometimes go into special
7 sessions to approve things -- a work session.

8 So, if the agreement were ready at that
9 time, I wouldn't be averse to having that be a special
10 session item. Does that --

11 COUNCILMEMBER FELLOWS: That doesn't need
12 to be in the motion, but I think that intent is
13 understood.

14 And the first work session is September
15 1st, the very first day of September. And then ---
16 so, it's potentially a relatively quick, short --- and
17 the second, is that acceptable to the second?

18 COUNCILMEMBER BRENNAN: Yes.

19 MAYOR FELLOWS: All right. So, the
20 motion is before the body. Any other comments from
21 council on the motion?

22 (No comments.)

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1 (Voting.)

2 MAYOR FELLOWS: All right. I think we'll
3 probably need a roll call.

4 So, I'll go Dr. Kabir.

5 COUNCILMEMBER KABIR: No.

6 MAYOR FELLOWS: Mr. Wojahn.

7 COUNCILMEMBER WOJAHN: Yes.

8 MAYOR FELLOWS: Mr. Brennan.

9 COUNCILMEMBER BRENNAN: Yes.

10 MAYOR FELLOWS: Mr. Dennis.

11 COUNCILMEMBER DENNIS: Yes.

12 MAYOR FELLOWS: Ms. Stullich.

13 COUNCILMEMBER STULLICH: Yes.

14 MAYOR FELLOWS: Mr. Day.

15 COUNCILMEMBER DAY: No.

16 MAYOR FELLOWS: Mr. Hew.

17 COUNCILMEMBER HEW: Yes.

18 MAYOR FELLOWS: And Ms. Mitchell.

19 MAYOR PRO TEM MITCHELL: No.

20 MAYOR FELLOWS: All right. So, it's
21 six-two in support of the motion. The motion is --

22 MS. SCHUM: I think it was five-three.

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1 MAYOR FELLOWS: Oh, five-three. Sorry
2 about that. Five-three, yes. Five-three is
3 referred and we will be hearing this very soon.

4 So, thank you for perhaps the lengthiest
5 hearing and follow-up that I've experienced.

6 We now go to -- and I apologize for all of
7 you who are here for the normal council meeting. We
8 went much longer than typically on the oral argument
9 and follow-up discussion.

10 (Whereupon, at 8:40 o'clock p.m. the Oral
11 Argument for Case No. CPD-2014-01 was concluded at
12 this time.)

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16

MINUTES
Special Session of the College Park City Council
Tuesday, September 1, 2015
Council Chambers
10:26 p.m.

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

ABSENT: None

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

During a regularly scheduled Worksession of the College Park City Council, a motion was made by Councilmember Dennis and seconded by Councilmember Wojahn to enter into a Special Session to approve the recipient of the 2015 Jack Perry Award. This Special Session was listed on the Worksession Agenda. With a vote of 8 – 0 – 0, the Council entered into a Special Session at 10:26 p.m.

ACTION ITEMS

15-G-92 Approval of Ms. Jackie Kelly as the recipient of the 2015 Jack Perry Award.

A motion was made by Councilmember Dennis and seconded by Councilmember Brennan to approve Ms. Jackie Kelly as the recipient of the 2015 Jack Perry Award.

Councilmember Dennis discussed the nomination of Ms. Kelly by Mary Ann Hartnett and the many reasons that Ms. Kelly is deserving of this award.

There were no comments from the audience.

The motion passed 8 – 0 – 0.

ADJOURN:

A motion was made by Councilmember Brennan and seconded by Councilmember Mitchell to adjourn from the Special Session, and with a vote of 8 – 0 – 0, Mayor Fellows adjourned at 10:31 p.m.

Janeen S. Miller, CMC
City Clerk

Date
Approved

MINUTES
Public Hearing of the College Park City Council
Tuesday, September 8, 2015
7:17 – 7:20 p.m.

Ordinance 15-O-04

An Ordinance Of The Mayor And Council Of The City Of College Park, Amending Chapter 175 “Taxation”, Article IV, “Revitalization Tax Credit”, Sections §175-9 “Eligibility Requirements”; §175-10 “Eligibility Criteria”; §175-11 “Tax Credit – Amount And Term”; §175-12 “Application Process”; And §175-13 “Waiver”, To Change Eligibility Requirements And Criteria, To Clarify That A Tax Credit Will Be Granted Only If Financially Feasible, To Clarify The Application Process, And To Delete A Certain Waiver Option.

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

ABSENT: Councilmember Stullich.

ALSO PRESENT: Joe Nagro, City Manager; Bill Gardiner, Assistant City Manager; Janeen Miller, City Clerk; Suellen Ferguson, City Attorney; Terry Schum, Director of Planning; Steve Halpern, City Engineer; Jill Clements, Director of Human Resources; Bob Ryan, Director of Public Services; Cole Holocker, Student Liaison; Adler Pruitt, Deputy Student Liaison.

Mayor Fellows opened the Public Hearing on 15-O-04 at 7:17 p.m. The City Attorney, Suellen Ferguson, provided an overview.

Ms. Ferguson stated that the Revitalization Tax Credit has been in effect for two years, and in the course of processing applications, certain changes have been suggested by staff to fine tune some criteria and to ensure that the City is focusing tax credits to support the type of development that is desired by the City. There are a few other non-substantive changes in this ordinance as well.

Comments From The Audience:

None.

There being no public comment, Mayor Fellows closed the public hearing at 7:20 p.m.

Janeen S. Miller, CMC
City Clerk

Date Approved

MINUTES
Regular Meeting of the College Park City Council
Tuesday, September 8, 2015
Council Chambers
7:30 p.m. – 8:37 p.m.

PRESENT: Mayor Fellows; Councilmembers Kabir, Wojahn, Brennan, Dennis, Stulich (arrived at 8:07 p.m.) Day, Hew and Mitchell.

ABSENT: None.

ALSO PRESENT: Joe Nagro, City Manager; Bill Gardiner, Assistant City Manager; Janeen Miller, City Clerk; Suellen Ferguson, City Attorney; Terry Schum, Director of Planning; Steve Halpern, City Engineer; Jill Clements, Director of Human Resources; Bob Ryan, Director of Public Services; Peggy Higgins, Director of Youth, Family and Senior Services; Cole Holocker, Student Liaison; Adler Pruitt, Deputy Student Liaison.

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

Minutes: A motion was made by Councilmember Day and seconded by Councilmember Mitchell to approve the minutes of the Special Session on August 5, 2015, the August 11, 2015 Regular Meeting, and the Confidential Minutes of Closed Sessions held on July 14 and August 5, 2015. The motion passed 7 – 0 – 0.

Announcements:

Councilmember Wojahn said the North College Park Citizens Association would meet on Thursday at 7:30 p.m. at Davis Hall. He also announced the next “Live Smart, Eat Local” event that will be held on September 22 at Azteca Restaurant.

Councilmember Brennan said there will be a social event on September 17 called “Third Thirsty Thursdays” at Ledo’s Restaurant. It is an opportunity for the University and City to come together to promote homeownership and businesses in the City.

Councilmember Dennis announced that the Lakeland Civic Association would meet on Thursday September 10 at 7:00 p.m. at the College Park Community Center.

Councilmember Mitchell announced that on Thursday at 6:30 p.m. there would be a presentation of supplies to the new principal and teachers at Paint Branch Elementary School.

Councilmember Hew announced the passing of Edward Parker Wood, the founder of Wood’s Florist.

Acknowledgement of Dignitaries: Mayor Fellows recognized former University Park Mayor John Tabori.

Acknowledgement of Newly Appointed Board and Committee Members: Mayor Fellows recognized Christine O'Brien who was recently appointed to the Tree and Landscape Board and thanked her for her service.

Amendments to the Agenda: None.

City Manager's Report: Mr. Nagro reported on weekend activities in the City: there were 29 calls to the hotline. There were 16 warnings issued for noise complaints and two municipal infractions.

Student Liaison's Report: Mr. Holocker said that the on-campus tailgates are working. He read a resolution passed by the SGA congratulating Joe Nagro on his retirement.

Comments From The Audience on Non-Agenda Items:

Former University Park Mayor John Tabori: Mayor Tabori read a resolution from the Town of University Park congratulating Joe Nagro on his retirement. He followed with personal remarks about his long association with Mr. Nagro.

Dave Dorsch, 4607 Calvert Road: Why didn't the University of Maryland have some program planned for the students on Labor Day? He congratulated Joe Nagro on his retirement.

Presentations:

Mayor Fellows presented the 2015 "Jack Perry Award" to Ms. Jackie Kelly.

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

15-R-14 Approval of a Resolution Of The Mayor And Council Of The City Of College Park, Maryland Adopting The Recommendations Of The Advisory Planning Commission Regarding Variance Application Number CPV-2015-04, 4803 Lackawanna Street, College Park, Maryland, Recommending Approval Of Variances From The Prince George's County Zoning Ordinance: Section 27-442(C) Prescribing Maximum Lot Coverage And Section 27-442(E) Prescribing Minimum Front Yard Setback

15-R-15 Approval of a Resolution Of The Mayor And Council Of The City Of College Park, Maryland Adopting The Recommendation Of The Advisory Planning Commission Regarding Request For Certification Of A Non-Conforming Use CNU-2015-01 For College Park Wesleyan Church, 4915 Edgewood Road, College Park, Maryland Recommending Approval Of The Request For Certification Of A Non-Conforming Use

15-R-16 Approval of a Resolution Of The Mayor And Council Of The City Of College Park, Maryland To Dissolve The Farmers Market Committee

- 15-R-17** Approval of a Resolution Of The Mayor And Council Of The City Of College Park, Maryland To Dissolve The Sustainable Maryland Certified Green Team
- 15-G-93** Approval of Fall Field Use Requests from College Park Boys and Girls Club for use of Duvall and Calvert Road Fields
- 15-G-94** Approval of a Sunday Field Use Request for Duvall Field from Berwyn Baptist Church
- 15-G-95** Approval of a Sunday Field Use Request for Duvall Field from Open Bible Deaf Church
- 15-G-96** Approval of a request by Mr. John Saylor, 5209 Kenesaw Street, to park a prohibited vehicle (trailer) on Kenesaw Street
- 15-G-97** Approval of the Renewal of MOU with University of Maryland Department of Transportation Services for resident and College Park employee ridership of Shuttle-UM in the amount of \$6,000
- 15-G-98** Under the City Manager's employment agreement, the Mayor and Council may approve bonuses for the City Manager, and have done so in the past. Joe Nagro, our retiring City Manager, agreed to extend his retirement date, originally set for June, 2015, to September, 2015, in order to stay on board while the Mayor and Council continued the process of selecting a new City Manager. In recognition of this benefit, the Mayor and Council have decided to give the City Manager a bonus of \$5,000. Instead of a cash award, the Mayor and Council and Mr. Nagro have agreed that the \$5,000 bonus will be applied toward the City Manager's purchase of the City vehicle he currently uses, a 2009 Chevrolet Equinox. This vehicle is valued at approximately \$10,000. Mr. Nagro will purchase the vehicle from the City for the remaining balance of \$5,000. This motion will approve the sale of this vehicle to Joe Nagro at the reduced price of \$5,000.

The motion passed 7 – 0 – 0.

ACTION ITEMS:

- 15-G-99** Approval of a City Position on the application by College Park Liquors for a BOLC Special Sunday Off-Sale Permit

A motion was made by Councilmember Stulich and seconded by Councilmember Day that the City approve a position of no opposition to the application by College Park Liquors for a BOLC Special Sunday Off-Sale Permit subject to the applicant entering into a Property Use Agreement with the City in substantially the form attached, that the City Manager be authorized to sign the PUA, and that staff be authorized to testify to the City's position at the BOLC hearing

Councilmember Stulich said that College Park Liquors has applied to the Prince George's County Board of License Commissioners for a Special Sunday off-sale permit. Council met with the applicant and requested certain conditions in return for not opposing the permit, which are reflected in the Property Use Agreement. These conditions include an agreement to invest \$50,000 in interior improvements, a minimum of 50% clear window area, a clear aisle along the front of store and use of scanner ID technology.

There were no comments from the audience or from the council

The motion passed 7 – 0 – 1 (Councilmember Kabir abstained).

15-G-100 Award of contract for bikeshare to Zagster, Inc., in an amount not to exceed \$300,000 for the City-funded portion of the program, subject to review and approval by the City Attorney

A motion was made by Councilmember Kabir and seconded by Councilmember Wojahn that a three-year contract for a College Park Bikeshare System be awarded to Zagster, Inc. in an amount not to exceed \$300,000, contingent on the approval by the University of Maryland of a contract with Zagster, Inc. with generally the same terms and conditions, and subject to review and approval of contract terms by the City Attorney.

Councilmember Kabir said this contract represents the city portion of the bikeshare system. Zagster, Inc. was one of three firms that responded to a Request for Proposals to provide a bikeshare system both on- and off-campus. The City and University have determined that Zagster's proposal is the most responsive, economical and flexible compared to the other bidders. It is anticipated that the College Park system will launch in January 2016 with a total of 125 bikes, 250 docks and 14 stations. Final decisions on station locations, membership rates, branding and marketing will be made in conjunction with the University and Zagster.

Comments from the audience:

Dave Dorsch, 4607 Calvert Road: \$300,000 is a lot of money. Why do we have to pay them to come to the City when they charge for the bikes? We should be asking how much they are going to pay us. Why do we have to subsidize it? We pay for road infrastructure but bicyclists pay zero. It is outrageous to spend taxpayer money to bring bikeshare to the City.

Councilmember Kabir clarified that whoever wants to use the bike will have to pay for it. Ms. Schum said we hope the system will pay for itself, but someone has to initiate it and own it; it is typical that governments do so. In this case, it will be the City and the University.

Councilmember Wojahn said that transportation infrastructure is subsidized and that if we want our transportation system to work effectively we need to invest in it.

The motion passed 8 – 0 – 0.

15-O-04 Adoption of Ordinance 15-O-04, An Ordinance Of The Mayor And Council Of The City Of College Park, Amending Chapter 175 “Taxation”, Article IV, “Revitalization Tax Credit”, Sections §175-9 “Eligibility Requirements”; §175-10 “Eligibility Criteria”; §175-11 “Tax Credit – Amount And Term”; §175-12 “Application Process”; And §175-13 “Waiver”, To Change Eligibility Requirements And Criteria, To Clarify That A Tax Credit Will Be Granted Only If Financially Feasible, To Clarify The Application Process, And To Delete A Certain Waiver Option.

A motion was made by Councilmember Wojahn and seconded by Councilmember Stulich to adopt Ordinance 15-O-04, an Ordinance of the Mayor and Council of the City of College Park, Maryland, amending Chapter 175 “Taxation” Article IV, “Revitalization Tax Credit”, Sections §175-9 “Eligibility Requirements”; §175-10 “Eligibility Criteria”; §175-11 “Tax Credit – Amount And Term”; §175-12 “Application Process”; and §175-13 “Waiver”, to change eligibility requirements and criteria, to clarify that a tax credit will be granted only if financially feasible, to clarify the application process, and to delete a certain waiver option.

Because of the Public Hearing held earlier tonight, no audience comments were taken.

Councilmember Wojahn said that the City, pursuant to 9-318 of the Tax-Property Article, Annotated Code of Maryland, is authorized to establish revitalization districts by resolution for the purpose of encouraging redevelopment and to grant a property tax credit against the City’s real property tax for a property located within the revitalization district. The Mayor and Council adopted Article IV, “Revitalization Tax Credit”, to establish a revitalization tax district and to set the criteria for granting a tax credit. The City has now granted a number of tax credits, and based on this experience, staff and the City Attorney recommended modifications to the Ordinance to ensure the program meets its goals of incentivizing high-quality redevelopment projects. The recommendations were extensively discussed by the Mayor and Council. The Ordinance includes several substantive modifications which change the eligibility requirements and criteria, provide flexibility with respect to the tax credit amount and term, eliminate the waiver provision for completed projects, and ensure that tax credits are granted only if financially feasible.

There were no comments from the Council.

The Ordinance was adopted with a vote of 8 – 0 – 0.

15-G-101 Appointments to Boards and Committees

A motion was made by Councilmember Wojahn and seconded by Councilmember Kabir to appoint Taylor Roethle as the IFC representative to the Neighborhood Quality of Life Committee, Adler Pruitt as a student representative to the Neighborhood Quality of Life Committee and Ryan Belcher as a resident representative to the Neighborhood Quality of Life Committee. The motion passed 8 – 0 – 0.

COUNCIL COMMENTS:

Councilmember Day thanked Mr. Nagro for his service to the City and reflected on his association with Mr. Nagro over the years.

Councilmember Stullich congratulated Mr. Nagro on his retirement.

Councilmember Dennis also congratulated Mr. Nagro.

Councilmember Brennan remarked on Mr. Nagro's tenure with the City and reflected on his association with Mr. Nagro.

Councilmember Wojahn made personal remarks on his association with Mr. Nagro over the years and thanked him for his support.

Councilmember Kabir echoed previous comments and said that Mr. Nagro will be missed.

Retiring City Manager Joe Nagro reflected on his 26 year tenure of service to the City and thanked the Council and staff for their support over the years.

COMMENTS FROM THE AUDIENCE:

Oscar Gregory, 9215 Limestone Place: When a constituent stands up to speak about the public use of funds, he does not know if it is appropriate for Councilmembers to address someone with an opposing viewpoint. That keeps people like him from coming to the microphone to speak their minds.

ADJOURN:

A motion was made by Councilmember Stullich and seconded by Councilmember Mitchell to adjourn the Regular Meeting. With a vote of 8 – 0 – 0, Mayor Fellows adjourned the meeting at 8:37 p.m.

Janeen S. Miller, CMC
City Clerk

Date
Approved

Pursuant to §C6-3 of the College Park City Charter, at 7:16 p.m. on September 1, 2015, a motion was made by Councilmember Dennis and seconded by Councilmember Day to enter into a Closed Session to discuss a personnel matter regarding a specific individual. The motion passed 7 – 0 – 0 and the Council entered into the closed session at 7:16 p.m.

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

Absent: Councilmember Stulich.

Also Present: Suellen Ferguson, City Attorney; Jill Clements, Director of Human Resources.

Topics Discussed: Council discussed a bonus/gift for a City employee.

Actions Taken: None.

Adjourn: A motion was made by Councilmember Dennis and seconded by Councilmember Day to adjourn the closed session, and at 7:42 p.m. with a vote of 7 – 0 – 0, Mayor Fellows adjourned the meeting.

15-G-102



MEMORANDUM

TO: Mayor and City Council

THRU: Joseph L. Nagro, City Manager

FROM: Robert T. Stumpff, Director of Public Works

DATE: September 10, 2015

SUBJECT: Approval of Contract for Two Replacement Trash Trucks

In May 2015, the Mayor and Council approved the FY 2016 operating and capital budgets. The CIP Vehicle Replacement Schedule for FY 2016 includes two (2) trash trucks to replace two (2) trucks. These trucks will be purchased on Master Lease #3, that will be entered into in January 2016. The earliest the trucks will be built is March 2016.

The two (2) trucks scheduled to be replaced are:

#327 1994 Ford/Pak-Mor 25yd Rearloader Trash Truck
503 2008 Autocar/Lubrie 33yd ASL Trash Truck

Truck # 327 is 22 years old and past its lifetime and is not usable at this time. Truck 503 is now eight years old and past its lifetime. An automated side loader has a lifetime of seven years. It is presently down and estimated it will take at least \$30,000 to get it operational again.

The City of College Park is a member of the National Joint Powers Alliance (Member # 103624). National Joint Powers Alliance (NJPA) is a government agency that establishes an alliance between buyers and suppliers for use by education, government and non-profits. NJPA's cooperative contract purchasing leverages the national purchasing power of more than 50,000 member agencies while also streamlining the required purchasing process.

As a municipal national contracting agency, NJPA establishes and provides nationally leveraged and competitively solicited purchasing contracts under the guidance of the Uniform Municipal Contracting Law. The contract would be subject to review and approval of the City attorney.

Heil Environment has NJPA Contract # 060612-ESG for Front Load, Automated & Rear Load Refuse Collection Vehicles. Heil is the oldest, founded in 1901, and the industry leader in mobile refuse equipment design and specialized refuse body manufacturing. Covered under this contract is every Heil refuse body that they

manufacture by type and size and every option that they offer. They also bid prices for the various chassis manufacturers that build suitable cab and chassis for the various Heil bodies.

Therefore, we will be purchasing a Heil 32-cubic yard PowerTrak Commercial Plus high compaction rear loader body mounted on a Freightliner M2 112 conventional chassis. We use our rear loader trash trucks five days per week and sometimes on Saturday as well. The clean diesel engine produces fewer omissions than any gasoline or hybrid vehicle now on the road. The price for each truck is \$275,883.84 and \$551,767.68 for two.

15-R-18

(This item may not stay on the agenda but is being shown to provide notice in the event that it is ready)



**RESOLUTION OF THE MAYOR AND COUNCIL OF
THE CITY OF COLLEGE PARK, MARYLAND
ADOPTING THE RECOMMENDATIONS OF THE
ADVISORY PLANNING COMMISSION REGARDING
DEPARTURE NUMBER CPD-2014-01, 4618 COLLEGE
AVENUE, COLLEGE PARK, MARYLAND,
RECOMMENDING WITH CONDITIONS A
DEPARTURE OF 11.4 -FEET FROM THE REQUIRED
22-FOOT DRIVEWAY WIDTH.**

WHEREAS, the City of College Park, Maryland (hereinafter, the "City") has, pursuant to §190-1 *et seq.*, and in accordance with Section 27-924 of the Prince George's County Zoning Ordinance (hereinafter, "Zoning Ordinance"), enacted procedural regulations governing any or all of the following: departures from design and landscaping standards, parking and loading standards, sign design standards, and variances for lot size, setback, and similar requirements for land within the corporate boundaries of the City, alternative compliance from landscaping requirements, certification, revocation, and revision of nonconforming uses, and minor changes to approved special exceptions; and

WHEREAS, the City is authorized by the Ordinance to grant an application for departure if the purposes of the applicable provisions of the Zoning Ordinance will be equally well or better served by the applicant's proposal; the departure is the minimum necessary given the specific circumstances of this request; the departure is necessary to alleviate circumstances that are special to the subject use, given its nature at this location or alleviate circumstances which are prevalent in the district; (for design departures) the departure will not impair the visual, functional or environmental quality or integrity of the site or of the surrounding neighborhood; and

WHEREAS, the Advisory Planning Commission (hereinafter "APC") is authorized by §190-3 of the City Code to hear requests for departures from the terms of the Zoning Ordinance and the Prince George's County Landscape Manual with respect to design and/or landscaping requirements, parking and loading standards, and sign design standards, and to make recommendations to the City Council in connection therewith; and

WHEREAS, Section 27-563 of the Prince George's County Zoning Ordinance requires a 22-foot wide driveway from a parking lot to a street for two-way traffic; and

WHEREAS, on July 24, 2014, Steven B. Behr (the "Applicant"), submitted an application for departure from Section 27-563 of the Zoning Ordinance,

requesting a departure of 11.4-feet from the required 22-foot driveway width from a parking lot to a street; and

WHEREAS, on December 4, 2014, the APC conducted a hearing on the merits of the departure application and voted to recommend a departure of 11.4 feet from the required 22-foot driveway width with conditions.

WHEREAS, on January 3, 2015, the City Council requested Oral Argument which was held on January 27, 2015; and

WHEREAS, the City Council remanded the case to the APC in order to take further testimony, allow public comments, and reconsider its recommendation. The City Council directed the APC to address Section 27-239.01 (b) (7) (A) (iv) of the Prince George's County Zoning Ordinance. Further, the City Council directed the APC to review their condition with respect to no parking in the driveway to include the joint driveway property at 4620 College Avenue; and

WHEREAS, the APC held a public hearing on May 7, 2015 to comply with the remand order, and heard testimony and accepted supplemental evidence, including an amended Staff Report and Power Point Presentation, and supplemental exhibits 20 – 26 which were entered into the record, and voted to recommend approval of the requested departures with the following additional conditions:

- a. The driveway gravel shall match the color and type used on adjacent properties (similar color and size).
- b. The Joint Driveway Agreement shall be amended to grant Prince George's County and the City of College Park authority to enforce the provisions of the Joint Driveway Agreement that prohibit parking or blocking of ingress/egress in the driveway and to require no parking signage on the adjoining property, to ensure unencumbered ingress and egress along the portions of the driveway belonging to both applicant and adjoining property owner; and

WHEREAS, on June 12, 2015 the City Council requested Oral Argument which was held on August 11, 2015; and

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

WHEREAS, no exceptions have been filed; and

WHEREAS, the Mayor and Council are in agreement with and hereby adopt the findings of fact and conclusions of law of the APC as to the Application with modified conditions as set forth herein.

Section 1. Findings of Fact:

- 1.1 The property is zoned R-18 and is improved with a 2,694 square-foot, 2.5 story stucco building and a 10' x 10' frame shed.
- 1.2 The property has an area of 10,000 square feet and an existing gravel parking lot that varies in width. The driveway is 10.6-feet wide at its narrowest.
- 1.3 There is a Joint Driveway Agreement, dated June 26, 2001, with the adjoining eastern property owner at 4620 College Avenue, which provides an additional 6-foot of driveway width.
- 1.4 The distance between the subject house and the adjoining house to the east (4620 College Avenue) is 16.6 feet at its narrowest.
- 1.5 The Old Town neighborhood is comprised of a mix of single-family homes, small multifamily apartment buildings, rooming houses and a number of fraternities and sororities.
- 1.6 The property is a contributing resource to the Old Town College Park Historic District and modifications to the environmental setting require a Historic Area Work Permit (HAWP).
- 1.7 The applicant filed a Historic Area Work Permit (HAWP) on September 14, 2014 in order to modify the environmental setting.
- 1.8 The Historic Preservation Commission (HPC) approved this HAWP with conditions on November 18, 2014.
- 1.9 Katharine Bryant testified on behalf of the Old Town Civic Association in opposition to the proposed departure and submitted a statement that was marked as Exhibit 25. The Civic Association testified the departure would impair the functional integrity of the site by not providing adequate driveway width; thereby, necessitating cars to drive on the grass. The Association further testified the current driveway easement is not sufficient to ensure that people would not park on the driveway and block ingress and egress.
- 1.10 Katharine Bryant also testified in opposition as a resident who has personal experience with shared driveways. She stated that although she is has a shared driveway agreement with her neighbor, and restrictive parking signage on her property, the neighbor does not honor the agreement and the signs have been

destroyed. When she tries to enforce the agreement, she is subject to retaliation.

- 1.11 Bob Schnabel, 7400 Dartmouth Avenue, testified in opposition to the departure request. He testified regarding the negative impact a blocked driveway would have on the neighborhood. If cars parked in the narrow driveway, residents would not be able to reach the parking lot and would thus park on the street, on the lawn and on neighbor's property. He stated that he visited the property the afternoon of the hearing and observed 17 cars parked on the two properties (4618 and 4620) including in the driveway. He testified there is a 22 foot wide driveway directly across the street from the Applicant's property and has also frequently seen residents driving over lawns because driveways are blocked in the neighborhood. He expressed concerns with retaliatory vandalism if private property owners, such as those at 4620 College Avenue, call for tow trucks for enforcement of parking restrictions on private property. His statement was accepted into the record as Exhibit 26. He submitted the pictures he took of the vehicles parked at the two properties into the record which were accepted as Exhibit 24 a, b, and c.
- 1.12 The following letters in opposition to the variance request were accepted into the record: Exhibit 20, Letter from Joan and Clopper Almon, 7303 Dartmouth Avenue; Exhibit 21, Letter from Kerry Kidwell-Slak, 4704 College Avenue; Exhibit 22, Letter from Eve Muller, 4710 College Avenue.
- 1.13 The following additional people became parties of record in opposition to the departure request but did not speak or submit a letter: Dawn Dineen, 4715 Norwich Road; Kelly Lueschow-Dineen, 4715 Norwich Road; Wendy Child, 4512 Hartwick Road; Rick Koller, 4512 Hartwick Road; Petra Swartzlander, 7306 Princeton Avenue; Larry Swartzlander, 7306 Princeton Avenue; and Nigel Key, 4710 College Avenue.
- 1.14 Lisa and Andy Miller, 11605 Twining Lane, Potomac, Maryland spoke in support of the departure request. They testified that they are parties to the joint driveway agreement with the Applicant and have owned 4620 College Avenue for around 18 years. They testified they have never had a problem with their tenants parking in the driveway. Mrs. Miller added that the lease states that residents cannot park in the driveway. Both Mr. and Mrs. Miller testified that they would agree to amend the joint driveway agreement to grant enforcement authority to the City and County and would be amenable to the placement of no parking signs on

the side of the house at 4620 College Avenue and one in the front yard, if deemed necessary. Mrs. Miller testified that they would cooperate with the Applicant to effectuate amending the Joint Driveway Agreement to address the conditions set forth in the APC Resolution of June 12, 2015.

- 1.15 The applicant is relying upon property that he does not own (6 feet) for the departure. The 6 feet is part of the width governed by the Joint Driveway Agreement, which is only enforceable between the parties. To keep the driveway clear, the respective owners would be required to sue each other to enforce the agreement. Enforcement by a public body would be problematic, as only one of the owners is an applicant.
- 1.16 Based on the testimony and exhibits, there were at least 14 cars using the parking lots behind the two residences, some of which were parked in the driveway on the date of the APC remand hearing of May 7, 2015. Use of 4618 College Avenue as a rooming house instead of a single-family rental will likely increase the number of cars. The testimony from several sources supports the conclusion that blockage of the driveway will result in extra burdens on the neighborhood and would compromise the function of the driveway for ingress/egress. Allowing only private party enforcement, or enforcement against only one owner through an extended zoning/show cause process, will not ensure that obstruction of the driveway can be adequately addressed in a timely way.
- 1.17 Neighboring property owner Lisa Miller later testified at the August 11, 2015 Oral Argument before the City Council that she would cooperate with the Applicant to effectuate amending the Joint Driveway Agreement to address the conditions set forth in the APC Resolution of June 12, 2015.
- 1.18 The Applicant has submitted an amendment to the Joint Driveway Agreement dated _____ which has been found acceptable to the City Attorney and City Council, and which has been recorded in the Land Records for Prince George's County at Liber_____, folio_____.

Section 2

Conclusions of Law:

- 2.1 The purposes of the applicable provisions of the Prince George's County Zoning Ordinance will be equally well or better served by the applicant's proposal.

- a. *To require (in connection with each building constructed and each new use established) off-street automobile parking lots and loading areas sufficient to serve the parking and loading needs of all persons associated with the buildings and uses.*

The proposed rooming house requires and provides five parking spaces, including a handicapped accessible parking space. Parking for the resident manager of the dwelling is exempt because the dwelling was constructed prior to parking regulations (1949). Amendment of the Joint Driveway Agreement to augment enforcement will assist in keeping the driveway clear.

- b. *To aid in relieving traffic congestion on streets by reducing the use of public streets for parking and loading and reducing the number of access points.*

All required parking will be provided thus reducing the use of public streets for parking. No loading space is required for the proposed use. Access to College Avenue is limited to one driveway located in the eastern side yard.

- c. *To protect the residential character of residential areas.*

Approving a reduction in width of the driveway to reflect existing conditions will help protect the residential character of the neighborhood. The required 22-foot width is a commercial standard and not in keeping with the residential character of the area where narrower driveways are prevalent.

- d. *To provide parking and loading areas which are convenient and increase the amenities in the Regional District.*

The proposed parking area located directly behind the house is convenient to the residents of the house. The proposed landscape plan, which includes the removal of invasive bamboo and the planting of native trees and shrubs, will enhance the landscape amenities in the immediate area and its environmental setting.

2.2 The departure is the minimum necessary, given the specific circumstances of the request.

A departure of 11.4 feet to validate the existing 10.6-foot wide gravel driveway on the subject property is the minimum necessary to allow the applicant to legally establish the rooming house. The

joint driveway agreement, however, effectively creates a wider driveway. There is only 16.6-feet between the two structures at the narrowest point, and no room to expand the driveway. The minimum required lot width in the R-18 zone is 85-feet. The lot width for the subject property is only 50-feet wide.

The driveway widens to the required 22-feet at the rear of the house. The driveway cannot be widened in the front of the house without a variance. Amendment of the Joint Driveway Agreement to augment enforcement will assist in keeping the driveway clear.

- 2.3 The departure is necessary to alleviate circumstances that are special to the subject use, given its nature at this location or alleviate circumstances which are prevalent in the district.

The house was built in 1927 before zoning (1928) and has evolved into what exists today. The lot is exceptionally narrow for a property in the R-18 zone. The driveway cannot be widened in the front yard without a variance which would be contrary to the residential character of the area.

- 2.4 The departure will not impair the visual, functional or environmental quality or integrity of the site or of the surrounding neighborhood.

If the gravel used to maintain the driveway matches the gravel on adjacent properties (similar color and size) and an adequate enforcement mechanism is established by amendment of the Joint Driveway Agreement to ensure that the driveway will be kept open and functional, with no narrowing or blockage of the ingress/egress caused by cars parking or other obstructions, then the departure should not impair the visual, functional or environmental quality or integrity of the site or of the surrounding neighborhood.

A departure based on driveway width that is not owned by the applicant, with enforcement through a private Joint Driveway Agreement, which can be acted on only by the owners, one of whom is not an applicant for this departure, is problematic and provides no reliable public enforcement method.

Section 3 Conditions.

1. Revise the site plan to:

- a. Show new timber framing to contain the gravel driveway in the front yard. The width of the driveway in the front yard shall not exceed 11-feet on the subject property.
 - b. Indicate the location of the relocated shed to comply with the Zoning Ordinance. If the shed location cannot comply with the Zoning Ordinance, it shall be removed from the site.
 - c. Correct the R-18 building setbacks or place an asterisk after “required” to explain that the building was constructed in 1927 prior to Zoning Regulations going into effect in 1928 and that no new building is being proposed.
 - d. Show the locations and wording for the “no parking in driveway” signs with required towing information. Signs shall comply with §21-10A-01 *et seq.*, Transportation Article, Annotated Code of Maryland. One sign shall be placed along the eastern side of 4618 College Avenue and one along the western side of 4620 College Avenue, and where necessary to comply with §21-10A-01 *et seq.*, Transportation Article, Annotated Code of Maryland. The bare areas of the driveway and parking area shall be replenished with gravel or other dust-free material. The driveway and parking areas shall be maintained to provide a dust-free surface at all times. The gravel shall match the color and type used on adjacent properties (similar color and size).
2. If the parking area is to be illuminated, the lighting shall be arranged so as not to reflect or glare on land used for residential purposes.
 3. All refuse shall be contained in covered bins.
 4. Outdoor storage shall be prohibited with the exception of bicycles.
 5. Parking and other obstructions shall be prohibited in the joint shared driveway for 4618 and 4620 College Avenue at all times. Parking shall only be permitted in the designated rear parking lots.
 6. Prior to the issuance of a Use and Occupancy permit, the applicant shall provide a written determination from Maryland-National Capital Park and Planning Commission (M-NCPPC) and Department of Permitting, Inspections and Enforcement (DPIE) on the following requirements: a) the maximum number of allowed guests and/or occupants, b) the maximum number of kitchens allowed, and c) whether furnishings are required to be provided to guests.
 7. Prior to the effective date of the approval of the requested Departure, the applicant shall submit to City Planning Staff, obtain approval of, and have recorded in the land records for Prince George’s County, an appropriate amendment to the Joint Driveway Agreement to prohibit parking or other

obstructions in the joint use driveway in the front or side portions of lot 4618 and/or 4620 College Avenue adjacent to the driveway with appropriate signage on the side of each of the houses, and to ensure that the Joint Driveway Agreement has been amended to grant Prince George's County and/or the City of College Park authority to enforce the provisions of the Joint Driveway Agreement including through ticketing and/or towing, . The Joint Driveway Agreement shall be amended to reflect that the additional provisions shall remain in effect as long as the residence at 4618 College Avenue is used as a rooming house.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the City of College Park, Maryland, that the application be granted for a departure of 11.4 feet from the required 22 foot driveway width subject to conditions set forth in Section 3, numbers 1 – 7 above.

ADOPTED, by the Mayor and Council of the City of College Park, Maryland at a _____ meeting on the _____ day of _____ 2015.

CITY OF COLLEGE PARK,
MARYLAND

Janeen S. Miller, CMC
City Clerk

Andrew M. Fellows, Mayor

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

Suellen M. Ferguson
City Attorney

15-G-103

MOTION:

I move that the Council adopt a letter to the Board of License Commissioners for Prince George’s County (“BOLC”), in substantially the form attached, to present the City’s position with respect to the Show Cause Hearing to be held by the Board on the issues of whether Backyard Sports Grill has complied with security plan and use of promoter restrictions. The letter supports strict enforcement of the Security Plan, and requests that the BOLC require an off-duty certified police officer with jurisdiction to be present on site during any entertainment event, emphasize that the use of promoters is prohibited and take any other action designed to ensure that lapses in security do not recur.

DISCUSSION:

On July 31, 2015, an incident occurred adjacent to the Backyard Sports Grill that involved an assault and the gathering of a large crowd in the early morning hours. As part of its investigation of this incident, Prince George’s County police officers determined that an off-duty police officer with jurisdiction was not working security at Backyard Sports grill, as required by the BOLC approved security plan, and that a promoter was involved in the entertainment. This was a violation of BOLC rules and also the Property Use Agreement between the City and Backyard Sports Grill. The Mayor and City Council met with the owner of Backyard Sports Grill to notify him of the concerns that are expressed in the attached letter and to emphasize the importance of complying with BOLC requirements and the Property Use Agreement.

DRAFT

Charles W. Caldwell, III, Chairman
Board of License Commissioners of Prince George's County
9200 Basil Court, Suite 420
Largo, Maryland 20774

Re: Show Cause Hearing – Backyard Sports Grill

Dear Chairman Caldwell:

A show cause hearing has been set before the Board of License Commissioners ("Board") for _____ with respect to non-compliance with the security plan and use of promoters at DKL Investments, Inc., t/a Backyard Sports Grill, located at 7313 A and B Baltimore Avenue, College Park, Maryland 20740 (the "Property"). We understand that these issues are related to an incident that occurred on July 31, 2015, which led to a discovery by Prince George's County Police that security personnel required by the Security Plan applicable to the Property were not present, and that a promoter was involved in the entertainment.

The City appeared at the original Board hearing to consider granting a liquor license to this establishment, which occupies a corner property that had been the scene of security issues for the prior license holder. The Mayor and Council eventually voted not to oppose the application based on the agreement by the owners to sign a Property Use Agreement ("Agreement"). This Agreement, which was made a part of the record, specifically requires compliance, at minimum, with any Security Plan adopted by the Board and prohibits the use of promoters for entertainment. These provisions were central to the City's consideration of the liquor license for this Property.

We understand that the Board may fine the licensee, continue or revoke the Special Entertainment Permit and/or the liquor license, and/or take any other appropriate actions. The Mayor and Council voted on September 22, 2015 to support the Board's strict enforcement of the Security Plan, to require an off-duty certified police officer with jurisdiction to be present on site during any entertainment event, to emphasize that the use of promoters is prohibited and to take any other action designed to ensure that lapses in security such as the one involved here do not recur. Thank you for your consideration of our request.

Sincerely,

Andrew M. Fellows
Mayor

cc: College Park City Council

15-G-104

MOTION:

I move that the City Council approve an Agreement with Election Systems & Software, LLC of Omaha, Nebraska for one-time rental of equipment, sale of services and license of software, for electronic voting machines for use in the November 3, 2015 City elections, in an amount not to exceed \$15,000, subject to approval of the Agreement by the City Attorney. The City Manager is authorized to sign the approved Agreement.

DISCUSSION:

City elections will be held on November 3. For the first time in many years, every district and the Mayoral race will be contested. Because of the number of names that will appear on the ballot, and the highly likely increase in voter turnout due to the number of candidates, the Board of Election Supervisors has recommended that we use electronic voting machines for this election.

The paper ballot/hand count method that has been used in previous elections is time-consuming and subject to human error on election night, at the end of a long day at the polls. Each name that appears on the ballot increases the time that it takes to count the votes. The Board of Elections has not been faced with this situation in many years, thus their request to use electronic machines for this election.

The system that we will use involves a paper ballot that is scanned into an optical reader. This is the same company that the state of Maryland will use for the 2016 elections. The Board of Election Supervisors will receive training on the equipment prior to the election, and a technician from ES&S will be available on Election Day for any needed support.

I appreciate the work done by the Board of Election Supervisors to ensure a fair election and support this request.

15-G-105

Councilmember Hew:

- Drew Hogg as the Graduate Student Government representative to the Neighborhood Quality of Life Committee

Worksession:

1. Noise Control Board

From: Janeen S Miller
To: [Boone Robert](#); "alan.stillwel [REDACTED]"
Cc: [Bob Ryan](#); [Sharon Fletcher](#)
Subject: An Invitation to meet with the City Council
Date: Wednesday, August 19, 2015 10:54:00 AM
Attachments: [11-R-06 Neighborhood Watch Committee.pdf](#)
[General Code.Noise Control Board.pdf](#)

Dear Robert and Alan,

I hope you are well.

As you may have heard, the Mayor and City Council have been conducting a comprehensive review of their appointed "Authorities, Boards, Commissions and Committees" over the past several months. The first step of this three-part process is for the Mayor and Council to review the charge and purpose of each of their advisory boards and to consider whether any should be restructured, combined or eliminated, or whether there is a need to create a new advisory board.

To this end, the City Council has asked me to invite you, as Chairs of your respective boards, to attend a Worksession to be held after the Council Meeting on Tuesday, September 22 to discuss the charge and mission of your board. September 22 is a regular Council Meeting with (we hope!) a short business agenda, so the Council will meet with you in a Worksession format at the conclusion of the regular meeting.

Attached for your review are the charging documents that pertain to your boards. Council will have this same information for their review. The discussion will touch on these questions:

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

Would you please write back to confirm whether you are available to attend the meeting on September 22? In the meantime, if you have any questions, please let me know.

Chapter 138. Noise

§ 138-3. Noise Control Board.

- A. Creation and membership.
- (1) There is hereby created a Noise Control Board to assist and advise the City in its noise control efforts; to coordinate the exchange of noise control information with the Maryland Department of Health and Mental Hygiene and other public bodies, agencies or commissions; to hold hearings and make findings; and to promulgate rules to implement this chapter.
 - (2) The Noise Control Board shall consist of five members, four of whom shall be appointed by the Council members, one from each of the four election districts, and one of whom shall be appointed by the Mayor.
 - (3) In addition to the foregoing membership, there shall be two alternate members appointed at large by the City Council who may attend all Noise Control Board meetings. In the absence of any regular member of the Noise Control Board, the Chairperson may designate one of the alternate members to participate in the hearing of and decision on any matter coming before the Noise Control Board. In the absence of two or more regular members of the Noise Control Board, the Chairperson shall designate one or both of the alternate members to participate in the hearing of and decision on any matter coming before the Noise Control Board.
- B. A quorum of the Noise Control Board shall consist of three members.
- C. Members of the Noise Control Board shall be appointed to terms of four years.
- D. The members of the Noise Control Board shall select from among themselves a Chairperson.

Worksession:

Neighborhood Watch Steering Committee

**A RESOLUTION OF THE MAYOR AND COUNCIL OF
THE CITY OF COLLEGE PARK, MARYLAND TO
ESTABLISH A NEIGHBORHOOD WATCH COMMITTEE
IN THE CITY OF COLLEGE PARK TO ADVISE THE CITY
COUNCIL, AND TO ENHANCE NEIGHBORHOOD
WATCH PROGRAMS CITY WIDE.**

WHEREAS, the Mayor and Council adopted Resolution 97-R-15 in 1997 to establish a Neighborhood Watch Committee, and

WHEREAS, the Mayor has from time to time appointed a City-wide Neighborhood Watch Coordinator, and

WHEREAS, the City Council wishes to enhance College Park Neighborhood Watch programs, and

WHEREAS, in October 2010, the City Council Neighborhood Watch Subcommittee was formed; and

WHEREAS, the Subcommittee was charged to review City-wide Neighborhood Watch programs; and

WHEREAS, the Subcommittee has recommended a three person College Park Neighborhood Watch Steering Committee to advise the Council and to review, enhance and further develop College Park Neighborhood Watch; and

WHEREAS, the Neighborhood Watch Steering Committee is charged to conduct meetings and act as necessary to share information and procedures to prevent crime as appropriate in the City in coordination with police; and

WHEREAS, this Steering Committee is also charged to develop Neighborhood Watch Programs in all sections of the City of College Park; and

WHEREAS, the Mayor and City Council wishes to form a permanent College Park Neighborhood Watch Steering Committee.

NOW, THEREFORE BE IT RESOLVED THAT the City Council Neighborhood Watch Subcommittee, the Neighborhood Watch Committee, and the City-wide College Park Neighborhood Watch Coordinator position be dissolved and a new College Park Neighborhood Watch Steering Committee be formed under the following procedures:

COMPOSITION OF THE COLLEGE PARK NEIGHBORHOOD WATCH STEERING COMMITTEE

1. The Mayor and City Council shall appoint a three-member Neighborhood Watch Steering Committee from among the residents of the City.
2. Appointments shall be for a two year term.
3. Coordinators of individual Neighborhood Watch programs in the City of College Park shall be ex-officio members of the Steering Committee.
4. The Prince George's County Police Department COPS officer(s) assigned to the City of College Park shall serve as ex-officio member(s) of the Steering Committee.
5. The City of College Park Public Services Director shall serve as the City liaison to the Steering Committee.

PURPOSE

The CPNW Steering Committee shall:

1. Provide a network to exchange information about crime occurring in our neighborhoods.
2. Disseminate pertinent, police reviewed, crime-related information (i.e., actual incidents, police lookouts, crime trends) City-wide.
3. Work closely with Prince George's County Police Department Community Oriented Policing (COPS) officers and College Park Public Services Director to identify and resolve neighborhood problems.
4. Promote and support the Neighborhood Watch concept, strengthen existing Neighborhood Watch groups, and help begin new groups in areas where they do not exist.
5. Provide crime prevention and police services information to the community.

DUTIES AND RESPONSIBILITIES

1. To hold quarterly meetings.
2. To provide yearly reports to the Mayor and Council on the status of crime prevention efforts in the City of College Park.
3. To develop programs and activities to deter crime and vandalism in the City.
4. To promote the formation of Neighborhood Watch groups in any neighborhood lacking a formal Neighborhood Watch.
5. A member of the College Park Neighborhood Watch Steering Committee shall be a member of the College Park Citizens Corps Council representing Neighborhood Watch.

APPOINTMENT OF CHAIR

Annually, the members of the Steering Committee shall appoint a Chairperson to serve as Chair of the Steering Committee for a one-year term.

MEETINGS

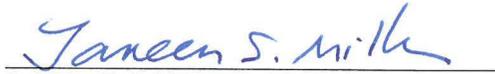
Meetings shall be held on a quarterly basis. The Chairman shall have the authority to call a meeting to address an emergency.

Resolved this 12th day of April, 2011.



Andrew M. Fellows, Mayor
City of College Park

ATTEST:



Janeen S. Miller
City Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: 

Suellen M. Ferguson
City Attorney

Worksession:

2. Revitalization Tax Credit Application

MEMORANDUM

TO: Mayor and Council

FROM: Terry Schum, Planning Director 

THROUGH: Bill Gardiner, Acting City Manager

DATE: September 18, 2015

RE: Revitalization Tax Credit Applications

ISSUE

The Planning Department has received two revitalization tax credit applications from David Hillman. One is for The Hotel at UMCP, 7777 Baltimore Avenue, dated June 18, 2015 (Attachment 1) and one is for the College Park Place project, 8319 Baltimore Avenue, dated August 26, 2015 (Attachment 3). Both applications are in Tax Credit District 1 and were received subsequent to approval of their Detailed Site Plans. These applications require approval of a City Council resolution to authorize award of a city tax credit. Revisions to the revitalization tax credit ordinance (15-O-04, Attachment 8) have been approved by the City Council and are slated to go into effect on September 29, 2015. After this date, the subject applications would not be eligible for a tax credit as they would not qualify under the revised waiver provision (175-13).

SUMMARY

The Hotel at UMCP

This project is a 10-story, 297-room conference hotel with 20,000 square feet of retail and a 902-space parking garage. Amenities include ballrooms, penthouse lounge, swimming pool, fitness center, spa and restaurants. The final decision on DSP 14022 became effective on May 15, 2015. The City supported the DSP with conditions and subject to an Agreement between the applicant, the University of Maryland Foundation and the City. This Agreement has been signed by the applicant but has not been signed by the Foundation. The tax credit program guidelines require that all city-recommended conditions and terms of agreement be complied with prior to a tax credit taking effect. A copy of the City's conditions and the Agreement are included as Attachment 2. The applicant has complied with the conditions with the exception of item #4 of the Agreement which states: "Prior to obtaining a Building Permit, the Developer 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.”

A minimum of four eligibility criteria must be met to be eligible for a tax credit. Staff has determined that the applicant meets the following eight criteria:

5A) *The project is located within a ½ mile radius of an existing or under construction rail station for WMATA, MARC, MTA or similar agency.*

Comment: The Hotel will be less than ¼ mile from a Purple Line Station but is .68 of a mile as the crow flies from the College Park Metro Station.

5D) *The project will complete, or commit funds for, substantial infrastructure improvements such as a new or relocated traffic signal, a public street, a public park a public parking garage, undergrounding of utilities, or a bike share station.*

Comment: The project will provide a new signalized intersection at Route 1 and South Hotel Drive and a new intersection at Greenhouse Drive and Paint Branch Parkway (possibly signalized). In addition \$45,000 will be provided for a bike share station at the time of use and occupancy permit.

5E) *The project meets the minimum green building guidelines as established by the US Green Building Council's LEED Silver Certification for the project's appropriate rating system. A LEED Scorecard must be submitted with the Detailed Site Plan application and evidence of certification at the time of final application for the tax credit.*

Comment: The project is required to meet a minimum of LEED Silver certification under Sector Plan standards. No evidence of registration under USGBC has been provided.

5F) *The project is located within one of the walkable development nodes designated in the approved Central US 1 Corridor Sector Plan.*

Comment: The project is located within the WNU (walkable node university).

5G) *The project involves the demolition of an existing non-historic structure, which has been vacant at least one year.*

Comment: Greenhouses on site were demolished along with the UM Post Office facility nearby.

5H) *The project is a brownfield development, which means real property where expansion or redevelopment is complicated by the presence or potential presence of environmental contamination, and requires an environmental cleanup prior to redevelopment.*

Comment: A portion of the existing site and adjoining areas are actively being monitored by the Environmental Protection Agency.

5I) *The project has secured at least one locally-owned, non-franchise business as evidenced by executed lease agreements at the time of final application for the tax credit.*

Comment: Two locally-owned restaurant businesses have been announced, Franklin's Grill and Oyster Bar and Kapnos. Evidence of leases will need to be provided at the time of final application.

5J) *The project provides space for a business incubator, community center, art gallery, or similar public-benefit use.*

Comment: Business incubator space is provided on the ground level of the project along Greenhouse Drive.

Some information provided in the application requires updating. Construction of the project is now underway, however, staff was unable to find evidence of any county or city building permits. Also, there is no land valuation assigned to the site. While the former University of Maryland property was not subject to taxes, there is still an assessed value to the land. An assumption has been made that the future assessed value of the project indicated on the application (\$71,040,000) is for site improvements only and excludes the land.

Attachment 7 shows the estimated tax credits that would be provided over five years (\$535,464) if approved in accordance with the Ordinance.

College Park Place

This project is a 156-room hotel with 23,615 square feet of retail and a 293-space parking garage. The final decision on DSP 12034 became effective on May 8, 2015. A tax credit application was submitted by the previous owner on March 20, 2015 but it staff's determination that it failed to meet the minimum threshold requirements and was not heard by Mayor and Council (see Attachment 6). The current application does not include the multifamily project known as 4700 Berwyn House Road as this property was sold to a different owner.

The City supported this project with conditions and subject to a Declaration of Covenants dated April 9, 2013 (Attachment 4). The applicant is generally in compliance with the terms of this Agreement but the following provisions are called to your attention:

#7. This requires the applicant to pay \$45,000 prior to building permit approval if a bike share program is operational in College Park. County and city raze permits were approved and closed out in July 2015. County building permits for CVS, the parking

garage and hotel have been applied for but not issued. Now that a bike share program has been approved, this payment will need to be made upon the issuance of a city permit.

#11. This describes the process to be followed to demonstrate every effort to achieve LEED Silver certification. The applicant has complied with several of these steps but needs to provide the results of USGBC preliminary review results of design-oriented credits prior to the issuance of a building permit.

A review of the eligibility criteria indicates that the applicant meets the following four criteria:

5D) *The project will complete, or commit funds for, substantial infrastructure improvements such as a new or relocated traffic signal, a public street, a public park a public parking garage, undergrounding of utilities, or a bike share station.*

Comment: The project will provide \$45,000 towards a bike share program. The project includes structured parking for the use of visitors to the project.

5F) *The project is located within one of the walkable development nodes designated in the approved Central US 1 Corridor Sector Plan.*

Comment: The project is within a walkable node.

5G) *The project involves the demolition of an existing non-historic structure, which has been vacant at least one year.*

Comment: The former Koon's Ford car dealership buildings were vacant for several years and demolished.

5I) *The project has secured at least one locally-owned, non-franchise business as evidenced by executed lease agreements at the time of final application for the tax credit.*

Comment: The applicant claims to have one locally-owned business (restaurant) that will reside in the project. At this time, no evidence has been provided but will need to accompany the final application.

The City's Finance Director has updated the current assessment information provided in the application to reflect the most recent valuation (Attachment 5). Attachment 7 indicates the total city tax credits that would be provided over five years if approved (\$159,556).

RECOMMENDATION

Staff's preliminary review indicates that both applications meet the threshold requirements for tax credits under the current Ordinance subject to verification at the time of final application and fulfillment of the outstanding conditions described above.

Both applications are also within the area being contemplated as a RISE Zone and are likely to be eligible for tax credits under provisions currently being developed. An applicant would not be eligible to receive tax credits under both programs.

ATTACHMENTS

1. The Hotel Application
2. The Hotel Conditions and Agreement
3. College Park Place Application
4. Declaration of Covenants
5. Updated Assessment
6. Letter to Shuckra
7. Tax Credit Computations
8. Revisions to Ordinance



Planning, Community, and Econom
RECEIVED

JUN 22 2015

**CITY OF COLLEGE PARK
PLANNING DEPARTMENT**

4500 KNOX ROAD
College Park, MD 20740
Phone: (240) 487-3538
Fax: (301) 887-0558

REVITALIZATION TAX CREDIT PROGRAM APPLICATION

This program provides a real property tax credit for properties located within a revitalization district to provide a financial incentive that encourages economic development and redevelopment in the City.

Please contact the Economic Development Coordinator at 240-487-3543 to schedule an appointment to submit a completed application with the required documents and appropriate signatures to avoid any delays in review of your application.

Please print legibly and return to the address above or by email to mstiefvater@collegetparkmd.gov.

Only completed applications, including all required documentation, will be reviewed by City staff.

1. IMPROVEMENT STATUS (check one)

- Construction yet to begin and prior to submittal of detailed site plan or building permit
- Construction yet to begin, but approved detailed site plan or building permit in place
- Under Construction
- Completed

2. PROPERTY INFORMATION

Property Address: 7777 Baltimore Avenue, College Park, Prince George's County, MD 20740

Tax Account Number(s): Part of Tax Map 033 Parcel 140 - See Attached property description

Current Owner: The Hotel at UMCP, LLC (Tenant of Leasehold Improvements)

Current Owner's Address: c/o Southern Management Corporation 1950 Old Gallows Road, Suite 600

City: Vienna

State: VA

Zip Code: 22182-3933

Contact Person: David H. Hillman

Phone: 703-902-2000

Email: davidhillman@smcmail.com

3. APPLICANT INFORMATION (if different than current property owner)		
Applicant Name: The Hotel at UMCP, LLC		
Mailing Address: c/o Southern Management Corporation 1950 Old Gallows Road, Suite 600		
City: Vienna	State: VA	Zip Code: 22182-3933
Contact Person: David H. Hillman		
Phone: 703-902-2000	Email: davidhillman@smcmail.com	

4. IMPROVEMENT INFORMATION
Detailed Site Plan Number (if applicable): DSP-14022
Building Permit Number (if issued): Not Yet Applied For
Total Assessment Prior to Proposed Improvements: Land Valuation: 0 - tax exempt Improvement Valuation: 0 - tax exempt
Estimated Total Assessment After Proposed Improvements: 71,040,000
Projected Completion Date of Proposed Improvements: Early 2017
Property Use Before Proposed Improvements: n/a
Description of Proposed Improvements: 297 room 4-star independent hotel with 900-space structured parking garage, restaurants, banquet facilities.

5. ELIGIBILITY CRITERIA (check each criteria that the project meets; additionally provide evidence for all criteria met)

- A) The project is located within a ½-mile radius of an existing or under construction rail station for Washington Metropolitan Area Transit Authority, Maryland Area Regional Commuter, Maryland Transit Administration, or similar agency.
- B) The project involves the assemblage of lots or parcels owned by different parties.
- C) The project involves the buyout of leases to facilitate redevelopment.
- D) The project will complete, or commit funds for, substantial infrastructure improvements such as a new or relocated traffic signal, a public street, a public park, a public parking garage, undergrounding of utilities, or a bikeshare station.

City of College Park Motion for DSP 1
The Hotel at the University of Maryland

The City Council recommends 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.

AGREEMENT

THIS AGREEMENT ("Agreement"), is made this 24th day of March, 2015 by and between The Hotel at UMCP, LLC ("Developer"), a Maryland limited liability company, UMCPF Property III, LLC, ("Foundation") a Maryland limited liability company and the CITY OF COLLEGE PARK, MARYLAND (the "City") a municipal corporation of the State of Maryland.

WHEREAS, Foundation is the contract purchaser of certain real property consisting of 3.29 acres more or less (hereinafter "the Property") located in Prince George's County, Maryland, on the east side of Route 1, Baltimore Avenue, at its intersection with Paint Branch Parkway, Tax Map 33 in Grid B-2 in the 21st District previously part of Parcel 140, being Block **, lots ***, recorded among the land records of Prince George's County, Maryland at liber ** folio *** and shown as Parcel 1 on the plat attached as Exhibit A; and

WHEREAS, the Developer has entered into a long term lease ("Lease") with the Foundation for the Property, and has proposed the construction of a hotel, including retail, a conference center and a parking garage ("Hotel"), on the Property ("the Project"); and

WHEREAS, the Foundation and Developer have asked the City to recommend approval of Preliminary Plan of Subdivision PPS4-14009 ("PPS") and Detailed Site Plan No. DSP 14022 ("DSP"), for the Project to the Prince George's County Planning Board ("Planning Board") and the District Council for Prince George's County, Maryland; and

WHEREAS, the City has agreed to make said recommendations upon certain conditions, which shall be executed by the Developer and Foundation in the form of this Agreement.

NOW, THEREFORE, in consideration of the aforesaid recommendations by the City, the Foundation and Developer hereby declare and agree on behalf of themselves, their successors and assigns, as follows:

1. The recitals set forth above as well as the foregoing “NOW, THEREFORE,” are incorporated herein as operative provisions of the Agreement.

2. Developer and Foundation shall maintain, in a manner reasonably acceptable to the City, all pedestrian light fixtures installed in the US Route 1, Baltimore Avenue, right-of-way and in any City right of way pursuant to the DSP and/or this Agreement. Maintenance and operation shall include but not be limited to electric utility charges, replacement of light bulbs, and repair and replacement of the pedestrian street lights within a reasonable period of time, pursuant to a maintenance schedule established with the City. The City may invoice Developer and Foundation on a quarterly basis for electricity costs in the event Developer and Foundation it is not feasible to be invoiced for the costs of electricity directly by the utility company. Invoices shall be payable to the City within thirty (30) days of receipt. In the event that any such invoice is not timely paid, in addition to any other remedy available at law, any outstanding amount shall be a lien upon the Property to be collected in the same manner as City taxes are collected. Developer and Foundation shall indemnify and save harmless the City, its officers, employees and agents, from all suits, actions and damages or costs of every kind and description, including reasonable attorneys’ fees, arising directly or indirectly out of the maintenance of the pedestrian light fixtures, caused by the negligent act or omission, intentional wrongful acts, intentional misconduct or failure to perform with respect obligations under this paragraph on the part of Developer and Foundation, their agents, servants, employees and subcontractors.

3. If a bikeshare program is operational, prior to use and occupancy permit, the Developer and Foundation shall pay the total sum of \$45,000 to the City for the installation and operation of an 11 dock/6 bike-share station on the subject property at a site designated by the Developer and Owner. Developer and Owner agree to provide any required access and entry to the City, its agents, servants, contractors and employees for the purpose of installation and maintenance of the bike-share station and to execute those documents necessary for this purpose. The City shall indemnify and save harmless the Developer and Owner, and their officers, employees and agents, from all suits, actions and damages or costs of every kind and description, including reasonable attorneys' fees, arising directly or indirectly out of the installation and maintenance of the bike share station, caused by the negligent act or omission, intentional wrongful acts, intentional misconduct or failure to perform with respect obligations under this paragraph on the part of City, its agents, servants, employees and contractors.

4. Prior to obtaining a Building Permit, the Developer 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.

5. A copy of the approved Stormwater Management Landscape Plan for the Project shall be submitted to the City upon approval.

6. Each party hereto represents to the other that it has taken all necessary action to authorize the execution of this Agreement and that the person signing for each party is fully authorized to do so.

7. Notices: All notices and other communications under this Agreement shall be in writing and shall be deemed to have been duly given: (I) immediately upon receipt if hand-

delivered in accordance with the notice provisions of this Agreement; (ii) on the day after delivery to a nationally recognized overnight courier service, or (iii) on the fifth day after mailing, if mailed to the party to whom such notice is to be given, by registered or certified U.S. mail, return receipt requested, and, in all cases, if prepaid and properly addressed as follows:

To Developer:

To Owner:

To City:

City Manager
4500 Knox Road
College Park, Maryland 20740

With a copy to:
Suellen M. Ferguson, Esq.
Council, Baradel, Kosmerl & Nolan, P.A.
125 West Street
4th Floor
Annapolis, Maryland 21401

8. These obligations are subject to and contingent upon final approval of the aforesaid PPS and DSP (with such approval being beyond appeal).

9. This Agreement shall be effective immediately as to the Developer and the Foundation and shall be binding on their heirs, successors and assigns subject to the terms and conditions hereof.

10. The City shall have the right to enforce, by any proceeding at law or in equity, including injunction, all restrictions, terms, conditions, covenants and agreements imposed upon the Property, and/or the Owner pursuant to the provisions of this Agreement. The parties agree that if Owner should breach the terms of this Agreement, the City would not have an adequate remedy at law and would be entitled to bring an action in equity for specific performance of the terms of this

Agreement. In the event the City is required to enforce this Agreement and the Developer or Owner is determined to have violated any provision of this Declaration, Owner will reimburse the City for all reasonable costs of the proceeding including reasonable attorneys' fees. Should the Developer or Owner prevail in any action brought by the City to enforce a provision of this Agreement, the City shall reimburse said party for all reasonable costs of the proceeding including reasonable attorneys' fees.

11. This Agreement may not be amended or modified except in a writing executed by all parties hereto, and no waiver of any provision or consent hereunder shall be effective unless executed in writing by the waiving or consenting party.

12. This Agreement and the rights and obligations of the parties shall be governed by and construed in accordance with the laws of the State of Maryland, excepting its conflict of law provisions. The provisions of this Agreement shall be deemed severable, so that if any provision hereof is declared invalid or violative of any federal, state or local law or regulation, all other provisions of this Agreement shall continue in full force and effect.

13. In the event that any provision of this Agreement is in direct conflict with any provision mandated by any government agency with jurisdiction, to the extent that the provision in this Agreement is by necessity precluded, then that provision shall be null and void, provided, however, that the remainder of this Agreement shall remain in full force and effect.

14. The City shall generally support the approval of the PPS and DSP as long as it is found by the City to be in substantial conformance with the development plans for the Property previously shown to and endorsed by the City. The City retains the right throughout the development process to comment on, object to, recommend conditions and/or appeal issues not previously addressed and issues that have not yet arisen due to the current stage of development plans, provided that it will not

unreasonably withhold consent and its comments will be consistent with previous agreements. The City further acknowledges that a conformance finding is not to be unreasonably withheld.

IN WITNESS WHEREOF, the parties have caused these presents to be executed and delivered.

WITNESS/ATTEST:

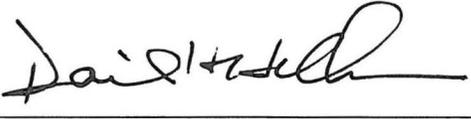


WITNESS/ATTEST:

WITNESS/ATTEST:

Janeen S. Miller, City Clerk

THE HOTEL AT UMCP, LLC



Title: Manager

UMCPF PROPERTY III, LLC

Title: _____

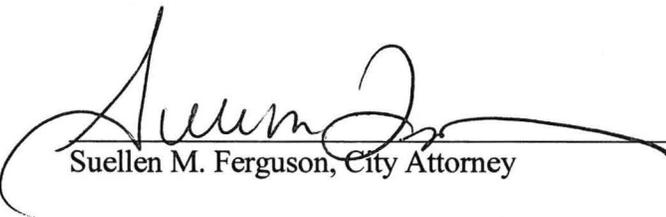
CITY OF COLLEGE PARK

By: 

Joseph L. Nagro, City Manager

Acting City Manager

Approved as to form and legal sufficiency:



Suellen M. Ferguson, City Attorney



Planning, Community, and Economic

4500 Knox Road
College Park, MD 20740
Phone: (240) 487-3538
Fax: (301) 887-0558

REVITALIZATION TAX CREDIT PROGRAM APPLICATION

This program provides a real property tax credit for properties located within a revitalization district to provide a financial incentive that encourages economic development and redevelopment in the City.

Please contact the Economic Development Coordinator at 240-487-3543 to schedule an appointment to submit a completed application with the required documents and appropriate signatures to avoid any delays in review of your application.

Please print legibly and return to the address above or by email to mstiefvater@collegetparkmd.gov.

Only completed applications, including all required documentation, will be reviewed by City staff.

1. IMPROVEMENT STATUS (check one)

- Construction yet to begin and prior to submittal of detailed site plan or building permit
- Construction yet to begin, but approved detailed site plan or building permit in place
- Under Construction
- Completed

2. PROPERTY INFORMATION

Property Address: 8319 Baltimore Avenue, College Park, Prince George's County, MD 20740

Tax Account Number(s): 2402154, 2402162, 2402147, 2402139, 2402121, 2402170, 2371672, 2371680

Current Owner: 8321 College Park Hotel, LLC

Current Owner's Address: c/o Gallows Corporation, Manager, 1950 Old Gallows Road, Suite 600

City: Vienna

State: VA

Zip Code: 22182-3933

Contact Person: David H. Hillman

Phone: 703-902-2000

Email: davidhillman@smcmail.com

3. APPLICANT INFORMATION (if different than current property owner)		
Applicant Name: 8321 College Park Hotel, LLC (everything same as in # 2)		
Mailing Address:		
City:	State:	Zip Code:
Contact Person:		
Phone:	Email:	

4. IMPROVEMENT INFORMATION	
Detailed Site Plan Number (if applicable): 41946-2013 (case #)	
Building Permit Number (if issued): Hotel (8321) 6272-2014 (case #); CVS Bldg (8319) 35624-2014 (case #); Garage (8323) 34155-2014 (case #)	
Total Assessment Prior to Proposed Improvements: Land Valuation: 2,920,700 Improvement Valuation: 853,267	
Estimated Total Assessment After Proposed Improvements: 25,000,000	
Projected Completion Date of Proposed Improvements: 7/1/17	
Property Use Before Proposed Improvements: vacant auto dealership	
Description of Proposed Improvements: 152 room hotel with 10,000 sq ft of retail, plus 12,300 stand alone CVS Pharmacy, and 275 space parking garage	

5. ELIGIBILITY CRITERIA (check each criteria that the project meets; additionally provide evidence for all criteria met)

- A) The project is located within a ½-mile radius of an existing or under construction rail station for Washington Metropolitan Area Transit Authority, Maryland Area Regional Commuter, Maryland Transit Administration, or similar agency.
- B) The project involves the assemblage of lots or parcels owned by different parties.
- C) The project involves the buyout of leases to facilitate redevelopment.
- D) The project will complete, or commit funds for, substantial infrastructure improvements such as a new or relocated traffic signal, a public street, a public park, a public parking garage, undergrounding of utilities, or a bikeshare station.

**DECLARATION OF COVENANTS AND AGREEMENT
REGARDING LAND USE**

THIS DECLARATION OF COVENANTS AND AGREEMENT REGARDING LAND USE ("Agreement"), is made this 9th day of April, 2013 by and between CROWN REAL PROPERTIES, L.C., ("Owner") a Maryland limited liability company and the CITY OF COLLEGE PARK, MARYLAND (the "City") a municipal corporation of the State of Maryland.

WHEREAS, Owner is the owner of certain real property consisting of 2.86 acres (hereinafter "the Property") located in Prince George's County, Maryland, on the east side of Route 1, Baltimore Avenue at 8315 Baltimore Avenue, Tax Map 33, in the 21st District, Tax Account Nos. 2402147, 2402121, and 2371672 being Block 10, lots 6 through 14, recorded among the land records of Prince George's County, Maryland at liber 10926 folio 00277 (the "Property") as shown on the plat attached as Exhibit A; and

WHEREAS, the Keane Enterprises, Inc., as authorized representative of Owner, has proposed the construction of a mixed use project including a hotel and retail on the Property ("the Project"); and

WHEREAS, the Owner has asked the City to recommend approval of Detailed Site Plan No. DSP 12034 ("DSP"), for the Project to the Prince George's County Planning Board ("Planning Board") and the District Council for Prince George's County, Maryland; and

WHEREAS, the City has agreed to make said recommendations upon certain conditions, which shall be executed by the Owner in the form of these covenants running with the land, as set forth below, which covenants may be enforced by the City.

NOW, THEREFORE, in consideration of the aforesaid recommendations by the City, Owner hereby declares and agrees on behalf of itself, its successors and assigns that the Property shall be held, transferred, sold, leased, rented, hypothecated, encumbered, conveyed or otherwise occupied subject to the following covenants, conditions, restrictions, limitations and obligations which shall run with and bind the Property or any part thereof and shall inure to the benefit and be enforceable by the City, its successors and assigns as follows:

1. The recitals set forth above as well as the foregoing "NOW, THEREFORE," are incorporated herein as operative provisions of the Covenants.

2. In the event that the Property is developed and subsequently sold to any non-taxable entity, so that the Property is no longer subject to real property taxes, the entity(ies) purchasing the properties and each of them (or any successors or assigns) shall be liable to make an annual payment in perpetuity to the City in an amount equal to the annual City real property taxes on the property and any improvements, based on assessed value, it being the intent of the parties that the City not be deprived of this income regardless of the tax status of any owner and that this obligation shall run with the land. Anything to the contrary notwithstanding, Owner's obligation set forth in this paragraph shall terminate upon the sale of the Property to an arms-length third party purchaser, provided the Property is still subject to real property taxes immediately following such sale. Further, the requirement set forth herein shall not apply in the event the Property is obtained by any non-taxable entity via the process of right-of-way dedication, eminent domain or condemnation. The owner shall notify the City in writing upon the closing of any sale to a third party purchaser, or upon receipt of legal process instituting any action of eminent domain or condemnation.

3. Total development within the Property shall be limited to development which generates no more than 129 AM peak hour and 246 PM peak-hour vehicle trips which

include the reduction for pass-by trips for the proposed commercial uses.

4. Prior to signature approval of the DSP, the site plan shall be revised to:
 - a. Show a striped crosswalk on Pontiac Street and Berwyn House Road at their intersection with Route 1.
 - b. Show the installation of traffic control signs at the site access points with Pontiac Street that read, “No Right Turn Except Local Traffic.”
 - c. Show a location for a proposed Bikeshare Station (11 docks and 6 bikes) that measures 31 feet in length and 6 feet in width. In the event that the location shown on the DSP for a proposed Bikeshare Station is not acceptable to the Capital Bikeshare Program or similar program operating in the City, there is no obligation to provide an alternate location and the requirement of this subparagraph shall be deemed to have been satisfied.
5. Prior to signature approval of the DSP, the architectural drawings shall be revised for review by the City of College Park and M-NCPPC as follows:
 - a. Improve the landmark feature (tower) of the building to make it more prominent and visible by, for example, making it taller than it is wide, adding a roof structure and providing more ornamentation or detail.
 - b. Reduce the use of cast stone on the south building façade along Berwyn House Road to increase the percentage of wall area that is transparent windows.
 - c. Increase the use of brick on the parking garage to better reflect the design of its associated buildings through the use of brick veneer on the precast concrete panels on all façade elevations.
6. Prior to signature approval of the DSP, the sign plan shall be revised to:
 - a. Remove the sign from the landmark feature on the west elevation.

- b. Eliminate the use of any wayfinding sign that is more than 5 feet in height.
7. Prior to approval of a building permit, if the Capital Bikeshare Program or similar program is operational in the City of College Park, the Owner, its successors and assigns, shall pay the sum of \$45,000 to the City of College Park for the installation and operation of an 11 dock/6 bike station. If location on the subject property is not acceptable to the Capital Bikeshare Program or similar program operating in the City, then the Bikeshare Station will be located as determined by the City.
 8. Prior to issuance of a building permit, Owner should coordinate with the State Highway Administration (“SHA”) to address the feasibility of providing an underground vault for the installation of public utilities. If the Owner does not underground utilities at the time of development nor provide for the undergrounding of utilities, the Owner shall consent to participate in a comprehensive program for the undergrounding of utilities being developed in conjunction with the active SHA project funded in the 2013-2018 Consolidated Transportation Program for the segment of the project from College Avenue to MD 193. Ad valorem or special taxes shall be calculated and levied in a reasonable manner that results in fairly allocating the cost of the undergrounding. The amount to be paid by the Owner under the program shall not exceed a total of \$200,000. If a comprehensive program is not established by 2020, this condition shall expire.
 9. Prior to issuance of a building permit, the Owner should coordinate with SHA to revise the streetscape improvements along Route 1 to accommodate the proposed road reconstruction along the subject property frontage, in particular, to avoid the relocation of proposed street lighting and street trees shown in the existing right-of-way.
 10. The Owner shall reimburse the City for all costs of maintenance and operation of

pedestrian street lights that are installed pursuant to the DSP for the Project within the SHA and College Park rights-of-way. The costs of maintenance and operation shall include but not be limited to electric utility charges, replacement of light bulbs, and repair and replacement of the pedestrian street lights. The City shall invoice the Owner on a quarterly basis for maintenance and repair/replacement costs. Invoices shall be payable to the City within thirty (30) days of receipt. In the event that any such invoice is not timely paid, in addition to any other remedy available at law, any outstanding amount shall be a lien upon the Property to be collected in the same manner as City taxes are collected

11. The Owner shall make every effort to achieve U.S. Green Building Council (USGBC) LEED-Silver certification under an applicable LEED 2009 rating system as required by the Sector Plan Development Standards for their retail and hotel buildings. LEED Silver certification shall be pursued through the Split Review process. Specifically the following process shall be followed:
 - a. Prior to DSP certification, the Owner shall:
 - 1) Register the project with the USGBC and provide a copy of the payment receipt to the City and M-NCPPC.
 - 2) Designate a LEED-accredited professional (“LEED-AP”) who is also a professional engineer or architect, as a member of their design team. The name and contact information for the LEED AP shall be provided to the City and M-NCPPC.
 - 3) 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.

- b. Prior to the issuance of a building permit, the results of the USGBC's preliminary review of design-oriented credits in the LEED program shall be submitted to the City and M-NCPPC. This documentation shall demonstrate that the retail and hotel buildings are anticipated to attain a sufficient number of design-related credits that, along with the anticipated construction-related credits, will be sufficient to attain the minimum level of LEED certification.

- c. Prior to the issuance of the first use and occupancy permit, the Owner shall provide documentation to the City and M-NCPPC that the project has been certified LEED by the USGBC. If certification has not been completed, the Owner shall submit certification statements from their LEED-AP that confirms the project list of specific LEED credits will meet at least the minimum number of credits necessary to attain LEED certification. A temporary use and occupancy permit may be issued to the Owner until such time as LEED certification is documented. If it is determined that a temporary use and occupancy permit cannot be issued then an escrow or letter of credit in the amount of \$50,000 will be established with an agent that is acceptable to the City of College Park. Said escrow agent shall hold the funds subject to the terms of this Agreement. The escrow (or letter of credit) shall be released to Owner upon final LEED certification. In the event that the Owner fails to provide, within 180 days of issuance of the use and occupancy permit for the Project, documentation to the City demonstrating attainment of LEED certification, the entirety of the escrow will be released upon demand to the City and will be posted to a fund within the City budget supporting implementation of environmental initiatives.

If the Owner provides documentation from the USGBC demonstrating, to the

satisfaction of the City, that USGBC completion of the review of the LEED certification application has been delayed through no fault of the Owner, the Owner's contractors or subcontractors, the proffered time frame may be extended as determined appropriate by the City, and no release of escrowed funds shall be made to the Owner or to the City during the extension.

12. Each person accepting a deed, lease or other instrument conveying any interest in the Property shall be bound by the terms of this Agreement whether or not the same is incorporated or referred to in such deed, lease or instrument and this Agreement is hereby incorporated by reference in any deed or other conveyance of all or any portion of each person's interest in any real property subject hereto.

13. These obligations are subject to and contingent upon final approval of the aforesaid DSP (with such approval being beyond appeal).

14. This Agreement shall be effective immediately as to Owner and shall be binding on their heirs, successors and assigns subject to the terms and conditions hereof.

15. This Property shall be held, conveyed, encumbered, sold, leased, rented, used, and/or occupied subject to the terms and provisions of this Agreement provided the Property is developed pursuant to the approved mixed use concept set forth in the DSP, which shall run with the land.

16. The City shall have the right to enforce, by any proceeding at law or in equity, including injunction, all restrictions, terms, conditions, covenants and agreements imposed upon the Property, and/or the Owner pursuant to the provisions of this Agreement. The parties agree that if Owner should breach the terms of this Agreement, the City would not have an adequate remedy at law and would be entitled to bring an action in equity for specific performance of the terms of this Agreement. In the event the City is required to enforce this Agreement and the

Developer or Owner is determined to have violated any provision of this Declaration, Owner will reimburse the City for all reasonable costs of the proceeding including reasonable attorneys' fees. Should the Owner prevail in any action brought by the City to enforce a provision of this Agreement, the City shall reimburse said party for all reasonable costs of the proceeding including reasonable attorneys' fees.

17. This Agreement may not be amended or modified except in a writing executed by all parties hereto, and no waiver of any provision or consent hereunder shall be effective unless executed in writing by the waiving or consenting party.

18. This Agreement shall be construed in accordance with the laws of the State of Maryland, excepting its conflict of law provisions. The provisions of this Agreement shall be deemed severable, so that if any provision hereof is declared invalid or violative of any federal, state or local law or regulation, all other provisions of this Agreement shall continue in full force and effect.

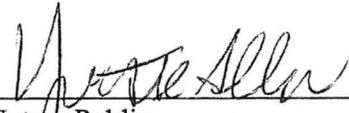
19. In the event that any provision of this Agreement is in direct conflict with any provision mandated by any government agency with jurisdiction, to the extent that the provision in this Agreement is by necessity precluded, then that provision shall be null and void, provided, however, that the remainder of this Agreement shall remain in full force and effect.

20. The City shall generally support the approval of the DSP as long as it is found by the City to be in substantial conformance with the development plans for the Property previously shown to and endorsed by the City. The City retains the right throughout the development process to comment on, object to, recommend conditions and/or appeal issues not previously addressed and issues that have not yet arisen due to the current stage of development plans, provided that it will not

STATE OF MARYLAND)
) ss:
COUNTY OF Calvert

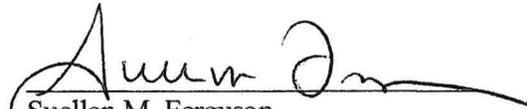
I HEREBY CERTIFY that on this 19 day of June, 2013, before me, the subscriber, a Notary Public in the State and County aforesaid, personally appeared Joseph L. Nagro, who acknowledged himself to be the City Manager of the City of College Park, and that he, as such City Manager, being authorized so to do, executed the foregoing Declaration of Covenants for the purposes therein contained by signing, in my presence, the name of said City of College Park, by himself, as City Manager.

WITNESS my hand and notarial seal.



Notary Public (SEAL)
My Commission Expires: 3-12-17

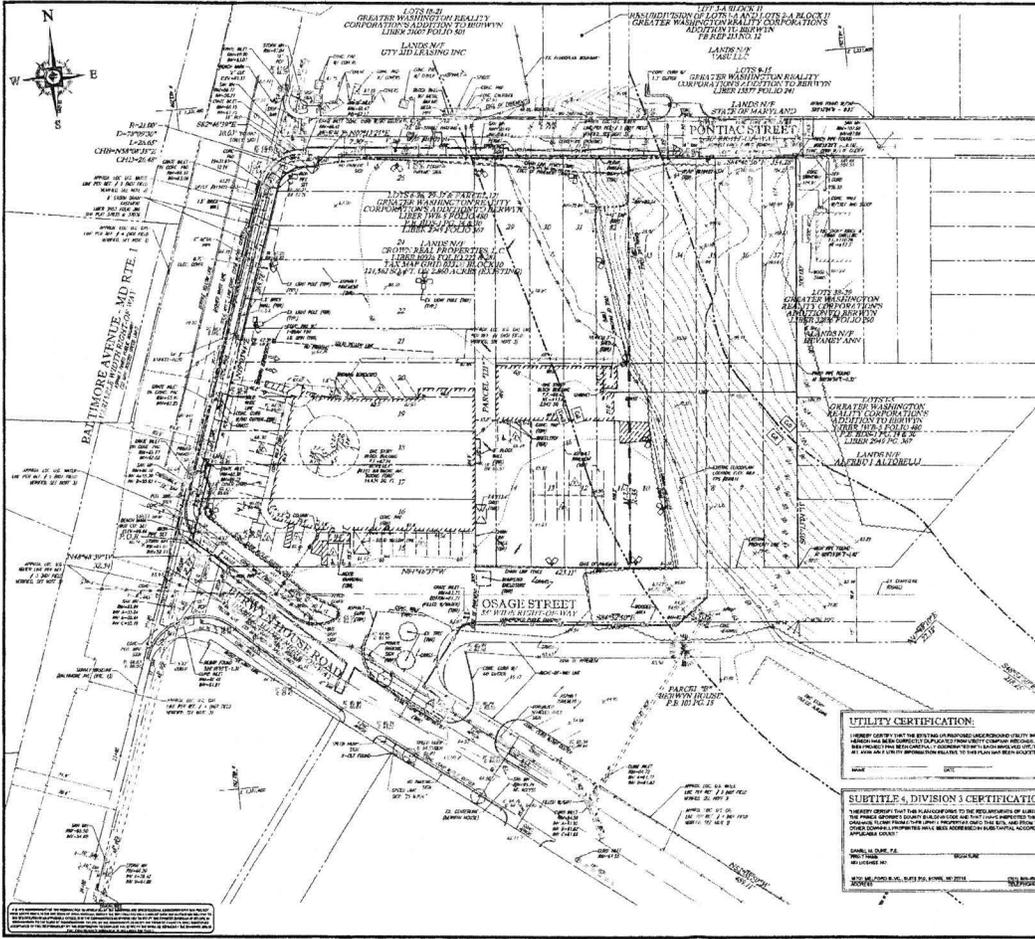
THIS IS TO CERTIFY that the within instrument has been prepared under the supervision of the undersigned Maryland attorney-at-law duly admitted to practice before the Court of Appeals.



Suellen M. Ferguson

This document shall be recorded in the Land Records of Prince George's County. After recording, please return to:

Suellen M. Ferguson, Esq.
Council, Baradel, Kosmerl & Nolan, P.A.
P.O. Box 2289
Annapolis, MD 21404-2289



NOTES

1. THE PROPERTY IS BOUNDARY LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100.
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REFERENCES

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UTILITY CERTIFICATION

STATE OF MARYLAND

COUNTY OF BALTIMORE

PROJECT NAME: KEANE ENTERPRISES, INC.

PROJECT NUMBER: 108-108-00000

DATE: 10/15/2018

BY: [Signature]

SUBTITLE 4, DIVISION 3 CERTIFICATION

STATE OF MARYLAND

CITY OF BALTIMORE

PROJECT NAME: KEANE ENTERPRISES, INC.

PROJECT NUMBER: 108-108-00000

DATE: 10/15/2018

BY: [Signature]

MRCP-C APPROVALS

PROJECT NAME	PROJECT NUMBER	DATE	APPROVAL
KEANE ENTERPRISES, INC.	108-108-00000	10/15/2018	APPROVED

BOHLER ENGINEERING

REGISTERED PROFESSIONAL ENGINEER

NO. 108-108-00000

DATE: 10/15/2018

BY: [Signature]

REVISIONS

NO.	DATE	DESCRIPTION
1	10/15/2018	ISSUED FOR PERMIT

NOT APPROVED FOR CONSTRUCTION

REASON: [Blank]

DETAILED SITE PLAN

FOR

KEANE ENTERPRISES, INC.

LOCATION OF SITE:

108 BALTIMORE AVENUE, RITE 11

COLLEGE PARK, 20746 MD

PRINCE GEORGES COUNTY

BOHLER ENGINEERING

10800 WOODBURN BLVD., SUITE 200

ROSELAND, MARYLAND 21087

PHONE: (410) 588-1000

FAX: (410) 588-1001

WWW.BOHLERENGINEERING.COM

D.M. DUKE

REGISTERED PROFESSIONAL ENGINEER

NO. 108-108-00000

DATE: 10/15/2018

BY: [Signature]

EXISTING CONDITIONS/DEMOLITION PLAN

DSP-3

REV 1

Exhibit A

Revitalization Tax Credit Program Applicatic
8319 Baltimore Avenue, College Park MD
Owner: 8321 College Park Hotel, LLC
Current (FY16) SDAT Assessment

Parcel ID	Land	Improvements	Total
21-2402154	1,548,900	762,500	2,311,400
21-2402162	157,500	0	157,500
21-2402147	525,000	128,700	653,700
21-2402139	525,000	19,000	544,000
21-2402121	300	0	300
21-2402170	300	0	300
21-2371672	28,800	0	28,800
21-2371680	135,700	0	135,700
Totals	<u>2,921,500</u>	<u>910,200</u>	<u>3,831,700</u>



City of College Park
240-487-3500
www.collegeparkmd.gov

---●---
City Hall
4500 Knox Road
College Park, MD 20740-3390

City Manager
240-487-3501

City Clerk
240-487-3501

Finance
240-487-3509

Human Resources
240-487-3533

Parking Enforcement
240-487-3520

Planning
240-487-3538

---●---
Youth & Family Services
4912 Nantucket Road
College Park, MD 20740-1458

240-487-3550

Seniors Program
301-345-8100

---●---
Public Services
4601-A Calvert Road
College Park, MD 20740-3421

Code Enforcement
240-487-3570

---●---
Public Works
9217 51st Avenue
College Park, MD 20740-1947

240-487-3590

October 3, 2014

Mr. Andrew Shuckra
Keane Enterprises, Inc.
44095 Pipeline Plaza, Suite 210
Ashburn, VA 20147

Re: Revitalization Tax Credit Program Application for DSP-12034

Dear Mr. Shuckra,

After the review of your application for a real property tax credit at 8315 Baltimore Avenue and 4700 Berwyn House Road through the City's Revitalization Tax Credit Program, it is Planning staff's determination that the application fails to meet the minimum requirements for further consideration. Since the development is located within Revitalization Tax District One, as established in Section 175-7, it is required to meet at least four of the eligibility criteria outlined in Section 175-10 of the same ordinance. Our review did allow both projects, involving 8315 Baltimore Avenue and 4700 Berwyn House Road, to be considered together for purposes of this application. Please note, however, that a final determination as to whether this is appropriate under the law would depend upon the Mayor and Council. Staff has determined that the application only meets three of the criteria. The following section details each of the criteria and how they were addressed by your project (in italics).

Eligibility Criterion A: Located within a ½-mile radius of an existing or under construction rail station for WMATA, MARC, MTA, or a similar agency.

The project is located approximately 0.95 miles from the College Park-UMD Metro Station.

Determination: Criterion not met.

Eligibility Criterion B: Involves the assemblage of lots or parcels owned by different parties.

The project involved the assemblage of parcels owned by Crown Real Properties, L.C. (8315 Baltimore Avenue) and 7401 Realty LLC (4700 Berwyn House Road).

Determination: Criterion met.

Eligibility Criterion C: Involves the buyout of leases to facilitate redevelopment.

The project did not involve the buyout of leases.

Determination: Criterion not met

Eligibility Criterion D: Complete, or commit funds for, substantial infrastructure improvements such as a new or relocated traffic signal, a public street, a public park, a public parking garage, undergrounding of utilities, or a bikeshare station.

Prior to the approval of a building permit, the property owner shall pay \$45,000 to the City for the installation and operation of a bikeshare station. Additionally, the property owner shall either underground utilities at the time of development or participate in a program for the undergrounding of utilities in an amount not to exceed \$200,000.

Determination: Criterion met.

Eligibility Criterion E: Meets the minimum green building guidelines as established by the US Green Building Council's LEED Silver certification for the project's appropriate rating system.

The project is not expected to receive LEED Silver certification.

Determination: Criterion not met.

Eligibility Criterion F: Located within one of the walkable development nodes designated in the approved Central US 1 Corridor Sector Plan.

The portion of the project located at 4700 Berwyn House Road is not located within a walkable development node.

Determination: Criterion not met.

Eligibility Criterion G: Involves the demolition of an existing, non-historic structure that has been vacant at least one year.

The building at 8315 Baltimore Avenue will be demolished and has been vacant for more than one year.

Determination: Criterion met.

Eligibility Criterion H: Complicated by the presence of environmental contamination that requires an environmental cleanup prior to redevelopment.

The project is not a brownfield development.

Determination: Criterion not met.

Eligibility Criterion I: Secure at least one locally-owned, non-franchise business.

The project has not secured a locally-owned, non-franchise business as a tenant.

Determination: Criterion not met.

Eligibility Criterion J: Provide space for a business incubator, community center, art gallery, or similar public-benefit use.

The project will not provide any of the public-benefit uses described.

Determination: Criterion not met.

Thank you for applying to the Revitalization Tax Credit Program and please contact me if you have any questions about the review of the application.

Sincerely,

A handwritten signature in black ink that reads "Terry Schum". The signature is written in a cursive, flowing style.

Terry Schum
Planning Director

Revitalization Tax Credit Program Application
 The Hotel at UMCP and 8321 College Park H
 September 18, 2015

	The Hotel at UMCP 7777 Baltimore Ave	8321 C P Hotel 8319 Baltimore Ave
Estimated total assessment after proposed improvements	71,040,000	25,000,000
Improvements assessment prior to proposed improvements	0	3,831,700
Net increase in assessment	71,040,000	21,168,300
Annual City tax @ \$.335 per \$100	237,984	70,914
Tax credit payable over 5 years:		
Year 1 75%	178,488	53,185
Year 2 60%	142,790	42,548
Year 3 45%	107,093	31,911
Year 4 30%	71,395	21,274
Year 5 15%	35,698	10,637
Total Tax Credit	535,464	159,556

MOTION BY COUNCILMEMBER WOJAHN

15-O-04

MOTION:

I move to adopt Ordinance 15-O-04, an Ordinance of the Mayor and Council of the City of College Park, Maryland, amending Chapter 175 “Taxation” Article IV, “Revitalization Tax Credit”, Sections §175-9 “Eligibility Requirements”; §175-10 “Eligibility Criteria”; §175-11 “Tax Credit – Amount And Term”; §175-12 “Application Process”; and §175-13 “Waiver”, to change eligibility requirements and criteria, to clarify that a tax credit will be granted only if financially feasible, to clarify the application process, and to delete a certain waiver option.

DISCUSSION:

The City, pursuant to 9-318 of the Tax-Property Article, Annotated Code of Maryland, is authorized to establish revitalization districts by resolution for the purpose of encouraging redevelopment and to grant a property tax credit against the City’s real property tax for a property located within the revitalization district. The Mayor and Council adopted Article IV, “Revitalization Tax Credit”, to establish a revitalization tax district and to set the criteria for granting a tax credit. The City has now granted a number of tax credits, and based on this experience, staff and the City Attorney recommended modifications to the Ordinance to ensure the program meets its goals of incentivizing high-quality redevelopment projects. The recommendations were extensively discussed by the Mayor and Council. The Ordinance includes several substantive modifications which change the eligibility requirements and criteria, provide flexibility with respect to the tax credit amount and term, eliminate the waiver provision for completed projects, and ensure that tax credits are granted only if financially feasible.

§175-9 Eligibility requirements.

To be eligible for the tax credit, a property must meet the following eligibility [criteria]

REQUIREMENTS:

- A. Improvements must include new construction, reconstruction, or rehabilitation of residential ~~[(excluding single family detached)]~~, commercial, hospitality, or mixed-use properties, EXCLUDING SINGLE FAMILY DETACHED HOUSING, MULTI-FAMILY HOUSING INTENDED TO HOUSE UNDERGRADUATE STUDENTS, AND DIRECT, EXTERIOR ROOM ACCESS HOTELS AND MOTELS.
- B. The applicant must be in good standing with the City ~~[of College Park's Public Services and Finance Departments]~~. In order to be in good standing, applicants may not have any outstanding code OR ZONING violations or be delinquent on any payments including, but not limited to, trash bills, permit fees, FINES and City tax payments.
- C. Projects are ineligible for this program if they are located within a tax increment financing district at the time of application, OR IN A REGIONAL INSTITUTION STRATEGIC ENTERPRISE ("RISE") ZONE DESIGNATED UNDER §5-1401 OF THE ECONOMIC DEVELOPMENT ARTICLE, ANNOTATED CODE OF MARYLAND AND ARE LOCATED ON A PROPERTY RECEIVING OR APPLYING FOR A TAX CREDIT UNDER §9-103.1 OF THE TAX-PROPERTY ARTICLE, ANNOTATED CODE OF MARYLAND. IN ADDITION, THE OWNERS AND ASSIGNS OF ANY PROPERTY RECEIVING A CITY TAX CREDIT UNDER THIS ARTICLE MUST AGREE TO FOREGO ANY FUTURE APPLICATION OR RECEIPT OF A RISE ZONE TAX CREDIT.
- D. * * * *

E. AN APPLICATION FOR A CITY TAX CREDIT SHALL BE SUBMITTED NO LATER THAN THE DATE OF ACCEPTANCE FOR THE INITIAL DETAILED SITE PLAN FOR THE PROJECT BY THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION (M-NCPPC), IF APPLICABLE, OR THE SUBMISSION OF A BUILDING PERMIT APPLICATION TO PRINCE GEORGE'S COUNTY. Projects that are under construction, completed, or have an approved detailed site plan or building permit prior to the adoption of this program are not eligible for the tax credit.

Section 2. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park Maryland that Chapter 175 "Taxation", Article IV "Revitalization Tax Credit" §175-10, "Eligibility criteria" be and it is hereby repealed, re-enacted and amended to read as follows:

§175-10 Eligibility criteria

When evaluating whether a project will receive a tax credit under this article, the City Council will use the following criteria. For projects located within the boundaries of Tax Credit District 1, at least 4 of the criteria must be met; and for projects located within the boundaries of Tax Credit District 2, at least 2 of the criteria must be met.

- A. The MAJORITY OF THE LAND AREA OF THE PROPERTY UPON WHICH project is located IS within a 1/2-mile radius of an existing or under construction rail station for THE Washington Metropolitan Area Transit Authority, Maryland Area Regional Commuter, Maryland Transit Administration, or similar agency.
- B. * * * *

- C. The project involves the SIGNIFICANT INVESTMENT OF FUNDS IN THE buyout of leases, SUCH AS LONG TERM LEASES, to facilitate redevelopment.
- D. The project will complete, or commit funds for, substantial infrastructure improvements such as a new or relocated traffic signal, a public street, a public park, a public parking garage, undergrounding of utilities, or SUPPORT FOR a bikeshare SYSTEM [station].
- E. The project [meets] EXCEEDS the REQUIRED PRINCE GEORGE'S COUNTY minimum green building guidelines as established by the US Green Building Council's LEED [Silver] Certification for the project's appropriate rating system AND IN ANY EVENT MEETS THE MINIMUM STANDARDS FOR A LEED SILVER CERTIFICATION. A LEED scorecard must be submitted with the detailed site plan application and evidence of certification MUST BE SUBMITTED at the time of final application for the tax credit.
- F. The MAJORITY OF THE LAND AREA OF THE PROPERTY ON WHICH THE project is located IS within one of the walkable development nodes designated in the approved Central US 1 Corridor Sector Plan.
- G. The project involves the demolition of an existing non-historic structure, which has been vacant at least one year, OR THE DEMOLITION OF A HOTEL OR MOTEL WITH DIRECT EXTERIOR ROOM ACCESS.
- H. * * * *.
- I. The project has secured at least one locally-owned, non-franchise business TOTALLING AT LEAST 1,000 SQUARE FEET OF SPACE as evidenced by executed lease agreements OF AT LEAST FIVE YEARS DURATION at the time of final application for the tax credit.

- J. The project provides AT LEAST 1,000 SQUARE FEET OF space for a business incubator, community center, art gallery, or similar public-benefit use.

Section 3. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park Maryland that Chapter 175 “Taxation”, Article IV “Revitalization Tax Credit” §175-11, “Tax credit - amount and term” be and it is hereby repealed, re-enacted and amended to read as follows:

§175-11 Tax Credit: amount and term

An eligible property may receive a five-year tax credit on City real property taxes based on the increased assessment attributed to the taxable improvements upon project completion as determined by the Supervisor of Assessments. The tax credit shall be in an amount equal to 75% of the increased assessment of City tax imposed in the first year; 60% in the second year; 45% in the third year; 30% in the fourth year; and 15% in the fifth year, PROVIDED HOWEVER, THAT IF SUCH A TAX CREDIT IS NOT FINANCIALLY FEASIBLE BASED ON CITY BUDGET CONSTRAINTS, THE COUNCIL MAY REDUCE OR ELIMINATE THE AMOUNT AND/OR DURATION, AND/OR ALTER THE SEQUENCE, OF THE TAX CREDIT. The tax credit is transferable to subsequent property owners within the term of the original agreement.

Section 4. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park Maryland that Chapter 175 “Taxation”, Article IV “Revitalization Tax Credit” §175-12, “Application process” be and it is hereby repealed, re-enacted and amended to read as follows:

§175-12 Application process.

The application process is as follows:

A. * * * *

B. City staff review [~~and recommendation~~]. Upon receipt and acceptance of a completed application, the City's Planning, Community, and Economic Development department will refer a copy of the application to the finance department. City staff will provide aN [~~recommendation~~] ELIGIBILITY REPORT to the City Council WITH RESPECT TO THE APPLICATION for a tax credit [~~at the time of~~] SUBSEQUENT TO THE detailed site plan review [~~before~~] BY the City Council. For projects that do not require a detailed site plan, staff will review building permit plans and schedule the application for review by the City Council at a City Council work session.

C. City Council resolution. A City Council resolution must be approved to authorize the award of a tax credit. The approval will be contingent on all required terms of the revitalization tax credit program being met at the time of final application. If the Prince George's County Planning Board, the District Council, or any other government agency with authority changes the City-approved conditions for the detailed site plan after the resolution has been adopted, staff will review the changes and provide a supplemental [~~recommendation for~~] REPORT CONCERNING the tax credit authorization that the City Council will rely upon with respect to determining whether it should reconsider the authorization.

D. Final application approval. Prior to final [~~acceptance~~] APPROVAL of the application for a City tax credit, documentation must be submitted to the City's Director of Finance, including a legal description of the property, proof of a properly issued use and occupancy permit

applicable to eligible improvements, evidence of compliance with any City agreement or required certifications, COPIES OF ALL LEASES TO LOCALLY-OWNED, NON-FRANCHISE BUSINESSES USED AS A BASIS FOR ELIGIBILITY, CERTIFICATION OF LEED STATUS, and such other information or documentation as the Director may require. Upon final acceptance the City will issue a certificate to the property owner that confirms the parcel's tax credit status. A copy of the certificate will be sent to the Prince George's County Supervisor of Assessments who will determine the value of improvement.

Section 5. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park Maryland that Chapter 175 “Taxation”, Article IV “Revitalization Tax Credit” §175-13, “Waiver” be and it is hereby repealed, re-enacted and amended to read as follows:

§175-13 WAIVER

A. If it finds that the purposes of this article will be equally well served by doing so, the Council may waive the requirement in § 175-12 that an application must be filed no later than the date of acceptance for a detailed site plan, if applicable, or a building permit application, and consider whether to grant a tax credit under the following circumstances for projects for which no appeal was filed by the City:

- (1) When the application is filed prior to the approval of the detailed site plan or issuance of the building permit; or
- (2) ~~[Notwithstanding § 175-9E, if the detailed site plan was approved after January 1, 2009, the project has been constructed, and the project satisfies at least the minimum required criteria identified in § 175-10 for the district; or~~

~~(3)}~~ If a detailed site plan has been approved, but construction has not occurred, for the purpose of encouraging the construction; or

~~(4)-(3)~~ For an application that is timely filed, when the minimum requirements of § 175-10 are not met.

B. – C. * * * *

Section 6. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that, upon formal introduction of this proposed Ordinance, which shall be by way of a motion duly seconded and without any further vote, the City Clerk shall distribute a copy to each Council member and shall maintain a reasonable number of copies in the office of the City Clerk and shall publish this proposed ordinance or a fair summary thereof in a newspaper having a general circulation in the City of College Park together with a notice setting out the time and place for a public hearing thereon and for its consideration by the Council. The public hearing, hereby set for _____ P.M. on the _____ day of _____, 2015, shall follow the publication by at least seven (7) days, may be held separately or in connection with a regular or special Council meeting and may be adjourned from time to time. All persons interested shall have an opportunity to be heard. After the hearing, the Council may adopt the proposed ordinance with or without amendments or reject it. As soon as practicable after 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 available at the City's offices. This Ordinance shall become effective on _____, 2015 provided that a fair summary of this Ordinance is published at least once prior to the date of passage and once as soon as practical after the date of passage in a newspaper having general circulation in the City.

INTRODUCED by the Mayor and Council of the City of College Park, Maryland at a regular meeting on the _____ day of _____ 2015.

ADOPTED by the Mayor and Council of the City of College Park, Maryland at a regular meeting on the _____ day of _____ 2015.

EFFECTIVE the _____ day of _____, 2015.

ATTEST:

CITY OF COLLEGE PARK,

By: _____
Janeen S. Miller, CMC, City Clerk

By: _____
Andrew M. Fellows, Mayor

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

Suellen M. Ferguson, City Attorney

Worksession:

3. City Operations Sustainability Plan

MEMORANDUM

TO: Mayor and City Council
FROM: Bill Gardiner, Assistant City Manager
THROUGH: Joe Nagro, City Manager
DATE: September 11, 2015
SUBJECT: City Operations Sustainability Plan

ISSUE:

The City Council discussed the draft City Operations Sustainability Plan during the August 5, 2015 Worksession. The Council requested that it be brought back in September to allow Council members additional time to review the plan. The draft plan was developed by an inter-departmental task force pursuant to Council action in late 2014. The task force members are Bob Stumpff and Brenda Alexander, DPW; Steve Groh, Finance; Sharon Fletcher, DPS; Janeen Miller and Bill Gardiner, Administration; Teresa Way-Pezzuti, HR; Pat Henderson, YFS; and Steve Beavers and Angie Martinez (intern), Planning.

SUMMARY:

The draft plan is intended to reduce carbon emissions and other environmental and unhealthy impacts created by City operations; coordinate sustainable practices across all City operations; position the City as an organization receptive to innovation and leading practices in sustainability; improve the quality of life for residents; and conserve financial and capital resources using a long-term perspective on investment. It includes goals and recommended strategies for each of the following areas:

- a. Solid Waste and Recycling
- b. Buildings and Public Areas
- c. City-wide Policies and Events
- d. Fleet and Transportation

An Implementation Plan identifies the responsible departments and estimated timeframe and resources required to carry out the actions. During the August 5th discussion, Council suggestions included the issues below. The staff response is in italics.

Measure total consumption and include goal to reduce consumption, particularly of paper products. *A goal to reduce certain categories of products can be stated in the plan.*

Consider developing a telework policy. *This issue can be discussed along with other personnel policies with the new City Manager and Director of Human Resources.*

Consider a “paperless” Council packet and a document archiving plan. *Council can discuss and develop a plan for how it receives the packet in January when Council discusses its policies and procedures. Document archiving will be part of the assessment of the workflow review.*

Review how the City plan fits with regional environmental commitments and goals. *The Council of Governments has adopted a 2013–2016 Action Plan on Climate, Energy, and Environmental Policy that establishes goals in the areas of greenhouse gas reduction, energy consumption, renewable energy, alternative fuel and vehicle mileage reduction, sustainability,*

and outreach. In 2009, Maryland set a goal to reduce greenhouse gases 25 percent by the year 2020. The City plan does include targets regarding energy use, waste and recycling, renewable energy, College Park has updated both the City operations and community-wide greenhouse gas inventory using 2013 data. With assistance from the University of Maryland, the City could set specific targets and evaluate the impact of the proposed policies.

Identify the short-term, low-cost steps in the plan. *The implementation plan includes an estimate of the cost and timeframe for implementation, and the data can be sorted to focus on these items.*

Establish a LEED silver or gold standard for new City buildings. *The plan includes a policy to adopt a LEED or equivalent standard, but does not specify the level. For the new city hall, Council will discuss the costs and benefits of attaining the different levels.*

Reducing the impact of City operations on the environment will be challenging and require changes in City functions, services and financial resources. With support from Council, commitment by staff, and excellent communications with residents, College Park can reduce its impact on the environment and become a regional leader in sustainability.

RECOMMENDATION:

The City Council is requested to review the plan and determine if it reflects Council’s vision and goals for how city operations can become more sustainable. Due to the scope of the plan and the necessity for Council and staff to be clear on the direction to proceed, Council should officially endorse it when Council is comfortable with the plan.

Attachments: City Operations Sustainability Plan and Implementation Plan
Appendix to the City Operations Sustainability Plan
Resource Guide



City Operations Sustainability Plan

August 7, 2015

Contents

Executive Summary.....	3
I. Introduction	5
II. Current Practices, Proposed Goals, and Recommended Strategies	6
A. Solid Waste and Recycling	6
Existing Conditions	6
Current practices:.....	7
Goals and Recommended Strategies:	8
B. Buildings and Public Areas	9
Current Practices:	10
Goals and Recommended Strategies:	10
C. Citywide Policies and Events.....	13
Current Practices:	13
Goals and Recommended Strategies:	13
D. Fleet and Transportation.....	16
Current Practices:	16
Goals and Recommended Strategies	16
III. Implementation.....	17

Appendix

1. Summary of City Sustainability Committee Organization and Process
2. College Park Resolution 13-R-26 Energy Efficiency Policy
3. College Park Resolution 13-R-27 Renewable Energy Production Policy
4. DPW evaluation of vehicle fuel options
5. List of City Vehicles
6. Green Meeting Guidelines

Resource Guide

1. University of Maryland 2009 Climate Action Plan Executive Summary
2. University of Maryland Buy Green Guidance
3. “Communities on the Path to Zero Waste” Recycle Away presentation by Michael Alexander. See also, <https://vimeo.com/100467470> and http://www.ct.gov/deep/lib/deep/waste_management_and_disposal/solid_waste/transforming_matls_mgmt/summit_2/michael_alexander.pdf
4. University Park Food Scrap Compost Guide
5. Green Vehicle Fleet Programming: Within your reach! Sustainable Community Development Network
6. Green Seal GS – 37 Summary

Executive Summary

Pursuant to Council direction in May 2014, the City staff formed a City Operations Task Force to draft this framework for a City Operations Sustainability Plan. The purpose of the plan is to reduce the environmental impact of City operations, create a healthier work environment and improve the quality of life in the community, and position College Park as an innovative regional leader in sustainability. This plan will help coordinate sustainable practices across all City operations, conserve resources over the long-term, and reduce the carbon footprint and other negative impacts on the environment by City operations.

Representatives from each City department participated in the Task Force. The members created four committees focusing on Solid Waste and Recycling; Buildings and Public Areas; City-wide Policies and Events; and Fleet and Transportation. The committees' charge was to identify current practices, develop goals, and recommend strategies that would reduce the impact on the environment caused by municipal operations. The summary below highlights some of the goals and recommendations in the report.

1. Solid Waste and Recycling Highlights

Goal: Reduce solid waste per household by 25 percent and increase the recycling rate to 60 percent (approximately double the current rate) by July 1, 2018 (2015 baseline).

Recommended Strategies:

- Examine changes to the City Code which might provide the best impact on reducing tonnage and increasing recycling, such as prohibiting recyclable material in waste carts; providing larger or additional recycling carts; examining the fee for trash collection at rental properties; and charging for bulk collection after a certain number of pick-ups per year.
- Develop a marketing/educational campaign that provides information to residents on the environmental and financial savings of reducing solid waste.
- Reduce or remove food waste from the solid waste stream by promoting home food composting and explore the possibility of a pilot food waste collection program.

2. Buildings and Public Areas Highlights

Goal: Reduce electricity and natural gas use in City facilities by 15 percent per square foot by 2018 and by 25 percent by 2022 (2014 baseline year).

Recommended Strategies:

- Examine cost-benefit of efficiency improvement recommendations and prioritize highest energy savings with best payback.
- Develop a building operations and maintenance plan; emphasize low cost and no cost measures such as those recommendations in the Pepco Commercial & Industrial Energy Savings Program
- Prominently post monthly energy usage at each City facility, and hold competition for greatest reduction in usage and reward employees for savings.
- Create Green Office standard that includes practices regarding lighting and computer shut-down after working hours.

Goal: Generate 20 percent of electricity for City facilities using renewable sources by 2018 per Council Resolution 13-R-27 (See Appendix 3).

Recommended Strategy:

- Evaluate DPW buildings, YFS building, and Parking Garage for best locations to install solar power and explore funding via a Maryland Energy Administration (MEA) grant or long-term lease arrangement.

3. City-wide Policies and Events Highlights

Goal: The FY17 budget will include funding for a consultant to lead the City’s process to update or acquire software that improves workflow and works across relevant departments.

Recommended Strategy:

- Create a Workflow Task Force (an inter-departmental group) to conduct a needs assessment for workflow improvements. Based on the results, develop an RFP for a consultant who will develop strategies to improve and integrate workflow. This strategy is also included in the proposed 2015–2020 Strategic Plan.

Goal: Track all sustainability goals and outcomes on an annual basis, and track City operations greenhouse gas emissions on a triennial basis.

Recommended Strategies:

- Establish a Sustainability Committee that will provide an annual report on all sustainability metrics and a triennial report on greenhouse gas emissions to Council. These reports should also be posted on the City's website.
- Provide all employees the status of sustainability-related goals on a regular basis.
- Work with the University of Maryland to complete the greenhouse gas inventory using ICLEI (Local Governments for Sustainability) software.

4. Fleet and Transportation Highlights

Goal: By FY17 the City will achieve a 10 percent increase in the average vehicle miles per gallon for all on-road vehicles in the City’s fleet (FY15 baseline).

Recommended Strategies:

- Develop and adopt policies and practices regarding efficient vehicle operations (idling, route optimization, using the correct vehicle for the task, etc.).
- Ensure all vehicles receive regular maintenance and fuel MPG is monitored.
- Develop a green fleet purchasing policy that considers efficiency and lifetime vehicle costs.

This report includes an Implementation Plan that identifies the responsible departments, timeline, and resources required to implement the actions. Members of the City Task Force believe that the success of the plan will require continued leadership and full commitment from Council and staff. Additional resources or the re-allocation of resources will be required to carry out many of the Recommended Strategies, and it will be critical to communicate the reasons for proposed changes to residents, Council, and staff. Some staff will require additional training in order to implement or monitor the strategies, and all staff must support the goals and practices recommended in the plan. The City Operations Sustainability Task Force (or a similar committee with membership from each department) should continue, but serve a monitoring and data collection function.

Reducing the impact of City operations on the environment will be challenging and require changes in how the City carries out many of its functions and services. With support from Council, commitment by staff, and excellent communications with residents, College Park will become a regional leader in sustainability.

I. Introduction

In late May 2014 the City Council authorized an inter-departmental task force to draft the framework for a City sustainability plan and to identify resources to assist the City in this effort, such as the University of Maryland's Partnership for Action Learning in Sustainability program (PALS). This authorization by Council builds upon the City's 2010-2015 Strategic Plan goal to "Lead the community in environmental conservation, protection, restoration, and energy efficiency," as well as the City's designation as a Sustainable Maryland Certified Community and a Maryland Smart Energy Community.

A City Operations Sustainability Task Force was created with representation from each City department. Task force members are: Bill Gardiner and Janeen Miller, Administration; Steve Groh, Finance; Teresa Way-Pezzuti, Human Resources; Steve Beavers and Angie Martinez, Planning, Community, and Economic Development; Sharon Fletcher, Public Services; Brenda Alexander and Bob Stumpff, Public Works; and Pat Henderson, Youth and Family Services. The task force limited its scope of work to City operations that impact the environment. The group researched and discussed best sustainability practices for municipal functions in all areas of City operations. It then developed goals and strategies the City can adopt to reduce the emissions and impact on the environment by City operations.

The following committees and focus areas were created:

a. Solid Waste and Recycling

This group focused on reducing the amount of material sent into the solid waste stream by increasing recycling and waste disposal options (such as increasing the visibility of re-use and compost options) by residents.

Members: Teresa Way-Pezzuti, Angie Martinez, Bob Stumpff, Bill Gardiner

b. Buildings and Public Areas (parks, streetscapes, parking lots, stormwater infrastructure, streetlights, and more)

This group focused on building efficiency standards, energy conservation, storm water infrastructure and the tree canopy.

Members: Brenda Alexander, Steve Beavers, Sharon Fletcher, Pat Henderson, and Steve Groh

c. City-wide Policies and Events

This group focused on activities that impact multiple departments and many employees. It includes policies on work flow, energy use and purchasing, procurement, employee incentives and practices, use of facilities, and monitoring/measuring plan results.

Members: All

d. Fleet and Transportation

This group focused on City-owned fleet procurement, use, and maintenance, including types of fuel for different categories of vehicles.

Members: Steve Beavers, Steve Groh, Sharon Fletcher, and Bob Stumpff

Section II of this report contains the Task Force's review of current City practices, proposed goals, and recommended strategies for each of the four focus areas. Commentary on the implementation,

timing, costs, and/or priority of the strategies is provided in *italic* font following the recommended strategies.

Section III of this report contains an implementation table organized by focus area, goals, and strategies. The table includes a brief explanation of the rationale behind each goal as well as the additional information, resources, and estimated cost associated with implementing it. A target date for starting and completing each strategy is also included. The implementation table is designed to give an estimate of City and/or department resources which are required to complete the task, but the estimate should be evaluated as departments move forward and obtain additional information about implementing the actions.

II. Current Practices, Proposed Goals, and Recommended Strategies

A. Solid Waste and Recycling

The purpose of the Solid Waste and Recycling category is to identify policies and actions that will significantly reduce solid waste tonnage and disposal costs, and significantly increase recycling rates in the City. The City provides solid waste and recycling collection for a total of 5,114 customers including single-family homes, single-family home rentals, City-owned facilities, as well as a handful of local businesses and churches.

Existing Conditions

The Department of Public Works (DPW) is responsible for waste, recycling and yard trim collection. Curbside trash is waste which is collected from the green refuse cart, while special trash constitutes large items (such as desks or mattresses) which do not fit in the refuse cart and are picked up by the City at no additional cost. Recycling constitutes single-stream recycling, electronic recycling, scrap metal and tires. Yard trim, brush and leaves are collected at various times throughout the year and composted on-site at the DPW facility. Tonnage is tracked on a monthly basis. Figure 1 (below) displays the breakdown of total collections by tonnage from the calendar year 2014.

Table 1: 2014 Annual College Park Refuse and Recycling Tonnage

2014 Refuse and Recycling Tonnages		
	Weight (tons)	Percent of Total Collections
Curbside Trash	4,185	43%
Special Trash	604	6%
Recycling without yard trim, brush and leaves	1,450	15%
Yard trim, brush and leaves	3,461	36%
Total Collections	9,700	100%

College Park has a unique population marked by a high percentage of renters (54 percent according to the 2010 Census), including approximately 1,000 single family rental properties. In general, DPW indicates that single-family homes used as rental properties generate higher volumes of waste

than their non-rental counterparts, particularly during tenant turnovers when large volumes of waste are collected.

Solid Waste and Recycling Rates

Solid waste and recycling rates were calculated without including yard trim, brush and leaves. In 2014 solid waste collections were 77 percent of the total materials taken to the landfill or to be recycled; 23 percent of the materials were recycled (including electronic recycling, scrap metal and tires).

Table 2: Solid Waste and Recycling Rates without Yard Trim, Brush or Leaves

2014 Refuse and Recycling Rates		
	Weight (tons)	Percent of Total
Trash	4,788.84	76.8%
Curbside Recycling*	1,449.78	23.2%
Total pick-up	6,238.62	100%
*Not including yard trim, brush and leaves.		

It is difficult to obtain direct comparisons with other communities because different materials are included as part of collection and recycling. In addition, the material mixes have changed over time (bottles with less plastic and cans with less aluminum), making trend comparisons difficult. In 2012 Maryland recycled 45.4 percent of municipal waste, including yard trim (source: Zero Waste Maryland Report, April 2014).

In the 2014 Resident Satisfaction survey, “knowing what to recycle” was cited as a barrier to recycling. An analysis of the type of materials in the solid waste collected (percentage of materials recycled, solid waste, food waste, etc.) could help determine what strategies would be most effective (see Solid Waste, Goal 1).

This plan recommends a 25 percent reduction in solid waste and a doubling of recycling using FY 2015 tonnage data as a baseline (Solid Waste Goal 2). To meet these goals a comprehensive Existing Conditions Report (Solid Waste Goal 1) should be undertaken to first understand how College Park statistics compare to neighboring communities, and to identify strategies to target waste reduction and engage residents to increase recycling.

Current practices:

- Electronics (computers, televisions, etc.) collection is available on an “on-call” basis or as a part of two annual “Cleanup Saturday” programs
- Appliances are collected and recycled on an “on-call” basis
- Residents can recycle used motor oil at the DPW facility 24 hours a day
- Yard Trim is collected weekly and composted at the DPW facility
- Leaves are collected during the fall and composted at the DPW facility
- Separate carts are provided for single stream recycling and solid waste
- Public Works coordinates *Donation Day* in the spring and fall which provides curb side pick-up for donation of furniture and other bulk goods in usable condition

- Unlimited special trash collections are provided at no extra cost
- Additional trash collection fee is assessed for single-family rental properties

Goals and Recommended Strategies

Goal 1: Solid Waste (SW 1).

By December 1, 2015, DPW will provide an Existing Conditions Report that identifies the following:

- SW 1. A Composition of waste stream and quality of recycling collection (are residents recycling correctly or are residents mixing up recyclable and non-recyclable materials?).
- SW 1. B Annual total tonnage and cost of each category of solid waste collected (normal household collection, scrap metal and electronics, bulk pick-up) and total cost of recycling collected (including separate total costs for leaf collection and yard trim collection)—allocated on a per household and per ton basis. Costs will include all labor costs and vehicle expenses.
- SW 1. C College Park tonnage per household compared to two comparable (high number of student single-family rentals) communities and one community with very low household solid waste tonnage and very high recycling rates.

Goal 1 and the recommended strategies are “first step” items necessary to get baseline data and comparative data. A professional trash audit would require additional funding. The City could also review the 2013 trash audit in Montgomery County to see if that information and approach would be useful for College Park.

Goal 2: Solid Waste (SW 2).

Using the FY15 tonnage data, reduce solid waste per household by 25 percent and increase the recycling rate (total recycling materials collected divided by total solid waste collected) to 60 percent by July 1, 2018.

- SW 2. A Examine costs and benefits of code changes, such as prohibiting recyclable material in waste carts; providing larger or additional recycling carts; increasing the fee for collecting trash at single-family rental properties, and charging for bulk pick-ups after a certain number of pick-ups per year.
- SW 2. B Develop a marketing / educational campaign that provides information to residents on the environmental and cost savings of reducing solid waste. The campaign could include production of a Resident Guide to Sustainability that contains best-practices, solid waste and recycling regulations. It could also include marketing messages on City vehicles, stickers for carts, and regular messaging via normal City channels.
- SW 2. C Create incentives for residents to change behavior by pledging savings toward popular community programs.

- SW 2. D Reduce or remove food waste from the solid waste stream by promoting home food composting and explore the possibility of a pilot food waste collection program.
- SW 2. E Suggest civic associations nominate a Sustainability Ambassador to answer questions and interface with residents and the City Operations Sustainability Taskforce.
- SW 2. F Create waste reduction trainings for employees.

Goal 2 and the recommended strategies will require significant leadership from Council and staff to develop educational and outreach materials, investigate and possibly develop code changes, and possibly develop a food composting program. DPW and the City Manager’s Office would be the lead parties. A multi-year plan and significant communication and outreach to residents would be required. Some staff time would have to be re-allocated and additional financial resources provided for marketing and educational materials.

B. Buildings and Public Areas

The purpose of the Buildings and Public Areas category is to identify reductions in building energy use and potential environmental improvements to our public areas (primarily in the areas of street lighting, storm water management and tree canopy). City-owned buildings are a major capital investment and require significant annual investment for operating expenses. Buildings are also a significant source of green house gas (GHG) emissions. The City owns 13 buildings that serve a wide range of uses. Two buildings (City Hall and the former Calvert Road school) may be demolished (City Hall) or completely renovated (Calvert Rd.) within the next 10 years, and two other small buildings (Duvall Field concession stand and the DPW staff facility) will be replaced with new modular buildings. This plan focuses on the following City buildings which are included in a Maryland Energy Administration program:

- City Hall
- Parking Garage
- Public Services and Calvert Road School (one building on two meters)
- Youth and Family Services
- Davis Hall
- DPW Staff Facility
- Fleet Garage
- Truck Garage and ancillary (Supply Garage, Landscape Garage, Animal Shelter, Salt Dome and Fuel Station; all structures on one meter)
- Old Parish House

Lighting is another area of high cost and potential long-term savings. Approximately 50 percent of the City’s electric bill is for street and pedestrian lighting (the total cost includes the charge from Pepco for electricity and for streetlight maintenance). Most of the streetlights are owned Pepco, but it may be worthwhile to analyze the costs and benefits of upgrading to more efficient lighting over time. The City owns approximately 135 pedestrian light fixtures and recently installed LED lights in 12 pedestrian fixtures as a pilot program on Berwyn Road. The City parking garage currently comprises approximately 20 percent of total City electricity use.

In City residential areas, most streets are lined with trees within the City’s right-of-way. These trees not only contribute to the aesthetics of the neighborhoods, but also improve air quality and provide habitat for animals and shading for pedestrians and homes. In some neighborhoods, the City is losing large trees to age or a hostile environment (small tree box area, wrong tree given utility lines, etc.). Increasing the City’s tree canopy along streets and in parks with the appropriate species can be a beneficial way to improve the environment.

Current Practices:

- The City is conducting energy audits at Davis Hall, the fleet garage, and Youth and Family Services which will include recommendations for energy savings from upgraded equipment and other improvements.
- Lighting controls are installed in appropriate locations
- Programmable thermostats are located in City Hall, Davis Hall, and Public Services
- Insulated bay doors installed on the fleet garage
- Utilizing the EmPower Pepco program to upgrade lighting in the Supply Building, Fleet Garage, Truck Garage, and Small Equipment Storage Building.
- City guide on native-stock trees and landscape plants that promote ecosystem health and resiliency.
- City-developed educational materials for residents about tree maintenance, requirements for conservation, and planting programs.
- City pursuing outside funding for stormwater management projects.

Goals and Recommended Strategies

Goal 1: Building and Public Areas (B&PA 1).

Reduce electricity and natural gas use by 15 percent per square foot by FY 2018 and by 25 percent by FY 2022 from the per square foot levels in 2014 baseline year (per Council Resolution 13-R-26)

- BP&A Complete energy audits for Davis Hall, the Fleet Garage, and the Youth and Family Services buildings in 2015 and complete a lighting analysis and upgrade for the Parking Garage in 2015.
1. A
- BP&A Conduct annual Energy Star Treasure Hunts in select buildings and educate staff on best practices.
1. B
- BP&A Examine the cost-benefit analyses from the energy audits and evaluate the recommendations for efficiency improvements.
1. C
- BP&A Develop a building operations and maintenance plan; emphasize low cost and no cost measures such as those recommendations in the Pepco Commercial & Industrial Energy Savings Program.
1. D
- BP&A Use Portfolio Manager (www.energystar.gov) to calculate and prominently post monthly energy usage on all buildings, and hold competition for greatest reduction
1. E

in usage.

BPA
1. F Create Green Office standard that includes practices regarding lighting and computer shut-down (see UMD example).

BP&A
1. G Create employee rewards program based on energy savings.

BP&A
1. H Adopt LEED or NGBS (or equivalent) for new City buildings and major renovations.

BP&A
1. I Adopt a policy to install LED (or more efficient) lighting for all new and replacement pedestrian lights.

The energy audits are necessary to obtain baseline data and identify the most cost-efficient improvements. Most of the initial work has been funded via a grant and additional grant funding should be explored. Posting energy usage, creating a green office standard, and creating an employee rewards program are low-cost items that can be implemented within 1-2 years. Conversion of lighting or heating systems would require detailed cost-benefit analyses prior to investing funds. Initial analysis indicates that upgrading the parking garage lighting would significantly reduce electrical demand and could provide an advantageous return on the investment. Adoption of a LEED or NGBS standard (or equivalent) would require outside consultants when the City plans new construction.

Goal 2: Building and Public Areas (B&PA 2).

Generate 20 percent of electricity for City facilities using renewable sources by 2018 (per Council Resolution 13-R-27; see Appendix 3).

BP&A
2. A Evaluate DPW buildings, YFS building, and Parking Garage for best locations to install solar power and explore funding via a Maryland Energy Administration (MEA) grant or long-term lease arrangement.

BP&A
2. B Evaluate feasibility of geo-thermal for major renovations and new City facilities.

These strategies will require capital funds and outside consultants to advise the City on the best options (type of system, location, lease or purchase, etc.). Implementation of solar power, if feasible, will require two years. The City has committed to meeting this goal (College Park Resolution 13-R-27 Renewable Energy Production Policy) and should prioritize the evaluations of best locations and options.

Goal 3: Building and Public Areas (B&PA 3).

Maintain or increase the City's tree canopy by planting in appropriate street and park locations and investigate incentivizing additional plantings on private property in order to compensate for the removal of large trees.

- BP&A 3. A Support the Tree & Landscape Board to update the City's Tree Inventory (last updated in 2013) by providing resources to maintain a GIS database of trees maintained by the City, City right of way boundaries, and location of underground and above ground utilities, and other information that should be considered in identifying appropriate tree locations.
- BP&A 3. B Utilize data from the Tree Inventory update to develop a five-year plan to increase the number of new street trees in appropriate locations.
- BP&A 3. C Develop an incentive plan to encourage residents to plant new trees and/or a policy protecting significant trees on private property (examine Tree City USA requirements and see tree ordinances in surrounding communities).

DPW would have primary responsibility for this goal and the strategies could be implemented over one to two years with the appropriate resources. The Tree and Landscape Board could provide some technical assistance. The City could also partner with the University's Sustainability Minor to sponsor unpaid internships for these strategies between September 2015 through June 2016. Funding would be required for incentives, trees, or related equipment and marketing.

Goal 4: Building and Public Areas (B&PA 4).

Work with State, County and University resources to improve City stormwater quality and reduce the occurrence and impact of flooding events.

- BP&A 4. A Educate residents and businesses about existing subsidies to reduce stormwater runoff from private property, thereby reducing volume in the public stormwater infrastructure.
- BP&A 4. B Partner with schools or environmental groups to conduct annual water quality testing of main streams in the City.
- BP&A 4. C Identify existing stormwater facilities within the City that are in need of maintenance and work with the owners (usually the County) to resolve issues.
- BP&A 5. D Identify specific areas in the Paint Branch and Indian Creek watersheds that need stormwater improvements and seek funding partners to implement them.

Strategies A and B could be initiated immediately with additional staff time or use of interns. Strategies C and D will require some capital funding, grant funding, and multi-year development plans.

C. Citywide Policies and Events

The purpose of the Events category is to ensure that sustainable practices are integrated into all aspects of City operations including workflow and technology. While specific sustainability goals and strategies may be tailored per department, broad policies and practices should be implemented across all City operations.

Current Practices:

- City departments purchase recycled paper and paper products.
- HR uses electronic application software to minimize paper use.
- Electronics are e-cycled, printer cartridges are sent to a recycling center.
- Rechargeable batteries are used in portable two-way radios and small hand tools
Batteries in the emergency floodlights are also charged by the building electricity supply and last 2-3 years.
- City provides incentives for employees to take public transportation.
- Less toxic herbicide products are selected where appropriate to reduce the exposure for people and the landscape.
- Native plant species are selected and used where suitable for Citywide plantings.

Goals and Recommended Strategies

Goal 1: Citywide Policies and Events (CP&E 1).

The FY17 budget will include funding for a consultant to lead the City's process to update or acquire software that improves workflow and works across relevant departments.

CP&E 1. A Create a Workflow Task Force (an inter-departmental group) to conduct a needs assessment for workflow improvements. This recommendation is also included in the proposed 2015–2020 Strategic Plan.

CP&E 1. B Based on the results of the needs assessment, develop an RFP for a consultant who will develop strategies to improve and integrate workflow.

This goal is a high-priority, high-complexity item. The strategies require leadership and commitment from every department and will likely require coordination and advice from a consulting firm. The process should start in FY2016 and be led by the City Manager's office. Significant staff time and/or consultant time will be required. If commitment and quality are lacking, little will change and much staff time will have been wasted. If the process is done well, the results could significantly improve City processes and reduce resource use.

Goal 2: Citywide Policies and Events (CP&E 2).

By January 1, 2016 obtain higher recycling rates at all City-sponsored or approved events, and purchase a significant percentage of certified “green” office and cleaning products.

- CP&E 2. A Develop a policy requiring recycling containers at all City events and provide clear labels on the recycling containers that indicate what should be recycled.
- CP&E 2. B Create a recycling vision statement and a requirement to recycle, and add these to facility rental contracts and permits for street closings for block parties.
- CP&E 2. C Adopt a “green preferred” purchasing policy that establishes standards for “green” products, such as recycled content, appliance efficiency, toxicity, and other criteria. (See Appendix 5, UMD procurement policy). Identify a standard to adopt (i.e. Green Seal, www.greenseal.org/gs37.aspx), and provide statement to vendors regarding the City policy and standards.
- CP&E 2. D Develop a list that identifies suppliers for green products, particularly the most frequently purchased items (paper, printer toner, cleaning supplies).
- CP&E 2. E Develop and adopt Green Meeting Guidelines.

The strategies recommended to achieve this goal are relatively low-cost and can be implemented within one year. Staff will need to research various “green seal” standards and vendors to determine what standard should be adopted and identify the appropriate vendors. The products may cost more than products which do not meet the standard. Implementation will require work from Administration, Finance, Public Works, and Public Services.

Goal 3: Citywide Policies and Events (CP&E 3).

By July 1, 2016 employees will be able to identify specific employee benefits and actions employees can take to help meet the City’s sustainability goals.

- CP&E 3. A Develop standard policies for all buildings regarding: signage on conserving energy; motion sensors for lights; low-flow devices; signage on office shut down actions; posting energy consumption for prior month and year-to-year comparisons.
- CP&E 3. B Create a database of employee suggestions to improve sustainability and recognize innovative proposals. Add sustainability suggestions to awards program.
- CP&E 3. C Identify gaps in the existing transportation benefits program so that more employees use it. Consider providing carpool matching, guaranteed ride home or other commuter services to employees (COG provides this information at www.communterconnections.org).
- CP&E 3. D Include sustainability information as part of new employee orientations.

CP&E 3. E Host brown-bag conversations/ guest lecturers in sustainability for employees (on-going education).

CP&E 3. F Continue the Sustainability Task Force to promote sustainability practices within departments and offices and to periodically review the progress of the goals and strategies in this report

This goal is primarily about changing the culture so that sustainability becomes a normal standard and criteria for employees when they carry out their responsibilities. The employee training and the signage / marketing will help develop and reinforce the adoption of these practices. The costs are low, but it requires buy-in from everyone in the City. The Human Resources Department could take the lead, with support from Administration.

Goal 4: Citywide Policies and Events (CP&E 4).

Track all sustainability goals and outcomes on an annual basis, and track City operations greenhouse gas emissions on a triennial basis.

CP&E 4. A The Sustainability Task Force (or similar entity) will provide an annual report on all sustainability metrics and a triennial report on greenhouse gas emissions to Council. These reports should also be posted on the City's website.

CP&E 4. B Provide information regularly to all employees the status of sustainability-related goals, energy-saving tips, and other information.

CP&E 4. C Work with the University of Maryland to complete the greenhouse gas inventories using ICLEI (Local Governments for Sustainability) software to update the City's GHG emissions inventory every three years in June.

The coordination of reports would need to be assigned to a staff person, or become the collective responsibility of an on-going Sustainability Committee or department coordinators for sustainability issues. Ideally the annual report would be incorporated into other annual reports or data on City operations that staff already provide. The City Manager's office would either take the lead or assign the responsibility.

D. Fleet and Transportation

Current Practices:

- Three hybrid vehicles in fleet and one more will be purchased.
- Evaluating the purchase of an electric vehicle
- Plan to purchase more efficient and cleaner diesel-powered City trash trucks over next three years.

Goals and Recommended Strategies

Goal 1: Fleet and Transportation (FT 1).

By FY17, the City will achieve a 10 percent increase in the average vehicle miles per gallon for all on-road vehicles in the City's fleet (FY15 baseline).

- FT 1. A Develop policies and practices regarding efficient vehicle operations (idling, route optimization, using the correct vehicle for the task, etc.).
- FT 1. B Ensure all vehicles receive regular maintenance and fuel MPG is monitored.
- FT 1. C Develop a green fleet purchasing policy that addresses fuel and energy efficiency as well as lifetime vehicle costs. Recognize that initial costs could be higher than current vehicle purchasing.

Goal 2: Fleet and Transportation (FT 2)

By July 2016, DPW will recommend the fuel type for heavy-duty vehicles.

- FT 2. A Provide a cost-benefit analysis of switching existing diesel vehicles to bio-diesel.
- FT 2. B Evaluate cost-benefit of purchasing heavy-duty vehicles that use natural gas or other non-petroleum fuels.

Goal 3: Fleet and Transportation (FT 3)

By July 2016, DPW will provide the first annual report on the total cost to operate each vehicle in order to optimize the strategic replacement of the City's fleet (including equipment). The report will include annual mileage and/or operating hours, preventive maintenance performed, and vehicle downtime.

- FT 3. A Clean up existing data files and formats used to track vehicle maintenance and create report templates with the relevant categories for all vehicles.

III. Implementation

This sustainability plan was developed to coordinate sustainable practices across City operations; reduce carbon emissions and other unhealthy impacts of City operations; conserve financial and capital resources; and improve the quality of life for residents, businesses, and visitors. The recommendations outlined in the preceding pages identify specific actions the City can take to fulfill the plan's purpose.

The following Implementation Table summarizes the plan's goals and strategies, and identifies the rationale, a cost estimate, additional information and resources needed, the department responsible, and the target start and completion dates for each item. The cost section was designed to give an estimate of City and/or department resources which are expected to complete the task. The cost estimates use the following parameters:

- a) Low cost: strategy can be managed within the existing staff time and with existing resources and/or additional resources of less than \$5,000.
- b) Medium cost: requires a reallocation of existing staff time and/or requires additional resources in excess of \$5,000 but less than \$20,000 to complete the task.
- c) High Cost: requires significant reallocation of staff time, to the point which additional staff may be needed and/or requires additional resources in excess of \$20,000 to complete or implement the task.

The Implementation Table is intended to help staff see the overall plan and timeline for actions and to facilitate creating status updates on action items. The City Manager may wish to designate one staff person to be responsible for overseeing the implementation of each goal and strategy, and for documenting and reporting progress. The Sustainability Task Force recommends that it or a similar internal committee continue and assist with the implementation and monitoring.

Implementation Table

July 31, 2015

Solid Waste and Recycling						
Goal 1: By December 1, 2015, DPW will provide an Existing Conditions Report						
ID	Strategy	Rationale	Cost	Additional Information and Resources Needed	Primary Responsibility	Target Date: Start (S) Complete(C)
SW 1.A	Identify the composition of the waste stream.	Understanding the disposal habits and trends (for example, how much paper is recycled or thrown away) allows us to identify opportunities and set target goals.	med cost	Comparison of College Park to national and local (comparatively sized) cities. Cost of 3rd party audit.	DPW	S: 07/2015 C: 12/2015
SW 1.B	Identify annual total tonnage and cost of each category of solid waste collected and total cost of recycling collected (including separate total costs for leaf collection and yard trim collection)--allocated on a per household and per ton basis. Costs will include all labor costs and vehicle expenses.	Understanding the disposal costs allows us to prioritize opportunities based on what strategies have the largest returns. Costs will include all labor costs and vehicle expenses.	low cost		DPW	S: 07/2015 C: 12/2015
SW 1.C	Compare College Park tonnage per household to two comparable communities and one community with very low household solid waste tonnage and very high recycling rates.	To better gauge if waste and recycling volumes are higher or lower than comparable municipalities and to set realistic but ambitious goals.	low cost	Data from other municipalities	DPW	S: 07/2015 C: 12/2015

Implementation Table

July 31, 2015

Goal 2: Using 2015 FY tonnage data as a baseline, reduce solid waste per household by 25 percent and increase the recycling rate to 60 percent by July 1, 2018.						
ID	Strategy	Rationale	Cost	Additional Information and Resources Needed	Primary Responsibility	Target Date: Start (S) Complete(C)
SW 2.A	Examine costs and benefits of code changes, such as prohibiting recyclable material in waste carts; providing larger or additional recycling carts; and limiting or charging for bulk pick-ups.	Evaluate if our current policies encourage actions that make it more difficult to reach the plan goals.	low cost	Model policies/ordinances; potential costs and savings.	City Manager's Office; DPW; DPS	S: 09/2015 C: 09/2016
SW 2.B	Develop a marketing / educational campaign for residents on the environmental and cost savings of reducing solid waste.	Increases transparency and stakeholder buy-in. The guide will be a comprehensive source to living a sustainable lifestyle in College Park.	med cost	Information on cost & savings from reducing solid waste, best-practices for marketing, existing solid waste and recycling regulations. Likely need additional marketing resources.	City Manager's Office; DPW; Council	S: 09/2015 C: 09/2016
SW 2.C	Create incentives for residents to change behavior by pledging savings toward a new or popular community programs.	Incentives can be an effective way to change behavior. Cost saving realized by decrease solid waste cost should be directed to improving community life.	low cost	Method of calculating savings; incentives which are appropriate and contribute to related goals. Possibly an intern.	City Manager's Office; Council	S: 09/2015 C: 09/2016
SW 2.D	Reduce or remove food waste from the solid waste stream by promoting home food composting and explore the possibility of a pilot food waste. collection program	Food waste can easily and effectively be composted on-site. Eliminating compostable material from the waste stream can result in lower waste disposal cost.	med cost	Research costs, savings and implementation of similar programs in Maryland or other states. Intern to develop program	DPW; Council	S: 09/2015 C:09/2016
SW 2.E	Suggest that civic associations nominate a Sustainability Ambassador to promote waste reduction and increase recycling in their neighborhood.	Fostering leadership can increase stakeholder buy-in and eliminate barriers to reaching residents.	low cost	Create an application process and training / orientation program for participants.	Sustainability Task Force; Planning	S: 09/2015 C: 09/2016
SW 2.F	Create waste reduction trainings for employees.	This may increase waste reduction and stakeholder buy-in.	low cost	Waste and recycling rates for city buildings.	HR; All Depts.	S: 09/2016 C: 09/2018

Implementation Table

July 31, 2015

Buildings and Public Areas						
Goal 1: Reduce electricity and natural gas use by 15 percent per square foot by 2018 FY and by 25 percent by 2022 FY from the per square foot levels in 2014 FY baseline year (per Council Resolution 13-R-26)						
ID	Strategy	Rationale	Cost	Additional Information and Resources Needed	Primary Responsibility	Target Date: Start (S) Complete(C)
B&PA 1.A	Complete energy audits for Davis Hall, the Fleet Garage, and the Youth and Family Services buildings in 2015 and complete a lighting analysis and upgrade for the Parking Garage in 2015.	Energy audits allow building managers to identify areas of energy savings.	low cost	Data and recommendations from MEA Grant.	Planning	S: Ongoing C: May 2016
B&PA 1.B	Conduct Energy Star Treasure Hunts in City Hall, Public Services, Fleet Garage, Davis Hall, YFS, and Old Parish House and educate staff on best practices.	Including staff increases buy-in and may smooth implementation process of new recommendations. A rewards program also incentivizes behavior.	low cost	MEA Grant and report from Treasure Hunt	Planning	S: Ongoing C: 07/2015
B&PA 1.C	Examine the cost-benefit analyses from the energy audits and evaluate the recommendations for efficiency improvements.	Recommended improvements identified in the energy audit should be implemented to prioritize the highest energy saving over the shortest time with the fastest payback.	med cost	Economic costs and saving from energy saving measures	DPW; Planning	S: 07/2015 C: 05/2016
B&PA 1.D	Develop a building operations and maintenance plan; emphasize low cost and no cost measures such as those recommendations in the Pepco Commercial & Industrial Energy Savings Program.	Ensure that all preventive maintenance is done and staff are trained to maintain all systems not contracted to outside companies.	med cost	Identify resources needed to implement low cost/ no cost measures	DPW	S: 07/2015 C: 12/2015
B&PA 1.E	Use Portfolio Manager (www.energystar.gov) to calculate and prominently post monthly energy usage on all buildings, and hold competition for greatest reduction in usage.	Visible reminders of energy usage may encourage efficiency.	low cost	determine most efficient way to gather and maintain data	Planning; Finance	S: 07/2015 C: Ongoing
B&PA 1.F	Create Green Office standard that includes practices regarding lighting, computer shut-down (see UMD example).	This reiterates the City's commitment to sustainability and can increase stakeholder buy-in.	low cost	Example standards	HR; City Manager's Office	S: 07/2015 C: 12/2015

Implementation Table

July 31, 2015

B&PA 1.G	Create employee rewards program based on energy savings.	Including staff increases buy-in and may smooth implementation process of new recommendations. A rewards program also incentivizes behavior.	low to med cost	Cost of energy savings must be calculated. Policy should consider the "value" of reduction, not necessarily what the city pays for electricity	HR	S: 12/2015 C: Ongoing
B&PA 1.H	Adopt a LEED or equivalent standard for new city buildings and major renovations when feasible.	Adhering to a LEED standard ensures a minimum level of environmentally responsible city development.	high cost	Example standards	Council; City Engineer	S: 12/2015 C: Ongoing
B&PA 1.I	Adopt a policy to install LED (or more efficient) lighting for all new or replacement pedestrian lights.	Newer technology should be energy efficient and cost-efficient.	low to med cost	Monthly data is available through Pepco. Baseline measurements must be established. Compare cost and usage of new Berwyn pedestrian lights compared to pedestrian lights on Lackawanna.	Planning	S: 07/2015 C: 05/2016

Goal 2: Generate 20 percent of electricity for City facilities by renewable sources by 2018 (per Council Resolution 13-R-27: see Appendix 3)

ID	Strategy	Rationale	Cost	Additional Information and Resources Needed	Primary Responsibility	Target Date: Start (S) Complete(C)
B&PA 2.A	Evaluate DPW buildings, YFS building, and Parking Garage for best locations to install solar power and explore funding via an MEA grant or long- term lease arrangement.	Potential area of energy and cost savings. Existing grants could be used to finance city energy savings.	low cost	Completed energy audit, recommendations and cost/benefit analysis of recommendations; Obtain quotes from vendors.	Planning	S: Ongoing
B&PA 2.B	Evaluate feasibility of geo-thermal for major renovations and new City facilities.	Potential area of energy and cost savings. Innovative practice could serve as a demonstrative project.	low cost	Feasibility study, department feedback.	Planning	S: Ongoing

Implementation Table

July 31, 2015

Goal 3: Maintain or increase the City's maintained tree canopy by planting in appropriate street and park locations and investigate incentivizing additional plantings on private property in order to compensate for the removal of large trees.						
ID	Strategy	Rationale	Cost	Additional Information and Resources Needed	Primary Responsibility	Target Date: Start (S) Complete(C)
B&PA 3.A	Support the Tree & Landscape Board's update of the <i>City's Tree Inventory</i> (last updated in 2013). Provide resources to maintain a GIS database of trees maintained by the city, city right of way boundaries, and location of underground and above ground utilities, and other information that should be considered in identifying appropriate tree locations.	Update will help determine where to plant new trees. Urban tree canopy benefits include: managing storm water runoff, reducing heat island, providing shade and improving health.	med cost	Develop position description for intern one semester per year and recruit from UMD.	DPW; Tree and Landscape Board	S: Ongoing C: Ongoing
B&PA 3.B	Utilize data from the Tree Inventory update to develop a five-year plan to increase the number of new street trees in appropriate locations.	Plan will ensure that city meets goals set in the update to Vegetation Management Plan	med cost	Best practices to increase and maintain urban tree canopy	DPW	S: July 2016 C: Annually until 2020
B&PA 3.C	Develop incentive plan to help residents plant new trees and maintain significant trees and / or policy protecting significant trees on private property.	Policies may help maintain the City's tree canopy and meet goals of the update to the Vegetation Management Plan	low cost	Best practices to increase and maintain urban tree canopy; Sample tree ordinances in surrounding communities and Tree City USA requirements.	DPW; Tree and Landscape Board; Council	S: 01/2016 C: 12/2016

Implementation Table

July 31, 2015

Goal 4: Work with State, County and University resources to improve City Storm water quality and reduce the occurrence and impact of flooding events.						
ID	Strategy	Rationale	Cost	Additional Information and Resources Needed	Primary Responsibility	Target Date: Start (S) Complete(C)
B&PA 4.A	Educate residents and businesses about existing subsidies to reduce stormwater runoff from private property, thereby reducing volume in the public stormwater infrastructure.	Educational material and incentives raise awareness of environmental issues and increase stakeholder buy-in.	low cost	Information needs to be compiled in a user-friendly format. Possible work for an intern.	Planning; City Engineer	S:01/2016 C: Ongoing
B&PA 4.B	Partner with schools or environmental groups to conduct annual water quality testing of main streams in the City.	Capturing water quality data in the short term will allow the City to measure the effectiveness of SWM policies in the future.	low cost	Collaborate with University to identify resources available to complete this task	Planning; City Engineer	S:01/2016 C: Ongoing
B&PA 4.C	Identify existing stormwater facilities within the City that are in need of maintenance and work with the owners (usually the County) to resolve issues.	Reducing flood risk, standing water and other facility failure has potential cost savings and environmental benefit	high cost	Existing gaps in storm water infrastructure; identify priority areas to target investment	DPW	S:01/2016 C: Ongoing
B&PA 4.D	Identify specific areas in the Paint Branch and Indian Creek watersheds that need stormwater improvements and seek funding partners to implement them.	Addressing flood events, standing water and other facility failure has potential cost savings and environmental benefit	high cost	Existing gaps in infrastructure; identify priority areas to target investment. Identify grant resources.	DPW; City Engineer; Planning	S:01/2016 C: Ongoing

Implementation Table

July 31, 2015

Citywide Policies and Events						
Goal 1: The FY17 budget will include funding for a consultant to lead the City's process to update or acquire software that improves workflow and works across relevant departments.						
ID	Strategy	Rationale	Cost	Additional Information and Resources Needed	Primary Responsibility	Target Date: Start (S) Complete(C)
CP&E 1.A	Create a Workflow Task Force (an inter-departmental group) to conduct a needs assessment for workflow improvements.	To prepare for a consultant identify potential workflow improvements, technology and resource needs	med cost	Specific needs and concerns of department. Identification of common concerns and opportunities streamline work across departments.	City Manager's Office; IT	S: 03/2016 C: 06/2016
1.B	Based on the results needs assessment in CP&E 1.A develop an RFP for a consultant who will develop strategies to improve and integrate workflow.	Current practices do not take advantage of technologies and processes that are more efficient and result in better service.	low cost	Model processes and appropriate technologies. Implementation costs for a consultant and for new technologies will be high in the short-run	City Manager's Office, Workflow Task Force; IT	S:12/2015 C: 06/2016
Goal 2: By January 1, 2016 adopt policies which would encourage higher recycling rates at all City-sponsored or approved events, and purchase a significant percentage of certified "green" office and cleaning products.						
ID	Strategy	Rationale	Cost	Additional Information and Resources Needed	Primary Responsibility	Target Date: Start (S) Complete(C)
CP&E 2.A	Develop a policy which requires that recycling containers are provided at all City events and are labeled so that it is easy to know what to recycle.	DPW already does this as a best practice but creating a policy reinforces the city's commitment to sustainability.	low cost	Capital cost for implementation.	DPW; City Manager's Office	S: 07/2015 C: 12/2015
CP&E 2.B	Create a recycling vision statement and requirement to recycle which can be added to contracts to rent city facilities or to gain a permit for street closings.	This reinforces the city's commitment to sustainability.	low	Sample statements.	DPW; City Manager's Office	S: 07/2015 C: 12/2015

Implementation Table

July 31, 2015

CP&E 2.C	Adopt a “green preferred” purchasing policy that establishes standards for “green” products, such as recycled content, appliance efficiency, toxicity, and other criteria.	DPW already does this as a best practice but codifying the practice demonstrates the city's commitment to sustainability.	med cost	Sample policies such as the UMD procurement policy (Appendix). Identify a standard to adopt (i.e. Green Seal), and provide statement to vendors regarding the City policy and standards.	DPW	S: 07/2015 C: 12/2015
CP&E 2.D	Develop a list that identifies suppliers for green products, particularly the most frequently purchased items (paper, printer toner, cleaning supplies).	This reinforces the city's commitment to sustainability.	med cost	Feedback from departments about what products they buy and from where.	DPW; City Manager's Office	S: 07/2015 C: 12/2015
CP & E 2.E	Develop and adopt Green Meeting Guidelines.	Green meeting guidelines establish guidance on how to manage printed material, food and beverages, recycling and meeting room selection for departments to green their operations.	low cost	Sample guidelines available from the U.S. Forest Service and others.	HR	S: 07/2015 C: 12/2015

Goal 3: By July 1, 2016 employees will be able to identify specific employee benefits and actions employees can take to help meet the City’s goals.

ID	Strategy	Rationale	Cost	Additional Information and Resources Needed	Primary Responsibility	Target Date: Start (S) Complete(C)
CP&E 3.A	Develop a standard policy for all buildings regarding: signage reminding employees how they can conserve energy; motion sensors for lights; low-flow devices; signage on office shut down actions. Post energy consumption for prior month and year-to-year for comparisons.	This policy will reinforce existing practices already in place within many departments and develop them in other departments. Sharing energy data may encourage employees to think about their personal stake in energy use.	low cost	Identify best practices to effectively share policies and energy consumption data (for example, using email or paper posting).	DPW; Planning	S: 06/2015 C: 12/2015
CP&E 3.B	Create a database of employee suggestions to improve sustainability and recognize innovative proposals. Add sustainability suggestions to awards program.	Foster employee buy-in and environmental leadership. Allows for a space for employees to share information	low cost	Explore appropriate format to make information accessible but requires low maintenance.	HR	S: 06/2015 C: 12/2015

Implementation Table

July 31, 2015

CP&E 3.C	Identify gaps in the existing transportation benefits program so that more employees use it. Consider providing carpool matching, guaranteed ride home or other commuter services to employees	Address limitations of program to increase use	low cost	Look to employees for suggestions and incentives they would like to see.	HR; Finance; City Manager's Office	S: 06/2015 C: 12/2015
CP&E 3.D	Include sustainability as part of new employee orientation.	Fosters employee buy-in and environmental leadership; demonstrates commitment to sustainable city operations	low cost	Craft an orientation policy appropriate for all departments or a flexible policy which can be tailored to Departments	HR	S: 06/2015 C: 12/2015
CP&E 3.E	Host brown-bag conversations/ guest lecturers in sustainability for employees for on-going education.	Allows for on-going sustainability education for all employees; demonstrates commitment to sustainable city operations	low cost	Identify sustainability topics of interest to employees	HR	S: 06/2015 C: 12/2015
CP&E 3.F	Continue the Sustainability Task Force to promote sustainability practices within departments and offices and to periodically review the progress of the goals and strategies in this report	Smooths the implementation process of new recommendations.	med cost	Identify interested parties to participate in the task force. Task force membership should represent all city departments.	City Manager's Office, All Departments	S: 06/2015 C: 12/2015

Goal 4: Track all sustainability goals and outcomes on an annual basis, and track city operations greenhouse gas emissions on a triennial basis.

ID	Strategy	Rationale	Cost	Additional Information and Resources Needed	Primary Responsibility	Target Date: Start (S) Complete(C)
CP&E 4.A	Sustainability Task Force (or similar entity) will provide an annual report on all sustainability metrics and a triennial report on greenhouse gas emissions to Council. Post reports on the City's website.	Reporting helps with accountability and enables adjustments to the plan based on results	low cost	Explore appropriate format to make information accessible but requires low maintenance	City Manager's Office	S: 12/2015 C: Ongoing
CP&E 4.B	Provide information regularly to all employees the status of sustainability-related goals, energy-saving tips, and other information.	Employees will better understand the impact of their actions and can help determine better ways to reach the goals	low cost	Identify best practices to effectively share sustainability related information.	HR; Planning	S: 12/2015 C: Ongoing
CP&E 4.C	Work with the University of Maryland to update the GHG inventory every three years using ICLEI (Local Governments for Sustainability) software.	Baseline measurement are needed in order to set cost effective, realistic and measurable goals. Reporting should be verifiable and replicable in later years.	low cost	Utilize the PALS program or interns from UMD to conduct update of GHG inventory every three years.	Planning; City Manager's Office	S: 12/2015 C: Ongoing

Implementation Table

July 31, 2015

Fleet and Transportation						
Goal 1: By FY17, the City will achieve a 10 percent increase in the average vehicle miles per gallon for all on-road vehicles in the city's fleet (FY15 baseline).						
ID	Strategy	Rationale	Cost	Additional Information and Resources Needed	Primary Responsibility	Target Date: Start (S) Complete(C)
F&T 1.A	Develop policies and practices regarding efficient vehicle operations (idling, route optimization, using the correct vehicle for the task, etc.).	Reduce greenhouse gas emissions.	low cost	Strategies for sensible driving policies and potential cost and fuel savings.	DPW	S: 07/2015 C: 12/2015
F&T 1.B	Ensure all vehicles receive regular maintenance and fuel MPG is monitored.	Preventative maintenance optimizes performance of vehicles.	low cost	Integrate existing software - GasBoy and Manager Plus.	DPW	S: 07/2015 C: Ongoing
F&T 1.C	Develop a green fleet purchasing policy that addresses fuel and energy efficiency as well as lifetime vehicle costs. Recognize that implementation costs could increase.	Reduce greenhouse gas emissions.	high cost	Data on the lifetime cost of vehicles is needed.	DPW	S: 07/2015 C: Ongoing
Goal 2: By July 2016, DPW will recommend the fuel type for heavy-duty vehicles.						
ID	Strategy	Rationale	Cost	Additional Information and Resources Needed	Primary Responsibility	Target Date: Start (S) Complete(C)
F&T 2.A	Provide a cost-benefit analysis of switching existing diesel vehicles to bio-diesel.	Reduce greenhouse gas emissions and improve air quality.	med cost	Data collection	DPW	S: 01/2016 C: 06/2016
F&T 2.B	Evaluate cost-benefit of purchasing heavy-duty vehicles that use natural gas or other non-petroleum fuels.	Reduce greenhouse gas emissions.	high cost	Data collection	DPW	S: 01/2016 C: 06/2016
Goal 3: By July 2016, DPW will provide the first annual report on the total cost to operate each vehicle, including annual mileage and/or operating hours, preventive maintenance performed, and vehicle downtime in order to optimize the strategic replacement of the City's fleet (including equipment).						
ID	Strategy	Rationale	Cost	Additional Information and Resources Needed	Primary Responsibility	Target Date: Start (S) Complete(C)
F&T 3.A	Clean up existing data files and formats used to track maintenance and create report templates with the relevant categories for all vehicles.	Enhanced data collection improves decision-making.	med cost	Training; data entry	DPW, IT	S: 07/2015 C: 12/2015