



TUESDAY, APRIL 12, 2016
CITY OF COLLEGE PARK
COUNCIL CHAMBERS
7:30 P.M.

MAYOR AND COUNCIL REGULAR MEETING
AGENDA

COLLEGE PARK MISSION STATEMENT

The City Of College Park Provides Open And Effective Governance And Excellent Services That Enhance The Quality Of Life In Our Community.

1. **MEDITATION**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
4. **ANNOUNCEMENTS**
5. **CITY MANAGER'S REPORT**
6. **ACKNOWLEDGMENTS**
7. **PROCLAMATIONS AND AWARDS**
 - a. Earth Day Proclamation
 - b. Arbor Day Proclamation
8. **AMENDMENTS TO AND APPROVAL OF THE AGENDA**
9. **PRESENTATIONS**
 - a. None.
10. **PUBLIC COMMENT ON CONSENT AGENDA AND NON-AGENDA ITEMS** - Speakers are asked to provide their name and address for the record, and are given three minutes to address the Council.
11. **PUBLIC HEARINGS**
 - a. None.
12. **CONSENT AGENDA** - Note: Consent Agenda items are routine items of business that are collectively presented for approval through a single motion. A Councilmember may request that an item be pulled from the Consent Agenda and placed under Action Items for separate discussion and action.

16-R-08 A Resolution Of The Mayor And Council Of The City Of College Park, Maryland To Support The Mayor's Challenge For Water Conservation

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

13. ACTION ITEMS

16-G-51 Motion to support the transfer of a Class B+, Beer, Wine, and Liquor License from J&G Inc.t/a Town Hall Restaurant to Town Hall Wine and Spirits, LLC, t/a Town Hall Restaurant and Liquor subject to the applicant entering into a Property Use Agreement (PUA) between the City and Mrs. Ashuta Tandon, in substantially the form as attached; authorize the City Manager to sign the PUA and authorize City staff to testify to the Council's position at the BOLC hearing on April 19

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

16-G-37 Approval of an Amendment to the contract with NZI for construction of Randolph Macon Avenue

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

16-G-38 Approval of an Amendment to the Declaration of Covenants with Robert Kidwell

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

16-R-09 Resolution Of The Mayor And Council Of The City Of College Park, Maryland, To Extend The Homeownership Grant Program To Buyers Of Newly Constructed Detached Single Family Homes

Motion By: Stullich
To: Adopt
Second:
Aye: ___ Nay: ___
Other: ___

16-G-49 Dumpster permit for 4617 Norwich Road – Bob Ryan, Director of Public Services

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

16-G-50 Letter of support for The Partnership's application for funding of the Milkboy + ArtHouse project to the County Redevelopment Authority's Community Impact Grant Program

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

16-R-06 A Resolution Of The Mayor And Council Of The City Of College Park, Maryland To Adopt A Complete & Green Streets Policy

Motion By: Nagle
To: Adopt
Second:
Aye: ___ Nay: ___
Other: ___

16-G-52 Adoption of Council Rules and Procedures

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

16-G-53 Appointments to Boards and Committees

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

14. **MAYOR AND COUNCILMEMBER REPORTS/COMMENTS**
15. **STUDENT LIAISON'S REPORT/COMMENTS**
16. **CITY MANAGER'S REPORT/COMMENTS**
17. **GENERAL COMMENTS FROM THE AUDIENCE**
18. **ADJOURN**

STATUS/INFORMATION REPORTS FOR COUNCIL REVIEW

1. Legislative Report: Leonard L. Lucchi, Esquire, O'Malley, Miles, Nylen & Gilmore, P.A.

- This agenda is subject to change. For the most current information, please contact the City Clerk at 240-487-3501.
- Public Comment is taken during Regular Business meetings on the second and fourth Tuesdays of the month in one of the following ways. All speakers are requested to complete a card with their name and address for the record.
 - To comment about a topic not on the meeting agenda: Speakers are given three minutes to address the Council during "Public Comment on Non-Agenda Items" at the beginning of each Regular Meeting.
 - To comment on an agenda item during a Regular Business meeting: When an agenda item comes up for consideration by the Council, the Mayor will invite public comment prior to Council deliberation. Speakers are given three minutes to address the Council on that agenda item.
- In accordance with the Americans with Disabilities Act, if you need special assistance, please contact the City Clerk's Office at 240-487-3501 and describe the assistance that is necessary.

Earth Day Proclamation

**PROCLAMATION
IN HONOR OF EARTH DAY 2016**

WHEREAS, Earth Day – April 22, 2016 – is the 46th Anniversary of the day that Gaylord Nelson, a U.S. Senator from Wisconsin, came up with the idea for a national day to focus on the environment; and

WHEREAS, the City is committed to a sustainably built environment and active stewardship of our natural resources. The City’s long-term planning contributes to the well-being and prosperity of our community; and

WHEREAS, the City is a leader in the protection and restoration of natural resources and the implementation of energy efficiency and renewable energy programs, technologies, and plans. The City reduces its impact on the environment through collaboration, research, and the adoption of best practices to incentivize reduced energy usage; and

WHEREAS, the City has well-managed and attractive natural resources, such as parks, trails, and outdoor recreation areas. The City supports new development that is sensitive to environmental issues and that strives to limit impacts on the environment; and

WHEREAS, it is important to encourage all College Park residents to protect the natural resources we have in our City, as well as educate them on green initiatives, such as sustainable planting, using compost and mulch to enrich the soil and installing rain barrels to conserve water; and

WHEREAS, the celebration of Earth Day brings together people from all walks of life in a common goal: taking care of our planet and preserving it for generations to come.

NOW, THEREFORE, I, Patrick L. Wojahn, Mayor of the City of College Park, Maryland do hereby proclaim April 22, 2016 as Earth Day throughout the City of College Park, Maryland, and urge all residents to reduce, reuse and recycle.

Proclaimed this 12th day of April, 2016.

Patrick L. Wojahn, Mayor
City of College Park

Arbor Day Proclamation

**ARBOR DAY 2016
THURSDAY, APRIL 28, 2016**

WHEREAS, in 1872 J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska; and

WHEREAS, Arbor Day is now observed throughout the nation and the world; and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife; and

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products; and

WHEREAS, trees in our City increase property values, enhance the economic vitality of business areas, and beautify our community; and

WHEREAS, College Park has been recognized as a Tree City USA by The National Arbor Day Foundation and desires to continue its tree-planting ways; and

WHEREAS, the Tree City USA program is celebrating its 40th anniversary this year.

NOW, THEREFORE, I, Patrick L. Wojahn, as Mayor of the City of College Park, Maryland, do hereby proclaim Thursday, April 28, 2016, as ARBOR DAY in the City of College Park, Maryland, and I urge all citizens to support efforts to care for our trees and woodlands and to support our City's community forestry program, and

FURTHER, I urge all citizens to plant trees to gladden the hearts and promote the well being of present and future generations.

PROCLAIMED this 12th day of April, 2016.

Patrick L. Wojahn, Mayor
City of College Park

16-R-08

Mayor's Challenge

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE
CITY OF COLLEGE PARK, MARYLAND
TO SUPPORT THE MAYOR’S CHALLENGE
FOR WATER CONSERVATION**

WHEREAS, the City of College Park continually strives to be a municipal leader in sustainability while also encouraging residents to recognize the benefits of individual environmental stewardship; and

WHEREAS, the Mayor’s Challenge for Water Conservation (the “Challenge”), presented by the Wyland Foundation, is a friendly pollution reduction competition between U.S. cities and is supported by the U.S. Environmental Protection Agency and the National League of Cities; and

WHEREAS, from April 1- 30, 2016, the City of College Park wishes to inspire its residents to take the Challenge by making a series of online pledges at www.mywaterpledge.com to reduce their impact on the environment.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of College Park, Maryland that the City of College Park supports the Challenge, and that the program will be implemented from April 1- 30, 2016 through a series of communication and outreach strategies to encourage City residents to take the conservation Challenge.

ADOPTED by the Mayor and Council of the City of College Park, Maryland at a regular meeting on the _____ day of _____, 2016.

EFFECTIVE the _____ day of _____, 2016

WITNESS:

**THE CITY OF COLLEGE PARK,
MARYLAND:**

Janeen S. Miller, City Clerk

Patrick L Wojahn, Mayor

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

Suellen M. Ferguson, City Attorney

16-G-51

Town Hall
PUA



**CITY OF COLLEGE PARK, MARYLAND
REGULAR COUNCIL MEETING AGENDA ITEM**

AGENDA ITEM NUMBER 16-G-51

Prepared By: R.W. Ryan, Public Services Director **Meeting Date:** April 12, 2016

Presented By: R.W. Ryan, Public Services Director **Consent Agenda:** No

Originating Department: Public Services

Action Requested: Support the transfer of a Class B+, Beer, Wine, and Liquor License from J&G Inc., t/a Town Hall Restaurant to Town Hall Wine and Spirits, LLC, t/a Town Hall Restaurant and Liquor

Strategic Plan Goal: Goal #3 High Quality Development and Reinvestment

Background/Justification:

The applicants met with the City Council at a Worksession on April 5, 2016 (see attached Worksession agenda item). A draft Property Use Agreement (PUA) was discussed. Improvements to the property when J&G, the current owners, applied for and received a Sunday off-sale permit for liquor were discussed. The improvements include making a minimum \$50,000 investment to replace the sign in front of the store, paint the exterior of the structure, and repair or replace a fence in the rear of the store. The applicants proffered that they will complete improvements as previously required, and in addition, make significant interior improvements to restrooms, ceiling, and general cosmetic improvements. A list is attached. The applicants offered to completely remove the fence at the rear of the store. The applicants presented to the Council a proposed limited menu. Although they are not required by their liquor license to serve food, they have agreed to serve light fare at all times that alcoholic beverages are being served.

Fiscal Impact:

It is anticipated that the new owners of t/a Town Hall restaurant and liquors will provide improved amenities to the midtown area, while continuing to serve local residents and UMD alumni in a traditional, but improved, College Park landmark.

Council Options:

- #1: Approve the draft PUA as proposed, and support the license transfer
- #2: Approve the draft PUA with changes and support the license transfer
- #3: Deny the amended PUA and oppose the license transfer
- #4: Take no action

Staff Recommendation:

#1

Recommended Motion:

I move that the City Council support the transfer of a Class B+, Beer, Wine, and Liquor License from J&G Inc., t/a Town Hall Restaurant to Town Hall Wine and Spirits, LLC, t/a Town Hall Restaurant and Liquor subject to the applicant entering into a Property Use Agreement (PUA) between the City and Mrs. Ashuta Tandon, Member-Manager, in substantially the form as attached; authorize the City Manager to sign the PUA; and authorize staff to testify to the Council's position at the BOLC hearing.

Attachments:

- 1. Worksession Agenda Item Cover Sheet
- 2. Draft Revised PUA
- 3. BOLC Agenda

Town Hall Liquor and Lounge

Exterior

Power wash
Paint Touch ups
Replace and paint misc. doors and jambs
Improve Exterior lighting
Demo Exterior Façade/Awning
Install new LED letter "LIQUOR TOWN HALL LOUNGE"
Install flase window fronts
Install new Awning if improve façade

Interior-- Lounge

Sand blast and refinish floors
Demo entry foyer
New ceiling tiles
Point-up and paint throughout
Repair drywall
Electrical trouble shoot
Install new televisions
Bar reconditionig
Sinks, toilets, urinals, misc fixing
Lighting
Install a refrigerated deli case
Increase the seletion of Bar Food

Interior-- Store

Demo
Frame and drywall new config
Counters
Install new shelves
New ceiling tiles
Point-up and paint throughout
Remove floor covering
Prep and reinstall floor finish
Contingencies
Increase selection of Liquor, Beer & Wine

Subject To Change

PROPERTY USE AGREEMENT

THIS PROPERTY USE AGREEMENT (the "Agreement") is effective as of the ____ day of March, 2016, by and between Town Hall Wine and Spirits, LLC, and Ashuta Tandon, sole member and Authorized Person, (collectively "Licensee"); and the CITY OF COLLEGE PARK, a Maryland municipal corporation (the "City").

WITNESSETH

WHEREAS, *** is the contract purchaser of the real property located at 8135 Baltimore Avenue, College Park, Maryland 20740 (the "Property"); and ; and

WHEREAS, Licensee is a tenant at the Property; and

WHEREAS, the Property is located within the corporate limits of the City of College Park, Maryland; and

WHEREAS, Licensee has applied to the Board of Liquor License Commissioners of Prince George's County, for the transfer of a Class B+ License which allows on and off sales of beer, wine and liquor seven days per week ("License") for use at the Property from J&G, Inc., t/a Town Hall Restaurant, Ronald Burdoo, President, Mary Burdoo, Secretary/Treasurer, Keith Murray, Recording Secretary; and

WHEREAS, the Licensee has requested the support of the City for the transfer of the License for use at the Property; and

WHEREAS, in consideration of the covenants contained in this Agreement, the City will support the Licensee's application for issuance of the

License to the Property, subject to the terms, conditions and restrictions contained herein.

NOW THEREFORE, in consideration of the foregoing, the mutual promises contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

1. Repair and Maintenance of the Property. Licensee shall, from and after the date hereof, continue to keep the Property under its control in good order and repair, and free of debris and graffiti.

2. Restrictions. Except with the express written consent of the City, which consent may be withheld in the City's sole and absolute discretion, during the period that Licensee is using or has any interest in the Property, and is using the License, the use of the Property shall be restricted to the operation of a Restaurant and Liquor Store with on and off sales, trading as Town Hall Restaurant and Liquor ("Restaurant") or another substantially similar establishment, which receives not more than sixty percent (60%) of its average daily receipts from the Restaurant only over any three consecutive monthly periods from the sale of alcoholic beverages, and which complies strictly with the restrictions and requirements of the State of Maryland/Prince George's County Class B+ License. The calculation of the percentage of alcoholic beverages sold shall include the full cost of any such beverage, and not just the alcohol contained in the beverage. Licensee will provide the City, by January 25 of each year, with summaries of each month's receipts for the sales of alcoholic beverages and food for the preceding calendar year, and, at any time, such information in such form as

the City may reasonably require to permit the verification of sales required in this paragraph 2 of this Agreement. Such information need not be prepared by an accountant or auditor, but must be accompanied by a general affidavit signed by the Licensees affirming the accuracy of the information provided. Licensees may be required by the City to provide information to permit verification of the sales ratios required in this paragraph, including daily register receipts and the identity of, and invoices from, its alcohol and food suppliers. Any such information provided by Licensee that is claimed to be confidential shall be so marked by Licensee and the City will treat such record as confidential as allowed by law.

3. Use of Property. Except as otherwise set forth herein, those uses of the Property permitted by the applicable zoning for the Property shall be permitted uses for the purposes of this Agreement. In addition, the Property shall be subject to all of the restrictions imposed by the applicable zoning of the Property.

4. Noises and Nuisances. Licensee shall not permit any nuisance to be maintained, allowed or permitted on any part of the Property, and no use of the Property shall be made or permitted which may be noxious or detrimental to health or which may become an annoyance or nuisance to persons or businesses on surrounding property.

5. Operations. Licensee shall maintain and operate the Restaurant in a manner that all seats are available for dining and no area is designated solely for the consumption of alcoholic beverages. Alcoholic beverages will not be sold or served in the Restaurant portion of the premises prior to 9:00

a.m. or after 2:00 a.m., Monday through Saturday or prior to 9:00 a.m. or after 12:00 a.m. on Sunday. Alcoholic beverages will not be sold or served in the liquor store portion of the premises prior to 9:00 a.m. or after 12:00 a.m., Monday through Sunday. Food from a regular menu must be served at all times that the premises are open for business. At all times, at least 80% of the items listed on the regular menu shall be available for customers to order. The proposed menu provided by Licensee is attached as Exhibit A. Licensee shall ensure music levels that allow patron conversation in a normal tone of voice, and prohibit disruptive or rowdy behavior that disturbs the peaceful enjoyment of the facility by Licensee's patrons and other persons visiting the facility.

Cover and door charges will not be charged for entry to the Property. Sufficient seating for the capacity of persons allowed in the Restaurant will be provided. The minimum price for alcoholic beverages, including 16 oz. beers, shall be \$2.00. Licensee may sell beer in pitchers. Licensee will maintain all dining areas, including tables and chairs, inside the facility. Licensee shall ensure that the interior of the restaurant, including service areas, remain clean and graffiti free. The interior and exterior of the Property shall be rodent free. Licensee shall not allow grease, dirt, trash or graffiti to accumulate on any portion of the exterior of the Property that Licensee controls. Licensee agrees to fully comply with all applicable laws, including without limitation Subtitle 12, "Health", of the Prince George's County Code, and the Code of the City of College Park. Licensee shall not engage in window advertising of the sale of beer, wine, or liquor nor off-premises leafleting of cars or on public right of way promoting the sale of beer,

wine or liquor. All off-premises advertising of specials, happy hours or reduced prices for beer, wine or liquor shall be limited to promotions coupling the sale or service of food with the sale of alcoholic beverages. Licensee shall use an identification scanner system, designed to recognize false identification prior to making alcoholic beverage sales. The scanner shall be used for all persons who appear to be under the age of thirty five (35) years. Licensee will not accept State of Maryland vertical type licenses as proof of age.

Licensee shall not rent the facilities to individuals or businesses involved in promoting or making a business or profit from producing musical, band or disc jockey events. Licensee shall not provide tables, such as a beer pong table, whose purpose is for use in drinking games. Licensee shall not sponsor or support drinking games within the Property.

6. Enforcement. 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 Licensee pursuant to the provisions of this Agreement. The parties agree that if Licensee should breach the terms of the 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 of a violation of paragraph 2 of this Agreement, Licensee shall have sixty (60) days from the date of notification of the violation to adjust his operations and achieve compliance, as measured during the sixty (60) day period, with the requirements of paragraph 2 of this Agreement. In the event the City is required to enforce this Agreement and

Licensee is determined to have violated any provision of this Agreement, Licensee will reimburse the City for all costs of the proceeding including reasonable attorney's fees. Should Licensee prevail in any action brought by the City to enforce a provision of this Agreement, the City shall reimburse Licensee for all costs of the proceeding including reasonable attorney's fees.

7. Waiver. Neither any failure nor any delay on the part of the City in exercising any right, power or remedy hereunder or under applicable law shall operate as a waiver thereof nor shall a single or partial exercise thereof preclude any other or further exercise thereof or the exercise of any other right, power or remedy.

8. Assignment of License. In consideration for the City voicing no objection to Licensee's application for the new License, Licensee agrees that it shall not sell, transfer, or otherwise assign its rights under the License to any entity or individual for use or operation within the City without the express prior written consent of the City, which consent will not be unreasonably withheld.

9. Assignment. This Agreement shall be binding upon, and shall inure to the benefit of, the respective affiliates, transferees, successors and assigns of the parties hereto.

10. Scope and Duration of Restrictions. The restrictions, conditions and covenants imposed by this Agreement shall be valid only so long as Licensee maintains a License at the Restaurant, or some other substantially similar casual dining restaurant.

11. Security. Pursuant to Article 2B, §6-201(r)(19) of the Annotated

Code of Maryland, Licensee is required to obtain a License for special entertainment or to obtain an exemption. Prior to seeking or operating under a License for special entertainment or an exemption, Licensee agrees that it shall first present to the City its plans for entertainment as well as for any required security. For any activities authorized by such a license or exemption, the Licensee shall have and maintain a Security Plan to prevent the Property and any such activities from posing a threat to the peace and safety of the surrounding area. The Security Plan shall, at minimum, comply with the requirements of the Board of License Commissioners. Any required Security Plan for the Licensee is subject to review and revision annually or upon request by Prince George's County Police, the University of Maryland Police or the City of College Park.

a. Licensee shall diligently enforce ID policies through trained and certified managers and employees. Licensee agrees to take all necessary measures to ensure that under age persons do not obtain alcoholic beverages.

b. All personnel involved in the sale of alcohol and all managers shall be trained in a State approved alcohol awareness program before serving alcohol.

c. All serving, bar, security and management employees will be 18 years or older.

12. Exterior Improvements. Licensee shall invest a minimum of Fifty-thousand Dollars (\$50,000.00) within six months of the effective date of this Agreement, to perform the following as exterior improvements:

a. Replace the fence at the rear of the Property, incorporating openness and visibility.

b. Paint or other surface treatment to improve the overall exterior façade.

c. Improved exterior lighting.

d. Improvement of pole signage at front of building.

13. Notices. All notices given hereunder shall be in writing and shall be deemed to have been given when hand delivered against receipt of three (3) days after deposit with the United States Postal Service, as registered or certified mail, return receipt requested, postage prepaid, addressed:

(i) If to Licensee:

with a copy to:

Robert J. Kim, Esq.
McNamee Hosea
6411 Ivy Lane, Suite 200
Greenbelt, MD 21401

(ii) If to the City:

Scott Somers
City Manager
City of College Park
4500 Knox Road
College Park, Maryland 20740

with copy to:

Suellen M. Ferguson, Esquire
Council, Baradel, Kosmerl & Nolan P.A.
125 West Street, 4th Floor
P.O. Box 2289
Annapolis, MD 21404

14. Amendments. This Agreement may not be amended or modified except in 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.

15. Severability. The provisions of this Agreement shall be deemed severable, so that if any provision hereof is declared invalid, all other provisions of this Agreement shall continue in full force and effect.

16. Governing Law. This Agreement shall be construed in accordance with and governed by the laws of the State of Maryland.

17. Counterparts. This Agreement may be executed in any number of counterparts each of which shall constitute an original and all of which together shall constitute one agreement.

18. Headlines. The headings or titles herein are for convenience of reference only and shall not affect the meaning or interpretation of the contents of this Agreement.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals on the day and year first above written.

WITNESS/ATTEST

Town Hall Wine and Spirits, LLC

Signature
Name: _____
Title: _____

Ashuta Tandon
Authorized Person

WITNESS/ATTEST

CITY OF COLLEGE PARK

Janeen S. Miller, CMC, City Clerk

By:_____
Scott Somers, City Manager

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

By:_____
Suellen M. Ferguson, City Attorney



**CITY OF COLLEGE PARK, MARYLAND
WORKSESSION AGENDA ITEM**

Meeting Date: April 5, 2016

Prepared By: R. W. Ryan, Public Services Director

Presented By: R. W. Ryan, Public Services Director

Originating Department: Public Services

Issue Before Council: Approval of a Property Use Agreement with Ashuta Tandon, Member-Manager of Town Hall Wine and Spirits, LLC, t/a Town Hall Restaurant and Liquor, 8135 Baltimore Avenue, College Park, MD, 20740, to transfer a Class B+, Beer, Wine, and Liquor License from J&G Inc. t/a Town Hall Restaurant.

Strategic Plan Goal: Goal #3 High Quality Development and Reinvestment

Background/Justification:

The City Attorney and Director of Public Services met with Mr. Robert Kim, Attorney, and his clients, Mr. & Mrs. Tandon, to discuss a Property Use Agreement (PUA) and a proposed business plan. The City Attorney has drafted a proposed PUA and shared these with Mr. Kim and his clients. They have been invited and plan to attend the Worksession on April 5th to discuss the draft PUA with the Council.

The applicant is planning to buy the Town Hall property and business. They have agreed to comply with the Prince George's County Board of License Commissioners (BOLC) requirement to invest at least \$50,000 in improvements as previously agreed to by the current owner as a condition of receiving a special Sunday liquor sales license. This condition is part of the draft PUA.

The applicant's attorney has taken the position that food service is not required at this location due to the fact that it now has a Sunday permit. Specifically, Art. 2B, §11-517(l)(8) states: "if the holder of a Class B beer, wine and liquor license with an off-sale privilege is issued a Special Sunday Off-Sale Permit, the holder is no longer required to comply with any restaurant or food requirements." However, the applicant has also agreed to serve food in the restaurant side of the location. A simple sandwich menu which may also include other items that do not require full kitchen facilities is anticipated to be available at all times that alcoholic beverages are served. Currently no food is regularly served.

No entertainment is anticipated which would require an entertainment permit and security plan.

Renovations anticipated include a general improvement of the service area of the package goods side to provide a greater variety of wine and craft beer. Improvements in the restaurant side include lighting, new ceiling, and possibly new seating and restrooms. The general restaurant layout, including the island bar, perimeter seating, and pool tables will be maintained.

Exterior improvements as agreed to with the previous owner are required in the PUA. The applicant has not yet agreed to the terms of the PUA, which have been provided to their attorney.

Fiscal Impact:

It is anticipated that the new owners of t/a Town Hall Restaurant and Liquors will provide improved amenities to the midtown area while continuing to serve local residents and UMD alumni in a traditional but improved City venue.

Council Options:

- #1: Approve the draft PUA as proposed, to include requirements about exterior upgrades and food service, and support the license transfer.
- #2: Approve the draft PUA with changes and support the license transfer.
- #3: Approve the draft PUA and not oppose the license transfer, to include requirements about exterior upgrades and food service.
- #4: Deny the amended PUA and oppose the license transfer.

Staff Recommendation:

#1

Recommended motion:

I move that the City Council support the transfer of a Class B+, Beer, Wine, and Liquor License from J&G Inc. t/a Town Hall Restaurant to Town Hall Wine and Spirits, LLC, t/a Town Hall Restaurant and Liquor subject to the applicant entering into a Property Use Agreement (PUA) between the City and Mrs. Ashuta Tandon, in substantially the form as attached; authorize the City Manager to sign the PUA and authorize City staff to testify to the Council's position to the BOLC.

Attachments:

1. Draft PUA
2. BOLC Agenda
3. BOLC Glossary

**BOARD OF LICENSE COMMISSIONERS
April 19, 2016**

NOTICE IS HEREBY GIVEN: that applications have been made with the Board of License Commissioners for Prince George's County, Maryland for the following alcoholic beverage licenses in accordance with the provisions of Article 2B.

TRANSFER

Jinzhu Jiang, Owner, for a Class B+, Beer, Wine and Liquor License for the use of, **t/a The Bottom Line Bar**, 9008 Old Branch Avenue, Clinton, 20735, transfer from, t/a The Bottom Line Bar, Margarita Lazarou, Owner.

Atty: _____ Opp: _____

Ashuta Tandon, Member-Manager, for a Class B+, Beer, Wine and Liquor License for the use of Town Hall Wine and Spirits, LLC, **t/a Town Hall Restaurant and Liquor**, 8135 Baltimore Avenue, College Park, 20740, transfer from J&G, Inc., t/a Town Hall Restaurant, Ronald Burdoo, President, Mary Burdoo, Secretary/Treasurer, Keith Murray, Recording Secretary.

Atty: Robert Kim, Esquire Opp: _____

TRANSFER OF LOCATION

Jaymini Patel, Member-Manager, for a Class A, Beer, Wine and Liquor License for the use of Accokeek Liquors, LLC, **t/a Accokeek Liquors**, 15789 Livingston Road, Unit 116, Accokeek, 20607, transfer of location from Southern Maryland Liquors, Inc., t/a 301 Center Liquors, 7501 Clymer Drive, Brandywine, 20613, W. Ladd Prohaska, Jr., President/Secretary/Treasurer.

Atty: Robert Kim, Esquire Opp: _____

NEW

Cheryl Glover, Owner, for a new Class B, Beer License for the use of Destiny Wings Two, LLC, **t/a Wingstop**, 14623 Baltimore Avenue, Laurel, 20707.

Atty: _____ Opp: _____

Dean Manternach, President, Mark Evans, Secretary, Lavonne Snowden, Assistant Secretary, for a new Class B(BH), Beer, Wine and Liquor License for the use of R.I. of Largo, Inc., **t/a Residence Inn Largo Capital Beltway**, 1330 Caraway Court, Largo, 20774.

Atty: Jason Deloach, Esquire Opp: _____

Demola Quadri, Director, for a new Class C (Fraternal), Beer, Wine and Liquor License for the use of Abuja Country Club, Inc., **t/a Abuja Country Club**, 8687 Cherry Lane, Laurel, 20707.

Atty: _____ Opp: _____

A hearing will be held at 9200 Basil Court, Room 410, Largo, Maryland 20774, **10:00 a.m., Tuesday, April 19, 2016**. Additional information may be obtained by contacting the Board's Office at 301-583-9980.

BOARD OF LICENSE COMMISSIONERS

Attest:
David D. Son, Director
February 25, 2016

16-G-37

NZI Amendment

**CITY OF COLLEGE PARK, MARYLAND
REGULAR COUNCIL MEETING AGENDA ITEM**



AGENDA ITEM NUMBER 16-G-37

Prepared By: Suellen M. Ferguson, Esq.
City Attorney

Meeting Date: April 12, 2016

Presented By: Suellen M. Ferguson, Esq.
City Attorney

Consent Agenda: No

Originating Department: City Attorney

Action Requested: Approval of an amendment to the City's contract with NZI to include paving, curb, gutter and sidewalk work related to the construction of Randolph-Macon.

Strategic Plan Goal: Goal IV– Quality Infrastructure

Background/Justification:

The Council has approved the concept of constructing the unimproved Randolph Macon right-of-way to enable construction of detached single family homes that will be limited to owner occupancy for a period of ten years after construction, based upon a Declaration of Covenants with the current owners. The City has received a CDBG grant of \$127,000.00 for purposes of constructing part of the roadway, to include paving, curb, gutter and sidewalk work. This grant will expire this summer if not encumbered. The City has an existing bid contract with NZI that includes this type of work. The work can be added to the existing contract at the agreed unit prices without a bid process, which would expedite construction. The work will not proceed until a Declaration of Covenants is finalized with the current owners.

Fiscal Impact:

The cost of these specified road improvements is funded through a CDBG grant in the amount of \$127,000.00 that has been received by the City.

Council Options:

- #1: Approve Resolution 16-G-37 to authorize including the paving, curb, gutter and sidewalk improvements for Randolph-Macon in the existing NZI contract in an amount not to exceed \$127,000.00.
- #2: Take no action

Staff Recommendation:

That Council authorize the construction work for a price not to exceed \$127,000.00 to be added to the scope of the current NZI contract.

Recommended Motion:

I move to approve 16-G-37, to authorize an amendment to the existing City contract with NZI, to perform paving, curb, gutter, and sidewalk work in connection with the improvement of the Randolph-Macon right-of-way.

Attachments:

None.

16-G-38

Kidwell Agreement

(Material will be
provided separately)

16-R-09

Homeownership Grant Program

**CITY OF COLLEGE PARK, MARYLAND
REGULAR COUNCIL MEETING AGENDA ITEM**



AGENDA ITEM NUMBER 16-R-09

Prepared By: Suellen M. Ferguson, Esq.
City Attorney

Meeting Date: April 12, 2016

Presented By: Suellen M. Ferguson, Esq.
City Attorney

Consent Agenda: No

Originating Department: City Attorney

Action Requested: Support the amendment of the criteria for the City Homeownership Grant Program to include purchasers of new construction detached single family houses who agree to the Grant conditions.

Strategic Plan Goal: Goal IV – Quality Infrastructure

Background/Justification:

The City adopted the Home Ownership Grant Program to encourage owner occupant housing. The terms of the grant require a recipient to reside in the residence for five years with the ability to rent to up to two other persons, and prohibits rental to anyone when the owner is not in residence. Including purchasers of new construction detached single family homes in the City's Homeownership Grant Program encourages owner occupant housing.

Fiscal Impact:

A grant of up to \$5,000.00 is funded through the City budget.

Council Options:

- #1: Approve Resolution 16-R-09 to include eligibility for buyers of new construction detached single-family homes
- #2: Approve Resolution 16-R-09 to include eligibility for buyers of new construction detached single-family homes with amendments
- #3: Take no action

Staff Recommendation:

That the City's Homeownership Grant Program be amended to include purchasers of new construction detached single family housing who agree to the Grant requirements.

Recommended Motion:

I move to adopt Resolution 16-R-09, which will make purchasers of newly constructed detached single family homes eligible for the City's Homeownership Grant Program.

Attachments:

1 - Resolution 16-R-09

**RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLLEGE
PARK, MARYLAND, TO EXTEND THE HOMEOWNERSHIP GRANT
PROGRAM TO BUYERS OF NEWLY CONSTRUCTED DETACHED
SINGLE FAMILY HOMES**

WHEREAS, the Mayor and Council of the City of College Park have authority pursuant to Article 23A of the Annotated Code of Maryland to make those laws and regulations that protect the health and welfare of residents within the City; and

WHEREAS, the Mayor and Council have adopted the Homeownership Grant Program to encourage a balanced mix of homeownership in the City; and

WHEREAS, the Mayor and Council have determined that it is in the public interest to allow buyers of newly constructed detached single family homes to be eligible for the grant; and

NOW THEREFORE, the Mayor and Council of the City of College Park do hereby resolve that the Homeownership Grant Program is amended to read as follows:

HOMEOWNERSHIP GRANT PROGRAM

1. That the Homeownership Grant Program is hereby established.
2. Subject to funding, buyers of single family residences (including townhouses) within the City that have been used for at least two years prior to purchase as non-owner occupied rental properties, or as owner occupied properties rented to more than two (2) other persons, who agree to be owner-occupants for five consecutive years may request a grant of up to \$5,000.00 to be used at closing toward the purchase of the property. During the said five years, the residence for which this grant is used shall be owner occupied and not rented to more than two (2) other persons at any time during the period. For city employee grants

CAPS : Indicate matter added to existing law.
 [Brackets] : Indicate matter deleted from law.
 Asterisks * * * : Indicate matter remaining unchanged in existing law but not set forth in Resolution

only, a non-employee co-owner of the property is exempted from the residency requirements of this section.

3. For purposes of this grant program, police officers are defined as those certified officers who are full time employees of the State of Maryland, the University of Maryland, the Washington Metropolitan Area Transit Authority, Prince George's County, and the Maryland-National Capital Park and Planning Commission.
4. For purposes of this grant program, City employees are defined as regular full time employees.
5. For purposes of this grant program, firefighters and emergency medical technicians are defined as full time, career firefighters and full time emergency medical technicians who are employed in Prince George's County and bona fide members of Volunteer Fire Departments in Prince George's County who can provide certification from their Department.
6. In the alternative, City employees and police officers, firefighters and emergency medical technicians who agree to be owner occupants for five consecutive years may apply for a grant of up to \$5,000.00 for use at closing on the purchase of any single family home or condominium within the City, regardless of whether it is or has been used as a rental. During the said five years, the residence for which this grant is used shall be owner occupied and not rented to more than two (2) other persons at any time during the period. For city employee grants only, a non-employee co-owner of the property is exempted from the residency requirements of this section.

7. In the alternative, any person(s) who agrees to be owner occupant for five consecutive years of a single family residence (including townhouses), or a condominium unit, that is in foreclosure or short sale status prior to purchase, may apply for a grant of up to \$5,000.00 for use at closing on the purchase of said single family home or condominium. During the said five years, the residence for which this grant is used shall be owner occupied and not rented to more than two (2) other persons at any time during the period.
8. IN THE ALTERNATIVE, ANY PERSON(S) WHO AGREES TO BE OWNER OCCUPANT FOR FIVE CONSECUTIVE YEARS OF A NEWLY CONSTRUCTED DETACHED SINGLE FAMILY RESIDENCE MAY APPLY FOR A GRANT OF UP TO \$5,000.00 FOR USE AT CLOSING ON THE PURCHASE OF SAID SINGLE FAMILY HOME. DURING THE SAID FIVE YEARS, THE RESIDENCE FOR WHICH THIS GRANT IS USED SHALL BE OWNER OCCUPIED AND NOT RENTED TO MORE THAN TWO (2) OTHER PERSONS AT ANY TIME DURING THE PERIOD.
9. In the event that a participant fails to remain an owner occupant for the agreed five consecutive year period, the funds provided under the grant shall be repaid to the City by the participant, subject to a credit of one/fifth of the grant sum for each full year during which the property was in compliance with the terms of the grant.
10. The Owner, while residing at the Property, may rent to up to two other persons during the five (5) year period. If not residing at the Property, Owner shall not rent to any other person during the five (5) year period. Should the Owner rent

any portion of the property to any person while not living at the Property, or to more than 2 other persons while residing at the Property, then the full grant sum shall be repaid to the City.

11. Repayment of any funds pursuant to paragraph [~~8-07~~] 9 OR 10 shall become due immediately upon the happening of the event that triggers the condition (i.e. sale of the property, non-residence or rental of the property). Any repayment amount due hereunder which is not paid within thirty (30) days from becoming due may be included in the real property tax bill and shall be collected as city taxes are collected.
12. All participants in this grant program shall be required to sign a Declaration of Covenants and Conditional Repayment Agreement that shall include the terms of the grant as set out herein and be binding upon the property, in substantially the form as attached to this resolution.
13. All participants in the grant program shall file an annual certification on a form provided by the City that they are in compliance with the terms of the grant. Failure to file the form as requested is a breach of grant requirements, and may result in the required repayment of grant amounts, as set out in paragraph [8] 9.
14. City staff may, when otherwise appropriate, extend the date upon which a grant recipient must take up residence at the property for up to six months from settlement, or until an existing lease expires, whichever first occurs, when the property is subject to a existing lease.
15. To be eligible for a grant, an applicant must be in good standing with the city.

ADOPTED by the Mayor and City Council of the City of College Park, Maryland
at a regular meeting on the _____ day of _____, 2016.

EFFECTIVE the _____ day of _____, 2016.

WITNESS:

CITY OF COLLEGE PARK

Janeen S. Miller, CMC, City Clerk

Patrick L. Wojahn, Mayor

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

Suellen M. Ferguson, City Attorney

16-G-49

Dumpster Permit

**CITY OF COLLEGE PARK, MARYLAND
REGULAR COUNCIL MEETING**

AGENDA ITEM 16-G-49



Prepared By: R. W. Ryan
Public Services Director

Meeting Date: April 12, 2016

Presented By: R. W. Ryan
Public Services Director

Consent Agenda: No

Originating Department: Public Services

Action Requested: Approval of an extension of a permit for a construction dumpster at 4617 Norwich Road

Strategic Plan Goal: Goal #3 High Quality Development and Reinvestment

Background/Justification:

The City Code, Chapter 141-3.B, requires a permit for any dumpster placed upon a residential property. The Code allows the Director of Public Services and the City Manager to issue such permits for a combined total of 180 days. Thereafter, the City Council must approve the issuance of a permit, "upon showing of exceptional circumstances".

The applicant, Ashley Building Solutions, LLC, the contractor for Delta Phi Chapter of Sigma Nu fraternity, has applied for an extension of this dumpster permit beyond the 180 day period for which the Director and Manager have authority to grant such permits.

The dumpster is being used for debris from the total renovation of the Sigma Nu fraternity house at 4617 Norwich Road. This is an extensive project which includes renovation of all four stories of the building.

Fiscal Impact:

No fiscal impact to the City budget.

Council Options:

- #1: Approve dumpster permits for additional 30 day increments until project completion.
- #2: Approve dumpster permits for a definite time.
- #3: Deny further dumpster permits.

Staff Recommendation:

Option #1

Recommended Motion:

I move that the City Council approve dumpster permits for periods of 30 days each until completion of the renovation of 4617 Norwich Road, and authorize the Public Services Department to issue such permits.

Attachments:

- 1. City Code Chapter 141-3.B
- 2. Permit Application Submitted via email on March 16, 2016
- 3. Applicant's letter explaining need for additional time dated March 16, 2016

City of College Park, MD
Thursday, April 7, 2016

Chapter 141. Nuisances

§ 141-3. Dumpsters and other storage receptacles.

[Amended 10-8-1985 by Ord. No. 85-O-9; 1-13-2004 by Ord. No. 03-O-12; 6-12-2007 by Ord. No. 07-O-12]

- A. Commercial or residentially zoned properties using a commercial dumpster service for regular trash collection must file with the City a copy of their contract for the services. Each contractor must furnish a minimum of two pickups weekly. All dumpsters furnished by the contractor must be watertight, with a lid that must remain closed. Each dumpster must sit on a concrete or asphalt pad to be at least the same size as the dumpster. The dumpster must be placed to the rear or side of the property, and in any case to the rear of the front building restriction line. In cases where the dumpster is visible to the general public, said dumpster must be enclosed by some means of screening, such as stockade-type fence, to completely obscure it from such view and must be located a minimum of 10 feet from any public sidewalk.
- B. No dumpster or other receptacle for the storage or transport of construction or other debris, or for the storage of household or other items, greater in size than three cubic yards, shall be placed on residential property without a permit issued by the City. Permits shall expire not later than 30 days after issuance, and shall be subject to such further conditions as the City Manager may require. A permit may be extended for up to an additional 60 days in any twelve-month period by the Director of Public Services, and thereafter by the City Manager for up to an additional 90 days in the same period upon good cause shown. Any further extension within the same period may be authorized only by the Mayor and City Council upon a showing of exceptional circumstance.



Department of Public Services ♦ Code Enforcement Division
 4601-A Calvert Road ♦ College Park, MD 20740
 Telephone: 240-487-3570 Facsimile: 301-864-7965

DUMPSTER OR STORAGE POD PERMIT APPLICATION

§ 141-3 B – No dumpster or other receptacle for the storage or transport of construction or other debris, or for the storage of household or other items, greater in size than three cubic yards, shall be placed on residential property without a permit issued by the City. Permits shall expire not later than 30 days after issuance, and shall be subject to such further conditions as the City Manager may require. A permit may be extended for up to an additional 60 days in any twelve-month period by the Director of Public Services, and thereafter by the City Manager for up to an additional 90 days in the same period upon good cause shown. Any further extension within the same period may be authorized only by the Mayor and City Council upon a showing of exceptional circumstance.

Residential	<input checked="" type="checkbox"/> Trash Dumpster <input type="checkbox"/> Storage Pod
Commercial	Prince George's County Temporary Use and Occupancy Permit Required for Storage Unit

Work Site Address 4617 Norwich Rd College Park, MD 20740

Project Description Remove Debris Store Household Items Other _____

Occupant Vacant Tenant Owner

Property Owner(s) Delta Phi chapter of Sigma Mu

Mailing Address 114 E 72nd Street Apt 15C

City New York State NY Zip Code 10021

Day Phone 301-788-2822 Evening Phone _____

Email Address robertbecker@gmail.com Fax _____

Company Delivering Unit Ashley Custom Commercial LLC / Republic Services

Mailing Address 1605 Union Ave.

City Baltimore State MD Zip Code 21211

Day Phone 410-559-0000 Evening Phone _____

Email Address nathan@ashleyhomes.com Fax _____

Applicant's Signature Nathan Galley Date 3/18/15

***** APPLICANT DO NOT WRITE BELOW THIS LINE *****

Application Fee \$25.00 Application No. _____ Intake By _____

PLANNING REVIEW NOT REQUIRED

Department	By	Date	Approved	Denied	Not Required
Public Services	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
City Manager	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other	_____	_____			
Comments	_____				

Permit No. _____ Date Issued _____



ASHLEY CUSTOM HOMES, INC. MHBR # 126
ASHLEY BUILDING SOLUTIONS, LLC. MHIC# 39601

March 16, 2016

To Whom This May Concern,

We are requesting a renewal of the dumpster permit for 4617 Norwich Road in College Park. Our company, Ashley Custom Commercial, is in the process of completing a large, interior renovation for the owners of the Sigma Nu fraternity house.

Prior to starting, our clients asked if we could have a dumpster placed on site for them so they could discard the remaining furnishings and debris. We obtained a dumpster permit and dumpster for them on August 7, but our work did not start until late September.

The original contract with our client was for an upgrade of the existing plumbing and electrical systems, installation of new heating, cooling and ventilation equipment and some cosmetic work. Although not in our original contract, we also needed to replace the existing sprinkler and fire alarm systems to bring them to current code, replace inoperable windows and bath windows that didn't have tempered glass as well as a number of other upgrades which were required by WSSC and municipal inspectors. Fortunately the owners were able to fund the additional improvements, and when completed the Sigma Nu Fraternity House will be a beautiful and safe place for students to reside. However, due to significant increases in the scope of work, our target date for completion is now early May.

Between now and May we will be installing plumbing and electric fixtures, the remaining HVAC, sprinkler and fire safety equipment, new flooring, cabinets, trim, etc. We have been very careful to maintain a clean and safe work site, on the interior and exterior. Being allowed to keep a dumpster on the fraternity's driveway will allow us to continue to do so as we strive to complete this renovation.

Thank you for your consideration,

Sincerely,

A handwritten signature in cursive script that reads "Deni Tabor".

Deni Tabor
Ashley Custom Commercial, LLC

Renée Whitehead

From: Nathan Goldberg [nathan@ashleyhomes.com]
Sent: Wednesday, March 16, 2016 10:49 AM
To: Renée Whitehead
Cc: deni@ashleyhomes.com
Subject: RE: 4617 Norwich Rd - Dumpster
Attachments: Dumpster Permit Request_3-16-16.pdf; Scan Mar 16, 2016, 10.47 AM.pdf

Thank you Renee!

I have attached a new letter and application. Please call me for payment. 443-208-1826

Thanx again
-Nathan

From: Renée Whitehead [<mailto:rwhitehead@collegetparkmd.gov>]
Sent: Tuesday, March 15, 2016 8:39 AM
To: nathan@ashleyhomes.com
Subject: 4617 Norwich Rd - Dumpster

Nathan,

Attached is the dumpster permit that will be good until March 25th. If you will need to continue to have the dumpster on site, you will need to submit application and payment now. Continued approval of the dumpster must be authorized by Mayor and City Council, and therefore will need to be voted on at a Council meeting. If so, please submit with another letter showing exceptional circumstance and requesting the specific time period needed.

Please let me know if you have any questions.

Renée Whitehead
Office Specialist III
Public Services Department
City of College Park, Maryland 20740
240-487-3570
rwhitehead@collegetparkmd.gov

From: pocode4500@gmail.com [<mailto:pocode4500@gmail.com>]
Sent: Tuesday, March 15, 2016 6:32 AM
To: Renée Whitehead
Subject: Message from KM_554e

16-G-50

Support Letter Milkboy+Arthouse



**CITY OF COLLEGE PARK, MARYLAND
REGULAR COUNCIL MEETING AGENDA ITEM**

AGENDA ITEM NUMBER 16-G-50

Prepared By: Bill Gardiner, Assistant City Manager

Meeting Date: April 12, 2016

Presented By: Scott Somers, City Manager

Consent Agenda: No

Originating Department: Planning

Action Requested: City Council support for the College Park City-University Partnership application to the Redevelopment Authority for a Community Impact grant for the Milkboy + ArtHouse project

Strategic Plan Goal: Goal 3: High Quality Development and Reinvestment

Background/Justification:

The Milkboy + ArtHouse project is a partnership between The Clarice Center for the Performing Arts and Milkboy College Park, LLC, owned by experienced restaurant, bar, and performance space operators from Philadelphia. This partnership will replace a vacant building with a unique destination that provides a wide-range of performances, music, and food.

It will feature casual dining, three bars, and multiple performance spaces spread over 14,000 square feet. The project start-up costs exceed \$1 million. Milkboy + ArtHouse has also applied to the City's Retail Attraction & Expansion Fund in order to subsidize the project.

Fiscal Impact:

There is no fiscal impact of the letter or the grant on the City of College Park.

Council Options:

- #1: Provide a letter of support for the application.
- #2: Request additional information regarding the project, and reconsider the request at a later date.
- #3: Decline to provide a letter of support for the application

Staff Recommendation:

#1.

Recommended Motion:

I move to authorize the Mayor to sign the attached letter of support for the College Park City-University Partnership grant application in support of the Milkboy + ArtHouse project.

Attachments:

- 1 - Letter of Support
- 2 – Request for letter of support by CPCUP

April 12, 2016

Mr. Howard Ways, Executive Director
Prince George's County Redevelopment Authority
9200 Basil Court, Suite 504
Largo, MD 20774

Re: MilkBoy + ArtHouse Community Impact Application

Dear Mr. Ways:

The College Park City Council voted to support the College Park City-University Partnership's application to the Redevelopment Authority's Community Impact Grants program for the MilkBoy + ArtHouse project.

MilkBoy + ArtHouse is an exciting new artistic partnership between MilkBoy – a Philadelphia restaurant and performance venue – and The Clarice Smith Center for the Performing Arts. This project will be located in the heart of downtown College Park, and will transform a vacant building into a welcoming, art-filled, and distinctive restaurant, bar, and performance space.

The City of College Park, the University of Maryland, and Prince George's County have been working together on many initiatives to attract new businesses and amenities, and increase the tax base. This project fits our goals perfectly, but requires a significant investment. The transformation of the space is costly, and the City of College Park is working with Milkboy on a City grant that will also support the project.

The Council fully supports of the College Park City-University Partnership application for funding to help implement this project. The Redevelopment Authority's support for the project will enable it to catalyst to additional investment, and strengthen our collective work to improve our communities.

Sincerely,

Patrick L. Wojahn
Mayor

CC: Eric Olson, Executive Director, College Park City-University Partnership
Martin Wollesen, Executive Director, The Clarice
Omar Blaik, U3 Advisors



Eric Olson, Executive Director
 eolson@collegeparkpartnership.org
 240-416-3184

Valerie Woodall, Program Associate
 vwoodall@collegeparkpartnership.org
 845-649-2477

April 12 R/M
 RECEIVED

COLLEGE PARK CITY-UNIVERSITY PARTNERSHIP

MAR 18 2016
 City of College Park
 Administration Office
 March 18, 2016

Mayor Wojahn and City Council
 City of College Park
 4500 Knox Road
 College Park, MD 20740

Re: City Support for Partnership application for a Community Impact Grant

Dear Mayor Wojahn and City Council Members,

One of the most exciting projects to enliven our downtown commercial area, and the Baltimore Avenue corridor in general, is the Milkboy + ArtHouse at the former Barking Dog property, 7416 Baltimore Avenue.

Thank you for your support of this project, including through passing a resolution which was necessary for the project to be eligible for lending through the Department of Housing and Community Development's Neighborhood BusinessWorks program.

The College Park City-University Partnership has been assisting with seeking funds for the project, and as a community development corporation, we have been asked to serve as an applicant for grant funding through the County Redevelopment Authority's Community Impact Grant Program. We have approval from the Partnership Board to apply for this \$50,000 grant for Milkboy + ArtHouse. The grant application also requires support of the local government for us to apply. We respectfully request your action to provide a letter of support for the Partnership's application.

Making the College Park area an even greater university community, a destination where more University employees and others choose to live, and where more people will spend their money necessitates that we revitalize commercial areas to foster walkable, mixed-use districts. MilkBoy + ArtHouse is a new artistic partnership between MilkBoy – a Philadelphia restaurant and performance venue – and The Clarice Smith Center for the Performing Arts where the community can go to relax over food and drink in a creative and casual atmosphere. The physical transformation of the space and the façade will signal to residents, visitors, and other business owners that the Baltimore Avenue corridor in College Park is an exciting, walkable destination for distinctive, exciting and diverse businesses.

The Partnership is prepared to apply for the County Redevelopment Authority's Community Impact Grant in order to support a new, transformative façade. Our application is part of a larger funding package that Partnership staff has been working on with the City, University, University Foundation, County and State in order to move forward the ArtHouse project. We request written approval from City Council to include in our grant application, due April 18.

Thank you for your support, and please let me know if you have any questions.

Sincerely,

Eric Olson
 Executive Director

16-R-06

Complete & Green Streets



**CITY OF COLLEGE PARK, MARYLAND
REGULAR COUNCIL MEETING AGENDA ITEM**

AGENDA ITEM NUMBER 16-R-06

Prepared By: Steve Beavers,
Community Development Coordinator

Meeting Date: April 12, 2016

Presented By: Terry Schum,
Director of Planning, Community and Economic Development

Consent Agenda: No

Originating Department: Planning, Community and Economic Development

Action Requested: Adopt Complete Streets Policy

Strategic Plan Goal: Goal 4: Quality Infrastructure

Background/Justification:

At the Worksession on April 5, Council discussed this item and directed staff to include revisions to the policy that address adequate stormwater drainage on City streets. Revisions were made to the Resolution and Sections B. 4, C.4 and E.6 of the Policy.

Fiscal Impact:

The attached policy indicates that additional C.I.P. and grant funding will need to be allocated on an annual basis to plan and implement these practices, in addition to staff time. Staff time needed will vary with the type and quantity of practices selected.

Council Options:

- #1: Approve Complete and Green Streets Policy as attached
- #2: Approve Complete and Green Streets Policy with additional revisions
- #3: Decline Complete and Green Streets Policy at this time

Staff Recommendation:

- #1. Approve Complete and Green Streets Policy as attached

Recommended Motion:

I move to adopt Resolution 16-R-06 to approve a Complete and Green Streets Policy for the City of College Park.

Attachments:

- 1. Worksession Memo from April 5, 2016
- 2. Complete and Green Streets Resolution and Policy



**CITY OF COLLEGE PARK, MARYLAND
WORKSESSION AGENDA ITEM**

Prepared By: Steve Beavers
Community Development Coordinator

Meeting Date: April 5, 2016

Presented By: Terry Schum, Director of Planning
Steve Beavers

Proposed Consent Agenda: No

Originating Department: Planning, Community and Economic Development

Issue Before Council: Complete and Green Streets Policy

Strategic Plan Goal: Goal 4: Quality Infrastructure

Background/Justification:

The Council adopted resolution 14-R-09 in 2014 to pursue policy goals supporting the Healthy Eating Active Living Campaign (HEAL). HEAL is an initiative of the Institute for Public Health Innovation in partnership with the Maryland Municipal League. Our HEAL policy specified four goals, three of which have already been accomplished: establishing community gardening, promoting acceptance of SNAP/EBT benefits at our farmers markets, and establishing an employee wellness program. The last remaining goal of our HEAL policy is the development of a complete streets policy.

Adopting a complete and green streets policy to implement a comprehensive network of multi-modal roadways was also identified as a goal in the City's 2015-2020 Strategic Plan. City priorities include attractive streetscapes and convenient transportation systems serving all users, as well as a sustainable built environment and stewardship of our natural resources.

The City received a Transportation Land Use Connections technical assistance grant from the Washington Metropolitan Council of Governments in 2015 for preparation of a Complete and Green Streets Policy and Implementation Plan Report, a copy of which is attached.

The proposed Complete and Green Streets Policy incorporates City goals while following professional best practice guidance. It includes recommended policy elements from the American Planning Association, Change Lab and Smart Growth America. The proposed policy will complement our ongoing sustainability efforts by minimizing the environmental impact of our roadways and promoting safe access for everyone, no matter their age or ability.

The policy has been refined by staff to reflect the unique community context and needs of the residents and visitors to the City of College Park. For example, this policy recognizes that the City's older neighborhood streets are often constrained by limited rights-of-way, topography and tree canopy.

Fiscal Impact:

The attached policy indicates that additional CIP and grant funding will need to be allocated on an annual basis to plan and implement these practices, in addition to staff time. Staff time needed will vary with the type and quantity of practices selected.

Council Options:

- #1. Approve Complete and Green Streets Policy as attached
- #2. Approve Complete and Green Streets Policy with revisions
- #3. Decline Complete and Green Streets Policy at this time

Staff Recommendation:

- #1. Approve Complete and Green Streets Policy as attached

Recommended Motion:

I move to approve Resolution 16-R-XX to approve a Complete and Green Streets Policy for the City of College Park.

Attachments:

1. Complete and Green Streets Resolution and Policy
2. Consultant's Report

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE
CITY OF COLLEGE PARK, MARYLAND
TO ADOPT A COMPLETE & GREEN STREETS POLICY**

WHEREAS, safe, convenient, and accessible transportation for all users is a priority of the City of College Park; and

WHEREAS, “Complete Streets” describe a comprehensive, integrated transportation and land use network where the right-of-way (ROW) is designed and operated to allow safe and convenient travel along and across all streets for all users, including pedestrians, bicyclists, persons with disabilities, seniors, children, and motorists; and

WHEREAS, “Green Streets” describe roadways that incorporate plantings or other vegetative practices along the ROW that are designed to reduce the amount of pollutants in storm water runoff; and

WHEREAS, Complete Streets improve public health and safety by reducing the risk of injuries and fatalities for users of all modes of transportation; and

WHEREAS, Complete Streets are designed with the safety and convenience of pedestrians and bicyclists in mind while aiming to increase the number of people walking and bicycling; and

WHEREAS, Complete Streets represent a balanced transportation and land use system that inherently encourage people to walk and bicycle to everyday destinations, such as schools, shops, restaurants, businesses, parks, transit, and jobs, which in turn enhances the City’s economic vitality and livability; and

WHEREAS, encouraging people to walk, bicycle, and use public transit saves resources, reduces air pollution, and reduces emissions that contribute to global warming; and

WHEREAS, Complete Streets encourages an active lifestyle by creating opportunities to integrate exercise into daily activities, thereby helping to reduce the risk of obesity and its associated health problems; and

WHEREAS, Green Streets improve the environment by reducing the impact that impervious surfaces have on our waterways by slowing down and pre-filtering storm water runoff from our roads, helping to alleviate drainage issues; and

Deleted: ; and

WHEREAS, in light of the foregoing benefits and considerations, the City of College Park wishes to implement a Complete and Green Streets network within the City and desires to recognize the principles of Smart Growth by forming a comprehensive and integrated transportation network promoting safe, equitable, and convenient travel for all users while preserving flexibility, recognizing neighborhood context and using the best practice design guidelines and standards; and

WHEREAS, a Complete Streets Policy and Implementation Plan Report was prepared for the City under a Transportation Land Use Connections technical assistance grant administered by the Washington Metropolitan Council of Governments which included public input and a presentation to the Council.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of College Park, Maryland that the City of College Park adopts the College Park Complete and Green Streets Policy attached hereto as Attachment 1, and made part of this Resolution.

ADOPTED by the Mayor and Council of the City of College Park, Maryland at a regular meeting on the _____ day of _____, 2016.

EFFECTIVE the _____ day of _____, 2016

WITNESS:

**THE CITY OF COLLEGE PARK,
MARYLAND:**

Janeen S. Miller, City Clerk

Patrick L. Wojahn, Mayor

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

Suellen M. Ferguson, City Attorney

Attachment 1: College Park Complete and Green Streets Policy

ATTACHMENT 1

COLLEGE PARK COMPLETE AND GREEN STREETS POLICY

A. DEFINITIONS

1. “Complete Street” means a street or roadway that allows safe and convenient travel by all of the following categories of users: pedestrians, bicyclists, persons with disabilities, motorists, seniors and children and that creates a shared space for all users to the extent practicable.
2. “Transportation Project” means any development, project, program, or practice that affects the transportation network within the City of College Park, including any construction, reconstruction, resurfacing or rehabilitation of any public street or roadway.
3. “Green Street” means a roadway that incorporates plantings or other vegetative practices along the ROW that are designed to reduce the amount of pollutants in storm water runoff. Curb or storm drain modifications are usually necessary to divert the storm water into these practices. Runoff that has traversed through these practices enters the storm drain system with fewer pollutants.
4. “Pedestrian Infrastructure” includes sidewalks, paths, bus shelters, benches and other street furniture and pedestrian lighting within the public ROW.
5. “Bicycle Infrastructure” includes bicycle racks, bike share stations and equipment, bicycle trails, lanes, sharrows, and signage within the public ROW.

B. COMPLETE AND GREEN STREETS FRAMEWORK

It shall be the policy of the City to develop and implement an integrated and connected multimodal network of Complete and Green Streets that serve all neighborhoods. The Planning Department and City Engineer shall lead this effort. Toward this end:

1. Every transportation project, and phase of that project (including planning, scoping, funding, design, approval, implementation), by the City shall strive to provide for Complete and Green Streets for all categories of users identified in Section A.1. of this policy recognizing the need for flexibility in balancing user needs.

2. Wherever possible, transportation projects shall strive to create a network of continuous bicycle- and pedestrian-friendly streets including streets that connect with transit and provide convenient access to residential areas, commercial areas and schools. Streets shall include provisions for trees and strive to incorporate green streets techniques where appropriate.
3. All Complete and Green Streets shall be designed to be context sensitive taking into consideration the character of the surrounding neighborhood. It is recognized that the City has ROW's with variable widths and other conditions that may affect the design of a roadway.
4. The Planning Department and City Engineer shall coordinate with all stakeholders including residents, neighborhood associations and County and State agencies to create Complete and Green Streets on all roadways serving the City. The City shall seek to implement projects that advance County and State stormwater goals wherever possible.
5. The Planning Department and City Engineer shall coordinate with adjacent jurisdictions and other public agencies to enable, wherever possible, connections to bicycle- and pedestrian-friendly routes beyond the City's boundaries.
6. The City shall rely upon the current editions of street design standards and green streets guidelines that promote and support Complete and Green Streets including but not limited to the following:
 - *Urban Street Design Guide* and *Urban Bikeway Design Guide* (National Association of City Transportation Officials - NACTO)
 - *Designing Walkable Urban Thoroughfares: A context sensitive approach* (Institute of Transportation Engineers/Congress for the New Urbanism)
 - *Pedestrian Safety Guide and Countermeasure Selection System* (U.S. Department of Transportation, Federal Highway Administration)
 - *Bicycle Safety Guide and Countermeasure Selection System* (U.S. Department of Transportation, Federal Highway Administration)
 - *Separated Bike Lane Planning and Design Guide* (U.S. Department of Transportation, Federal Highway Administration)

Deleted: and County

- *Municipal Handbook: Green Streets* (U.S. Environmental Protection Agency)

C. IMPLEMENTATION

The next steps for implementation include the following:

1. Compile an inventory of all City Streets in a database that includes ROW width, pavement width, curb and gutter, parking facilities, transit accommodations, bicycle and pedestrian infrastructure and storm water management facilities.
2. Identify incomplete City streets particularly where the conditions are conducive to the construction of bicycle and pedestrian features to take advantage of funding available for this purpose.
3. Evaluate Capital Improvement Program projects, including the Pavement Management Plan, for the potential to include complete and green streets practices.
4. Identify stormwater drainage issues that could be alleviated through green streets practices or other roadway alterations.
5. Seek supplemental sources of funding, including public and private sources, to assist in the implementation of this policy.
6. Examine Complete and Green Streets design standards and practices during the development review process for all new development in the City and make every effort to implement them.
7. Utilize interdepartmental coordination and provide appropriate staff training to promote the efficient and responsible implementation of this policy.
8. Include implementation of this policy in the City's strategic action plan.

D. EXCEPTIONS TO POLICY AND IMPLEMENTATION CONSTRAINTS

This section recognizes that there may be limiting factors to implementation of this policy. A specific category of user may be excluded if one or more of the following conditions apply:

1. Use of the roadway is prohibited by law for the category of user (e.g., pedestrians on an interstate freeway). In this case, efforts shall be made to accommodate the excluded category of user on a parallel route.
2. There is an absence of both a current and future need to accommodate the category of user shown via demographic, school, employment, and public

transportation route data that demonstrate a low likelihood of bicycle, pedestrian or transit activity in an area over the next 20 years.

3. The cost would be excessively disproportionate to the current need or future need over the next 20 years.
4. There is less than 35 feet of ROW width available and the City is unable to acquire additional ROW or obtain easements for the accommodations.
5. There are site-specific constraints such as topography (steep slopes) or mature vegetation.
6. There is no community support for the proposed project.

E. PERFORMANCE MEASURES

In order to evaluate whether the City transportation network is adequately serving each category of user, The Planning Department and City Engineer shall collect baseline and annual data on matters relevant to this Policy, including the following information:

1. Linear feet of pedestrian infrastructure
2. Number and type of other pedestrian infrastructure
3. Miles of bike lanes and sharrows
4. Number and type of other bicycle infrastructure improvements
5. Number of curb ramps
6. Square feet of green street infrastructure and other stormwater treatments
7. Number of street trees
8. Total funding allocated to Complete and Green Streets projects

F. REPORTING REQUIREMENTS

One year from the effective date of this Policy, and annually thereafter, the Planning Department and City Engineer shall submit a report to the City Council on the progress made in implementing this Policy that shall include the following:

1. Baseline and updated performance measures as described in Section (E)
2. A summary of all Transportation Projects planned or undertaken and their status
3. Any recommendations for improving implementation of this Policy

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16-G-52

Council Rules



**CITY OF COLLEGE PARK, MARYLAND
REGULAR COUNCIL MEETING AGENDA ITEM**

AGENDA ITEM NUMBER 16-G-52

Prepared By: Janeen Miller, City Clerk and
Suellen Ferguson, City Attorney

Meeting Date: April 12, 2016

Presented By: Scott Somers, City Manager

Consent Agenda: No

Originating Department: Administration

Action Requested: Review and approval of revisions to Council Rules and Procedures

Strategic Plan Goal: Goal 5: Effective Leadership

Background/Justification:

The Mayor and Council discussed the draft Council Rules and Procedures at the Worksession on April 5, clarified several items and provided direction to staff. The attached redlined Council Rules and Procedures reflects the changes to the April 5 Worksession draft as understood by staff.

Fiscal Impact:

None

Council Options:

- #1: Approve the revised Council Rules and Procedures as submitted
- #2: Make revisions or provide additional direction
- #3: Delay this decision pending further review

Staff Recommendation:

Staff will take direction from Council

Recommended Motion:

If Council wishes to adopt the attached revision, the recommended motion would be:

"I move to approve the attached update to the Rules and Procedures for the Mayor and City Council of College Park."

Attachments:

1 – Revised Council Rules marked "Draft for April 12 Regular Session"

DRAFT FOR APRIL 12 REGULAR SESSION

RULES AND PROCEDURES FOR
THE MAYOR AND CITY COUNCIL OF COLLEGE PARK

I. ADOPTION, REVIEW AND AMENDMENT

A. Adoption. These rules are adopted pursuant to the authority provided in Art. VI, § C6-1 of the City Charter.

B. Biennial Review. These rules and procedures shall be reviewed at least biennially by the Mayor and City Council. Public notice and an opportunity for public comment shall be provided prior to making changes to these rules. Changes in procedure may be made by majority vote of the Mayor and City Council at the Regular Meeting after the change in rules or procedures is proposed.

C. Rescission and Suspension of Rules. A motion to rescind or amend the rules and procedures previously adopted or a motion to suspend these rules and procedures may be brought pursuant to the appropriate section of Robert's Rules of Order.

II. LEGISLATIVE ACTIONS

The City Council affirmatively acts by voting at a meeting. Four types of legislative actions taken at City Council meetings are General Motions, Resolutions, Ordinances, and Charter Amendments.

A. General Motions. General motions are used for approval of a Council position or a letter, to give direction to staff, to approve contracts, or to set policy. They do not update the City Code or Charter.

B. Resolutions. Resolutions are used to set forth legal decisions and official positions of the City Council, to set policy, to establish commissions, and to implement programs. Resolutions do not update the City Code or Charter and do not have specific public hearing requirements.

Resolutions may be introduced and voted on at the same meeting, and are usually effective immediately upon adoption.

C. Ordinances.

1. Purpose and Requirements. The City Council updates the City Code, and adopts other measures as required by State law, by Ordinance, which is enacted pursuant to the provisions of Article VIII of the City Charter. An Ordinance requires an introduction and a public hearing prior to adoption, and may not be adopted at the meeting at which it is introduced, unless designated as an emergency ordinance.

2. Public Hearing; Notice. As required by Art. VIII, § C8-2, a public hearing shall be held on proposed ordinances following the advertisement of the ordinance or a fair summary thereof on the City website, cable channel, bulletin board and City email listserv. Emergency ordinances shall be considered pursuant to § C8-2B of the College Park Charter.

3. Majority vote. The affirmative vote of a simple majority of the members of the City Council present and voting shall be required for the enactment of ordinances, except as otherwise required by law.

4. Adoption. The Council shall not adopt an ordinance or ordinance amendment at the same meeting at which the ordinance is introduced unless it is declared an emergency ordinance. Ordinances shall become effective upon expiration of twenty (20) days following Council approval unless the Council declares otherwise.

D. Charter Amendment Resolutions

Charter Amendment Resolutions are used only to amend the City Charter. Charter amendments may be enacted by charter resolution pursuant to the provisions of §4-301 *et seq.*, of the Local Government Article, Annotated Code of Maryland, and the City Charter. Prior to adoption, a public hearing shall be held on charter resolutions initiated by the Council following advertisement of the resolution or a fair summary thereof on the City website, cable channel, bulletin board and City email listserv and publication in a local newspaper of general circulation. The Council shall not adopt a charter resolution at the same meeting at which it is introduced. The pre-adoption notice and publication requirements of this subsection, as well as the

requirement that the charter resolution not be adopted at the meeting at which it is introduced, are self-imposed and may be overridden by the Council by a majority vote.

III. MEETINGS

A meeting occurs when a quorum of the Mayor and City Council convenes to consider or transact public business.

A. Meeting Schedule.

An annual meeting schedule shall be approved by the Mayor and City Council at its first Regular Meeting in December of each year. Public notice of any changes to the meeting schedule shall be provided as soon as possible. In an election year, the schedule shall be approved by the new Council. Any time requirements related to amendments to agendas and submission of meeting materials will be adjusted accordingly when the meeting is held on a day other than Tuesday.

B. Regular Meetings.

The Mayor and Council shall normally meet in Regular Meetings on the second and fourth Tuesday of each month if necessary, but, in no event, less frequently than required by Art. VI, § C6-1 of the Charter. The Mayor and Council may meet on other days when, in its judgment, an alternative day is either necessary or desirable.

C. Worksessions.

The Mayor and Council will normally meet in Worksession meetings on the first and third Tuesday of each month. The Mayor and Council may meet on other days when, in their judgment, an alternative day is either necessary or desirable. Additional Worksessions may be scheduled by the Mayor and City Council as required.

D. Special Meetings. The Mayor and City Council may meet in Special Meetings upon written request of either the Mayor or two members of the City Council. Notice of Special Meetings shall be given to each Councilmember at least twenty-four (24) hours in advance of such Special Meeting and shall contain the purpose, date, time and place of such meeting. The matter or matters to be considered at a Special Meeting of the Mayor and City Council shall be stated in

the call to the meeting. No other matters shall be considered unless all members of the Mayor and Council are present.

E. Emergency Meetings.

Emergency Meetings may be called with the consent of two-thirds of the Mayor and City Councilmembers available for matters constituting a severe and imminent danger to the health, safety or welfare of the public. Notice of such meetings shall be given as is feasible under the circumstances.

F. Closed Sessions.

The Mayor and City Council may close a meeting to the public by a vote in open session under the circumstances, conditions and for reasons set forth in Art. VI, § 6-3 of the Charter. Notice of Closed Sessions shall be given as required by law.

G. Information Meetings.

The Mayor and City Council may hold Information Meetings to present information to, and obtain feedback from, residents of the City. The Mayor and City Council will determine the rules governing presentations made at such meetings.

H. Limitation on Number of Meetings.

No more than four meetings may be held in any given month, unless approved by a majority of the Council present and voting. Except in the event of an emergency as determined in subsection E, in no event may council approve more than two additional meetings in any given month.

I. Place of Meeting.

All meetings of the Mayor and City Council, unless otherwise determined, shall be held at the College Park City Hall, Council Chambers, located at 4500 Knox Road, College Park, Maryland. In addition to the customary forms of notice, the notice of change in meeting place shall be prominently posted on the door of the regularly scheduled meeting place.

J. Meeting Time.

Meetings of the Mayor and City Council shall begin at 7:30 p.m. unless a different starting time is established by the Mayor and City Council and reasonable notice thereof is provided to residents of the City.

K. Public Notice of Meeting.

Proper notice of all meetings of the Mayor and City Council shall be provided to the public by the City Clerk.

L. Quorum.

1. Quorum requirements. A quorum shall consist of five (5) members of the City Council and the presiding officer. To conduct official business, a quorum must be present at all times. To be "present" is defined as being within the Council Chambers or the place in which the meeting is being held as that area may be defined from time to time by the Mayor and City Council.

Worksessions do not require a quorum of the Council.

2. Loss of quorum. Once a meeting has been properly convened with the presence of a quorum and the number of persons necessary to constitute a quorum is no longer present, the presiding officer or a Councilmember should bring this fact to the attention of the Mayor and City Council and the Mayor and City Council shall then be automatically, temporarily recessed until a quorum is reestablished. Upon reestablishment of the quorum, the Mayor and City Council shall resume consideration of the matter before it at the time of the recess. If, in the opinion of the presiding officer, a quorum cannot be obtained within a reasonable period of time, the presiding officer shall declare the meeting adjourned until the next scheduled meeting. At that next meeting, after taking up the usual preliminary matters, the Mayor and City Council shall resume its consideration of the matter that was before it when it previously adjourned. This shall not prevent any Councilmember from moving to table, defer, postpone, or make any other appropriate motion with respect to any pending matter.

M. Agendas.

1. Content. The agenda shall outline the established order of business.

2. Preparation. A proposed agenda is prepared from the master list, and from requests by the Mayor, Councilmembers and staff. A discussion of the proposed agenda for the following regular meeting will take place at the preceding Tuesday Worksession. After the Tuesday Worksession the Mayor, Councilmembers and staff may add to the proposed agenda as necessary for the efficient conduct of City business, with notice to the Mayor, Council and the City Clerk, before the agenda is finalized for publication. The proposed agenda for all meetings of the Mayor and Council will be finalized for publication by the City Manager and City Clerk in consultation with the Mayor on the Friday before the meeting. Proposed agendas shall be created that can be reasonably accomplished within three hours.

Deleted: developed Tuesday
Deleted: night for the following meeting. The proposed agenda will be derived from a master list of items requested by the City Councilmembers, residents and staff

3. Master List. Staff shall maintain the master list and may add to it and the proposed agenda as necessary for the efficient conduct of City business. The Mayor or Councilmembers may add to the master list at meetings, and at other times, with notice to the Mayor, Council and staff.

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4. Proposed amendments to the published agenda. Proposed amendments to add to or delete items from the published agenda by the Mayor or a Councilmember must be sent to the Mayor, Council and staff by close of business on the Monday before the meeting to receive consideration at the meeting on Tuesday. Any such proposed amendment shall be made available to the general public on the City's website by Tuesday morning. Proposed amendments to the published agenda may be made by staff as necessary for the efficient conduct of City business. Any proposed amendments to the agenda submitted after the publication of the agenda may be considered by consent of a simple majority of members of the Mayor and City Council present at the meeting.

Deleted: At each Worksession, the Mayor and Council shall review requested additions to the master list and determine which requested items will be placed on the master list.

5. Notice of Agenda. Agendas for Regular Meetings and Worksessions shall be published on the Friday prior to the meeting.

6. Consent Agenda. Items of routine business that generally require no discussion by Council may be placed on the Consent Agenda of a Regular Meeting. Any member of the Council may remove an item from the Consent Agenda and place it under Action Items.

7. Adoption of Agenda. All meeting agendas and amendments shall be approved by the City Council at the beginning of the meeting. Items on the agenda can be reordered by the Mayor and City Council during the scheduled meeting.

N. Distribution of Meeting Materials.

1. Distribution. Meeting materials will be prepared by the City Clerk and published with the agenda and made available to the Mayor and Council and the general public (except for materials which are legally privileged or confidential) no later than close of business on the Friday immediately preceding the meeting at which such matters are to be considered. The Mayor, Council and staff shall use emails and telephone calls whenever possible to reduce the need for explanation and discussion. Materials shall be delivered to the Mayor and Council pursuant to arrangements established with each official. Any meeting materials for items on the published agenda not included in the Friday distribution shall be emailed to Mayor and Council as soon as available.

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2. Meeting materials for additions proposed by the Mayor and Council members. Any meeting materials for a proposed addition by the Mayor or a Councilmember to the published agenda that are not included in the distribution of meeting materials on Friday must be provided to Mayor and Council by close of business on Monday by email to receive consideration at the meeting on Tuesday. Any such meeting materials shall be posted on the City's website by Tuesday morning unless the material distributed is legally privileged or confidential.

3. Meeting materials for additions proposed City staff. Any meeting materials for a proposed addition by staff to the published agenda that are not delivered to Mayor and Council with the Friday distribution of information will be emailed to Council as soon as available.

4. Meeting Folder: Any items submitted after the Friday distribution will be included in a separate folder for Mayor and Council at the time of the meeting, outside of the main Council packet.

O. Conduct of Meetings.

1. Presiding Officer. The Mayor shall preside at all meetings of the Mayor and City Council. The Mayor Pro Tem shall preside at all meetings in the absence of the Mayor. In the absence of both the Mayor and the Mayor Pro Tem, the Mayor, or the Mayor Pro Tem, if the Mayor is not available to do so, shall designate a member of the City Council to preside in their absence.

2. Parliamentary Authority. Robert's Rules of Order, Newly Revised, as amended, shall govern all questions of procedure not otherwise provided for in these rules or by State or Federal Law.

3. Procedure.

a. Recognition. Councilmembers shall be recognized by the presiding officer before speaking.

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Other persons at a meeting of the Mayor and City Council may speak only when called upon or authorized.

b. Comments on Agenda Items. A Councilmember who introduces an agenda item for action by the Mayor and Council may provide comments relating thereto.

Comments by the Councilmember who introduces an agenda item shall be limited to five minutes. The time required to actually state the motion shall not be included in the five minutes.

Following introduction and seconding of an agenda item, each member of the Council may provide up to two comments on the item. Each comment shall be limited to three minutes.

Amendments shall be treated as a new item for purposes of Council comments. When considering items where many questions are anticipated, a "round" approach shall be used in

which each Councilmember, the Mayor, and appropriate staff shall be limited to one question per "round". The presiding officer shall cut off overly lengthy remarks with support by the Council.

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c. Council Comments. During the time established for Council comments at the end of any formal Council meeting agenda, the Mayor and Councilmembers may offer comments provided they are limited to five minutes. Council comments shall be limited to no more than three items.

4. Motions in Writing. All motions pertaining to Ordinances, Council policies or other substantive proposals shall, where possible, be made in writing.

5. Reconsideration. A motion to reconsider a vote on any action may be made no later than the next Regular Meeting following the meeting at which the action to be reconsidered was taken. A motion to reconsider may be made only by a Councilmember who voted on the prevailing side of the action to be reconsidered or by a member absent when the vote was taken, although any member of the Council, and the Mayor when voting as allowed by law, may support the motion to reconsider. A motion to reconsider may be approved by a simple majority of those Council members present and voting. The same number of votes shall be required to approve the action upon reconsideration as was required to pass or adopt the original action.

6. Voting by Councilmembers, Mayor. When a question is put by the presiding officer, every member of the City Council present shall vote either "Yes" or "No," or shall abstain from voting. Each member of the Council may make a brief statement explaining the reasons for the member's vote or abstention. The Mayor, when authorized by law to vote, shall vote either "Yes" or "No,"

or shall abstain from voting and may make a brief statement explaining the reasons for the vote or abstention. Upon request of any Councilmember, a roll call vote will be taken.

7. Public Participation. Members of the public may speak at public meetings of the Mayor and City Council according to procedures established by the Mayor and City Council.

a. Sign-up Procedure. Cards will be placed in the back of the room for people to sign if they wish to speak. When they come to the podium, they will give the cards to the City Clerk. This will assure that the Minutes record the proper spelling of the name and a correct address.

b. Oral Comment.

1. Non-agenda and Consent Agenda Items. Comments are limited to three minutes per person and will be taken at the beginning of the Council meeting

2. Action Items. Comments are limited to three minutes for individuals and five minutes for speakers representing a group or organization. The Mayor and Council may, by simple majority vote of those present, alter or waive the time requirements.

3. General Comments. After the portion of the meeting devoted to general Council comments at the end of the meeting, a person may speak for up to five minutes.

c. Written Comment. Comment may be submitted in writing at or prior to the meeting. In order to be received by the Council as part of the record, the comment must include the specific agenda item to which it relates and the full name and address of the person submitting the comment. Comments that are submitted to the City Clerk prior to the close of business (5:00 p.m.) on the day of the meeting will be provided to the Mayor and City Council at the start of the meeting.

P. Conduct of Worksessions.

1. No person or group shall be interrupted by the Mayor or any Councilmember during a presentation at a Worksession. Questions may be asked at the end of the presentation.

2. Neither the Mayor nor any member of Council may speak for more than five minutes without interruption upon any single agenda item. The presiding officer shall deny the floor to any member of the Council after that person has spoken for five minutes or more, either at the presiding officer's own instance or upon a point of order.

3. A request for a show of hands not to discuss an agenda item any further shall always be in order.

4. Presentations from developers in advance of requests for City support shall be limited to forty minutes.

5. It is the goal of the Mayor and Council to complete all Worksessions by 10:30 p.m. In the absence of a straw vote of a simple majority of Council to continue the proceedings, all Worksessions must cease by midnight, and the Council is therefore considered adjourned.

6. Because a quorum is not required, individual Councilmembers or the Mayor may leave the meeting without affecting the continuation of the Worksession.

Q. Disorderly Conduct.

The presiding officer shall call to order any person who disrupts the orderly conduct of business at meetings including speaking without being recognized, exceeding designated time limits, failure to be germane to the issue being presented or use of vulgarities.

R. Record of Meetings.

1. Responsibility for meeting record. The City Clerk or the City Clerk's designee shall be responsible for minutes of each Regular Meeting and Worksession of the Mayor and City Council and for maintaining the official record, which shall include all Council actions. Minutes shall include:

- a. all motions made, the name of the motion maker and second, the method and outcome of the votes taken, names of guests and their affiliation; and
- b. copies of resolutions, new or revised ordinances or other actions approved by the Mayor and City Council.

2. Public access to meeting records. Minutes and records of meetings of the Mayor and City Council shall be made available to the public by the Clerk in accordance with the Public Information Act and the State Open Meetings Laws.

S. Conduct of Councilmembers.

1. If the Mayor or any member of the Council indulges in any language or conduct unbecoming to the office, the member shall be called to order by the presiding officer and, in such case, the offending member shall lose the floor and shall not proceed without the approval of the majority of the members present. The Mayor and Council may, by vote of all members of the Mayor and

Council, excluding the offending member, expel the Mayor or any member of the Council from a meeting for disorderly conduct or violation of Council rules.

2. Conflict of Interest. The Mayor or any Councilmember shall not participate in any matter pending before the Council in which the Mayor or Councilmember has a conflict of interest, as defined in the City's Code of Ethics, or has taken a formal position as a party in a legal matter which is contrary to the legal position of the City of College Park in such matter.

IV. MISCELLANEOUS

A. Representation or position by Mayor or Councilmember. When the Mayor or a Councilmember gives a statement in their elected capacity on an issue affecting the City, the Mayor or Councilmember shall first identify the adopted position of Mayor and Council with respect to that subject, if any. Thereafter, the Mayor or Councilmember may provide a statement of personal opinion or comment (including a minority or opposing viewpoint), provided the Councilmember expressly acknowledges that such statements do not represent the position of the City.

B. Use of Staff Resources. Neither the Mayor nor any members of Council may request that staff time in excess of two hours be spent on a specific item unless prior approval has been granted by the Mayor and Council.

C. Public Notice. Any public notice required in these rules shall be given in the following manner unless otherwise stated herein: by posting on the City website, the City cable channels, City Hall Bulletin Board and City email listserv.

16-G-53

Appointments

Councilmember Kujawa:

- Appoint Melissa Avery to the Committee for a Better Environment

Councilmember Kabir:

- Appoint Marilyn Morin to the Citizens Corps Council

INFORMATION REPORT:

Legislative Update

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

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Eddie L. Pounds

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Leonard L. Lucchi
Stephanie P. Anderson

Peter F. O'Malley
(1939-2011)

Edward W. Nylan
(1922-2010)

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

April 8, 2016

TO: Bill Gardiner, Assistant City Manager
FROM: Len Lucchi and Eddie Pounds, City Lobbyists
DATE: April 8, 2016
RE: Weekly Report

The 2016 Session of the Maryland General Assembly is winding down with adjournment *sine die* to take place at midnight on Monday, April 11th. The following is a list of legislation affecting the City of College Park that has either been approved by the legislature or is still pending:

- a. **HB 723 – Transportation – Highway User Revenues – Distribution to Municipalities** – This is the MML bill to gradually restore HUR revenues to municipalities. It was amended in the Senate to allocate an additional \$25 million in funding to municipalities in FY 2018 but is stalled in the House and no further action is anticipated. The FY2017 budget allocates the same amount for HUR to municipalities as the FY 2016 budget, with the legislature cutting out the increase that the Governor placed in the budget.
- b. **SB 560 – One Maryland Economic Development Tax Credits – Business Incubators and Regional Institution Strategic Enterprise Zones** – Bill expands the eligibility criteria for a project tax credit or a start-up tax credit to include a business that locates or expands a business incubator in a RISE Zone. The incubator must create a minimum of 25 new, full-time jobs within 24 months. Bill hearing held on February 24th before the Budget & Taxation Committee. **Passed Third Reader 45-0.** The bill had a hearing yesterday in the House Ways and Means Committee.
- c. **HB 1138 – Prince George's County – School Facilities Surcharge – Student Housing Exemptions** – This bill has passed the House, passed preliminary approval in the Senate, and is awaiting final passage in the Senate.

- d. **SB 191 – Capital Budget**– This bill became law without the Governor’s signature. It includes \$150,000 for Hollywood Streetscaping.
- e. **SB 1052 – University of Maryland Strategic Partnership Act of 2016** – This bill would create a partnership between The University of Maryland College Park Campus and The University of Maryland Baltimore Campus. Amendments were added by Senator Rosapepe to recognize the collaboration that has taken place between UMCP and the City, require continued collaboration, and require the University to annually report on that collaboration. Also, the provision allowing for one president was stripped out. The bill has become law without the Governor’s signature.
- f. **HB 1087 – Task Force to Study a Promise Scholarship Program in Prince George’s County – HB 1087** – Bill establishes a task force to study a promise scholarship program in the County. This bill has passed the House and had a hearing in the Senate Education, Health, and Environment Committee yesterday.
- g. **HB 852 – Local Government – Municipal Elections – Tie Votes** – This bill requires municipalities to establish procedures for tie votes. It has a February 26th hearing before the Ways and Means Committee. MML is opposing. This bill has passed the House and received a favorable committee report in the Senate.
- h. **HB 462 – Program Open Space – Transfer Tax Repayment – Use of Funds** – This legislation replaces what was known as Program Open Space Trust Fund Act of 2016 (SB 927/HB 1464). The original provisions of the former legislation, which were intended to protect and restore Program Open Space (POS) monies, are now included under HB 462. The bill has been signed into law by the Governor.
- i. **SB 395 – Municipal Financial Disclosures and Conflict of Interest** –The State Ethics Commission's testified that the bill is just clarifying language to clear up any misunderstanding about the level of authority the commission has with respect to regulating compliance issues under the law. MACO and MML came in strong against the measure, providing testimony that the bill's language should be deemed a substantive change and is an attempt by the commission to expand its authority by adding a new requirement that would allow the commission in the future to set new requirements on making modifications that were already set by law. This bill has passed the Senate but has not received a vote in the House Environment and Transportation Committee.
- j. **SB 320 – Prince George’s County Regional Medical Center Act of 2016** – This bill guarantees funding for the building and operating of the new regional medical center in Largo and accelerates the takeover of the system by the University of Maryland Medical System from Dimensions Health Care. It has become law without the Governor’s signature.