



TUESDAY, JUNE 14, 2016
CITY OF COLLEGE PARK
COUNCIL CHAMBERS
7:30 P.M.

MAYOR AND COUNCIL REGULAR MEETING
AGENDA

(There will be a closed session at the end of the Regular Meeting)

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**
- 8. AMENDMENTS TO AND APPROVAL OF THE AGENDA**
- 9. PRESENTATIONS**
 - a. Presentation on final report of the Bicycle Boulevard study – Bryon White, Sabra Wang & Associates
 - b. Presentation to the City Council regarding their role in the compensation and classification study – James Brittain, Management Advisory Group
- 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. Ordinance 16-O-03, An Ordinance Of The Mayor And Council Of The City Of College Park, Amending Chapter 15, "Boards, Commissions And Committees", §15-19, "Powers And Duties"; Chapter 125, "Housing Code", §125-8, "Maintenance Of Dwellings", §125-17, "Firesafety Laws", And §125-17.1, Abatement Of Certain Violations; And Chapter 157 , "Property Maintenance", §157-2, "Definitions; Word Usage"; §157-3, "Compliance; Inspections"; §157-4, "Notification Of Violations; Hearings", §157-6, Responsibilities Of Owners And Occupants"; §157-7" Designation Of Unfit Buildings; Condemnation"; § 157-8, "Higher Standards To Prevail"; Deleting §157-5, "Adoption Of Rules And Regulations", And §157-9 "Hearings"; Amending Chapter 110, 'Fees And Penalties", §110-2, "Penalties", And Adopting A New Chapter 115, "Fire Safety," To Update And Clarify The Codes, Include Fire Safety Laws In One Chapter And Provide For A Fine, And To Make Certain Conforming Changes

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-11 | Adoption of Resolution 16-R-11, A Resolution Of The Mayor And Council Of The City Of College Park, Maryland Creating A Dr. Martin Luther King, Jr. Tribute Committee | Motion By:
To:
Second:
Aye: ____
Nay: ____
Other: ____ |
| 16-G-77 | Adoption of program guidelines for a Council Internship Program | |
| 16-G-79 | Award of Contract CP-17-01 in substantially the form attached for Miscellaneous Concrete Maintenance and Asphalt Resurfacing to NZI Construction Corporation of Beltsville, Maryland for \$538,875.00, funded from Fund 301 Unrestricted C.I.P. Reserve. | |
| 16-G-80 | Award of mowing contract to LevelGreen Landscape, LLC of Washington, DC, in substantially the form attached, in the amount of \$27,500 for 4 months, July through October, and authorization for the City Manager to sign the contract. | |
| 16-G-81 | Approval of an MOU with the University of Maryland Department of Transportation Services in substantially the form attached for resident and employee ridership of the Shuttle-UM in the amount of \$6,000 for the period August 29, 2016 to August 28, 2017, and authorization for the City Manager to sign the MOU. | |
| 16-G-82 | Field Use Request for use of Duvall Field by Berwyn Baptist Church for Soccer Camp from July 18 – 22, 2016 | |
| 16-G-83 | Approval of minutes of May 10, 2016 Regular Meeting | |

13. ACTION ITEMS

- 16-G-78 Approval of FY 2017 Program Open Space allocation
Motion By: Brennan
To:
Second:
Aye: ___ Nay: ___
Other: ___
- 16-O-03 Adoption of Ordinance 16-O-03, An Ordinance Of The Mayor And Council Of The City Of College Park, Amending Chapter 15, "Boards, Commissions And Committees", §15-19, "Powers And Duties"; Chapter 125, "Housing Code", §125-8, "Maintenance Of Dwellings", §125-17, "Firesafety Laws", And §125-17.1, Abatement Of Certain Violations; And Chapter 157 , "Property Maintenance", §157-2, "Definitions; Word Usage"; §157-3, "Compliance; Inspections"; §157-4, "Notification Of Violations; Hearings", §157-6, Responsibilities Of Owners And Occupants"; §157-7" Designation Of Unfit Buildings; Condemnation"; § 157-8, "Higher Standards To Prevail"; Deleting §157-5, "Adoption Of Rules And Regulations", And §157-9 "Hearings"; Amending Chapter 110, 'Fees And Penalties", §110-2, "Penalties", And Adopting A New Chapter 115, "Fire Safety," To Update And Clarify The Codes, Include Fire Safety Laws In One Chapter And Provide For A Fine, And To Make Certain Conforming Changes
Motion By:
To: Adopt
Second:
Aye: ___
Nay: ___
Other: ___
- 16-O-04 Introduction of Ordinance 16-O-04, An Ordinance Of The Mayor And Council Of The City Of College Park Amending City Code Chapter 138 "Noise", §§138-5, "Prohibited Acts", 138-6, "Violations And Penalties" And 138-9, "Imposition Of A Fine By Noise Control Board" And Chapter 110, "Fees And Penalties", §110-2, "Penalties", To Clarify The Circumstances Under Which A Non-Resident Owner Has Violated The Noise Ordinance, Make Any Repeat Violation Within A Twelve Month Period Subject To An Increased Fine, And Modify The Mitigating Factors That May Justify A Reduction In The Fine For A Violation.
The Public Hearing will be Tuesday, July 12, 2016 at 7:30 p.m. in the Council Chambers
Motion By: Day
To: Introduce
Second:
- 16-CR-01 Introduction Of Charter Resolution 16-CR-01, A Charter Resolution Of The Mayor And Council Of The City Of College Park, To Amend Article III, "Mayor And Council", §3-6, "Vacancies", Article IV, "Voting And Elections", §C4-4 "Other Election Officials" And Article VIII, "Ordinances", §8-2, "Passage", To Change The Manner In Which Notice Is Given Of Vacancies In Elective Office, Appointment Of Election Officials, And Adoption Of Ordinances
The Public Hearing will be Tuesday, July 12, 2016 at 7:30 p.m. in the Council Chambers
Motion By: Nagle
To: Introduce
Second:

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**

CLOSED SESSION

To consider the acquisition of real property for a public purpose

STATUS/INFORMATION REPORTS FOR COUNCIL REVIEW

None.

- **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.**

Presentation:

Bicycle Boulevard Final Report

College Park Bike Boulevards Phasing and Implementation Plan



Prepared by:

Sabra Wang and Associates
June 2016



Sabra, Wang & Associates, Inc.

Engineers • Planners • Analysts

Funded by:

Metropolitan Washington
Council of Governments



METROPOLITAN WASHINGTON
Council of Governments

Table of Contents

Introduction 2

What are Bike Boulevards? 2

Why Bike Boulevards? 2

General Elements of a Bike Boulevard..... 3

Recommended Streets for Conversion to Bike Boulevards 4

Engineering Needs and Bike Boulevard Stress Index..... 6

Additional Design Alternatives for Higher-Quality Facilities..... 9

Public / Stakeholder Outreach & Feedback 10

Construction Costs 12

Costs for Design Alternatives 13

Funding Sources 13

Prioritization and Phasing of Bike Boulevards 15

Next Steps 17

List of Figures

Figure 1: Bike Boulevard Pavement Marking..... 3

Figure 2: Bike wayfinding sign..... 3

Figure 3: Signing to restrict vehicles 4

Figure 4: On-line map showing bike boulevards, trails and bike lanes..... 4

Figure 5: Edgewood Rd between Rhode Island and US 1 8

Figure 6: Screen Capture of on-line map-based public input website..... 12

List of Figures

Table 1: Recommended Bike Boulevard Locations..... 5

Table 2: Traffic volume, Speed Profiles, and Cycling Stress Index 7

Table 3: Construction costs for each candidate Bike Boulevard..... 13

Table 4: 1st phase prioritization of bike boulevards..... 16

Table 5: 2nd phase prioritization of bike boulevards 16

Appendix A: Map of proposed Bike Boulevards

Appendix B: Plan layout of all Infrastructure for each proposed Bicycle Boulevard

Appendix C: Select Design Alternatives to Bike Boulevards

Appendix D-1: Public Comments from Charrette

Appendix D-2: Public Comments from interactive website

Introduction

The City of College Park has partnered with Sabra, Wang & Associates, Inc. (SWA) to develop a City-wide Bicycle Boulevard Implementation Plan. Funding for the Plan was provided by the Metropolitan Washington Council of Governments (MWCOG) through their Transportation/Land-Use Connections grant program. The plan includes a prioritized list of streets for retrofitting as Bike Boulevards, an itemized list and location for the infrastructure required for each, as well as an identification of funding sources, establishment of phasing for the planning-design process, and construction cost estimates for each candidate street.

What are Bike Boulevards?

Bike Boulevards are streets configured to promote safe and convenient cycling, while still permitting vehicle traffic. They are typically constructed along roadways that are too narrow to safely install dedicated bike lanes, meaning the travel lanes are shared space for both vehicle and cyclists. Bike Boulevards are signed and marked for cyclist safety, convenience and wayfinding. Accordingly, they require streets that are low vehicle volume and are engineered to have low speeds, if needed. In addition, bike boulevards prioritize and emphasize safe and convenient cycling through roadway and intersection treatments that reduce cycling delay, and incorporate bike-specific pavement markings and wayfinding signage. Benefits to cyclists from Bike Boulevards include:

- Providing low-volume and low speed routes that are welcoming to a broad range of cycling abilities.
- Reducing travel time and increasing safety for cyclists by providing cyclists with the right-of-way at intersections.
- Designating routes that direct cyclists to cross major arterials at controlled intersections.
- Increasing visibility and branding of cycling as an alternative to driving

Why Bike Boulevards?

A network of safe and comfortable bike boulevards will also address a large segment of the potential cycling population that is uncomfortable with taking the lane in heavy traffic or even riding in unprotected bike lanes along fast-moving cars. This “interested but concerned” segment of the population constitutes the largest percentage of potential cyclists; and local roads are generally not designed to accommodate them. A network of well-marked and well-signed routes with low volume and low speeds that reduce or eliminate dangerous cycling conditions will encourage cyclists not served by current traditional design standards.

A fully-built network of bicycle boulevards to supplement the City’s existing trail and bike lane network will support sustainable redevelopment and foster the City’s ability to focus density at desired locations. It will also minimize traffic congestion and leverage primary generators like the University and the Metro, without having to develop expensive new road infrastructure. While we have some significant gaps in our sidewalk network, College Park generally has a compact walkable grid structure of streets and a robust trail system to accommodate many short trips that would be inefficient by passenger car. However to fully leverage this infrastructure and the City’s densifying land uses, a finer network of

bicycle-friendly streets is needed to reduce passenger vehicle demand on the City's roads. Bike Boulevards will serve this purpose where streets are too narrow for dedicated and/or protected bike lanes. Future demands from the Purple Line and a new bike share system, along with pending development of University properties are going to drive even more demand for cycling for short trips.

A well-designed network of Bike Boulevards will generally have:

- Efficient and safe low-volume cycling facilities for all user abilities.
- Engineering to discourage non-local traffic
- Traffic control that allows for safe crossing of major roads
- Minimal impact on surrounding traffic patterns
- Traffic calming measures to maintain low residential vehicle speeds
- Wayfinding signs for destinations and attractions
- Unique aesthetics that inform cyclists of desired routes and inform drivers that the roadway is a cycling priority route.

General Elements of a Bike Boulevard

The following are infrastructure elements that are typically found along a bike boulevard:

- *Wayfinding Signage:* Wayfinding signs provide directional and distance information for local destinations or attractions. Examples would include large shopping centers, Metro stations, campus entrances, trail heads, or regional parks.
- *Road Markings:* Bike Boulevard markings are more robust than sharrows or markings found in bike lanes. They are typically twice as large to convey the same sense of roadway ownership as that of vehicles.
- *Cyclist Progression:* Progression of cyclist movement means minimizing stopping delay due to traffic control. Stop sign removal is the main component of minimizing this delay; however incorporating bike signals and bike detection/actuation are other ways to minimize cyclist delay at signalized intersections.
- *Vehicle speed control:* Where vehicle speeds are too high for cyclists to comfortably share space, traffic calming must be designed into the routes. This as the ancillary benefit of making the streets safer for pedestrians, too. Examples of traffic calming found on bike boulevards are mini-roundabouts, 15 mph speed humps, and bump outs – all of which the City currently employs on local streets to some degree. Where stop signs are removed, we



Figure 1: Bike Boulevard Pavement Marking



Figure 2: Bike wayfinding sign

recommend replacing them with traffic calming devices¹. We recommend bumpouts where curbside parking is allowed – as this also reduces pedestrian crossing width – and speed humps where no curbside parking is available. However, prior to replacing the removed stop signs with traffic calming along streets that are currently low-speed, we recommend a spot speed study to determine if speeds have increased.

- *Vehicle volume control*: Controlling the number of vehicles that use streets designated as bike boulevards is critical for cyclist comfort and usability. Diverters, Semi diverters, and one-way street conversions are examples of ways to control the volume on a local street. Fortunately, many of College Park’s local roads carry very low volumes.
- *Banners (optional)*: Pole-mounted banners are often used by cities to convey that a certain area is special – be it an arts district, or a downtown business district or a main street. Similarly, bike boulevards can have unique branding to highlight both a street’s designation as a bike friendly route and a jurisdiction’s commitment to cycling in general.



Figure 3: Signing to restrict vehicles

Finally, a non-infrastructure based component of a bike boulevard network is community outreach and education. Tools such as on-line and static maps (and mobile apps) that shows bike infrastructure and low-stress routes provide necessary information to residents and visitors so that they can take advantage of the local bike facilities and see how they can reach close-in destinations and adjoin trail systems safely and conveniently.

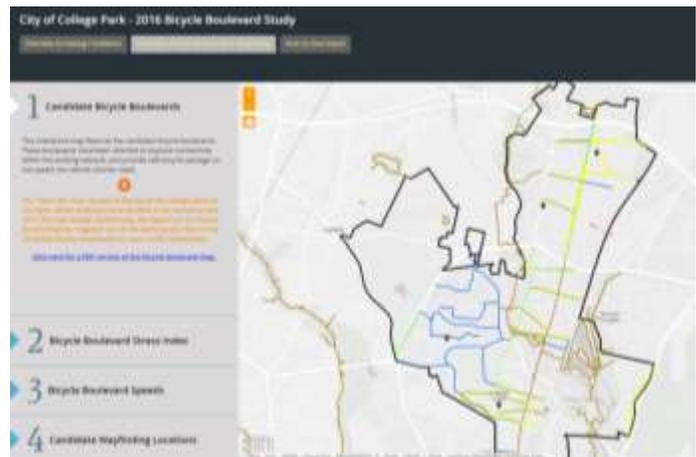


Figure 4: On-line map showing bike boulevards, trails and bike lanes

Recommended Streets for Conversion to Bike Boulevards

Determining candidate streets for bike boulevards started with identifying all neighborhood collector roads – roads that provide direct access from anywhere in a neighborhood to US 1 and/or the Trolley Trail. Identified streets were restricted to City-owned streets, with the exception of Rhode Island Ave and Metzert Road. Candidates for bike boulevards will generally have the following characteristics:

¹ Most stop signs on neighborhood roads appear to be placed for speed control and not necessary for the purpose of traffic congestion management.

- Local street or low-volume collector.
- Not a primary transit or truck route.
- Traffic signals or all-way stops at major intersections.
- Connects to trails.
- Connects neighborhoods directly to key destinations.
- Low vehicle volume and low vehicle speeds are desired, but could be engineered to have these attributes if needed.

Streets that did not provide controlled access across major roads were eliminated as candidates for further consideration. Adjacent parallel streets that provided redundant connections were also not included. Next, we eliminated high-volume streets where no parallel road existed to which traffic could be diverted. From the remaining streets, only those that connected to trails, bike lanes, or local and regional destinations were considered². This process yielded the following 17 City streets listed in Table 1 as those recommended for conversion to Bike Boulevards.

Table 1: Recommended Bike Boulevard Locations³

Road Name	Length (mi)	From	To
Calvert Road	0.57	US 1	Metro Station
Lackawanna St	0.45	Metro Station	Rhode Island Ave service road - east side
Edgewood Rd	1.48	US 1	52nd Place
Guilford Rd	0.46	US 1	Metro Station
Hollywood Rd	0.35	US 1	Rhode Island Ave service road - east side
Rhode Island Ave Service Rd - East	0.63	Muskogee St	Delaware Place
College Ave	0.53	US 1	Columbia Ave
Lakeland Rd	0.53	US 1	Rhode Island Ave
Berwyn House Rd	0.32	US 1	Rhode Island Ave
Rhode Island Ave Service Rd - West	0.90	Muskogee St	Blackfoot Rd
Fox St	0.35	US 1	Rhode Island Ave
Berwyn Rd	0.54	US 1	Potomac Ave
Narragansett Pkwy	0.36	Lackawanna	Edgewood Rd
Metzerott Rd	0.07	US 1	Paint Branch Trail
Guilford Dr	0.86	Knox Rd	US 1
Knox Rd	0.74	Guilford Drive	Dartmouth Ave
Edmonston Rd	0.75	Charlton Ave	Old Calvert Rd

Some of these proposed streets have available roadways wide enough for striping dedicated bike facilities (e.g. bike lanes or buffered bike lanes). Specifically, Berwyn House Road, Lakeland Ave, and Edgewood Road westbound from Rhode Island Ave to US 1 are wide enough for dedicated bike lanes. As

² The potential for a local street to be a candidate for a bike boulevard can change over time, as development creates new local attractions or as traffic control at major intersections changes.

³ In subsequent tables and in the data analyses, four of these streets are divided up into smaller segments, when there is large change in volume and/or roadway width. For example, while the Edgewood Road bike boulevard extends from 52nd place to US 1, it has significantly higher volumes west of Rhode Island Ave than east of it; and therefore is analyzed separately.

discussed in the subsequent “Design Alternatives” portion of the report, we recommend that these streets be marked for dedicated bike facilities and not as shared-space bike boulevards.

Appendix A shows a map of all of the proposed bike boulevards and how they connect with existing trails and bike lanes, as well as key destinations. Additionally, **Appendix B** provides details of the construction elements comprising each bike boulevard, showing new infrastructure needed (signs, markings, traffic calming, and stop sign removal) and their locations. Specific destinations for the proposed wayfinding signs are also shown in Appendix B. Based on the plans, the quantity of each infrastructure element for each bike boulevard is outlined in the “construction cost” section of this report.

Engineering Needs and Bike Boulevard Stress Index

As mentioned previously, low speeds and low local traffic are a requirement for bike boulevards. To determine which candidate streets needed speed control or vehicle volume reduction, we obtained all AM peak, PM peak hour and daily volumes for each candidate street and also conducted spot speed studies along each street. Vehicle speeds were collected at locations as far from stop signs and speed bumps as possible to obtain free flow travel speed. About 50 data points were collected for each candidate street. Speed data was collected in dry conditions, during weekday peak commuting hours in late February and early March when both the University and County public schools were in session. The average speed, percent over 25 mph and percent over 30 mph were tabulated. These data were used to determine where speeds and/or vehicle volume was too high.

To estimate the overall cycling comfort level, a stress index was developed that quantitatively evaluates the influence of vehicle speed and volume on each street where space will be shared with cyclists. The stress index is based on two factors: 1) the number of expected vehicles a cyclist will encounter on a given bike trip; and 2) the number of *speeding* vehicles that a cyclist will encounter during a single trip. To construct the index, we estimated that a typical trip on any single bike boulevard will last about two minutes – based on average biking speeds and the fact that most boulevards are only about ½ mile long. Accordingly, the stress index was developed to measure the maximum number of vehicles and speeding vehicles a cyclist would encounter, *per minute*. To determine this, AM and PM peak hour volumes, per direction, as well as results from the spot-speed tests were combined to create a stress index that is simply the number of cars per minute per direction plus the number of cars per minute that exceed 25 mph plus the number of cars per minute exceeding 30 mph⁴. As shown in the graphic, this measure assumes that both a high-volume and/or a high-speed, low-volume road would be stressful to cyclists, and therefore would need additional engineering to mitigate excessive speeds or volume.

<ul style="list-style-type: none"> • Cars per minute per direction + cars per minute over 25 mph + cars per minute over 30 mph 	}	Accounts for high-vol roads
	}	Accounts for high-speed roads

⁴ This stress index intentionally double-counts cars traveling in excess of 30mph, because these speeds are far more likely to result in serious injury or death than 25 mph speeds.

Table 2 shows the volume and speed data collected for each street, as well as its corresponding cycling stress index level. Streets having a stress index level under 2.0 were considered low stress roads with both low vehicle speeds and low vehicle volumes. Stress index levels from 2.0 to 3.0 were considered to have some stress, either due to moderate volumes or higher instances of speeding. Stress index levels from 3.0 to 4.5 were considered stressful, due to either large volumes or high instances of speeding, while levels exceeding 4.5 were considered uncomfortably stressful due to high volumes and high speeds. Roads with a stress level index over 3.0 would be expected to see few cyclists, without first reducing vehicle volume and/or speeds. It is these streets that we recommend additional engineering measures prior to signing and marking for a bike boulevard.

Table 2: Traffic volume, Speed Profiles, and Cycling Stress Index

Candidate Street	ADT*	Cars per minute per direction in the peak commuting hour	Average Speed	% over 25mph	% over 30mph	Stress level
Calvert Road	1150	1.9	22	14.0%	0.0%	2.2
Lackawanna St	500	0.4	23	25.3%	3.6%	0.5
Edgewood Rd, east of Rhode Island	1500	0.8	23	14.6%	0.0%	0.9
Rhode Island Ave Service Rd - West	1000	0.8	24	36.2%	4.3%	1.1
Guilford Rd	1150	0.4	22	17.0%	0.0%	0.5
Hollywood Rd	1950	1	22	17.0%	2.3%	1.2
Fox St	700	0.6	21	6.4%	0.0%	0.6
Rhode Island Ave Service Rd - East	1000	0.8	26	58.7%	13.0%	1.4
College Ave	2950	1.9	21	4.0%	0.0%	2.0
Berwyn Rd	2900	1.9	26	51.9%	5.8%	3.0
Lakeland Rd	1950	1.5	24	34.9%	0.0%	2.0
Narragansett Pkwy	2000	1.3	25	44.2%	12.8%	2.0
Berwyn House Rd	2000	1.3	23	16.3%	0.0%	1.5
Metzerott Rd	0	0	0	0.0%	0.0%	0.0
Guilford Dr	3700	2.3	24	38.2%	4.5%	3.3
Guilford Dr, west of Hartwick	6350	3.8	25	34.5%	6.9%	5.4
Knox Rd, west of US 1	8350	3.8	23	25.3%	2.3%	4.8
Knox Rd, east of US 1	4550	1.7	23	19.0%	3.4%	2.1
Edgewood Rd, west of Rhode Island	7400	5.8	26	45.2%	10.8%	9.0
Edmonston Rd	3000	1.9	33	97.9%	62.5%	4.9

*Average Daily Traffic (both directions combined)

Based on the speed data and the stress index evaluation, it is recommended that the Bike Boulevards (and partial streets), shown in Blue and green in Table 2, need no further traffic calming, while additional traffic calming is needed on the following streets prior to their consideration as bike boulevards:

1. *Knox Road, west of US 1:*

- Knox Road provides a direct connection between the trolley trail and existing and under-construction student housing. However, west of Route 1 the vehicle volumes are uncomfortably high, while speeds are moderate. Additional traffic calming will help mitigate speeds. Knox Road is approximately 32' with a steep uphill grade heading west from US 1. Striping a westbound bike lane is recommended along this segment, which would narrow the travel lanes to 10' in each direction (the parking on the south side of Knox would remain, but would be 7' wide). Cyclists heading eastbound would be much more likely to be able to maintain speeds similar to vehicles because the eastbound direction has a steep downhill grade.

2. *Guilford Drive, west of US 1:*

- Guilford Drive provides a direct connection between South Campus and the trolley trail (via Guilford Rd). However, west of Route 1 the vehicle volumes and speeds are uncomfortably high. Additionally, westbound Guilford Drive has a steep uphill grade, making the sharing of roadway space difficult for cyclists. The eastbound and westbound travel lanes along Guilford Drive are about 20' wide and separated by a large median. It is recommended that the westbound travel lane be evaluated for parking removal, with the parking lane converted to a buffered westbound bike lane, with the following dimensions: 11' westbound travel lane, 3' buffer and 6' bike lane. Cyclists heading eastbound would be much more likely to be able to maintain speeds similar to vehicles because the eastbound direction has a steep downhill grade.

3. *Westbound Edgewood Road, west of Rhode Island Ave:*

- Edgewood Road, west of Rhode Island Ave has high traffic volumes in the westbound direction (about 30% higher than the eastbound direction). However, the westbound travel lane is 24' which include parking; therefore, a 6' dedicated westbound bike lane is recommended, while the eastbound direction (which is only 20' wide with parking) is signed and marked as a bike boulevard.

4. *Edmonston Road:*

- Edmonston Road has only moderate volume, but the speeds along it are very high for a residential neighborhood. Accordingly, traffic

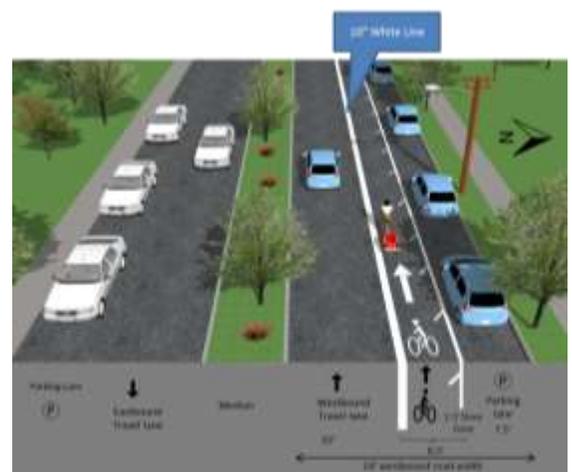


Figure 5: Edgewood Rd between Rhode Island and US 1

calming is recommended along this roadway, in addition, to where it is proposed to replace stop signs.

Additional Design Alternatives for Higher-Quality Facilities

As discussed in the prior section, if roadway width allows for bike lanes in lieu of shared-space bike boulevards, the former offer higher-quality cycling infrastructure and should be installed – particularly since they generally have equivalent construction costs. In addition to the four bike lanes proposed in the previous section, we identified three additional proposed bike boulevard streets that are candidates for re-stripping for bike lanes instead of bike boulevards. These streets were selected based on a review of roadway widths along the proposed bike boulevards, and other more qualitative factors.

1. *College Ave*: the intersection of College Ave and Route 1 is the northern edge of Downtown College Park, with substantial commercial development and the main pedestrian entrance to campus. This area sees the greatest non-vehicular activity along Route 1. Accordingly, there is an opportunity to leverage this activity to create a world-class bike facility along College Ave from Route 1 to the Trolley Trail. Removing parking along the north side of College Ave for this segment creates sufficient space for a two-way protected bike facility along the south side of the street, while maintaining two-way travel. Existing Parking along the north side would have to be removed or relocated. We recommend conducting a parking study for these four blocks to determine utilization rates and turnover. Additionally, we recommend conducting a parking occupancy study for adjacent blocks to determine the amount of available unused curbside parking spaces.



2. *Rhode Island Ave/MD 193/Greenbelt Rd Intersection*: This intersection has been identified as a barrier to cycling, because of the narrow bike lanes and the difficulty in crossing MD 193 and Greenbelt Road. To make these adjacent intersections safer for cyclists, we recommend restriping the existing bike lanes along Rhode Island Ave from Greenbelt Road to Edgewood Road to provide buffered bike lanes. This is county-owned right-of-way and their permission is needed. Additionally, we recommend incorporating “no turn on red” restrictions at the intersection of MD 193 and Rhode Island Ave (maintained by SHA). Finally, we recommend providing center-median buffers that replace left turn lanes along Greenbelt Road through the intersection of Rhode Island Ave to break up the crossing with pedestrian/bike refuge islands. This intersection is also maintained by the State and would require their coordination; however,

we believe that the turning traffic volumes at this intersection support the removal of the left turn lanes – which would allow for their replacement with center medians.

3. *Lakeland Rd & Berwyn House Rd bike lane couplet*: In lieu of bike boulevards on both of these streets, we recommend restriping the existing roadway on Lakeland Ave to provide buffered eastbound bike lane on the south side and restriping the existing roadway on Berwyn House Rd to provide a dedicated westbound bike lane on the north side. No curbside parking is removed for this installation.

Appendix C shows conceptual drawings, renderings and typical sections for each of the three design alternatives listed above, as well as the Edgewood Road westbound bike lane alternative.

Public / Stakeholder Outreach & Feedback

The public outreach for this study was conducted through meetings and a project website. Two separate meetings were held; a private stakeholder meeting where fellow government entities were invited and a second open to the general public. Each meeting followed the same format, opening with a presentation, followed by a question and answer session, and closed with an opportunity for attendees to review boards and ask questions one-on-one. Additionally, large roll-out maps showing the proposed bike boulevard layouts (appendix B) and the proposed design alternatives (appendix C) were both displayed for attendees to mark up with their comments. The meetings were advertised via flyer that was distributed on local listservs, the City website, Prince Georges County planning staff, and the Prince Georges Chapter of the Washington Area Bike Association listserv.

Stakeholders included:

- Maryland State Highway Administration
- Prince George’s County Department of Public Works
- Prince George’s County Park and Planning
- University of Maryland Department of Transportation Services
- City of College Park Department of Public Works
- City of College Park Planning
- Metropolitan Washington Council of Governments
- Local business owners
- College Park residents

The **presentation** consisted of:

- Explaining bike boulevards
- Why they are applicable to College Park
- The methodology of the study
- What types of infrastructure make up a bike boulevard
- College Park streets that are candidates for a bike boulevard



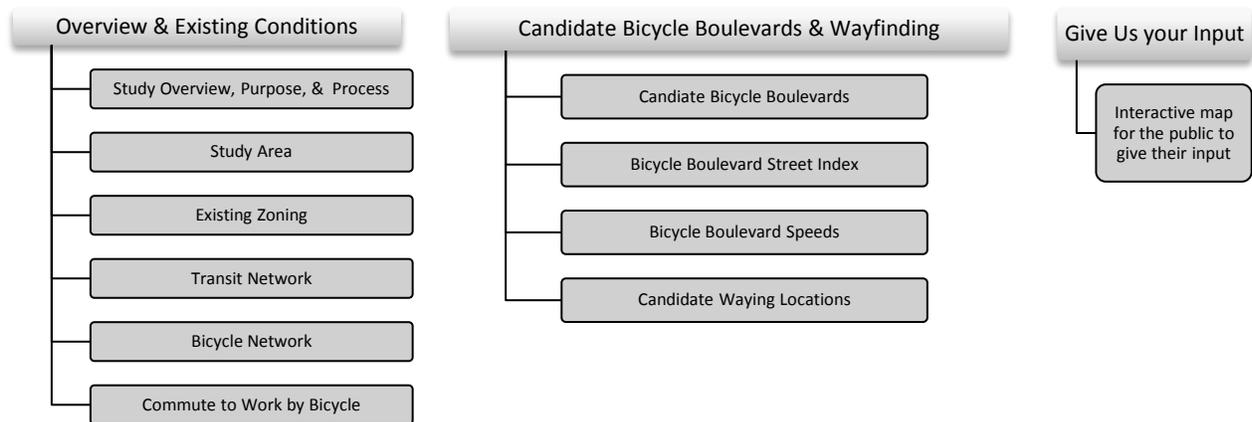
- The importance of and how to brand the bike boulevard network and to educate the public
- Other design alternatives for bike facilities

Topics of the **informational boards** presented at the charrette included:

- Percentage of population who commute to work by bicycle shown by block group in and adjacent to the study area
- Existing and proposed bicycle network in and adjacent to the study area
- Proposed locations of wayfinding signs in and adjacent to the study area
- The bicycle stress index of existing bike facilities within the study area

Feedback provided by stakeholders were generally positive, noting that the proposed bike boulevards appeared to connect multi-jurisdictional bike facilities – trail heads, county bike lanes, municipal facilities, as well as metro stations and Campus access points. Specific comments from the meeting are captured in **Appendix D-1**. In addition to the meeting, an **interactive website** was developed and available publicly. Created in the ArcGIS Online platform, the public is able to view the data collected for the study as well as candidate boulevards in map format, zooming in and out to specific location and clicking on map elements for more specific information.

The website presented the following information:



The *Give Us Your Input* section of the website proved to be a productive tool to solicit comments from the public, especially from those that were unable to attend the meetings. Selecting from six topics, the public was able to add a point to the map where their comment was applicable. The six topics included: suggested bicycle rack, suggested bike share location, suggested bicycle lane, suggested wayfinding sign, reported challenging area, and comment on a bicycle boulevard. This section of the website was open for feedback between 4/18/2016 and 5/24/2016.

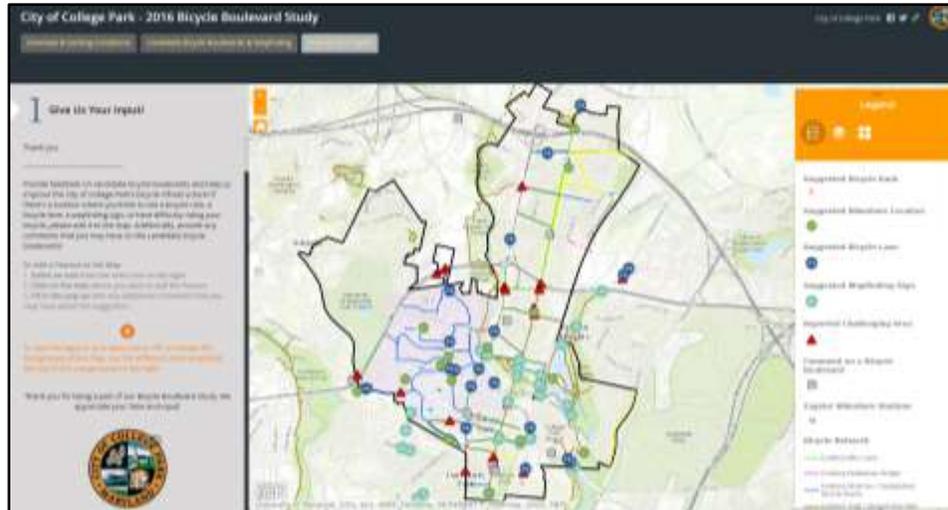


Figure 6: Screen Capture of on-line map-based public input website

While individual comments and precise locations for desired infrastructure are shown in **Appendix D-2**, the following tally shows the overall number of comments received by category:

- 3 locations suggested for new bike racks
- 0 suggested locations for new bike share stations
- 21 locations suggested for new bike lanes
- 27 locations suggested for new wayfinding signs
- 24 areas reported as challenging for cyclists
- 13 general comments

Construction Costs

Most of the infrastructure elements associated with bike boulevards are signs and over-sized bike markings – these are relatively low-cost items. However, the primary cost in all cases is the traditional traffic calming measures that replace the stops signs (that were originally installed typically as speed-control). After removing a stop sign, we would recommend doing a spot speed study to see if speeding is present, prior to implementing any new traffic calming in its place. If travel speeds are generally low, then traffic calming need not be applied to replace the removed stop signs. Some streets that currently have high speeds would need traffic calming irrespectively. Based on the planning of bike boulevard elements laid out in Appendix B, the construction costs are provided in Table 3. Construction costs vary for each proposed bike boulevard from as low as \$650 to as high as \$20,000.

Table 3: Construction costs for each candidate Bike Boulevard

Bike Boulevard	From	To	Number of Infrastructure Elements and Unit Cost							Total cost for each bike boulevard
			New Wayfinding Sign	New Pavement Marking	Removed Stop Sign	Yield Sign	New Bumpout	New speed hump	New Mini-roundabout	
			\$75	\$250	\$10	\$50	\$1,000	\$2,000	\$10,000	
Calvert Road	US 1	Metro Station	4	5	2	0	0	2	0	\$5,570
Lackawanna St	Metro Station	Rhode Island Ave service road - east side	1	6	4	0	2	0	0	\$3,615
Edgewood Rd, east of Rhode Island	Rhode Island Ave	52nd Place	2	5	4	0	2	1	1	\$15,440
Edgewood Rd, west of Rhode Island	US 1	Rhode Island Ave	2	4	0	0	0	2	0	\$5,150
Rhode Island Ave Service Rd - West	Muskogee St	Blackfoot Rd	2	11	0	4	0	0	0	\$3,100
Guilford Rd	US 1	Metro Station	5	10	6	0	4	2	0	\$10,935
Hollywood Rd	US 1	Rhode Island Ave service road - east side	3	5	2	1	2	0	0	\$3,545
Fox St	US 1	Rhode Island Ave	1	4	2	1	2	0	0	\$3,145
Rhode Island Ave Service Rd - East	Muskogee St	Delaware Pl	4	10	0	4	0	0	0	\$3,000
College Ave	US 1	Columbia Ave	6	10	8	0	3	7	0	\$20,030
Berwyn Rd	US 1	Potomac Ave	4	7	6	0	0	5	0	\$12,110
Lakeland Rd	US 1	51st Ave	6	7	6	0	3	3	0	\$11,260
Narragansett Pkwy	Lackawanna	Edgewood Rd	0	6	1	0	0	0	0	\$1,510
Berwyn House Rd	US 1	Rhode Island Ave	5	4	0	0	0	0	0	\$1,375
Metzerott Rd	US 1	Paint Branch Trail	2	2	0	0	0	0	0	\$650
Guilford Dr, East	Hartwick Rd	US 1	1	4	1	0	2	2	0	\$7,085
Guilford Dr, West	Knox Rd	Hartwick Rd	0	2	1	0	2	2	0	\$6,510
Knox Rd, West of US 1	Guilford Drive	US 1	1	4	0	0	0	0	0	\$1,075
Knox Rd, East of US 1	US 1	Dartmouth Ave	5	9	6	0	0	8	0	\$18,685
Edmonston Rd	Charlton Ave	Old Calvert Rd	0	9	5	0	0	7	0	\$16,300

To fund all of the bike boulevards, including *all* traffic calming elements is approximately \$150,000 in total.

Costs for Design Alternatives

Several design alternatives were recommended that installed bike lanes instead of shared-space bike boulevards:

1. Knox Road, west of US 1:
2. Guilford Drive, west of US 1:
3. Westbound Edgewood Road, west of Rhode Island Ave:
4. College Ave two-way bike lanes
5. Lakeland Rd & Berwyn House Rd bike lane couplet

Because these designs consist only of re-striping existing roadways, they will be generally the same cost as the bike boulevard installation. These designs would require grinding /removing existing line striping, but would also not require the same level of traffic calming.

Funding Sources

Funding for projects can often be an obstacle to implementation. In addition to using local funds, there are several state/federal grant programs that offer monetary support for implementing the recommended bicycle facilities in this study. The following funding sources have been identified as applicable and potential grant program.

Transportation Alternatives Program (TAP). This program is administered and supported by the Maryland State Highway Administration, with reimbursement from the Federal Highway Administration, for the purpose of funding projects that enhance the cultural, aesthetic, historic, and environmental aspects of the State's intermodal transportation system. The program is set up to sub-allocate fifty percent of the funding directly to local Metropolitan Planning Organization's whom are the responsible reviewers of proposed projects within their jurisdiction. Recommendations under this study would be eligible as they meet the requirements of 1) related to surface transportation, and 2) meet at least one of the nine qualifying TAP categories, which the recommendations of this study fall under two of the nine; the planning and design, rehabilitation or construction of on and off road trail facilities for bike/pedestrian facilities and other non-motorized forms of transportation and infrastructure projects that will provide safe routes for non-drivers. Additionally, the recommendations in this report meet Maryland-specific requirements including: the project must be open to the public and benefit all Marylanders as oppose to a specific individual or group, it must maintain a reasonable duration of the intended public use, be located within a publicly-owned right-of-way or on a right-of-way encumbered with a permanent easement held by a state agency or the sponsoring government agency, and comply with ADA, NEPA, and all other applicable state and federal regulations. Project sponsors are responsible for design, management, construction, implementation, and permits as well as a minimum of 20% of all project costs.

[Website: SHA's Transportation Alternatives Program](#)

Maryland Bikeways Program. Supported and administered by the Maryland Department of Transportation, the goal of the program is to fill in the gaps in Maryland's bike network to support bikeshare programs. An eligible project meets one of the following criteria: 1) located substantially within the Priority Funding Area (PFA) and/or located within three miles of a rail transit station or major bus transit hub, 2) provide or enhance bicycle access along any gap identified in the Statewide Trails Plan "A Greener Way to Go", and/or 3) identified as a transportation priority in a County's most recent annual priority letter submitted to MDOT. The recommendations under this study will certainly meet the first criterion as it is located within a PFA and is within three miles of a transit station. In addition to meeting eligibility, MDOT has identified target areas for prioritizing funding to submitted projects; this study area falls within their identified target areas. The local match requirements are a) zero percent for priority minor retrofit, b) twenty percent for other priority projects, and c) fifty percent for non-priority projects. The match may include cash or in-kind services contributing to the project such as expenditures up to twenty-four months prior to a Bikeways project award.

This program may be the best fit for funding the recommendations under this study.

[Website: MDOT's Bikeways Program](#)

Recreational Trails Program. Administered by the State Highway Administration and supported by an 80/20 federal to local match, this program funds community based, motorized and non-motorized recreational trail projects. The trails can be for pedestrian and bicycling paths as well as for specific uses such as in-line skating, cross-country skiing, equestrian use, and four-wheel driving. The program funds not only new construction of trails, but maintenance and restoration of existing trails, purchase or lease

of trail construction equipment, acquisition of easements or property for trails, and implementation of interpretive/education programs to promote intrinsic qualities, safety, and environmental protection. The matching funds must be committed in the local jurisdiction's budget and awards may not exceed \$40,000 for new construction and \$30,000 for other projects. Preferred programs to be funded include the following characteristics: connect communities with natural/cultural areas or tourism areas (e.g. Scenic Byways, Heritage Areas, Canal Towns); have broad-based community support; complete a missing link in the State Trails Plan; link or complete existing trails; mitigate trail impacts on the natural environment; construction or maintenance accomplished with youth conservation corps or service groups; loop trails that do not connect to a broader network and sidewalk projects are not generally awarded funds.

[Website: Recreational Trails Program](#)

Safe Routes to Schools. Administered by the State Highway Administration and supported by an 80/20 federal to local match, this program funds infrastructure and non-infrastructure projects that support safe and sustainable routes for K-8 aged children to walk, roll, or bicycle to school. Projects categorized as safe routes to school must be requested through the larger Transportation Alternatives Program. Eligible project types that overlap with the recommendations under this study include traffic calming and speed reduction improvements, bike/pedestrian crossing improvements, and bicycle parking. This program would be applicable as there are schools with adjacent proposed bike facilities within the study area, such as the facility along Edgewood road adjacent to Hollywood Elementary School and Lakeland Rd that serves Paint Branch Elementary.

[Website: Safe Routes to School Program](#)

Prioritization and Phasing of Bike Boulevards

Because annual funding - whether via local funds or through grant programs - is limited, implementation of the bike boulevards is recommend to be conducted in two phases. The first phase would maximize the potential users and have the minimal potential costs. Specifically, first-phase bike boulevards accomplish most, if not all of the following:

- Connect trails with large or dense commercial areas;
- Connect trails with other trails;
- Provide a route that is already low stress, requiring no further engineering to reduce existing speed or volumes;
- Connect trails with highest residential density areas;
- Connect to *major* destination (regional park, metro station)
- Design alternatives that provide bike lanes in lieu of shared-space bike boulevards.

Table 4 below shows that streets that most completely meet these criteria.

Table 4: 1st phase prioritization of bike boulevards

Road Name	Length (mi)	From	To
Calvert Road	0.57	US 1	Metro Station
Lackawann St	0.45	Metro Station	Rhode Island Ave service road - east side
Edgewood Rd	1.48	US 1	52nd Place
Guilford Rd	0.46	US 1	Metro Station
Hollywood Rd	0.35	US 1	Rhode Island Ave service road - east side
Rhode Island Ave Service Rd - East	0.63	Muskogee St	Delaware Place
College Ave	0.53	US 1	Columbia Ave
Lakeland Ave	0.53	US 1	Rhode Island Ave
Berwyn House Rd	0.32	US 1	Rhode Island Ave

The remaining streets, while still critical to a complete network, require additional costs to address traffic calming or are likely to connect to more moderate-density residential/commercial areas. Table 5 shows the Phase 2 priority streets.

Table 5: 2nd phase prioritization of bike boulevards

Road Name	Length (mi)	From	To
Rhode Island Ave Service Rd - West	0.90	Muskogee St	Blackfoot Rd
Fox St	0.35	US 1	Rhode Island Ave
Berwyn Rd	0.54	US 1	Potomac Ave
Narragansett Pkwy	0.36	Lackawanna	Edgewood Rd
Metzerott Rd	0.07	US 1	Paint Branch Trail
Guilford Dr	0.86	Knox Rd	US 1
Knox Rd	0.74	Guilford Drive	Dartmouth Ave
Edmonston Rd	0.75	Charlton Ave	Old Calvert Rd

Some of these second-phase streets are already low-stress roadways, but don't offer the breath of connections that are noted in the first tier; but would nonetheless be low-cost upgrades. These include:

- Rhode Island Ave Service Road (west side), from Muskogee St Blackfoot Rd
- Fox Street, from US 1 to Rhode Island Ave
- Berwyn Road, from US 1 to Potomac Ave
- Narragansett Parkway, from Lackawanna to Edgewood Rd
- Metzerott Road, from US 1 to the Paint Branch Trail

Of the remaining 2nd tier streets, Edmonston Road requires traffic calming as its speeds are excessive for residential neighborhoods. Knox Road west of US 1 and Guilford Drive both have high enough

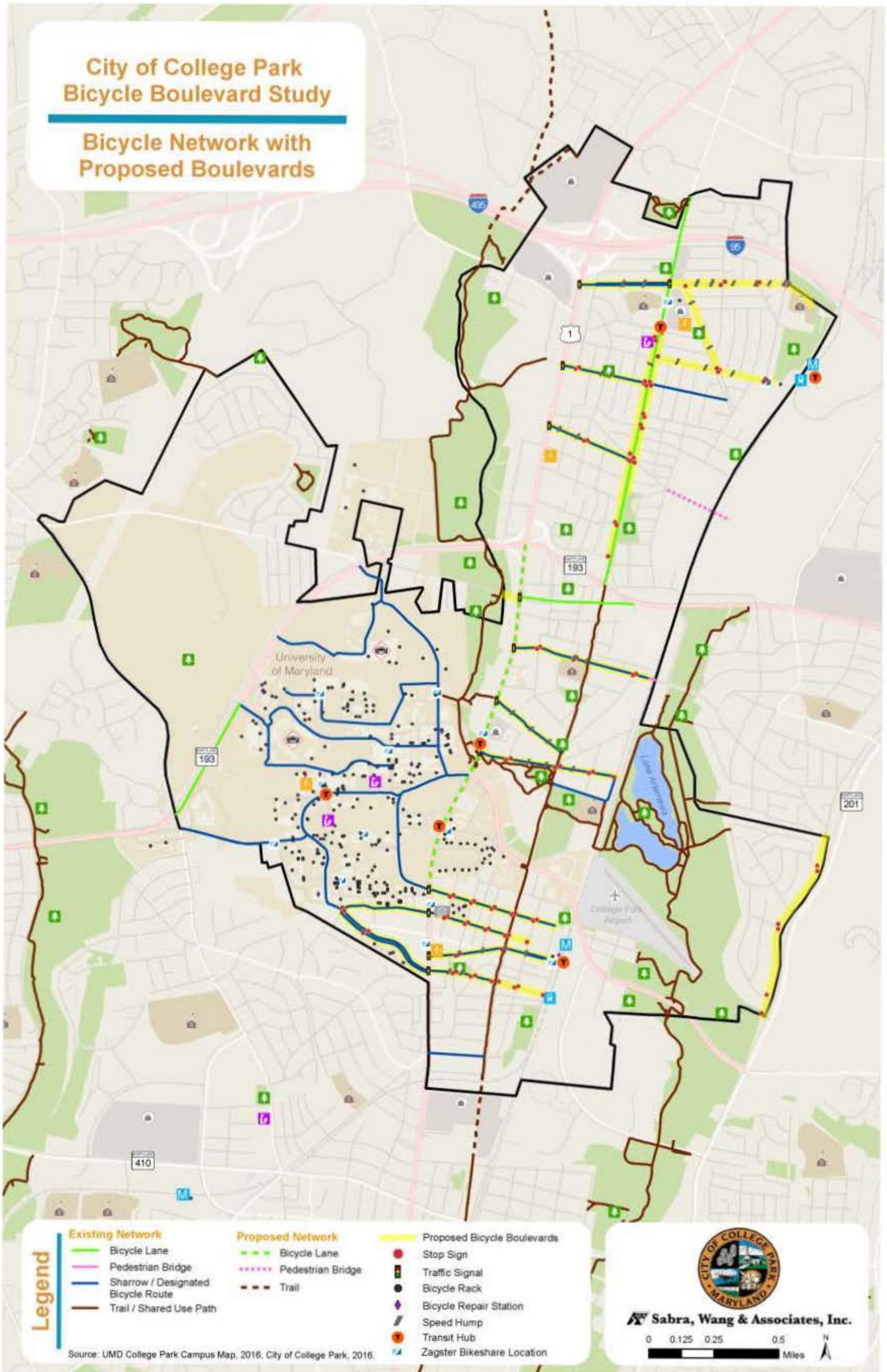
volumes to make cycling uncomfortable; accordingly exploration of converting a curbside parking lane into a dedicated buffered bike lane is recommended. Further parking study would include evaluation of curbside utilization and turnover as well as availability of nearby adjacent curbside space.

Next Steps

As funding is secured and bike boulevards/lanes are chosen for construction, College Park should create and maintain a bike infrastructure map, using the GIS mapping files developed for this study. The updatable map can be made available online via the City's website, with static maps available at select locations throughout College Park and even in Student Orientation Packages.

Additionally, as the bike boulevards are developed, monitoring of vehicle speeds is recommended to ensure that speeds are sufficiently low for comfortable cycling.

Appendix A: Map of Bike Boulevards (shown in yellow) with existing bike infrastructure



Appendix B: Planview layout of all Bike Boulevard Elements

Due to its size, Appendix B is provided as a separate document that needs to be viewed on a computer or printed out on a plotter, so that plan view details can be seen with proper clarity

Appendix C: Conceptual Design for Alternatives to Select Bike Boulevards

Due to its size, Appendix B is provided as a separate document that needs to be viewed on a computer or printed out on a plotter, so that plan view details can be seen with proper clarity

Appendix D-1: Public Comments from the 4-20-2016 Charrette

Comments on the Recommended Bike Boulevard Streets

Downtown area:

- Please install a bike lane on Guilford west of US 1 – too fast for shared space
- Please include a buffer in your markings of the westbound approach to US 1 on Guilford – there are no sidewalks
- Might be overkill on bike boulevards – consider focusing on 1 to 2 east-west routes that connect Metro and campus.
- Please keep all 4-way stops at trail crossings
- Love the stop sign removal
- Remove sound wall blocking direct progression of trolley trail (note: that this already being done under a different project)
- Question – how can the Metro/MARC crossing be improved?
- Cut back trees at Dartmouth/Guilford for visibility
- Calvert Rd median makes for tight quarters for sharing space

Mid-town area:

- Please signalize Rhode Island Ave and Greenbelt Road
- If Cherokee is signalized, consider turning it into a bike boulevard between US 1 and Rhode Island Ave.
- Consider a pedestrian/bike bridge connecting south end of Autoville Drive to Paint Branch Trail in the northwest quadrant of the intersection of MD 193 and US 1.

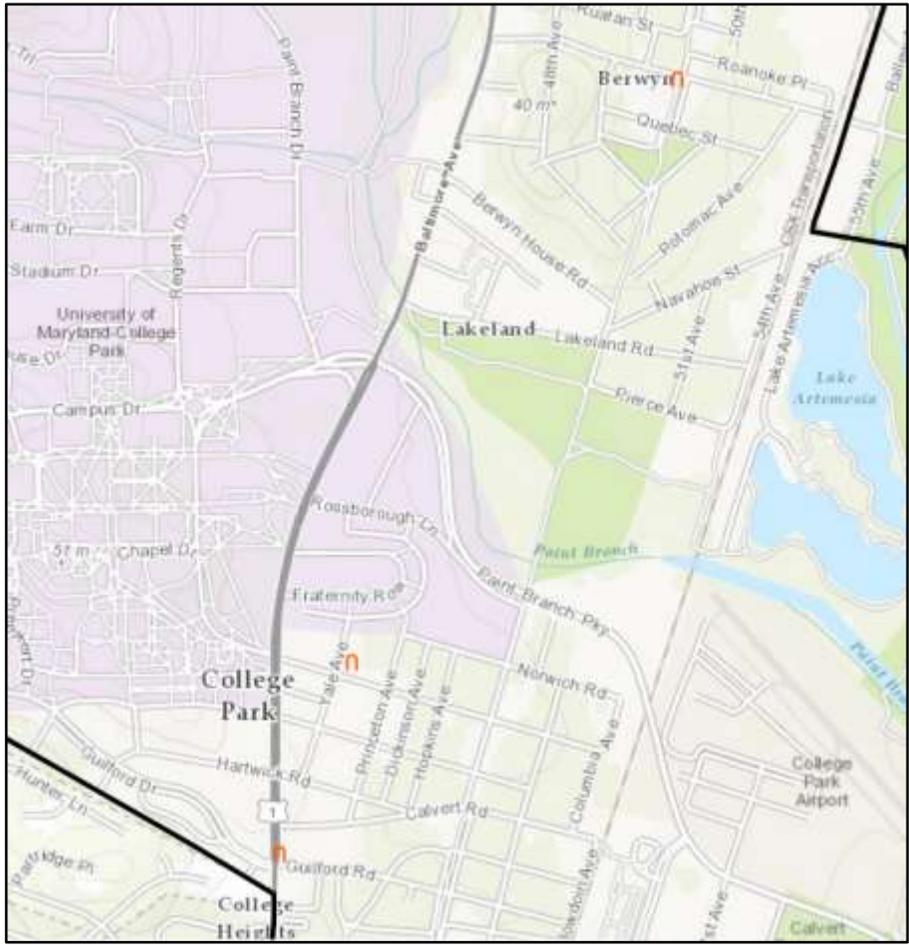
Up-town area:

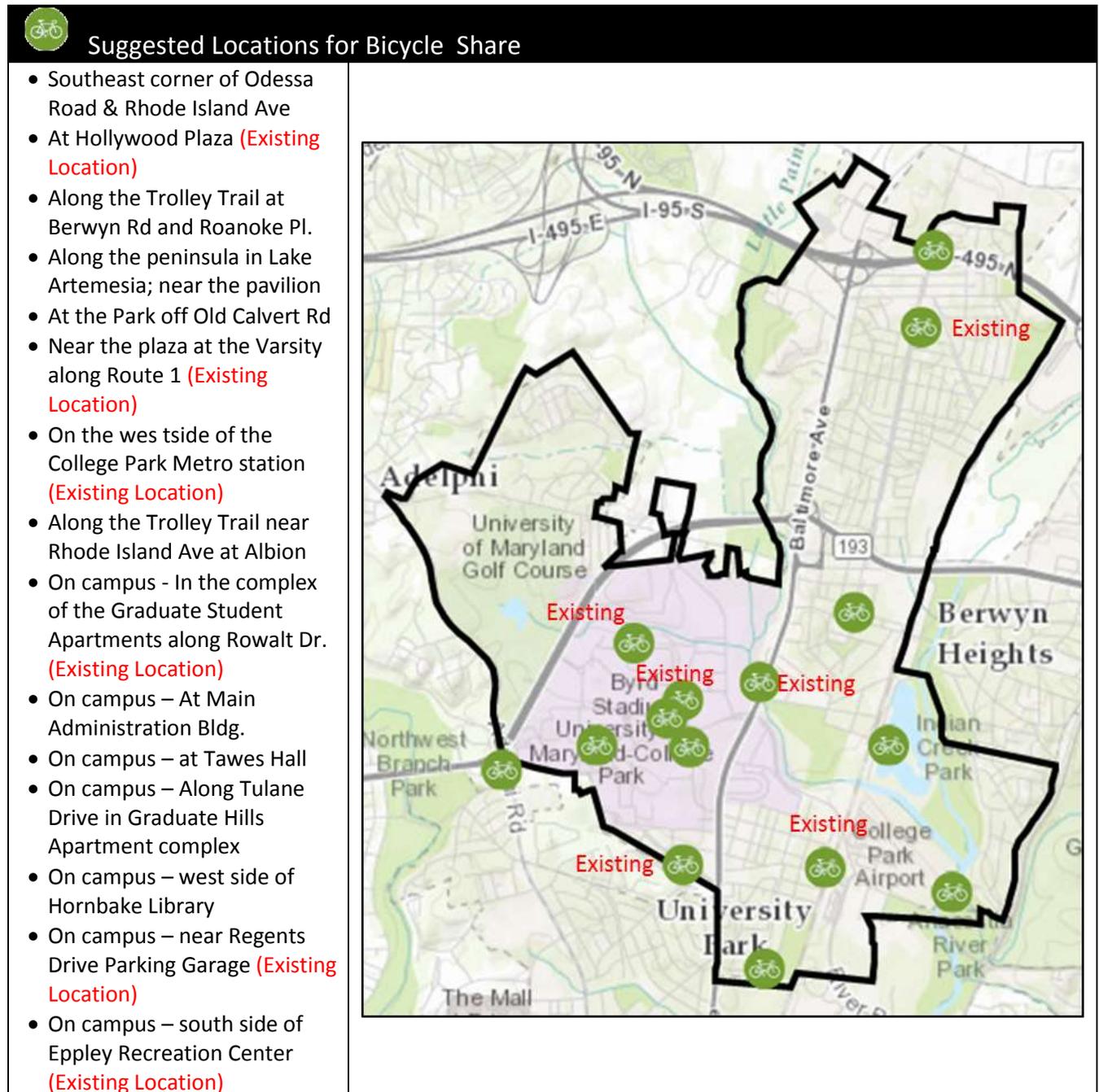
- Improve the connection from Hollywood to Paint Branch Trail. Add pedestrian push button
- Add Protection to the Rhode Island Ave bike lanes
- Frequent pedestrian crossings of US 1 between Hollywood and Fox
- Question: Is there a way to connect Edgewood to the Paint Branch Trail?
 - Answer: 47th Place is a low volume road that provide direct access between Edgewood Road and Paint Branch Trail via Hollywood Road

Comments on the Design Options

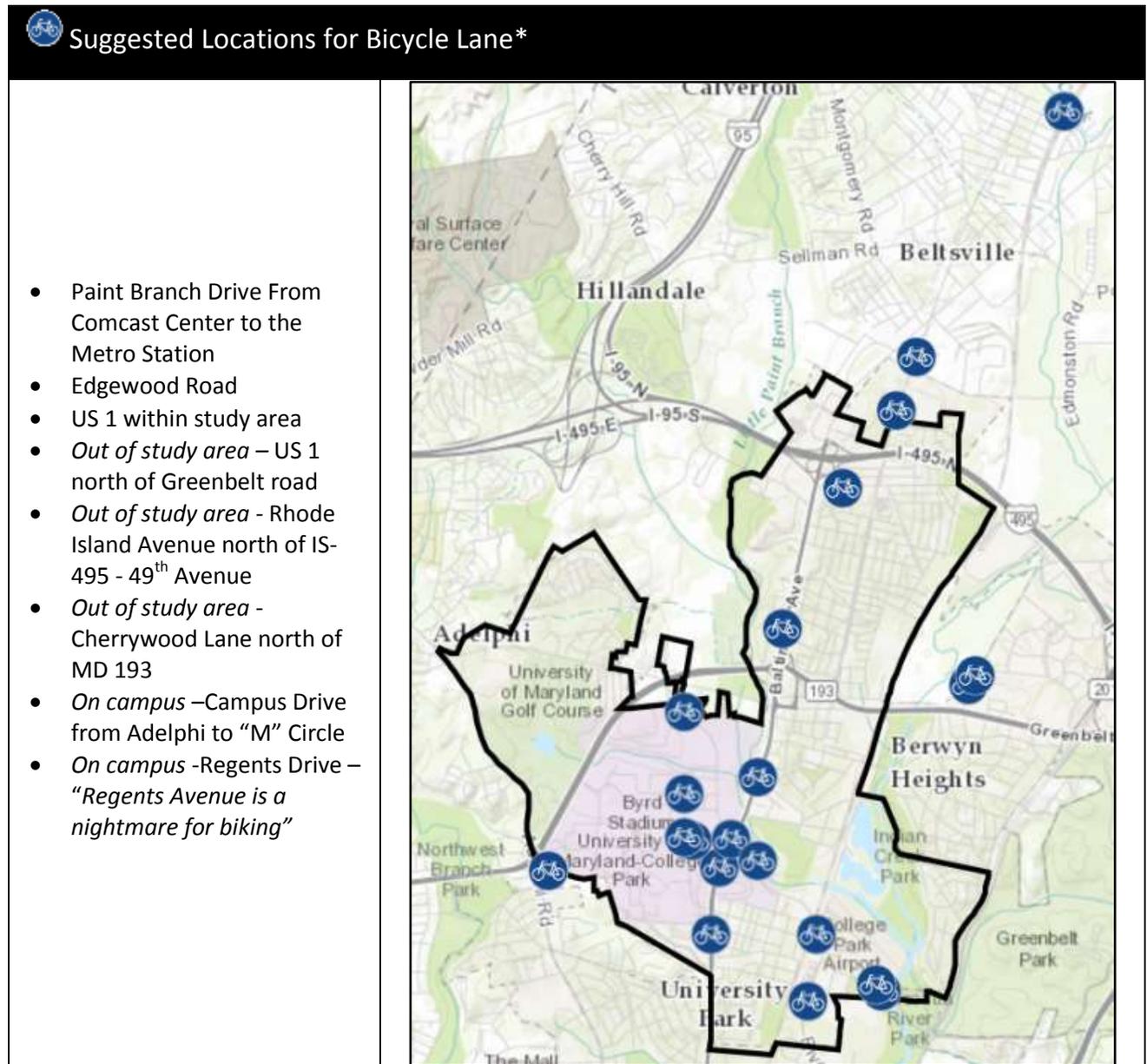
- *College Ave Design Option:*
 - Supportive comments
 - Add public bike racks along route
 - Add bike boxes and/or bike-only signals to transition across Route 1
 - One comment would like bike lanes on either side (note: not enough space if buffers are included)
- *RIA/MD 193/Greenbelt Rd option:*
 - Provide raised x-walks at RIA/Greenbelt
 - Add pedestrian walk button to cross Greenbelt Rd at RIA/Greenbelt, similar to PB Pkwy trail crossing
 - Add NTOR for WB MD 193
 - Improve quality of existing RIA bike lanes north of MD 193
 - Add pedestrian walk button to cross Rhode Island Ave at RIA/Apache, similar to PB Pkwy trail crossing
- *Lakeland Berwyn House couplet:*
 - Add sharrows on both Lakeland and Berwyn House in the direction that the bike lane is not oriented.
 - Consider contraflow bike lane along Berwyn House (i.e. placed on the south side)
- *Edgewood WB only Bike lanes:*
 - Consider flipping parking a bike lanes (note: insufficient room for door-zone buffer)
 - Like the door zone markings
 - Add signing and marking for EB direction of Edgewood

Appendix D-2: On-line comments received from interactive project website

 Suggested Locations for new Bicycle Racks	
<ol style="list-style-type: none">1. Berwyn Road & Rhode Island Avenue (College Park Trolley Trail)2. US 1 & Guilford Avenue3. Yale Avenue & College Avenue (St. Andrew's Church)	



*The College Park Bikeshare program launched midway through the survey window. Several locations suggested by residents in the table above coincide with where bikeshare stations were placed (these locations are labeled “existing”).

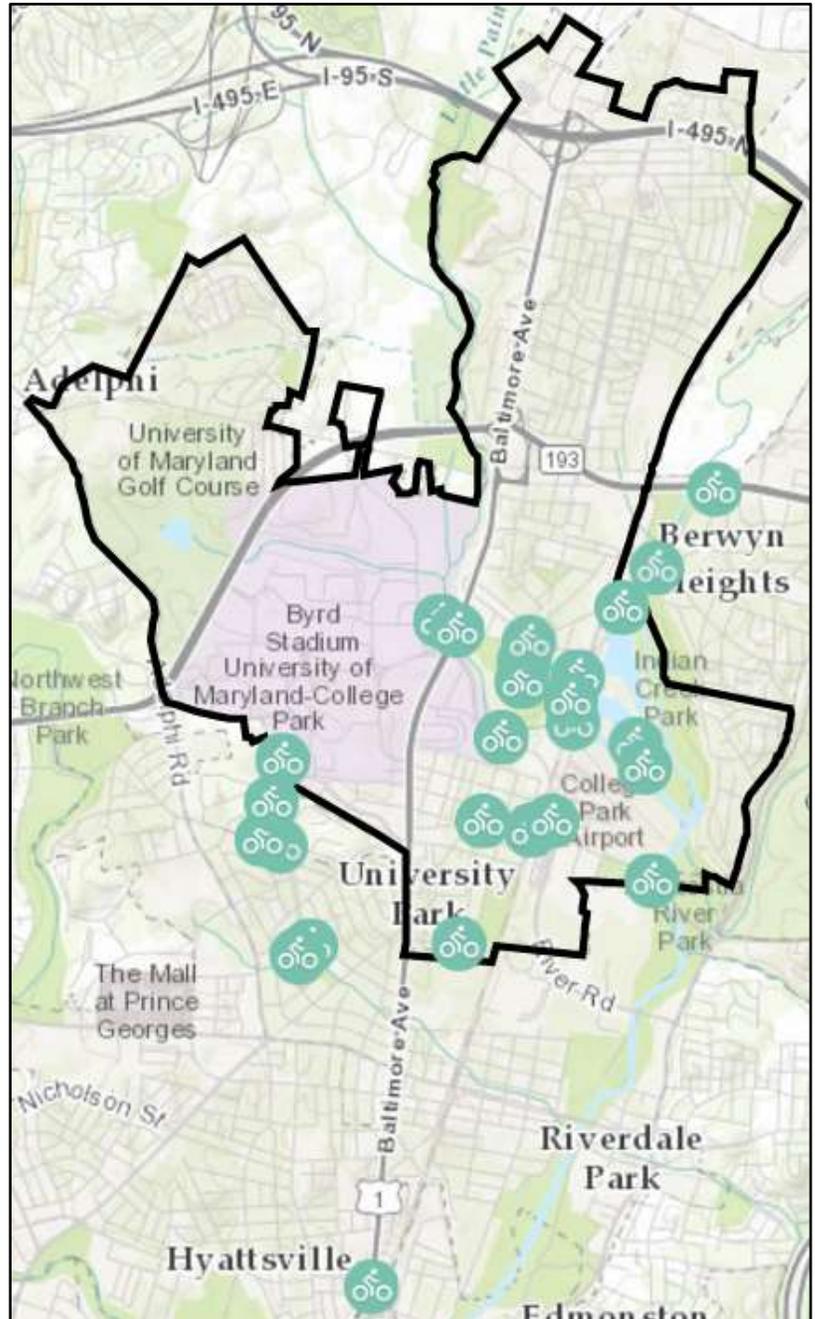


*Several locations had multiple requests for bike lanes.



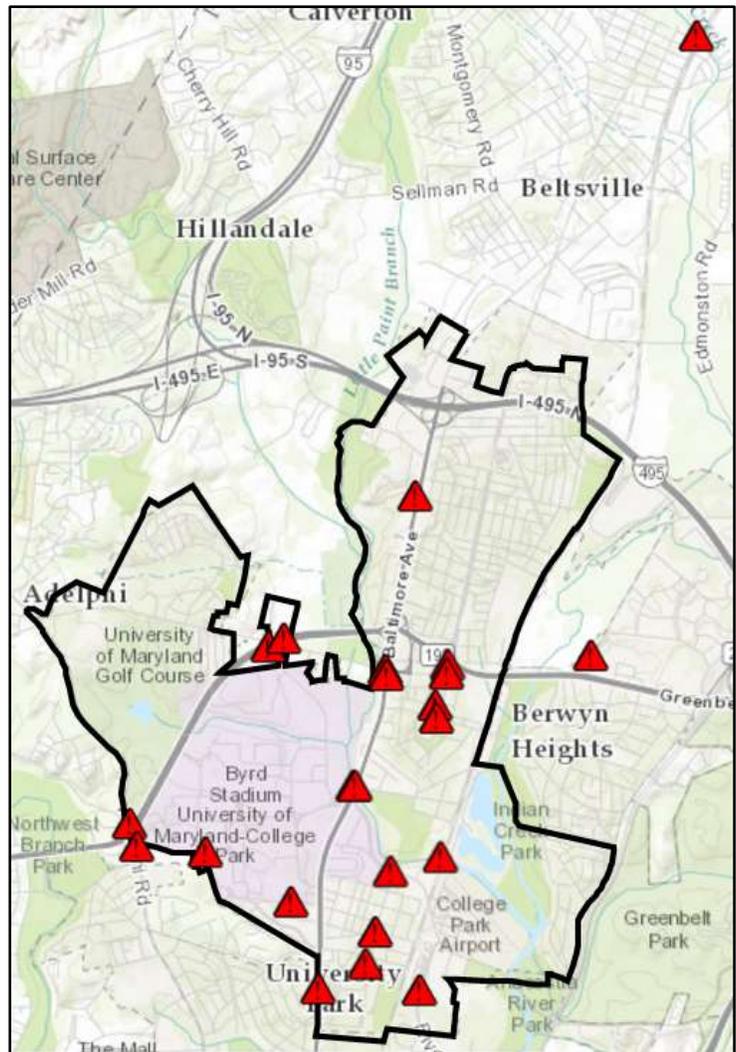
Suggested Locations for Bike Wayfinding Signs

- 57th Ave at Greenbelt – *out of study area*
- Berwyn Road at Indian Creek Trail – *out of study area*
- 55th Ave at Lake Artemisia Trail
- Anacostia Tributary Trail System at bridge – *on campus*
- Anacostia Tributary Trail System/Lakeland Road/US 1
- Rhode Island Ave at Lakeland Road
- Anacostia Tributary Trail System at Paint Branch Trail
- Paint Branch Trail at Paint Branch Parkway
- Paint Branch Trail along section that runs behind the school, to the rail road tracks
- Paint Branch Trail at 54th Ave
- Anacostia Tributary Trail System & NE Branch Trail
- Paint Branch Trail at Paint Branch Parkway
- Rhode Island Ave at Calvert Road
- Calvert Road at Bowdoin Ave
- Anacostia Tributary Trail System at Paint Branch Parkway
- Rhode Island Southern Tip/Albion Road at Trail – *with distances*
- Mowatt Lane at College Park Latter Day Saints – *on campus*
- End of Calverton Drive at Trail - *out of study area*
- Wells Parkway at Chansory Lane – *out of study area*
- Eversfield Drive at Wells Parkway – *out of study area*
- End of Wells Parkway at Town of University Park – *out of study area*
- End of Hyattsville Trolley Trail in Hyattsville – *out of study area*



▲ Reported Challenging Areas

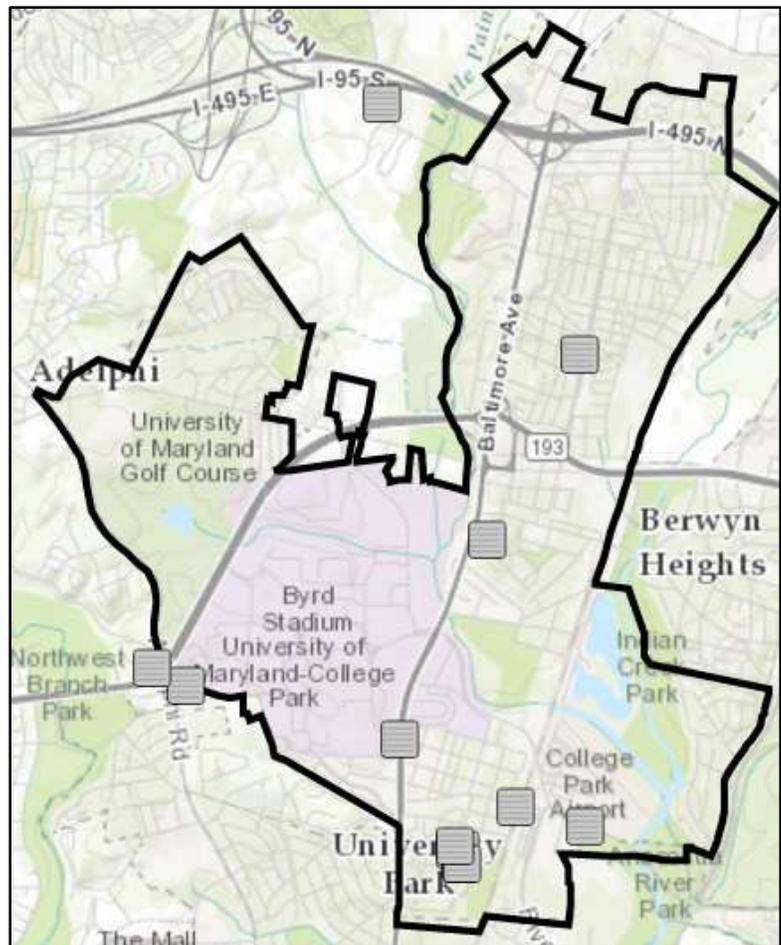
- Discontinuous path from Hollywood Rd to Peru Road across Route 1
- High traffic area along Cherrywood Lane in front of the Giant
- Challenging to cross Greenbelt Road along the Trolley Trail
- Pave parking lot with markers for trails at Berwyn Rd and Roanoke Place
- Narrow sidewalk to cross the bridge along Route 1, just south of Lakeland Rd
- Intersection of Greenbelt Road, Route 1, and Metzert Rd
- Intersection of University Boulevard southbound and Boteler Lane; at the University Courtyard Apartments
- Intersection of University Boulevard northbound at Paint Branch Drive
- Crossing of Route along trail; south of College Park Fire Station
- Crossing of railroad tracks along Anacostia Tributary Trail; between the Lake and the airport
- Crossing of Paint Branch Parkway along the Anacostia Tributary Trail System
- Crossing of Calvert Rd along the Trolley Trail
- Portion of Trolley Trail between Guilford Road and Fordham Road
- Along River Rd between the American Institute of Physics and parking lot at the Metro Station
- At the intersection of Route 1 and Carleton Terrace
- On campus – Along Knox Rd in front of South Campus Commons
- Adjacent to campus - Roundabout along Campus Drive at Mowatt Lane
- Adjacent to Campus - Channelized right turn from northbound Adelphia Road to eastbound Campus Drive
- Adjacent to campus – University Boulevard at Adelphia Road; *“Crossing this road is a nightmare”*





Additional Comments on Bike Boulevard

- Trolley Trail at Drexel Road and Rhode Island Avenue - *Heavily used by children and dog walkers, not appropriate for high-speed bicyclists.*
- Between Rhode Island Avenue and Dartmouth Avenue and Drexel Road and Amherst Road - *Trail through Calvert Hills, between Calvert Road and Albion. This is the only pedestrian walkway in area, used by children, dog walkers, pedestrians. Fast bike traffic would cause huge problems.*
- Paint Branch Parkway at 52nd Avenue is a tough crossing
- Calvert Drive at Bowdoin Avenue - *Thank you for planning better bicycle access. In addition, sidewalks or another safe option from the College Park Metro throughout the neighborhood is urgently needed, as many of the streets currently have disjointed sidewalks unsafe for pedestrians.*
- Cherry Hill Drive - *Note the Little Paint Branch Trail to the Beltsville Community Center will be located parallel to Cherry Hill Rd and Sellman Rd.*
- Adelphi Road and Campus Drive - *This area of campus drive has a bicycle lane but the signage is not effective. Cars speed regularly more than 10 miles over the speed limit (speed limit signs also inadequate). Maybe adding paint to the bicycle lane would help here.*



Public Hearing

16-O-03

**NOTICE OF PUBLIC HEARING
ORDINANCE 16-O-03
TUESDAY, JUNE 14, 2016
7:30 P.M.**

**COLLEGE PARK CITY HALL
4500 KNOX ROAD
2ND FLOOR COUNCIL CHAMBERS
COLLEGE PARK, MD 20740**

An Ordinance of the Mayor and Council of the City of College Park, Amending Chapter 15, “Boards, Commissions and Committees”, §15-19, “Powers and Duties”; Chapter 125, “Housing Code”, §125-8, “Maintenance of Dwellings”, §125-17, “Firesafety Laws”, and §125-17.1, Abatement of Certain Violations; and Chapter 157, “Property Maintenance”, §157-2, “Definitions; Word Usage”; §157-3, “Compliance; Inspections”; §157-4, “Notification of Violations; Hearings”, §157-6, Responsibilities of Owners and Occupants”; §157-7” Designation of Unfit Buildings; Condemnation”; § 157-8, “Higher Standards to Prevail”; Deleting §157-5, “Adoption of Rules and Regulations”, and §157-9 “Hearings”; Amending Chapter 110, ‘Fees and Penalties’, §110-2, “Penalties”, and Adopting a New Chapter 115, “Fire Safety” ,To Update and Clarify the Codes, Include Fire Safety Laws In One Chapter and Provide For A Fine, and To Make Certain Conforming Changes

Copies of this Ordinance may be obtained from the City Clerk’s Office, 4500 Knox Road, College Park, MD 20740, or by calling 240-487-3501, or visit www.collegeparkmd.gov.

In accordance with the Americans with Disabilities Act, if you need special assistance, please contact the City Clerk’s Office and describe the assistance that is necessary.

Notice of Public Hearing for Ordinance 16-O-03:

- Published in the Washington Post on May 9, 2016
- Posted to City Bulletin Boards on May 13, 2016
- Posted to City Website on May 13, 2016
- Posted on Cable Television Channel on May 13, 2016
- Published in the Municipal Scene on June 1, 2016

ATTEST:

A handwritten signature in blue ink that reads "Janeen S. Miller". The signature is written in a cursive, flowing style.

Janeen S. Miller, City Clerk

AN ORDINANCE
OF THE MAYOR AND COUNCIL OF THE CITY OF COLLEGE PARK,
AMENDING CHAPTER 15, “BOARDS, COMMISSIONS AND COMMITTEES”, §15-19,
“POWERS AND DUTIES”; CHAPTER 125, “HOUSING CODE”, §125-8,
“MAINTENANCE OF DWELLINGS”, §125-17, “FIRESAFETY LAWS”, AND §125-17.1,
ABATEMENT OF CERTAIN VIOLATIONS; AND CHAPTER 157, “PROPERTY
MAINTENANCE”, §157-2, “DEFINITIONS; WORD USAGE”; §157-3, “COMPLIANCE;
INSPECTIONS”; §157-4, “NOTIFICATION OF VIOLATIONS; HEARINGS”, §157-6,
RESPONSIBILITIES OF OWNERS AND OCCUPANTS”; §157-7” DESIGNATION OF
UNFIT BUILDINGS; CONDEMNATION”; § 157-8, “HIGHER STANDARDS TO
PREVAIL”; DELETING §157-5, “ADOPTION OF RULES AND REGULATIONS”, AND
§157-9 “HEARINGS”; AMENDING CHAPTER 110, ‘FEES AND PENALTIES”, §110-2,
“PENALTIES”, AND ADOPTING A NEW CHAPTER 115, “FIRE SAFETY” ,TO
UPDATE AND CLARIFY THE CODES, INCLUDE FIRE SAFETY LAWS IN ONE
CHAPTER AND PROVIDE FOR A FINE, AND TO MAKE CERTAIN CONFORMING
CHANGES

WHEREAS, pursuant to §5-201 *et seq.* of the Local Government Article, Annotated Code of Maryland, the City of College Park, Maryland (hereinafter, the “City”) has the power to pass such ordinances as it deems necessary to assure the good government of the municipality, and to protect and preserve the municipality’s property; and

WHEREAS, pursuant to this authority, the Mayor and Council have adopted an exterior property code for non-residential properties (Chapter 157), a Housing Code (Chapter 125), and a fire safety code (§125-17) and have provided for appeals from Chapter 157 (Chapter 15) as part of code enforcement in the City; and

WHEREAS, the Mayor and Council have engaged in a review of these provisions and have determined that certain changes to the City Code are in the public interest.

Section 1. NOW, THEREFORE, BE IT ORDAINED AND ENACTED, by the Mayor and Council of the City of College Park, Maryland, that Chapter 15 “Boards, Commissions and Committees”, Article IV, “Advisory Planning Commission”, §15-19, “Powers and duties” of the

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

Code of the City of College Park be, and is hereby, repealed, reenacted and amended to read as follows:

§15-19. Powers and duties.

The Advisory Planning Commission's duties are as follows:

A. to E. * * * *

F. To hear appeals and perform such other functions enumerated in § 125-4 of Chapter 125 of the College Park Code, entitled "Housing Regulations," § 87-19 of Chapter 87 of the College Park Code, entitled "Building Construction," § 157-[9] 6 of Chapter 157 of the College Park Code, entitled "Property Maintenance," and as otherwise directed by the Council.

Section 2. **BE IT FURTHER ORDAINED AND ENACTED**, by the Mayor and Council of the City of College Park, Maryland, that Chapter 15 “Boards, Commissions and Committees”, Article IV, “Advisory Planning Commission”, §15-29.1, “Hearing panel for fire protection and fire safety” of the Code of the City of College Park be, and is hereby, repealed, reenacted and amended to read as follows:

§15-29.1. Hearing panel for fire protection and fire safety.

Notwithstanding any other provision of this Code or any regulations adopted hereunder, the Advisory Planning Commission is authorized to hear appeals pursuant to ~~{§ 125-4}~~§115-7 of the City Code involving fire protection or fire safety violations by means of panels comprised of three or more permanent and/or temporary members. Action by the panel on such appeals may be taken by the affirmative vote of the majority of the panel.

Section 3. **BE IT FURTHER ORDAINED AND ENACTED**, by the Mayor and Council of the City of College Park, Maryland, that Chapter 115 “Fires Safety Code”, §15-29.1, “Hearing panel for fire protection and fire safety” of the Code of the City of College Park be, and is hereby, enacted to read as follows:

CHAPTER 115 FIRE SAFETY CODE

§115-1. GENERALLY. DIVISION 4 OF SUBTITLE 11 OF THE FIRE SAFETY LAW OF PRINCE GEORGE'S COUNTY, MARYLAND, 2012 EDITION, AS AMENDED FROM TIME TO TIME, WITH THE EXCEPTION OF SECTION 11-293, IS INCORPORATED HEREIN AND ADOPTED BY REFERENCE. THIS SECTION ALSO INCORPORATES BY

CAPS/**BOLD** : Indicate matter added to existing law.
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REFERENCE CHAPTER 24 OF THE NFPA 101 LIFE SAFETY CODE, 2015 EDITION, AND IS APPLICABLE TO ONE- AND TWO-FAMILY DWELLINGS AS DEFINED THEREIN. REFERENCES IN THE FIRE PREVENTION CODE OF PRINCE GEORGE'S COUNTY TO THE FIRE CHIEF OR AUTHORIZED REPRESENTATIVE SHALL BE CONSTRUED TO INCLUDE THE CITY PUBLIC SERVICES DEPARTMENT DIRECTOR AND CODE ENFORCEMENT OFFICERS. INSPECTIONS SHALL BE PERFORMED BY THE CITY'S PUBLIC SERVICES DEPARTMENT AND VIOLATIONS SHALL BE ENFORCED IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION. NOTHING HEREIN SHALL BE CONSTRUED AS PREVENTING COUNTY PERSONNEL FROM PERFORMING INSPECTIONS AND ENFORCING THE COUNTY'S FIRE SAFETY LAWS.

§115-2. SMOKE ALARMS. THE OWNER(S) OF ALL RENTAL ROOMING OR DWELLING UNITS, TO INCLUDE BUT NOT BE LIMITED TO APARTMENT UNITS, BOARDING AND ROOMING HOUSES, FRATERNITIES, SORORITIES, ROOMS RENTED AS A HOME OCCUPATION BUT REQUIRED TO HAVE AN OCCUPANCY PERMIT, HOTELS, MOTELS, TOURIST HOMES, AND SINGLE AND DUAL-FAMILY HOMES, WITHIN THE CITY OF COLLEGE PARK ARE REQUIRED TO INSTALL, MAINTAIN, AND HAVE IN OPERATION AT ALL TIMES SMOKE ALARMS OF A TYPE, MAKE AND MODEL APPROVED BY, AND MOUNTED IN LOCATIONS AS SET FORTH IN, DIVISION 4 OF SUBTITLE 11 OF THE FIRE SAFETY LAW OF PRINCE GEORGE'S COUNTY.

§115-3. AUTOMATIC FIRE SPRINKLERS.

A. DORMITORIES, WHICH FOR PURPOSES OF THIS SECTION SHALL INCLUDE ANY FRATERNITY AND SORORITY HOUSE, REGARDLESS OF THE NUMBER OF SLEEPING ACCOMMODATIONS, SHALL BE PROTECTED THROUGHOUT BY INSTALLATION OF AN AUTOMATIC FIRE SPRINKLER SYSTEM MEETING THE REQUIREMENTS OF NATIONAL FIRE PROTECTION ASSOCIATION (NFPA) STANDARD NO. 13, 13D OR 13R, IN ACCORDANCE WITH THE COMPLIANCE DEADLINES SET OUT IN THIS SECTION:

B. ALL CONNECTIONS SHALL BE LOCATED ON THE STREET SIDE OF EACH BUILDING, AND ACTIVATION OF THE SPRINKLER SYSTEM SHALL ACTIVATE BOTH THE REQUIRED FIRE ALARM SYSTEM AND A SUPERVISORY ALARM AT A TWENTY-FOUR-HOUR CERTIFIED AND LICENSED ALARM MONITORY SERVICE. INSTALLATION SHALL BE PERFORMED BY A CONTRACTOR POSSESSING A SPRINKLER CONTRACTOR LICENSE FROM THE STATE OF MARYLAND. SAID CONTRACTOR MUST OBTAIN A PERMIT FROM PRINCE GEORGE'S COUNTY PRIOR TO INSTALLATION OF THE SPRINKLER SYSTEM.

C. DETACHED AND SECONDARY BUILDINGS. EXISTING DORMITORY BUILDINGS ARE EXEMPT FROM THE REQUIREMENTS OF THIS SECTION AS TO FIRE SPRINKLER SYSTEMS IF THEY HAVE NO MORE THAN 1,000 SQUARE FEET OF FLOOR AREA, ARE NOT DIRECTLY CONNECTED TO THE MAIN BUILDING USED FOR SLEEPING, AND HAVE NO FACILITIES INTENDED OR USED FOR SLEEPING.

D. DISABLING SPRINKLER SYSTEM. NO PERSON SHALL SHUT OFF OR DISABLE AN AUTOMATIC FIRE SPRINKLER SYSTEM INSTALLED PURSUANT TO THIS SECTION, EXCEPT DURING THE ACTUAL PERFORMANCE OF MAINTENANCE WORK BY A LICENSED CONTRACTOR.

E. MAINTENANCE OF SPRINKLER SYSTEM. ANY SPRINKLER SYSTEM INSTALLED PURSUANT TO THIS CHAPTER SHALL BE MAINTAINED IN ACCORDANCE WITH NFPA 25, AS AMENDED, BY A CONTRACTOR LICENSED BY THE STATE TO PERFORM SUCH MAINTENANCE.

§115-4. CARBON MONOXIDE DETECTORS. THE REQUIREMENTS OF SEC. 11-295 OF THE PRINCE GEORGE'S COUNTY CODE TO INSTALL AND MAINTAIN CARBON MONOXIDE DETECTORS SHALL ALSO APPLY TO ALL EXISTING SINGLE FAMILY RESIDENCES.

§ 115-5. NOTICE OF VIOLATION. WHENEVER THE CODE ENFORCEMENT OFFICER DETERMINES THAT THERE ARE REASONABLE GROUNDS TO BELIEVE THAT THERE HAS BEEN A VIOLATION OF ANY PROVISION OF THIS CHAPTER OR OF ANY RULE OR REGULATION ADOPTED PURSUANT THERETO, NOTICE OF SUCH ALLEGED VIOLATION SHALL BE GIVEN TO THE PERSON OR PERSONS RESPONSIBLE THEREFOR, AS HEREINAFTER PROVIDED. SUCH NOTICE SHALL:

- A. BE PUT IN WRITING.
- B. INCLUDE A STATEMENT OF THE REASONS WHY IT IS BEING ISSUED.
- C. STATE THE TIME FOR THE PERFORMANCE OF ANY ACT IT REQUIRES.
- D. BE SERVED UPON THE OWNER OR HIS/HER AGENT OR THE OCCUPANT, AS THE CASE MAY REQUIRE, PROVIDED THAT SUCH NOTICE SHALL BE DEEMED TO BE PROPERLY SERVED UPON SUCH OWNER OR AGENT OR UPON SUCH OCCUPANT IF A COPY THEREOF IS SERVED UPON HIM/HER PERSONALLY OR IF A COPY THEREOF IS SENT BY REGULAR MAIL TO HIS/HER LAST KNOWN ADDRESS OR IF A COPY THEREOF IS POSTED IN A CONSPICUOUS PLACE IN OR ABOUT THE DWELLING AFFECTED BY THE NOTICE OR IF HE/SHE IS SERVED WITH SUCH NOTICE BY ANY OTHER METHOD AUTHORIZED OR REQUIRED UNDER THE LAWS OF THIS STATE.

§115-6. PENALTIES. FAILURE TO COMPLY WITH THE PROVISIONS OF THIS SECTION WITHIN TWENTY-FOUR HOURS OF NOTIFICATION SHALL SUBJECT THE OWNER TO AN IMMEDIATE ABATEMENT/CORRECTION ORDER, ISSUANCE OF A MUNICIPAL INFRACTION AND PENALTIES AS PROVIDED IN § 110-2 . AN ADDITIONAL CITATION MAY BE ISSUED FOR EACH SUCCESSIVE TWENTY-FOUR-HOUR PERIOD IN WHICH THE VIOLATION IS NOT FULLY CORRECTED.

§115-7. REQUEST FOR APPEAL. ANY PERSON AFFECTED BY ANY NOTICE OR ORDER WHICH HAS BEEN ISSUED IN CONNECTION WITH THE ENFORCEMENT OF ANY PROVISION OF THIS ARTICLE MAY REQUEST AND SHALL BE GRANTED A

HEARING ON THE MATTER BY THE ADVISORY PLANNING COMMISSION, PROVIDED THAT SUCH PERSON SHALL, WITHIN 10 DAYS AFTER SERVICE OF A NOTICE OR ORDER, FILE IN THE OFFICE OF THE PUBLIC SERVICES DIRECTOR A SIGNED, WRITTEN NOTICE OF APPEAL, REQUESTING A HEARING AND SETTING FORTH A BRIEF STATEMENT OF THE REASONS THEREFOR. UPON RECEIPT OF SUCH NOTICE OF APPEAL, THE PUBLIC SERVICES DIRECTOR SHALL NOTIFY THE ADVISORY PLANNING COMMISSION.

§115-8. APPEALS. THE PLANNING COMMISSION SHALL HEAR APPEALS FROM ALLEGED VIOLATIONS OF THE PROVISIONS OF THIS CHAPTER. A QUORUM OF THREE OR MORE PERMANENT AND/OR TEMPORARY MEMBERS SHALL BE REQUIRED BEFORE THE COMMISSION MAY TAKE ANY OFFICIAL ACTION. ACTION MAY BE TAKEN BY THE AFFIRMATIVE VOTE OF THE MAJORITY OF THE PANEL. THE ADVISORY PLANNING COMMISSION SHALL SET A TIME AND PLACE FOR SUCH HEARING AND SHALL GIVE THE PERSON APPEALING AND THE PUBLIC SERVICES DIRECTOR NOTICE THEREOF. THE BOARD SHALL DETERMINE SUCH APPEALS AS PROMPTLY AS PRACTICABLE.

§115-9. DECISION. AFTER SUCH HEARING, THE ADVISORY PLANNING COMMISSION MAY AFFIRM, AMEND, MODIFY OR WITHDRAW THE NOTICE OR ORDER APPEALED FROM. THE DECISION OF THE ADVISORY PLANNING COMMISSION SHALL CONSTITUTE AN ORDER, AND ANY PERSON WHO SHALL FAIL, REFUSE OR NEGLECT TO COMPLY WITH ANY SUCH ORDER SHALL BE GUILTY OF VIOLATING THE PROVISIONS OF THIS ARTICLE. THE DECISION OF THE COMMISSION SHALL IN ALL CASES BE FINAL, EXCEPT THAT ANY APPELLANT OR PARTY DIRECTLY AGGRIEVED BY A DECISION OF THE COMMISSION MAY, PROVIDED THAT HE/SHE DOES SO, APPEAL TO A COURT OF RECORD OF COMPETENT JURISDICTION WITHIN 30 DAYS AFTER THE RENDERING OF SUCH DECISION.

§115-10. EMERGENCIES. UPON A DETERMINATION THAT A FIRE SAFETY EMERGENCY EXISTS WHICH REQUIRES IMMEDIATE ACTION TO PROTECT THE PUBLIC HEALTH, THE DIRECTOR OF PUBLIC SERVICES MAY, WITHOUT NOTICE OR HEARING, ISSUE AN ORDER RECITING THE EXISTENCE OF SUCH AN EMERGENCY AND REQUIRING SUCH ACTION TO BE TAKEN AS IS DEEMED NECESSARY TO MEET THE EMERGENCY. NOTWITHSTANDING THE OTHER PROVISIONS OF THIS ARTICLE, SUCH ORDER SHALL BE EFFECTIVE IMMEDIATELY. IF REQUESTED, A HEARING SHALL BE AFFORDED AS SOON AS POSSIBLE.

Section 4. BE IT FURTHER ORDAINED AND ENACTED, by the Mayor and Council of the City of College Park, Maryland, that Chapter 125, "Housing Code", §125-8

“Maintenance of dwellings”, of the Code of the City of College Park be, and is hereby, repealed as follows:

§125-8. Maintenance of dwellings.

No person shall occupy as owner-occupant or let to another for occupancy any dwelling, or dwelling or rooming unit, for the purpose of living therein, which does not comply with the following requirements:

A. – H. * * * *

I. Grading and drainage. All premises shall be graded and maintained so as to prevent the accumulation of stagnant water thereon or within any building or structure located thereon. No stagnant water may be allowed to accumulate or stand anywhere on or about the premises, or in any items or receptacles on the premises in which water has collected, and ruts or other uneven surfaces shall be graded to eliminate standing water. Water in swimming pools, wading pools and fish ponds shall not be allowed to stagnate and shall be maintained in a clean and sanitary condition at all times. Water from swimming or wading pools, sump pumps, or fish ponds shall not be drained in such a manner as to flow onto neighboring property, or onto sidewalks or driveway aprons in the public right-of-way, or to cause erosion. Every downspout or gutter shall be properly installed, free from leaks and obstructions, and kept in good repair. ANY CONSTRUCTION, GRADING, INSTALLATION OF IMPERMEABLE SURFACES SUCH AS PATIOS, DRIVEWAYS, WALKWAYS OR TERRACES OR OTHER PAVING, OR THE INSTALLATION OF ANY DOWNSPOUT OR DRAIN, WHICH WILL ALTER THE FLOW OF WATER OR DRAINAGE SO AS TO HAVE AN ADVERSE EFFECT ON ABUTTING OR NEARBY PROPERTIES OR ONTO THE PUBLIC RIGHT OF WAY IS PROHIBITED. A notice of violation shall give the responsible party 10 days to correct the violation.

Section 5. BE IT FURTHER ORDAINED AND ENACTED, by the Mayor and

Council of the City of College Park, Maryland, that Chapter 125, “Housing Code”, §125-17

“Firesafety laws”, of the Code of the City of College Park be, and is hereby, repealed as follows:

~~§125-17. “Firesafety laws.~~

~~A. Generally. Division 4 of Subtitle 11 of the Fire Safety Law of Prince George's County, Maryland, as amended effective January 2007 and from time to time, is incorporated herein and adopted by reference. This section also incorporates by reference Chapter 24 of the NFPA 101 Life Safety Code, 2006 Edition, and is applicable to one and two family dwellings as defined therein. References in the Fire Prevention Code of Prince George's County to the Fire Chief or authorized representative shall be construed to include the City Public Services Department Director and Code Enforcement Officers. Inspections shall be performed by the City's Public Services Department and violations shall be enforced in accordance with the provisions of~~

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~~§ 125-3. Nothing herein shall be construed as preventing county personnel from performing inspections and enforcing the county's fire safety laws.~~

~~B. Smoke alarms. The owner(s) of all rental rooming or dwelling units, to include but not be limited to apartment units, boarding and rooming houses, fraternities, sororities, rooms rented as a home occupation but required to have an occupancy permit, hotels, motels, tourist homes, and single-family homes, within the City of College Park are required to install, maintain, and have in operation at all times smoke alarms of a type, make and model approved by, and mounted in locations as set forth in, the Prince George's Fire Protection Codes.~~

~~C. Automatic fire sprinklers.~~

~~(1) Required.~~

~~(a) The following existing structures or buildings shall be protected throughout by installation of an automatic fire sprinkler system meeting the requirements of National Fire Protection Association (NFPA) Standard No. 13, 13D or 13R, in accordance with the compliance deadlines set out in this section:~~

~~[1] Dormitories, which for purposes of this section shall include any fraternity and sorority house, regardless of the number of sleeping accommodations.~~

~~(b) All connections shall be located on the street side of each building, and activation of the sprinkler system shall activate both the required fire alarm system and a supervisory alarm at a twenty-four-hour certified and licensed alarm monitoring service. Installation shall be performed by a contractor possessing a sprinkler contractor license from the State of Maryland. Said contractor must obtain a permit from Prince George's County prior to installation of the sprinkler system.~~

~~(2) Compliance period. Existing dormitories shall come into compliance with this section within three years of its effective date. If an existing structure is proposed to be converted to use as a dormitory, compliance with this section is required prior to the issuance of any occupancy permit for that use. If an existing structure is in use as a dormitory and is renovated prior to the three-year compliance period at a cost exceeding 50% of the structure's taxable value, then compliance with this section is required at the time of renovation completion.~~

~~(3) Detached and secondary buildings. Existing dormitory buildings are exempt from the requirements of this section as to fire sprinkler systems if they have no more than 1,000 square feet of floor area, are not directly connected to the main building used for sleeping, and have no facilities intended or used for sleeping.~~

~~(4) Disabling sprinkler system. No person shall shut off or disable an automatic fire sprinkler system installed pursuant to this section, except during the actual performance of maintenance work by a licensed contractor.~~

~~(5) Maintenance of sprinkler system. Any sprinkler system installed pursuant to this chapter shall be maintained in accordance with NFPA 25, as amended, by a contractor licensed by the state to perform such maintenance.~~

~~D. Penalties. Failure to comply with the provisions of this section shall subject the owner to an immediate abatement/correction order and penalties as provided in § 110-2 and § 125-3B(4).]~~

Section 6. BE IT FURTHER ORDAINED AND ENACTED, by the Mayor and

Council of the City of College Park, Maryland, that Chapter 125, "Housing Code", §125-17.1

“Abatement of certain violations”, of the Code of the City of College Park be, and is hereby, renumbered as follows:

§125-17[~~4~~]. Abatement of certain violations.

* * * *

Section 7. BE IT FURTHER ORDAINED AND ENACTED, by the Mayor and Council of the City of College Park, Maryland, that Chapter 157 “Property Maintenance, Article I, “Nonresidential Premises”, §157-2, “Definitions; word usage” of the Code of the City of College Park be, and is hereby, repealed, reenacted and amended to read as follows:

§157-2. Definitions; word usage.

A. The following terms, wherever used herein or referred to in this [~~code~~] CHAPTER, shall have the respective meanings assigned to them unless a different meaning clearly appears from the context:

* * * *

[FIRE HAZARD

~~Anything or any act which increases or may cause an increase of the hazard or menace of fire to a greater degree than that customarily recognized as normal by persons in the public service of preventing, suppressing or extinguishing fire or which may obstruct, delay or hinder or may become the cause of an obstruction, a delay, a hazard or a hindrance to the prevention, suppression or extinguishment of fire. (See also "nuisance.")~~

FIRE MARSHAL

~~The Fire Marshal of the City of College Park or Prince George's County.]~~

* * * *

GARBAGE

~~[Putrescible animal and]~~ ANIMAL OR vegetable waste THAT IS SUBJECT TO ORGANIC DECOMPOSITION AND resulting from the handling, preparation, cooking and consumption of food. (See also "refuse" and "rubbish.")]

* * * *

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LITTER

ALL RUBBISH, WASTE MATERIAL, REFUSE, GARBAGE, TRASH, DEBRIS, DEAD ANIMALS OR OTHER DISCARDED MATERIALS OR PROPERTY OF EVERY KIND AND DESCRIPTION.

* * * *

NUISANCE

- (1) Any public nuisance known at common law or in equity jurisprudence or as provided by the statutes of the State of Maryland, Prince George's County or the ordinances of the City of College Park.
- (2) Any nuisance which may prove detrimental to the health or safety of children, whether in a building, on the premises of a building or upon an unoccupied lot. This includes but is not limited to abandoned walls, shafts, basements, excavations, abandoned iceboxes, refrigerators, motor vehicles, any structurally unsound fences or structures, and lumber, trash, LITTER, [~~fences,~~] debris or vegetation, such as poison ivy, oak or sumac, which may prove a hazard for inquisitive minors.
- (3) Physical conditions dangerous to human life or detrimental to the health of persons on or near the premises where the conditions exist.
- (4) Overcrowding of a room with occupants in violation of [~~this code~~] Chapter 115, FIRE SAFETY.
- (5) Insufficient ventilation or illumination in violation of this [~~code~~] CHAPTER.
- (6) Inadequate or insanitary sewerage or plumbing facilities in violation of this code.
- (7) Insanitary conditions or anything offensive to the senses or dangerous to health in violation of this code.
- (8) Whatever renders air, food or drink unwholesome or detrimental to the health of human beings.
- (9) Fire hazards.
- (10) Walks, roadways, parking lots and similar areas open to the public which present hazardous conditions by reason of poor maintenance.

* * * *

REFUSE

All putrescible and non-putrescible solid wastes, except body wastes, including but not limited to garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles and solid market and industrial wastes. [~~(See also "garbage" and "rubbish.")~~]

* * * *

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RUBBISH

Non-putrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, wrappings, cigarettes, tin cans, yard clippings, leaves, wood, glass, bedding, crockery and similar materials. ~~{(See also "garbage" and "refuse.")}~~

Section 8 . **BE IT FURTHER ORDAINED AND ENACTED**, by the Mayor and Council of the City of College Park, Maryland, that Chapter 157 “Property Maintenance, Article I, “Nonresidential Premises”, §157-3, “Compliance; inspections” of the Code of the City of College Park be, and is hereby, repealed, reenacted and amended to read as follows:

§157-3. Compliance; inspections.

A. – C. * * * *

~~[D. Occupancy permit. After inspection by the Public Services Department and compliance with this article is obtained, an occupancy permit for the use of the structure may be issued in compliance with Chapter 144 of the City Code.]~~

Section 9 . **BE IT FURTHER ORDAINED AND ENACTED**, by the Mayor and Council of the City of College Park, Maryland, that Chapter 157 “Property Maintenance, Article I, “Nonresidential Premises”, §157-4, “Notification of violations; hearings” of the Code of the City of College Park be, and is hereby, repealed, reenacted and amended to read as follows:

§157-4. Notification of violations; hearings.

A. Notice; fine.

(1) * * * *

(2) Public nuisance-type violations adversely affecting the public because of odor, safety or health may require expedited corrective action within ~~[eight]~~ FOUR hours of notification to the offending or responsible party. Failure to take such corrective action shall result in the imposition of a fine as set forth in Chapter 110, Fees and Penalties, and the issuance of a citation in accordance with the requirements of ~~[Article 23A, § 3(b)(2),]~~ §6-102

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ET SEQ. of the LOCAL GOVERNMENT ARTICLE, Annotated Code of Maryland. If the violator fails to pay the fine by the date of payment set forth on the citation and fails to file a notice of his/her intention to stand trial for the offense, the person shall be liable for the assessed fine as set forth in Chapter 110, Fees and Penalties. If the City, because of the urgency of having the violation corrected, uses City labor or material to correct the violation, the material and labor charges shall be assessed and shall be collectible as a tax lien against the subject property. In addition to the foregoing, the Public Services Department is authorized to seek injunctive relief when the situation so warrants.

Section 10. **BE IT FURTHER ORDAINED AND ENACTED**, by the Mayor and Council of the City of College Park, Maryland, that Chapter 157 “Property Maintenance, Article I, “Nonresidential Premises”, §157-5, “Adoption of rules and regulations” of the Code of the City of College Park be, and is hereby, deleted as follows:

~~[§157-5. Adoption of rules and regulations.~~

~~The Mayor and Council is hereby authorized to make and to adopt such written rules and regulations as may be necessary for the proper enforcement of the provisions of this article, provided that such rules and regulations shall not be in conflict with the provisions of this article. Such rules and regulations shall have the same force and effect as the provisions of this article and the penalty for violation of the provisions of this article, as hereinafter provided.]~~

Section 11. **BE IT FURTHER ORDAINED AND ENACTED**, by the Mayor and Council of the City of College Park, Maryland, that Chapter 157 “Property Maintenance, Article I, “Nonresidential Premises”, §157-6, “Responsibilities of owners and occupants” of the Code of the City of College Park be, and is hereby, repealed, reenacted, renumbered and amended to read as follows:

§157-[6] 5. Responsibilities of owners and occupants.

- A. General Requirements * * * *
- B. Duties and responsibilities of owner.
 - (1) Maintenance of exterior of premises.

(a) [1] –[9]

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[10] Public nuisances, snow removal: IT SHALL BE THE DUTY OF EVERY OWNER, OPERATOR AND OCCUPANT OF A PROPERTY TO REMOVE AND CLEAR AWAY ANY accumulated snow or ice ~~[on]~~ FROM THE PORTION OF THE PUBLIC SIDEWALK WHICH ABUTS SAID PROPERTY, AND FROM paths, walks, driveways, parking lots and parking areas and other areas which are accessible and used by pedestrians and automobiles ON THE PROPERTY, WITHIN 24 HOURS OF CESSATION OF SNOWFALL ~~[where such snow and/or ice remains uncleared within eight hours of daylight after the termination of the snowfall.]~~ [Note: Section 157-4F may be applied to this section if deemed necessary because of emergency conditions. See § 157-4A(2) for applying noncompliance charges.]

[11] * * * *

[12] GRADING OR CONSTRUCTION OF IMPERMEABLE SURFACES, SUCH AS PATIOS, DRIVEWAYS, WALKWAYS OR TERRACES OR OTHER PAVING, OR THE INSTALLATION OF ANY DOWNSPOUT OR DRAIN, WHICH WILL ALTER THE FLOW OF WATER OR DRAINAGE SO AS TO HAVE AN ADVERE EFFECT ON ABUTTING OR NEARBY PROPERTIES OR ONTO THE PUBLIC RIGHT OF WAY IS PROHIBITED.

* * * *

(2) Interior maintenance.

(a) – (f) * * * *

(g) Designated storage bins, rooms and areas shall be used for accumulating garbage or refuse. Flammable or combustible liquids or other materials may not be stored on the premises unless they are of a type ~~[approved for storage by the regulations of the Fire Marshal,]~~ THAT IS COMPLIANT WITH CHAPTER 115 OF THIS CODE and then only in such quantities and in such fireproof storage containers as may be prescribed by the regulations.

(h) – (i) * * * *

~~(j) [If the capacity of the building is fewer than 50 people, only one egress is needed. If rated for 50 or more people, two egresses are needed.]~~

(j) All exit signs, lights and emergency lights are to be in good repair and operating efficiently.

(k) THE OWNER AND OPERATOR SHALL BE RESPONSIBLE FOR THE ELIMINATION OF INFESTATION IN AND ON THE PREMISES SUBJECT TO HIS/HER CONTROL

* * * *

C. Duties and responsibilities of occupant.

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- (1) Cleanliness and sanitation. All parts of the premises under the control of the occupant or operator shall be kept in a clean and sanitary condition, and the occupant shall refrain from performing any acts which would render other parts of the premises unclean or insanitary or which would prevent the owner or operator from performing any duty required hereunder or maintaining the premises in a clean and sanitary condition. ~~[Every operator shall be responsible for the elimination of infestation in and on the premises subject to his/her control.]~~
- (2) ~~[Malicious damage. Every occupant shall be responsible for willfully or maliciously causing damage to any part of the premises.]~~
- (3) Installation and maintenance of heating equipment. Where any occupant undertakes to install heating equipment, the same shall conform to the requirements of the ~~[Prince George's County]~~ CITY’S Building Code. The occupant shall thereafter be responsible for maintaining such equipment installed by him/her in good repair and operating condition during all times that the heating equipment shall remain under his/her control. The area around the heating equipment shall be kept clean and free of any material and be accessible for servicing. No flammable materials shall be stored in this area.

Section 12. BE IT FURTHER ORDAINED AND ENACTED, by the Mayor and Council of the City of College Park, Maryland, that Chapter 157 “Property Maintenance, Article I, “Nonresidential Premises”, §157-7, “Designation of unfit buildings; condemnation” of the Code of the City of College Park be, and is hereby, repealed, reenacted, renumbered and amended to read as follows:

§157-~~[7]~~ 6. Designation of unfit buildings; condemnation; HEARING

A. – D. * * * *

E. THE ADVISORY PLANNING COMMISSION, UPON INFORMATION FROM THE PUBLIC SERVICES DIRECTOR THAT ANY NONRESIDENTIAL BUILDING WITHIN THE CORPORATE LIMITS OF THE CITY HAS BEEN ORDERED DEMOLISHED OR REPAIRED UNDER THE PROVISIONS OF § 157-6B, SHALL SCHEDULE A HEARING ON THE MATTER WITHIN A REASONABLE TIME THEREAFTER. THE OWNER OF THE PROPERTY SHALL BE NOTIFIED BY REGISTERED MAIL OF THE SCHEDULED HEARING AT LEAST 15 DAYS IN ADVANCE OF THE SCHEDULED MEETING. NOTICE OF THE MEETING, INCLUDING A DESCRIPTION OF THE INVOLVED PROPERTY, SHALL BE PUBLISHED IN TWO CONSECUTIVE ISSUES OF A NEWSPAPER OF GENERAL CIRCULATION IN THE CITY. ON THE SCHEDULED DATE OF THE HEARING, THE ADVISORY PLANNING COMMISSION SHALL HEAR THE OWNER OF SAID PROPERTY, OR HIS/HER DULY DESIGNATED AGENT OR REPRESENTATIVE, IF EITHER SHALL APPEAR, AND MAY ALSO HEAR ANY

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ADDITIONAL EVIDENCE OR VERIFIED INFORMATION WHICH MAY HAVE A BEARING UPON THE CASE.

Section 13. BE IT FURTHER ORDAINED AND ENACTED, by the Mayor and Council of the City of College Park, Maryland, that Chapter 157 “Property Maintenance, Article I, “Nonresidential Premises”, §157-8, “Higher standards to prevail” of the Code of the City of College Park be, and is hereby, repealed, reenacted, renumbered and amended to read as follows:

§157-[8] 7. Higher standards to prevail.

* * * *

Section 14. BE IT FURTHER ORDAINED AND ENACTED, by the Mayor and Council of the City of College Park, Maryland, that Chapter 157 “Property Maintenance, Article I, “Nonresidential Premises”, §157-9, “Hearings” of the Code of the City of College Park be, and is repealed and amended to read as follows:

~~[§157-9. Hearings.~~

~~A. The Advisory Planning Commission, upon information from the Public Services Director that any nonresidential building within the corporate limits of the City has been ordered demolished or repaired under the provisions of § 157-7B, shall schedule a hearing on the matter within a reasonable time thereafter. The owner of the property shall be notified by registered mail of the scheduled hearing at least 15 days in advance of the scheduled meeting. Notice of the meeting, including a description of the involved property, shall be published in two consecutive issues of a newspaper of general circulation in the City.~~

~~B.~~

~~On the scheduled date of the hearing, the Advisory Planning Commission shall hear the owner of said property, or his/her duly designated agent or representative, if either shall appear, and may also hear any additional evidence or verified information which may have a bearing upon the case.]~~

Section 15. BE IT FURTHER ORDAINED AND ENACTED, by the Mayor and Council of the City of College Park, Maryland, that that Chapter 110 “Fees and Penalties”, §110-2, “Penalties” be and it is hereby repealed, re-enacted and amended to read as follows:

§110-2 Penalties.

Unless otherwise noted herein, the violation of a City ordinance or resolution is a municipal infraction. The following fines and/or imprisonment for violations of various ordinances or resolutions are applicable in the City of College Park:

Chapter/Section	Violation	Penalty
	* * * * *	

Chapter 115, Fire Safety Code

* * * * *

Chapter:

First violation	\$100
Second violation	\$200
Each additional 24 hours	\$200

Section 16. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that, upon formal introduction of this proposed Ordinance, which shall be by way of a motion duly seconded and without any further vote, the City Clerk shall distribute a copy to each Council member and shall maintain a reasonable number of copies in the office of the City Clerk and shall publish this proposed ordinance or a fair summary thereof in a newspaper having a general circulation in the City of College Park together with a notice setting out the time and place for a public hearing thereon and for its consideration by the Council. The public hearing, hereby set for _____ P.M. on the _____ day of _____, 2016, shall follow the publication by at least seven (7) days, may be held separately or in connection with a regular or special Council meeting and may be adjourned from time to time. All persons interested shall have an opportunity to be heard. After the hearing, the Council may adopt the proposed ordinance with or without amendments or reject it. As soon

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

as practicable after adoption, the City Clerk shall have a fair summary of the Ordinance and notice of its adoption published in a newspaper having a general circulation in the City of College Park and available at the City's offices. This Ordinance shall become effective on _____, 2016 provided that a fair summary of this Ordinance is published at least once prior to the date of passage and once as soon as practical after the date of passage in a newspaper having general circulation in the City.

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

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.

ATTEST:

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

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

16-R-11

Dr. Martin Luther King
Jr. Tribute Committee



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

AGENDA ITEM NUMBER 16-R-11

Prepared By: Janeen Miller, City Clerk

Meeting Date: June 14, 2016

Presented By: Janeen Miller, City Clerk

Proposed Consent Agenda: Yes

Originating Department: Administration

Action Requested: Approval of Resolution 16-R-11, A Resolution of the Mayor and Council of the City of College Park, Maryland Creating a Dr. Martin Luther King, Jr. Tribute Committee.

Strategic Plan Goal: Goal 1: One College Park
Goal 6 : Excellent Services

Background/Justification:

At the May 17 Worksession Council discussed the possibility of creating a standing committee to be responsible for organizing the annual tribute to Dr. Martin Luther King, Jr., and directed Staff to move forward. At the June 7 Worksession, Council reviewed a draft Resolution creating this committee, and agreed to move forward with adoption on June 14.

At Council's request, another Whereas clause was added to recognize that one of the purposes of the annual tribute is to engage with our school-age children so they are made aware of Dr. King's message.

Fiscal Impact:

The expenses associated with standing committees include contract secretarial services and staff administration and support.

Council Options:

- #1: Adopt Resolution 16-R-11.
- #2: Don't adopt Resolution 16-R-11.
- #3: Defer action at this time

Staff Recommendation:

#1

Recommended Motion:

I move to adopt Resolution 16-R-11, A Resolution of the Mayor and Council of the City of College Park, Maryland Creating a Dr. Martin Luther King, Jr. Tribute Committee.

Attachments:

- 1. Resolution 16-R-11

**A RESOLUTION OF THE MAYOR AND COUNCIL
OF THE CITY OF COLLEGE PARK, MARYLAND
CREATING A DR. MARTIN LUTHER KING, JR. TRIBUTE COMMITTEE**

WHEREAS, Dr. Martin Luther King, Jr. (1929 – 1968) was a minister, activist, humanitarian and civil rights leader; and

WHEREAS, Dr. King was best known for his advancement of civil rights through non-violent means; and

WHEREAS, for 25 years, residents of Lakeland, the City’s historically African American community, have organized an interfaith tribute to Dr. King; and

WHEREAS, this annual tribute has grown in size and popularity and has become a highly anticipated City tradition; and

WHEREAS, the tribute honors Dr. King’s message of peace and unity through musical, dance and literary performances; and

WHEREAS, one of the goals of the annual tribute is to engage the children in our City schools to make them aware of Dr. King’s teachings and philosophies; and

WHEREAS, the City now desires to create a standing committee to continue this tradition and to share Dr. King’s messages with everyone.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of College Park, Maryland, that the “Martin Luther King, Jr. Tribute Committee” be, and it is hereby, formed.

Section 1. The purpose of the Martin Luther King, Jr. Tribute Committee (the “Tribute Committee”) is to plan, organize and execute an annual event in honor of Dr. King.

Section 2. The Tribute Committee shall have between five (5) and nine (9) members, who shall be appointed by the Mayor and Council for three-year terms. The Tribute Committee shall appoint the Chair and Vice-Chair from among their membership annually. A quorum will consist of a majority of the appointed members. The Tribute Committee shall submit an annual report to the Mayor and Council.

Section 3. The Tribute Committee shall meet on an as-needed basis to plan, organize and execute the annual tribute. The Committee may work with partners such as the University of Maryland, the Maryland National Capital Park and Planning Commission, local schools and faith communities, and others as appropriate, in planning the event.

Section 4. The Public Services department shall serve as staff liaison to the Committee.

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:

CITY OF COLLEGE PARK

Janeen S. Miller, City Clerk

Patrick L. Wojahn, Mayor

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

Suellen M. Ferguson, City Attorney

16-G-77

Council Internship Program



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

AGENDA ITEM NUMBER 16-G-77

Prepared By: Jill Clements, HR Director

Meeting Date: June 14, 2016

Presented By: Jill Clements, HR Director

Consent Agenda: Yes

Originating Department: Mayor and Council

Action Requested: Adoption of Program Guidelines for a Council Internship Program

Strategic Plan Goal: N/A

Background/Justification:

Mayor and Council have requested and received funds for an internship program in the FY 2016 and 2017 budgets. These Guidelines outline how to select, fill, and supervise internship positions. The Guidelines were discussed at the Worksession on June 7, 2016 and the resulting updates have been made to the attached Guidelines.

Fiscal Impact:

\$5,000 is approved in the FY 2017 budget to pay an hourly wage to Council interns.

Council Options:

- #1: Approve the Guidelines as attached.
- #2: Continue to discuss and make changes to the Guidelines.

Staff Recommendation:

Staff will take direction.

Recommended Motion:

I move to approve the City Council Internship Program Guidelines as attached. The Guidelines detail how to apply for, select, and supervise City Council interns.

Attachments:

- 1. City Council Internship Program Guidelines updated June 9, 2016

City Council Internship - Program Guidelines

June 9, 2016

1. Introduction

The College Park City Council approved \$5000 for a Council Internship program in its FY16 and FY17 budgets. The idea was to help one or more City Council members in doing project(s) of their choice. Council members may have ideas about running small projects, however they often do not have the necessary time to devote to those projects. The City Council internship program would recruit paid interns on a semester basis and help Council members implement these projects.

2. Subcommittee

At the August 5, 2015 Worksession, the Council formed a subcommittee to “assess projects and set parameters of what interns can/cannot do, the number of hours they might work.” The subcommittee is currently comprised of the following members

- Patrick Wojahn (Mayor)
- Robert Day (District 3)
- Dustyn Kujawa (District 4)
- Fazlul Kabir (District 1)
- Cole Holocker (UMD’s Student Liaison to City Council)

3. Council Application Form for Internship Projects

This application will be filled out by Council members who are interested in running a project with the help of one or more interns. The application form will capture information such as name and brief description of the project, expected date of completion, number of hours required to run the project etc. The Council Application is attached as Appendix A.

4. Internship Application Form

This application will be filled out by College Park students and residents who are interested in serving as interns. The application form will capture information such as background, experience and skills. The Internship Application is attached as Exhibit B. Announcement about internship opportunities will be made to local schools, the University of Maryland and local civic associations with a brief description of the project, application form, application deadline and selection criteria.

5. Selection Criteria

Internship projects will be selected by the subcommittee. Interns will be selected by the Council member responsible for the project, using the following criteria:

- Education and grade – does this mean academic standing, or current grade level
- Previous experience
- Required skills
- Number of hours the candidate wants to spend (per week)

6. Schedule

- Week 1: Announce among Councilmembers asking for internship projects
- Week 3: Select internship projects
- Week 4: Announce internship application among local students and residents with selected projects
- Week 6: Select interns
- Week 7: Start Internship
- Week 24: Complete Internship (4 months)
- Week 25: Interns submit project reports

7. Intern Activities

Interns should be engaged in activities that further their educational and career goals and advance projects set forth in the city's strategic plan and action plan. Intern activities should directly relate to the intern's major or career aspiration. No more than 20% of the intern's time should be dedicated to clerical or administrative type tasks.

8. Work Location

Interns will not be provided an office location, email address, or desk phone number to discharge duties as an intern. Interns who use email or phone do so at their own expense and charges for these items are not reimbursable by the City of College Park

9. College Credit

If included as part of a program offered for credit at an accredited university, the internship will be subject to requirements adopted by the university. The internship supervisor shall be the Councilmember for whom the intern works.

10. Verification of Time Worked

The intern supervisor should have regular, in-person interactions with the intern to assign tasks, check on progress, and offer guidance. The supervisor should verify that the intern has worked the appropriate number of hours in order to satisfy requirements for a stipend. Time should be tracked and reported on a form to be provided by the City's Director of Human Resources.

11. Hiring Preference

Immediate family members of Council members are not eligible to be project interns. An offer and acceptance of an internship is not an offer of regular employment. The intern may apply for vacant positions within the City of College Park through the ordinary process of filling vacant positions.

12. Pay and Rate

The rate of pay should be the same for all interns with similar qualifications. The rate will be \$12 per hour for undergraduate students or non-students and \$15 per hour for interns with a professional degree.

13. Evaluation of Interns.

The Councilmember responsible for supervising each intern will be responsible for evaluating the intern's performance at the end of the semester according to a procedure using a form provided by the City's Director of Human Resources or the school that is offering credit.

14. Amount Allocated Per Councilmember

All Councilmembers interested in hiring an intern should submit a request by [deadline]. The funds available for the intern program will be divided equally between all interested Councilmembers, but each individual intern should receive no more than \$1500 for the semester.

15. Supervision, Status of Intern

The Councilmember that chooses the intern shall have the supervisory responsibility. The intern is a temporary, contractual employee of the City, and is hired and may be terminated from employment at will. The intern is not entitled to any benefits of City employment. In any event, an intern's employment with the City automatically terminates at the end of the project for which the intern is hired.

16. Staff time

Staff will provide help with the initial hiring services. Any other use of staff time requires City Manager approval.



**APPLICATION FOR EMPLOYMENT
CITY OF COLLEGE PARK, MARYLAND
Mayor and Councilmembers – Interns**

Personal Information:

Name _____

Address _____ Home Phone _____

City _____ State _____ Zip _____ Work Phone _____

Email _____ Cell Phone _____

Education:

High School _____ Address _____

Diploma Received _____

College or University _____ Address _____

Degree Received _____

Employment History: (A resume can be substituted for completion of this information or add pages if necessary.)

Name and Address of Employer _____

Dates Employed _____

From Month/Yr _____

To Month/Yr _____

Exact title of your position _____

Name of Immediate Supervisor _____

Description of work: _____

Area Code – Number _____

Reason for Leaving _____

May we contact them? Yes or No

Membership in Organizations:

Are you or have you been a member in professional organizations related to the position applied for?
___Yes ___No. If yes, list below.

Name _____
City and State _____
Former or Present _____

Skills:

List any special qualifications, skills or licenses you hold relevant to the position for which you are applying which are not covered elsewhere in this application, to include office equipment and language skills.

Personal Declarations:

A. UNDER THE IMMIGRATION CONTROL ACT OF 1986, AN EMPLOYER IS REQUIRED TO HIRE ONLY U.S. CITIZENS AND OTHER PERSONS LEGALLY AUTHORIZED TO WORK IN THE UNITED STATES. APPLICANTS WHO ARE SELECTED FOR EMPLOYMENT WILL BE REQUIRED TO SHOW AND VERIFY AUTHORIZATION TO WORK IN THE UNITED STATES, WITHIN THREE (3) DAYS OF BEGINNING WORK.

B. I understand that I may be required to submit to job related examinations or skills testing.

C. Acceptance of this application is not intended to create or imply a contractual relationship. My employment may be terminated at will and, in any event, at the end of the project for which I am hired

D. I authorize investigation of all statements contained in this application for employment. I understand that any false or incomplete answer may be grounds for not employing me or for dismissing me after I begin work.

E. I certify that every answer and statement that I have made in this application is true and complete to the best of my knowledge.

Applicant's Signature **Date**

The City of College Park provides equal employment opportunities (EEO) to all qualified employees and applicants for employment without regard to age, ancestry or national origin, color, physical or mental disability, ethnicity, gender, gender identity or expression, genetic information, marital status, political affiliation, pregnancy, race, religion, sexual orientation, or veteran status. In addition to federal law requirements, the City complies with applicable state and local laws governing non-discrimination in employment.

Please submit this completed form to humanresources@collegetparkmd.gov or to your City Council representative.

16-G-79

Concrete and Asphalt Contract



CITY OF COLLEGE PARK, MARYLAND
REGULAR COUNCIL MEETING AGENDA ITEM

AGENDA ITEM NUMBER 16-G-79

Prepared By: Steven Halpern, City Engineer

Meeting Date: June 14, 2016

Presented By: Steven Halpern

Consent Agenda: Yes

Originating Department: Engineering

Action Requested: Award of Contract CP-17-01 Miscellaneous Concrete Maintenance and Asphalt Resurfacing

Strategic Plan Goal: Goal 4: Quality Infrastructure

Background/Justification:

For the purpose of maintaining city street infrastructure the Department of Engineering advertised a construction maintenance contract for the purpose of selecting a qualified roadway construction contractor to perform quality concrete maintenance and asphalt resurfacing.

On Thursday May 26, 2016, at 2:00 p.m. sealed bids were opened for the CP-17-01 Miscellaneous Concrete Maintenance and Asphalt Resurfacing bid. Four (4) bids were received. The following are the bidders and their respective bids:

<u>Bidder</u>	<u>Bid Price</u>
NZI Construction Corp., Beltsville, MD	\$538,875.00
E&R Services, Inc. Bowie, MD	\$663,300.00
A.J. Romano Construction, Inc, Laurel, MD	\$674,100.00
Fort Myer Construction Co., Washington, DC	\$743,587.00

All bids were reviewed for compliance with project documentation and their units prices were checked for mistakes.

References provided by the apparent low qualified bidder were checked by staff and found to be very good. NZI Construction Corporation was the successful bidder for our previous contract, CP-13-01. Their present work performance has been exceptional.

Funding source: Fund 301 Unrestricted C.I.P. Reserve

Fiscal Impact:

If the City did not perform regular maintenance to our sidewalks, curbs, driveway aprons, and pavement the accumulative cost to repair the entire city street infrastructure at once would be insurmountable in future years.

Council Options:

- #1: Authorize the award of Contract CP-17-01 Miscellaneous Concrete Maintenance and Asphalt Resurfacing to NZI Construction Corp. of Beltsville, Maryland
- #2: Request additional information from staff and bring this item back to a future Worksession.
- #3: Reject all bids at this time

Staff Recommendation:

#1

Recommended Motion:

I move that the City Council award Contract CP-17-01 Miscellaneous Concrete Maintenance and Asphalt Resurfacing to the lowest qualified bidder, NZI Construction Corp., Inc., of Beltsville, Maryland for \$538,875.00

Attachments:

1. Bid Tabulation

Bid Tabulation
Miscellaneous Concrete Maintenance and Asphalt Resurfacing
CP-17-01
May 26, 2016
Unit Price Schedule

ITEM NO	ITEM DESCRIPTION	UNIT	APPROXIMATE QUANTITY	NZI Construction Corp		E&R Services, Inc.		A.J. Romano Construction, Inc		Fort Myer Construction CO	
				UNIT PRICE Dollars.Cents	AMOUNT Dollars.Cents	UNIT PRICE Dollars.Cents	AMOUNT Dollars.Cents	UNIT PRICE Dollars.Cents	AMOUNT Dollars.Cents	UNIT PRICE Dollars.Cents	AMOUNT Dollars.Cents
100	Remove & Replace 4 inch Sidewalk	SF	5,000	\$5.00	\$25,000.00	\$5.50	\$27,500.00	\$5.00	\$25,000.00	\$5.70	\$28,500.00
101	Remove & Replace Concrete Apron	SF	5,000	\$6.00	\$30,000.00	\$7.50	\$37,500.00	\$8.00	\$40,000.00	\$9.95	\$49,750.00
102	& Combination Concrete Curb & Gutter	LF	7,000	\$22.00	\$154,000.00	\$28.00	\$196,000.00	\$25.00	\$175,000.00	\$32.00	\$224,000.00
103	Remove & Replace Concrete Swale	SY	200	\$65.00	\$13,000.00	\$67.50	\$13,500.00	\$125.00	\$25,000.00	\$81.00	\$16,200.00
104	8 inch PVC Circular Pipe Underdrain	LF	1,000	\$16.00	\$16,000.00	\$30.00	\$30,000.00	\$8.00	\$8,000.00	\$22.50	\$22,500.00
105	Contingent Aggregate Backfill	CY	0	\$60.00	\$0.00	\$0.00	\$0.00	\$25.00	\$0.00	\$68.00	\$0.00
106	Hot Mix Superpave for Full Depth Patch	SY	400	\$50.00	\$20,000.00	\$60.00	\$24,000.00	\$60.00	\$24,000.00	\$145.53	\$58,212.00
107	Flat Top Speed Hump	EACH	10	\$2,000.00	\$20,000.00	\$800.00	\$8,000.00	\$3,500.00	\$35,000.00	\$2,000.00	\$20,000.00
108	Watts Profile Speed Hump	EACH	10	\$1,000.00	\$10,000.00	\$1,200.00	\$12,000.00	\$3,500.00	\$35,000.00	\$2,800.00	\$28,000.00
109	Remove & Replace Concrete Pavers Sidewalks & Mediums	SF	600	\$20.00	\$12,000.00	\$22.00	\$13,200.00	\$25.00	\$15,000.00	\$16.70	\$10,020.00
110	Saw Cutting	LF	400	\$3.00	\$1,200.00	\$2.50	\$1,000.00	\$10.00	\$4,000.00	\$3.00	\$1,200.00
200	2 inch Hot Asphalt Superpave 9.5MM for Surface PG 64-22	TONS	1,300	\$90.00	\$117,000.00	\$135.00	\$175,500.00	\$110.00	\$143,000.00	\$122.85	\$159,705.00
201	4 inch Hot Mix Asphalt Superpave 19.0MM for Base PG-22	TONS	100	\$100.00	\$10,000.00	\$145.00	\$14,500.00	\$125.00	\$12,500.00	\$167.50	\$16,750.00
202	Grinding Hot Mix Asphalt Pavement 0 to 2 inches	SY	15,000	\$4.50	\$67,500.00	\$3.50	\$52,500.00	\$5.00	\$75,000.00	\$3.65	\$54,750.00
203	6 inch Graded Aggregate Base Course	SY	0	\$10.00	\$0.00	\$0.00	\$0.00	\$22.00	\$0.00	\$14.00	\$0.00
204	Adjust Sewer Manhole to Finish Grade	EACH	7	\$200.00	\$1,400.00	\$400.00	\$2,800.00	\$1,200.00	\$8,400.00	\$500.00	\$3,500.00
205	Adjust Water Valve Box to Finish Grade	EACH	7	\$75.00	\$525.00	\$400.00	\$2,800.00	\$600.00	\$4,200.00	\$400.00	\$2,800.00
206	Protective Non Woven Membrane	SY	15,000	\$2.75	\$41,250.00	\$3.50	\$52,500.00	\$3.00	\$45,000.00	\$3.18	\$47,700.00
	Total Bid				\$538,875.00		\$663,300.00		\$674,100.00		\$743,587.00

CITY OF COLLEGE PARK, MARYLAND
Miscellaneous Concrete Maintenance and Asphalt Resurfacing
RFP CP-17-01

THIS AGREEMENT is made by and between the City of College Park, Maryland, (hereinafter referred to as the “City”) and NZI Construction Corp. (hereinafter referred to as “Contractor”).

WHEREAS, the City wishes to provide for **Miscellaneous Concrete Maintenance and Asphalt Resurfacing**; and

WHEREAS, the Contractor is willing to provide said services.

NOW THEREFORE, the parties hereto agree as follows:

I. SCOPE OF WORK

The work required of the Contractor will be performed in coordination with the City and the City’s Engineer as project manager and/or his designee as construction manager. The work to be performed by the Contractor is as follows:

1. Construct the Miscellaneous Concrete Maintenance and/or Asphalt Resurfacing as set forth in the contract documents.

The Contractor shall furnish all of the material and perform all of the work as described in these Contract Documents.

II. DATES OF WORK

This is a one (1) year contract. The contract year begins July 1, 2016 and ends June 30, 2017. All work is to be completed prior to June 30, 2017. Provisions for liquidated damages for failure to comply with the Contract Time are set forth in the General Provisions.

III. CONTRACT PRICE

The City agrees to pay the Contractor the sum of Five Hundred Thirty Eight Thousand Eight Hundred Seventy Five Dollars (\$538,875.00) for the performance of the Contract.

IV. CONTRACT DOCUMENTS

This Agreement and the following enumerated documents form the Contract and they are fully a part of the Contract as if attached hereto:

Request for Proposals
Bid or Proposal Forms and Affidavits
General Provisions
Special Provisions
Addenda
Permits
Bid Bond
Labor Standards and Wage Rates
Performance Bond
Labor and Materials Bond
Other Documents Contained within the Bid Specifications
Certifications and Affirmations Required by the City
Stormwater Management
Standard Details for Stormwater Management Construction, DER, Prince George's
County
Maryland SHA Manual of Traffic Controls for Highway Construction and Maintenance
Operation.
Manual on Uniform Traffic Control Devices for Streets and Highways
WSSC Standard Details for Construction
WSSC General Conditions and Standard Specifications
Prince George's County Department of Public Work's Transportation Standard Details
Maryland Department of Transportation, SHA, Standard Specifications for Construction
and Materials
M.S.H.A. Book of Standard Details
CDBG Program General Conditions for Operating Agencies and Third Party
Contractors
Minority Business Enterprise requirements

The bid documents and tentative construction schedule submitted by the Contractor are incorporated herein and made part of the contract documents by reference.

V. CAPACITY TO PERFORM

The Contractor represents that all equipment and personnel necessary for providing the described services and items will be available as needed.

VI. STATUS OF CONTRACTOR

The Contractor shall perform the services described herein as an independent contractor and not as an employee of the City.

VII. INSURANCE AND INDEMNIFICATION

The Contractor shall provide proof of compliance with State law as to workers compensation and unemployment insurance, and of adequate comprehensive general liability insurance (bodily injury - \$1,000,000 for each occurrence/aggregate; property damage -

\$500,000 for each occurrence/aggregate) and automobile fleet insurance (\$1,000,000 for each occurrence/aggregate; property damage - \$500,000 for each occurrence/aggregate). The Contractor shall indemnify and save harmless the City, its officers, employees and agents, from all suits, actions and damages or costs of every kind and description, arising directly or indirectly out of the performance of the contract, whether caused by negligence on the part of the successful bidder, its agents and employees, or to other causes. The Contractor shall name the City as an additional insured on said policies of insurance, except for the workers compensation and unemployment insurance, and shall provide certificates of insurance and additional insured endorsements before starting work on the Project.

Provision of any insurance required herein does not relieve Contractor of any of the responsibilities or obligations assumed by the Contractor in the contract awarded, or for which the Contractor may be liable by law or otherwise. Provision of such insurance is not intended in any way to waive the City's immunities or any damage limits applicable to municipal government as provided by law.

VIII. LICENSES, APPLICABLE LAWS

The Contractor will be responsible for obtaining any and all licenses pertaining to performance of work under the contract. All services and materials provided by the Contractor shall conform to all applicable laws and regulations.

IX. MATERIALS AND STANDARD OF WORK

All work performed, and material provided, pursuant to this contract shall be in conformance with standards adopted by the State of Maryland and Prince George's County and will be appropriate for existing conditions. All work shall be performed in a neat and workmanlike manner by trained and experienced personnel. Defective or unsuitable materials or workmanship shall be rejected and shall be made good by the Contractor at Contractor's expense, notwithstanding that such deficiencies have been previously accepted or were due to no fault of the Contractor. The Contractor will guarantee that materials conform to specifications herein, that the items will be free from defects, and that the items are fit for the purpose for which intended, with the exception that the Contractor will not be responsible for any defects in the footbridge provided by the City. Further, the Contractor shall, in a manner acceptable to the City, return to original condition any property disturbed or damaged during the work.

X. ACCURATE INFORMATION

The Contractor certifies that all information provided in response to the invitation to bid or in response to other requests for information is true and correct. Any false or misleading information is grounds for the City to reject the bid and to terminate this contract.

XI. PERIODIC AND FINAL INSPECTION

The City will make periodic inspections of the work through the Project or other City representative. A final inspection of the work shall be made by a representative of the City and

the Contractor at the end of the work and cure period to ensure that all requirements have been met.

XII. RETAINAGE

The City will pay the contract price, less 5% retainage, to the Contractor upon completion of the contract work, and correction of any deficiencies discovered as a result of final inspection. The remaining 5% retainage shall be paid to the contractor within six months following the end of all work, and correction of any deficiencies. The said retainage is held as security for performance and not as liquidated damages and the forfeiture of the retainage shall not release the contractor from any liability in excess of the retainage.

XIII. PERFORMANCE BOND

The Contractor shall give a Performance and Labor and Material Bond within ten business (10) days after the date of the award of the Contract. The Performance and Labor and Material Bond shall be in the amount of 100% of the Contract Price.

XIV. RESTORATION OF PROPERTY

The Contractor, at its own expense, will restore or replace any property displaced or damaged as a result of work performed under this contract, to the satisfaction of the City.

XV. TERMINATION FOR DEFAULT

Failure of the Contractor to deliver work, supplies, materials, or services in a timely manner, to correct defective work or materials, to act in good faith, or to carry out the work in accordance with contract documents shall constitute a breach of contract. In such event, the City may give notice to the contractor to cease work until the cause for such order has been eliminated. Should the Contractor fail to correct such default within 24 hours after receipt of notification, the City may terminate any such contract. This provision shall not limit the City in exercising any other rights or remedies it may have.

XVI. TERMINATION FOR CONVENIENCE

The performance of work or delivery of services may be terminated in whole or in part at any time upon written notice when the City determines that such termination is in its best interest. The City will be liable only for labor, materials, goods and services furnished prior to the effective date of such termination.

XVII. NOTICES

All notices shall be sufficient if delivered in person or sent by certified mail to the parties at the following addresses:

For the City:
Scott Somers, City Manager
City of College Park

4500 Knox Road
College Park, MD 20740

For the Contractor:
Joaquim Nazario
President
NZI Construction Corp.
11601 Spruce Ave.
Beltsville, MD 20705

XVIII. ERRORS IN SPECIFICATIONS

The Contractor shall take no advantage of any error or omission in the specifications. The City shall make such corrections and interpretations as may be deemed necessary and that decision shall be final.

XIX. GOVERNING LAW

This contract is executed in the State of Maryland and shall be governed by Maryland law. The Contractor, by executing this contract, consents to the jurisdiction of the Maryland state courts with respect to any dispute arising out of this contract.

XX. INTERPRETATION

Any questions concerning conditions and specifications shall be directed in writing to the City Engineer. No interpretation shall be considered binding unless provided in writing by the Engineer. By execution of this contract, the Contractor certifies that it understands the terms and specifications.

XXI. ATTORNEYS' FEES AND COSTS

The prevailing party shall be entitled to attorney's fees and costs incurred in any actions or claims brought to enforce this contract, or for damages thereunder.

XXII. SUCCESSORS AND ASSIGNS

This contract shall inure to the benefit of and be binding upon the successors and assigns of the parties hereto. In any event, the Contractor shall not assign any right or obligation under this contract without the City's express written consent, which may be withheld in the City's sole discretion.

XXIII. NON DISCRIMINATION

- a. The City of College Park is an Equal Opportunity Employer. Discrimination based on race, religion, sex, age, ethnicity, ancestry or national origin, physical or mental disability, color, marital status, sexual orientation, gender identity, genetic information, political affiliation or any other factors not related to the ability to perform the work is

- expressly prohibited.
- b. The Contractor certifies that it does not discriminate on the basis of race, religion, sex, age, ethnicity, ancestry or national origin, physical or mental disability, color, marital status, sexual orientation, gender identity, genetic information, political affiliation or any other factors not related to the ability to perform the work.
- c. The Contractor will, in all advertisements or solicitations for employees, state that all qualified applicants will receive consideration for employment without regard to race, religion, sex, age, ethnicity, ancestry or national origin, physical or mental disability, color, marital status, sexual orientation, gender identity, genetic information, political affiliation or any other factors not related to the ability to perform the work.

XXIV. EQUAL BENEFITS

- a. Contractor must comply with the applicable provisions of §69-6 of the City Code. The Contractor shall provide the City Manager, or his/her designee, access to its records for the purpose of audits and/or investigations to ascertain compliance with these provisions.
- b. Upon request, the Contractor shall provide evidence of compliance with the provisions of §69-6 of the City Code upon each new bid, contract renewal, or when the City Manager has received a complaint or has reason to believe the Contractor may not be in compliance with the provisions of this section.
- c. The failure of the Contractor to comply with §69-6 of the City Code will be deemed to be a material breach of the covered contract.

XXV. ENTIRE AGREEMENT

This contract, including attached hereto, constitutes the entire agreement between the City and the Contractor.

IN WITNESS WHEREOF, we have hereunto set our hands and seals this _____ day of _____, 2016.

WITNESS:

CITY OF COLLEGE PARK, MARYLAND

Janeen S. Miller, CMC, Clerk

By: _____
Scott Somers, City Manager

WITNESS:

NZI CONSTRUCTION CORP.

By: _____
Joaquim Nazario

Title: President

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

Suellen M. Ferguson, City Attorney

16-G-80

Mowing Contract



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

Prepared By: Brenda Alexander,
Assistant Director, Administration

Meeting Date: June 14, 2016

Presented By: Brenda Alexander,
Assistant Director, Administration

Proposed Consent Agenda: Yes

Originating Department: Public Works

Action Requested: Award a mowing contract to LevelGreen Landscape in the amount of \$27,500 for 4 months, July through October 2016, to finish the remainder of the grass growing season.

Strategic Plan Goal: Strategic Plan #4 Quality Infrastructure

Background/Justification:

ValleyCrest Landscape Maintenance was the City's municipal grass mowing contractor for the past 10 years. ValleyCrest and Brickman merged and became Brightview before the 2016 mowing season began. Staff from the ValleyCrest crew previously assigned to mow in College Park was no longer assigned to perform this work in 2016. The transition from ValleyCrest to Brightview has not been a smooth transition. The Brightview crew has not met expectations nor performed grass mowing as required by the contract during April and May. The smaller sized BrightView crew only uses walk behind mowers; they are not equipped with riding mowers, which are more efficient for mowing larger areas and the athletic fields. Complete parcel mowing is not completed during scheduled visits.

Because of the difficulties with the mowing company transition, a temporary solution to improve grass mowing service is necessary. The nature of grass mowing is very dependent on timing, as grass will require continual maintenance throughout the growing season. A reputable commercial contractor needed to be located that has the staff and equipment capable to perform grass mowing and is able to incorporate this work into their existing schedule.

LevelGreen Landscape company is reputable and is able to perform mowing beginning July 1st through the end of October. They currently perform mowing service in the City of Hyattsville and the University of Maryland, and come highly recommended by the mowing contract administrators of these entities.

Award of a four month contract to LevelGreen Landscape is a temporary solution until the grass mowing contract can be formally rebid in the fall.

Fiscal Impact:

None. Contract mowing is funded in program 5016. The price LevelGreen submitted for mowing parcel locations for the remainder of the mowing season matches the current contract pricing.

Council Options:

1. Award a contract to LevelGreen Landscape, LLC in the amount of \$27,500 for the period July 1 through October 31, 2016 for municipal grass mowing and formally rebid the mowing contract in the fall.
2. Maintain contract with Brightview, the existing grass mowing contractor.
3. Direct staff to begin an RFP process now to formally advertise a municipal grass mowing contract, while continuing the existing contract with BrightView.

Staff Recommendation:

#1: Based on the positive recommendations from the contract administrators at the City of Hyattsville and the University of Maryland.

Recommended Motion:

I move to award a contract to LevelGreen Landscape of Washington, DC in the amount of \$27,500 for 4 months, July through October, to finish the remainder of the grass growing season

Attachments:

None

CITY OF COLLEGE PARK, MARYLAND
CONTRACT

THIS CONTRACT is made by and between the City of College Park (hereinafter referred to as "City") and Level Green Landscape, LLC (hereinafter referred to as "Contractor").

WHEREAS, the City wishes to provide for the mowing, weed control and general landscape maintenance of certain areas in the City; and

WHEREAS, the Contractor is willing to provide said services.

NOW THEREFORE, the parties hereto agree as follows:

I. SCOPE OF WORK

The work required of the Contractor will be performed in coordination with the City and the City's Deputy Director of Public Works, who will supervise and inspect the work. The Contractor shall supply all labor, equipment, and materials necessary to provide complete and satisfactory lawn mowing, weed control and landscaping services in areas in the City designated in Attachment A, which is incorporated herein by reference, at a consistently superior level as detailed in these specifications. All work shall be performed to provide neat, clean, well-groomed and trimmed appearance performed in a professional manner. Trained personnel using current, acceptable landscape practices shall perform all landscape maintenance services.

II. CONTRACT TERM

This Agreement shall be for a term commencing the 1st day of July, 2016, and terminating at 11:59 p.m. on the 31st day of October 2016.

III. DATES AND TIME OF WORK

Work shall be scheduled Monday through Friday between 7:30 a.m. and 4:00 p.m. No work shall take place on Saturday or Sunday without prior approval. Work on State and Prince George's County roadways must be in compliance with the applicable time requirements. Work shall commence on July 1, 2016, and shall continue as needed to October 31, 2016.

IV. CONTRACT PRICE

The City agrees to pay to the Contractor the sum of Twenty Seven Thousand Five Hundred Dollars (\$27,500.00) for the performance of the contract. The cost per mowing is calculated on the following basis:

Parcel 1	\$1,222.00
Parcel 2	\$1,033.00
Parcel 3	\$533.00

The City shall pay the Contractor upon invoice submitted by Contractor on a monthly basis. No invoice shall contain a charge for any work that has not yet occurred.

V. CONTRACT DOCUMENTS

This Agreement and the following enumerated documents form the contract and they are fully a part of the contract as if attached hereto:

Request for Bid Proposals

Attachment A

Certifications of Insurance and Additional Insured Endorsement

Affidavits and Affirmations of Contractor Required by the City

Maryland SHA Manual of Traffic Controls for Highway Construction and Maintenance Operation.

Maryland State Highway safety regulations (Work Zone Traffic Control – Standard & Guidelines

Manual on Uniform Traffic Control Devices for Streets and Highways

VI. CAPACITY TO PERFORM

The Contractor represents that all equipment and personnel necessary for providing the described services and items will be available as needed. The Contractor shall perform all specified work using properly trained and skilled individuals supervised and directly employed by the contractor. Materials and equipment furnished by the Contractor shall conform in strength, quality of materials, appearance, and workmanship to that which is usually provided by a commercial contractor in this trade.

The Contractor and any individuals involved in application of pesticides shall be licensed and bonded in the State of Maryland. The Contractor shall hold a Maryland Department of Agriculture Pesticide Applicators License with certification in Category VI (Right of way). Contractor shall be capable of providing all services required in the contract specifications.

VII. STATUS OF CONTRACTOR

The Contractor shall perform the services described herein as an independent contractor and not as an employee of the City.

VIII. INSURANCE AND INDEMNIFICATION

The Contractor shall provide proof of compliance with State law as to workers' compensation and unemployment insurance, and of adequate comprehensive general liability insurance (bodily injury - \$1,000,000.00 for each occurrence/aggregate; property damage - \$500,000.00 for each occurrence/aggregate) and automobile fleet insurance (\$1,000,000.00 for each occurrence/aggregate; property damage - \$500,000.00 for each occurrence/aggregate.) The Contractor shall indemnify and save harmless the City, its officers, employees and agents, from all suits, actions and damages or costs of every kind and description, arising directly or indirectly out of the

performance of the contract, whether caused by negligence on the part of the Contractor, its agents and employees, or to other causes. The Contractor shall name the City as an additional insured on said policies of insurance with additional insured endorsement, except the workers compensation insurance, and shall provide Certificates of Insurance and Additional Insured Endorsements before starting work on the Project.

IX. LICENSES, APPLICABLE LAWS

The Contractor will be responsible for obtaining any and all licenses pertaining to performance of work under the contract. All services and materials provided by the Contractor shall conform to all applicable laws and regulations.

X. MATERIALS AND STANDARD OF WORK

All work performed, and material provided, pursuant to this contract shall be in conformance with standards adopted by the State of Maryland and Prince George's County and will be appropriate for existing conditions. All work shall be performed in a neat and workmanlike manner by trained and experienced personnel. Defective or unsuitable materials or workmanship shall be rejected and shall be made good by the Contractor at Contractor's expense, notwithstanding that such deficiencies have been previously accepted or were due to no fault of the Contractor. The Contractor will guarantee that materials conform to specifications herein, that the items will be free from defects, and that the items are fit for the purpose for which intended. Further, the Contractor shall, at its own expense and in a manner acceptable to the City, return to original condition any property disturbed or damaged during the work.

XI. ACCURATE INFORMATION

The Contractor certifies that all information provided in response to requests for information is true and correct. Any false or misleading information is grounds for the City to reject the bid and to terminate this contract.

XII. PERIODIC AND FINAL INSPECTION

The City will make periodic inspections of the work through the City's Deputy Director of Public Works or designated representative to ensure that all contract requirements have been met.

XIII. RESTORATION OF PROPERTY

The Contractor, at its own expense, will restore or replace any property displaced or damaged as a result of work performed under this contract, whether the property is owed by the City or a third party.

XIV. TERMINATION FOR DEFAULT

Failure of the Contractor to deliver work, supplies, materials, or services in a timely manner, to correct defective work or materials, to act in good faith, or to carry out the work in accordance with contract documents shall constitute a breach of contract. In such event, the City may give notice to the contractor to cease work until the cause for such order has been eliminated. Should the Contractor fail to correct such default within 24 hours after receipt of notification, the City may terminate any such contract. This provision shall not limit the City in exercising any other rights or remedies it may have.

XV. TERMINATION FOR CONVENIENCE

The performance of work or delivery of services may be terminated in whole or in part at any time upon written notice when the City determines that such termination is in its best interest. The City will be liable only for labor, materials, goods and services furnished prior to the effective date of such termination.

XVI. NOTICES

All notices shall be sufficient if delivered in person or sent by certified mail to the parties at the following addresses:

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

Doug Delano
Level Green Landscape, LLC
139 12th Street, S.E.
Washington, D.C. 20003

XVII. ERRORS IN SPECIFICATIONS

The Contractor shall take no advantage of any error or omission in the specifications. The City shall make such corrections and interpretations as may be deemed necessary and that decision shall be final.

XVIII. GOVERNING LAW

This contract is executed in the State of Maryland and shall be governed by Maryland law without regard to its conflict of laws provisions. The Contractor, by executing this contract, consents to the jurisdiction of the Maryland state courts with respect to any dispute arising out of this contract.

XIX. INTERPRETATION

Any questions concerning conditions and specifications shall be directed in writing to the City's Deputy Director of Public Works. No interpretation shall be considered binding unless provided in writing by the City's Deputy Director of Public Works. By execution of this contract, the Contractor certifies that it understands the terms and specifications.

XX. ATTORNEYS' FEES AND COSTS

The prevailing party shall be entitled to attorney's fees and costs incurred in any actions or claims brought to enforce this contract, or for damages thereunder.

XXI. SUCCESSORS AND ASSIGNS

This contract shall inure to the benefit of and be binding upon the successors and assigns of the parties hereto. In any event, the Contractor shall not assign any right or obligation under this contract without the City's express written consent, which may be withheld in the City's sole discretion.

XXII. NON DISCRIMINATION

- a. The City of College Park is an Equal Opportunity Employer. Discrimination based on race, religion, sex, age, ethnicity, ancestry or national origin, physical or mental disability, color, marital status, sexual orientation, gender identity, genetic information, political affiliation or any other factors not related to the ability to perform the work is expressly prohibited.
- b. The Contractor certifies that it does not discriminate on the basis of race, religion, sex, age, ethnicity, ancestry or national origin, physical or mental disability, color, marital status, sexual orientation, gender identity, genetic information, political affiliation or any other factors not related to the ability to perform the work.
- c. The Contractor will, in all advertisements or solicitations for employees, state that all qualified applicants will receive consideration for employment without regard to race, religion, sex, age, ethnicity, ancestry or national origin, physical or mental disability, color, marital status, sexual orientation, gender identity, genetic information, political affiliation or any other factors not related to the ability to perform the work.

XXIII. EQUAL BENEFITS

- a. Contractor must comply with the applicable provisions of §69-6 of the City Code. The Contractor shall provide the City Manager, or his/her designee, access to its records for the purpose of audits and/or investigations to ascertain compliance with these provisions.
- b. Upon request, the Contractor shall provide evidence of compliance with the provisions of §69-6 of the City Code upon each new bid, contract renewal, or when the City Manager has received a complaint or has reason to believe the Contractor may not be in compliance with the provisions of this section.
- c. The failure of the Contractor to comply with §69-6 of the City Code will be deemed to be a material breach of the covered contract.

XXIV. ENTIRE AGREEMENT

This contract, including exhibits attached hereto, constitutes the entire agreement between the City and the Contractor.

IN WITNESS WHEREOF, we have hereunto set our hands and seals this

_____ day of _____, 2016.

WITNESS:

CITY OF COLLEGE PARK

Janeen Miller, CMC, City Clerk

By: _____
Scott Somers, City Manager

WITNESS:

LEVEL GREEN LANDSCAPE, LLC

By: _____

Title: _____

Approved as to form and legal sufficiency

Suellen M. Ferguson
Attorney for the City of College Park

ATTACHMENT A

MOWING LOCATIONS

8 biweekly mowings to begin the first full week in July and end the last full week of October, 2016.

Parcel 1

1. Guilford Drive from Route 1 west to Knox Road, medians and drainage area- 68,444 sq ft
2. Albion Road from Route 1 east to 6700 block Rhode Island Avenue south side, along wooded side of street- 11,532 sq. ft.
3. Rhode Island Ave median (6700 block) from Albion to Knox- 163,530 sq ft.
4. Dartmouth/Amherst Island- 3,927 sq ft.
5. Bowdoin Avenue east side from Calvert Road to Erskine along railroad track-8,850 sq ft.
6. Columbia playground field area up to guard rail at Norwich dead end- 46,908 sq ft
7. Norwich Road north side from Dartmouth Avenue, along the fence, east to guard rail at dead end- 1,908 sq ft
8. Dartmouth Avenue from Norwich to guard rail at dead end- 1,608 sq ft.
9. Brick wall strip behind Paint Branch Parkway from Dartmouth Avenue to Rhode Island Avenue- 18,560 sq ft.
10. Litton Avenue from Corporal Scott Drive west to 50th Avenue, south half of island- 8,960 sq ft.
11. Edmonston Road from Old Calvert Road to the bridge on east side – 22,386 sq ft
12. 54th Avenue along railroad track from Pierce Street to Navahoe Street- 33,837 sq ft.
13. 8500 48th Avenue, straight down the hill to the guardrail- 6,570 sq ft
14. Greenbelt Road right of ways, north and south islands at Route 1, north bank adjacent to U-Haul from Veteran’s Memorial to University Boulevard off ramp, south hillside- 27,047 sq ft.

37. Bike trail (Rhode Island Ave) from Greenbelt Road south to Berwyn House Road including James Adams Park – 100,188 sq ft

Total Parcel 1

518,642 sq. ft. (11.91Acres)

MOWING LOCATIONS

8 biweekly mowings to begin the first full week in July and end the last full week of October.

Parcel 2

15. Attick Towers field between garden and Rhode Island Avenue - 12,350 sq ft
16. Cherokee and 49th Place Island –1,739 sq ft.
17. Alley north of Cherokee Street behind 49th Place -
18. Rhode Island Avenue median from Greenbelt Road to University Boulevard-5,723 sq ft.
19. Rhode Island Avenue Service Road on east side from Kash Realtor to Muskogee Street–
75,432 sq ft.
20. Rhode Island Avenue on west side from University Boulevard to Muskogee Street –
106,103 sq ft.
21. Edgewood Road Island from 47th Place to 51st Avenue- 15,026 sq ft.
22. Rhode Island Avenue Service Road- from Edgewood Road to Odessa Road on east side-
3,987 sq ft.
23. Rhode Island Avenue west side from Creative Learning Center to Niagara Road- 16,964
sq ft
24. Odessa Road south side from 51st Avenue to 52nd Avenue including the field behind the
gate- 28,194 sq ft
25. Muskogee Street north side from Rhode Island Avenue to wooden fence at playground-
21,390 sq ft
26. Narragansett Parkway from Edgewood Road to Muskogee Playground, the Island in the
cul-de-sac in Narragansett Court, vacant lot at 52nd Avenue and the vacant lot across from
Kennebunk Terrace, weed eating along both sides of wooden guardrail- 20,424 sq ft
27. 52nd Place at 53rd Avenue island- 1,472 sq ft.
28. 52nd Place island at Mineola Court- 980 sq ft.
29. Davis Field at Kennesaw Street- 43,750 sq ft

- 30. Iroquois Street to Huron Street along railroad track and including behind 5127 Iroquois Street- 7,068 sq ft.
- 31. Huron Street south side along wooded area from 51st Avenue to dead end – 10,600 sq ft.
- 32. 51st Avenue east side from Huron Street to Public Works yard- 16,320 sq ft.
- 33. 51st Avenue east side from Cherokee Street to Branchville Road at wooded sections- 4,876 sq ft.
- 34. Route 1 medians (3) between the Capital Beltway and Sunnyside Avenue – 18,295

Total Parcel 2 **416,606 sq. ft. (9.56 Acres)**

Parcel 3

17 weekly mowings to begin the first full week in July and end the last full week of October.

- 35. Calvert Road School field behind the school to Guilford Road – 48,908 sq. ft.
- 36. Duvall athletic field complex (9119 Rhode Island Avenue) – 220,936 sq. ft.

Total Parcel 3 **269,844 sq. ft. (6.19 Acres)**

False Pretenses Affidavit

I, _____, the undersigned _____
(Office Held)

of _____, being first duly sworn on oath,
(Name of Business Entity)

affirms and says this _____ day of _____, 2016 that I hold the aforementioned office in

(Name of Business Entity)

I FURTHER DECLARE AND AFFIRM, under the penalties of perjury, that neither I nor, to the best of my knowledge, information and belief, the above Business Entity nor any officer, director, partner, member or associate thereof; nor any of its employees directly involved in obtaining contracts with the Town, has been convicted of false pretenses, attempted false pretenses or conspiracy to commit false pretenses under the laws of any state or federal government, based upon acts committed after July 1, 1981.

_____(SEAL)

To be signed by Bidder, if the Bidder is an Individual; or by a Partner, if the Bidder is a Partnership; or by a duly authorized Officer, if the Bidder is a Corporation.

CERTIFICATE OF NON-SUSPENSION

I, _____, do hereby certify
that _____ has not been suspended or
(Name of Contractor)

barred from participation in contract activities with any government.

Signature

Title

Date

Affidavit of Non-Conviction

I hereby affirm that:

- (1) I am the _____ (Title) and duly authorized representative of _____ (Name of Business Entity) whose address is _____ and that I possess the legal authority to make this affidavit on behalf of myself and the firm for which I am acting.
- (2) Except as described in Paragraph 6 below, neither I nor the above firm nor, to the best of my knowledge, any of its officers, directors, or partners or any of its employees directly involved in obtaining contracts with the State, or any county, bi-county or multi-county agency or subdivision of the State have been convicted, or in an official investigation or other proceeding admitted in writing or under oath, acts or omissions which constitute bribery, attempted bribery or conspiracy to bribe under the provisions of Criminal Law Article of the Annotated Code of Maryland or under the laws of any state or the federal government (conduct prior to July 1, 1977 is not required to be reported); and
- (3) Except as described in Paragraph 6 below, neither I nor the above firm nor, to the best of my knowledge, any of its officers, directors, or partners or any of its employees directly involved in obtaining contracts with the State, or any county, bi-county or multi-county agency or subdivision of the State have been convicted under a State or federal law or statute of any offense enumerated in §16-203 of the State Finance and Procurement Article; and
- (4) Except as described in Paragraph 6 below, neither I nor the above firm nor, to the best of my knowledge, any of its officers, directors, or partners or any of its employees directly involved in obtaining contracts with the State, or any county, bi-county or multi-county agency or subdivision of the State have been found civilly liable under a State or federal antitrust statute as provided in §16-203 of the State Finance and Procurement Article.
- (5) Except as described in Paragraph 6 below, neither I nor the above firm nor, to the best of my knowledge, any of its officers, directors, or partners or any of its employees who will provide, directly or indirectly, supplies, services, architectural services, construction related services, leases of real property, or construction have debarred or suspended under this subtitle
- (6) State “none” or, as appropriate, list any conviction, plea or admission described in Paragraph 2 above, with the date, court, official or administrative body, the individuals involved and their position with the firm, and the sentence or disposition, if any.

I acknowledge that this affidavit is to be furnished, where appropriate, to the City of College Park, Maryland, under Section 16-311 of the State of Maryland Finance and Procurement Article of the Annotated Code of Maryland. I acknowledge that, if the representations set forth in this affidavit are not true and correct, the City may terminate any contract awarded and take any other appropriate actions. I further acknowledge that I am executing this affidavit in compliance with Section 16-309 of the State Finance and Procurement Article of the Annotated Code of Maryland, which ordains that any person

convicted of bribery (upon acts committed after July 1, 1977) in furtherance of obtaining a contract from the State or any subdivision of the State of Maryland shall be disqualified from entering into a contract with the City.

I do solemnly declare and affirm under the penalties of perjury that the contents of the affidavit are true and correct.

_____ _____
Date Signature

Printed Name _____

16-G-81

Shuttle-UM MOU



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

AGENDA ITEM NUMBER 16-G-81

Prepared By: Bill Gardiner,
Assistant City Manager

Meeting Date: June 14, 2016

Presented By: Bill Gardiner

Consent Agenda: Yes

Originating Department: Administration

Action Requested: In order for College Park residents to have use of the Shuttle UM service, the City Manager must sign the annual MOU with the University and pay \$6,000. Although the funds have been budgeted, historically Council has voted on this item.

Strategic Plan Goal: Goal One: One College Park
Goal Three: Environmental Sustainability

Background/Justification:

Since 2008, the City of College Park and the University of Maryland Department of Transportation Services have had an MOU that allows College Park residents and City employees to use the Shuttle UM. The City issues permits at no cost to City residents and employees. The City currently pays \$6,000 annually, which allows 1,000 permits to be issued. Since the program's inception, the City has issued 912 permits. 55 have been issued in 2016.

The availability of this service is advertised in the Municipal Scene, the Cable channel, and the City website.

Fiscal Impact:

\$6,000 has been budgeted for FY17.

Council Options:

- #1: Authorize the City Manager to sign the MOU and advertise the service to residents.
- #2: Do not authorize the City Manager to sign the MOU.
- #3: Request additional information from the City or the University.

Staff Recommendation:

Option 1.

Recommended Motion:

I move to authorize the City Manager to sign the MOU with the University of Maryland which will allow residents to obtain a free ID from the City and have use of all Shuttle UM buses at no cost.

Attachments

- 1. MOU with University of Maryland



DEPARTMENT OF
TRANSPORTATION SERVICES

**MEMORANDUM OF UNDERSTANDING
BETWEEN
UNIVERSITY OF MARYLAND, DEPT OF TRANSPORTATION SERVICES
AND
THE CITY OF COLLEGE PARK**

This Memorandum of Understanding is entered into by and between the Department of Transportation Services (DOTS), University of Maryland College Park and The City of College Park, Maryland (the City) effective the 29th day of August, 2016. This is a Memorandum of Understanding, which is not a legal document.

In consideration of the mutual promises and undertakings herein, the parties hereto agree as follows:

1. Beginning August 29, 2016 through August 28, 2017, residents and employees of the City in possession of a prescribed identification card issued by the City will be allowed access to all publicly scheduled shuttle routes operated by DOTS.
2. For the above shuttle bus services, the City agrees to pay DOTS \$6,000, which is due by December 31, 2016. The annual rate covers up to 1,000 passes. DOTS shall provide the City with annual ridership data. The City shall keep a record of the total number of passes distributed during the agreement term. If the total number of annual passes distributed reaches 1,000, the City shall notify DOTS which will authorize the City to issue additional passes in increments of 100 at no added cost to the City.
3. Either party may terminate this agreement by providing written notice of termination 60 days prior to the stated termination date. All notices shall be in writing and shall be delivered by messenger or recognized overnight courier, or shall be sent by registered or certified mail return-receipt requested, in each instance to the respective addresses set forth below, or to such other address or addresses as respective party may designate by written notice duly sent to the other. Any other changes to this agreement, by either party, must be in writing and agreed upon by both parties.

CITY OF COLLEGE PARK:

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

DOTS:

University of Maryland
Department of Transportation Services
Attention: J. David Allen
Regents Drive Garage, Building 202
College Park, MD 20742

16-G-82

Field Use Request



Field Use Reservation Application

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

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

Date of Application: May 3, 2016

Name of Organization: Berwyn Baptist Church

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

Contact Name(s): SIDNEY JOHNSON / Anita Hanna

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

Email Address: AHANNA77@COMCAST.NET

Day Phone: 240.274.3057 - SIDNEY JOHNSON Evening Phone: same Cell Phone: 240.274.3057 - SIDNEY
301.439.9435 - ANITA

Description of Activity/Event: SOCCER Camp

Sports Baseball Football Lacrosse Softball T-ball SOCCER

Expected Number of Participants 50-70 Age Range: 5-12 years old

Additional Requirements: Toilets Lights Concession Stand

Date(s) Requested: July 18-22, 2016

See Facilities Rules and Regulations for acceptable times and age group

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

Time(s) Requested 5⁰⁰ a.m. p.m. UNTIL 7⁵⁵ a.m. or p.m.

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

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

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

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

Recommendations and Notifications

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

Comments:

June 6, 2016

Pub. Svcs Director Concur Yes No

place on 6/14/2016 consent agenda for review

Comments:

City Manager Concur Yes No

Comments:

Mayor and Council Concur Yes No

Comments:

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

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

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

Soccer drills & games for one week for children

5-12 years old. (weather permitting). Wear & tear should be LIMITED.

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

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

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

RECREATIONAL Activity for College Park community ages 5-12 years old

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

Youth may receive service hours for school.

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

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

Activities promote recreational opportunities for children

and Casualty Company
 Company With Home Offices in Bloomington, Illinois

ma Drive
 anta GA 30346-2117

Named Insured

AT1 000105 2017 9M-21-92B7-FAB6F M

BERWYN BAPTIST CHURCH INC
 C/O SANDRA KIERNAN TREASURER
 4720 CHEROKEE ST
 COLLEGE PARK MD 20740-1839



Entity: Corporation

RENEWAL DECLARATIONS

Policy Number 99-00-0187-7		
Policy Period 12 Months	Effective Date FEB 9 2016	Expiration Date FEB 9 2017
The policy period begins and ends at 12:01 am standard time at your mailing address as shown.		

COMMERCIAL LIABILITY UMBRELLA POLICY

Automatic Renewal - If the policy period is shown as 12 months, this policy will be renewed automatically upon payment of the renewal premium when due subject to the premiums, rules and forms in effect for each succeeding policy period. If this policy is terminated we will give you written notice in compliance with the policy provisions or as required by law.

IMPORTANT NOTICES ON REVERSE

Coverage(s)	Limits of Insurance
Coverage L - Business Liability (Each Occurrence)	\$ 2,000,000
Coverage L - Business Liability (Annual Aggregate)	\$ 2,000,000
Self-Insured Retention	\$ 10,000

Required Underlying Insurance Schedule

Coverage	Required Underlying Insurance Schedule	Minimum Underlying Limits
Business Liability	Bodily Injury (Per Occurrence)	\$ 500,000
	Bodily Injury (Annual Aggregate)	\$ 1,000,000
	Property Damage (Per Occurrence and Annual Aggregate)	\$ 100,000
	--or--	
	Bodily Injury and Property Damage (Per Occurrence)	\$ 500,000
	Bodily Injury and Property Damage (Annual Aggregate)	\$ 1,000,000
Employers Liability	Bodily Injury by Accident (Each Accident)	\$ 100,000
	Bodily Injury by Disease (Each Employee)	\$ 100,000
	Bodily Injury by Disease (Policy Limit)	\$ 500,000
Employers Non-Owned Auto Liability	Bodily Injury and Property Damage (Each Occurrence)	\$ 500,000
	Bodily Injury and Property Damage (Annual Aggregate)	\$ 1,000,000
		--or--
	Bodily Injury (Each Person/Each Accident)	\$ 500,000 / \$ 500,000
	Property Damage (Each Accident)	\$ 100,000
	--or--	
	Bodily Injury and Property Damage (Each Accident)	\$ 500,000

Forms & Endorsements

Commercial Umb Coverage Form	CU-2100
*Terrorism Insurance Cov Notice	FE-6999.2
Amendatory Endorsement	CU-2220
Counseling Prof Liab	CU-2307
College/School Liab Limitation	CU-2344
Exclusion - Lead Poisoning	CU-2339

Policy Premium \$ 612.00

* New Form Attached

Other limits and exclusions may apply - refer to your policy

Continued on Reverse

CU-2000 Prepared JAN 05 2016

KRIST SALMI INS AGENCY INC
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16-G-83

Minutes

MINUTES
Regular Meeting of the College Park City Council
Tuesday, May 10, 2016
Council Chambers
7:30 p.m. – 9:25 p.m.

PRESENT: Mayor Pro Tem Dennis; Councilmembers Kabir, Nagle, Stullich (arrived at 7:43 p.m.), Day (arrived at 8:34 p.m.), Cook and Kujawa.

ABSENT: Mayor Wojahn; Councilmember Brennan.

ALSO PRESENT: Scott Somers, City Manager; Bill Gardiner, Assistant City Manager; Janeen Miller, City Clerk; Suellen Ferguson, City Attorney; Terry Schum, Director of Planning; Bob Ryan, Director of Public Services; Bob Stumpff, Director of Public Works; Steve Groh, Director of Finance; Leo Thomas, Deputy Director of Finance; Adler Pruitt, Deputy Student Liaison.

Mayor Pro Tem Dennis opened the Regular Meeting at 7:30 p.m.

City Manager's Report: Mr. Somers announced that the annual volunteer reception would be held on Friday, May 20, the Memorial Day event would be on May 30 at 11:00 a.m., and discussed the launch last week of our new bikeshare program with the University of Maryland and Zagster. There are 14 stations throughout the City. He reviewed the red folder items.

Proclamations And Awards: Mayor Pro Tem Dennis read the National Infrastructure Week Proclamation.

Amendments To And Approval Of The Agenda: Mayor Pro Tem Dennis said we are adding a closed session at the end of tonight's regular meeting, to consult with counsel on a legal matter and to discuss potential litigation. The agenda was adopted 5-0-0 on a motion by Councilmember Cook and second by Councilmember Kabir.

Presentation: College Park Community Center Director MK Fitzsimons gave a presentation on the "Let's Move Initiative," the national program to create healthier communities for healthy kids. She described the program criteria and the initiatives that are already being done, and said all she needs is an elected official to sponsor the application.

[Councilmember Stullich arrived.]

Public Comment on Consent and Non-Agenda Items:

Dave Dorsch, 4607 Calvert Road: He noticed that no guardrail has been installed on the corner yet; we need to do that before someone gets hurt. For the election at the Armory on campus, the University did not waive parking fees. There should be free spaces specifically devoted to voter parking.

Carol Nezzo, 4600 Amherst Road: On April 6, 2015 about 70 people came to a meeting at St. Andrews Church about growing older in College Park and what information there was. She said

they need a telephone so that if someone stubs their toe, they can call them and a volunteer can take them to the emergency room. They have been studying various models and attending meetings. They have applications from people who want services or want to volunteer. They would like to use the phone in the Old Parish House for volunteers daily from 10–12 and 1-3. They want to start their services and asked if they can reserve the space.

Thelma Martin, 5034 Mangum Road: Continuing on Dr. Nezzo's comments - People are interested in a program for seniors. They have prepared an application for people who are willing to help so that neighbors can help neighbors.

Oscar Gregory, 9253 Limestone Place: Re: 16-G-62, Award of Contract to Management Advisory Group International for a job classification study: he is concerned that if nearby jurisdictions aren't up to snuff, it would skew the data. He thinks they should use a stable database such as the federal services contract act for comparison.

Public Hearings:

a. Constant Yield Tax Rate:

Finance Director Steve Groh provided an overview: He explained that SDAT (State Department of Assessments and Taxation) prepares a calculation of our FY 2017 assessable base. He pointed out several potential inaccuracies in SDAT's assumptions. SDAT then applies last year's tax rate to the projected FY 2017 assessable base and calculates what the revenue will be, which determines what the constant yield tax rate would need to be for the City to receive the same amount of revenue in FY 2017 as we did in FY 2016. In this case, they calculated the constant yield rate at .3199; our current is .335, so we are .015 over the constant yield tax rate. If our tax rate exceeds the rate calculated by SDAT we are required to hold this public hearing. We are proposing to keep our tax rate the same. Once this public hearing is held, the Council may set the City's tax rate. On an average \$300,000 owner occupied residential property, the property owner without a homestead tax credit would pay about \$45 more in tax per year. The overall increase to the City would be about \$348,000.

Comments from the audience:

Joel Ryerson, 8611 Laverne Drive, Adelphi, MD 20783: One bus was eliminated. The website was incorrect. He didn't see anything in the budget about bus service.

David Gray, 7306 Radcliffe Drive: He is opposed to raising what he pays and thinks the City should reduce the tax rate. Don't put money toward City Hall – residents don't want it.

Suchitra Balachandran, 9320 St. Andrews Place: She is in favor of the constant yield tax rate and requests the Council vote no on the increase in taxes. Unless the City can justify a lack of funds for essential services, there should be no increase.

Dave Dorsch, 4607 Calvert Road: The City should not increase the tax rate – it is hard on people with fixed incomes. With all the new construction in the City, the tax base is increasing – we should decrease the tax rate.

Oscar Gregory, 9253 Limestone Place: He sees tax credits going to businesses. Keep the tax rate at the constant yield rate unless you are providing extra services to residents.

b. Ordinance 16-O-02, An Ordinance of the Mayor and Council of the City Of College Park, Maryland To Adopt The Fiscal Year 2017 Operating and Capital Budget Of The City Of College Park, Maryland:

[Councilmember Day arrived]

Comments from the audience:

David Gray, 7306 Radcliffe Drive: He raised concerns about the City lobbyist (\$30,000), the resident survey (\$30,000), Council travel (\$31,000), catering, Meals on Wheels and City Hall.

Dave Dorsch, 4607 Calvert Road: This budget is \$17.8M. The rate of the budget increases is outpacing the rate of inflation. Let's try not to spend every dollar we get our hands on. We want a good City, but at a reasonable cost, and we are getting past that.

There being no further comment, Mayor Pro Tem Dennis declared the Public Hearings closed.

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

- 16-G-59 Approval of Minutes: March 8, 2016; March 22, 2016.**
- 16-G-60 Approval of free parking in the downtown parking garage on Saturdays from May 28 to August 13, 2016**
- 16-G-61 Support for a refillable container (growler) permit for Fishnet Restaurant, LLC, subject to the applicant entering into an Amended Property Use Agreement between the City and Mr. Ferhat Yalcin, Managing Member, in substantially the form as attached; authorize the City Manager to sign the Amended PUA; and authorize staff to testify to the Council's position at the BOLC hearing on May 11.**
- 16-G-62 Award of contract to Management Advisory Group International, Inc. of Woodbridge, Virginia in substantially the form attached in an amount not to exceed \$35,000 for a Job Classification and Compensation Study, and authorize the City Manager to sign the contract.**
- 16-G-64 Ratify the negotiated Agreement between the City and AFSCME Local 1209-C effective July 1, 2016 through June 30, 2019 and authorize the City Manager to sign the Agreement.**
- 16-G-65 Approval of a Field Use Reservation Application for Duvall Field from M&M Learning Center for Family Fun Day, Saturday, May 21, 2016**
- 16-G-66 Approval of a Sunday Field Use Reservation Application for Duvall Field from Boy Scout Troop 740 for Barbecue Fundraiser, Sunday, May 22, 2016**

The motion passed 7 – 0 – 0.

ACTION ITEMS:

16-O-03 Introduction of Ordinance 16-O-03, An Ordinance Of The Mayor And Council Of The City Of College Park, Amending Chapter 15, “Boards, Commissions And Committees”, §15-19, “Powers And Duties”; Chapter 125, “Housing Code”, §125-8, “Maintenance Of Dwellings”, §125-17, “Firesafety Laws”, And §125-17.1, Abatement Of Certain Violations; And Chapter 157 , “Property Maintenance”, §157-2, “Definitions; Word Usage”; §157-3, “Compliance; Inspections”; §157-4, “Notification Of Violations; Hearings”, §157-6, Responsibilities Of Owners And Occupants”; §157-7” Designation Of Unfit Buildings; Condemnation”; § 157-8, “Higher Standards To Prevail”; Deleting §157-5, “Adoption Of Rules And Regulations”, And §157-9 “Hearings”; Amending Chapter 110, ‘Fees And Penalties’, §110-2, “Penalties”, And Adopting A New Chapter 115, “Fire Safety” ,To Update And Clarify The Codes, Include Fire Safety Laws In One Chapter And Provide For A Fine, And To Make Certain Conforming Changes

Ms. Ferguson provided an overview: This began as a request to conform our code with respect to clearing snow from sidewalks, but when we got into this chapter we determined that it had not been revised in many years, so we are making several non substantive changes. One thing we are adding is a provision to prohibit runoff from one property to another.

A motion was made by Councilmember Nagle and seconded by Councilmember Cook to introduce this Ordinance. The Public Hearing is scheduled for Tuesday, June 14, 2016 at 7:30 p.m. in the Council Chambers.

16-G-57 Letter of support for a College Park Food Truck Hub

Ms. Schum provided an overview: This is a request for a letter of support for a food truck hub at the site of the former Little Tavern parking lot at 7413 Baltimore Avenue. This is allowable under recent County legislation, with a letter of support from the municipality. The food truck hub would be created by College Park Ventures, run by two recent UMD graduates who will be the applicant and coordinators of the hub. They also have a food truck of their own. The University of Maryland Foundation owns the property and has provided permission for them to use the property. Staff recommends providing the letter of support.

David Engle and Christopher Szeluga, College Park Ventures, 4103 Metzert Road: They described their history of entrepreneurship. They are proposing a for-profit model for this hub – they will charge fees to the vendors. This is a small, controlled introduction of food trucks in one location. Trucks will be moved every day after close and no truck will be there more than five days in a row. College Park Ventures is responsible for cleaning the site and collecting the trash and recyclables daily.

A motion was made by Councilmember Day and seconded by Councilmember Kujawa that the City of College Park support the establishment of a food truck hub at 7413 Baltimore Avenue to be coordinated by College Park Ventures.

Councilmember Kabir asked if we can quantify the loss of revenue from the parking meters in that lot. Mr. Ryan said we don't have enough experience in that lot yet to provide this information. Ms. Ferguson said that the City currently has a license agreement with the Foundation for this lot. If the meters will no longer be functional there, we should rethink this arrangement.

Councilmember Cook asked if we could support this for a one year trial period. Ms. Ferguson responded that if this goes forward the City would not have control of this space; the Foundation controls the space and County law controls the operation of food truck hubs. Ms. Schum said that College Park Ventures would have to reapply to the County each year.

The motion passed 6 – 0 – 1 (Councilmember Nagle abstained).

16-G-63 Appointments to Boards and Committees

A motion was made by Councilmember Nagle and seconded by Councilmember Kabir to reappoint Lisa Miller and Paul Carlson to the Neighborhood Quality of Life Committee. The motion passed 7 – 0 – 0.

MAYOR AND COUNCILMEMBER REPORTS/COMMENTS:

Councilmember Kabir said the North College Park Civic Association would meet on Thursday at 7:30 p.m. at the Youth and Family Services building. There is a neighborhood clean up scheduled on Saturday May 21; meet in the Hollywood Shopping Center at 9:00 a.m. The Hollywood Farmers Market is on Saturday.

Councilmember Nagle announced a composting workshop on Saturday at 10:00 a.m. at the Old Parish House sponsored by the CBE.

Councilmember Stullich said the Neighborhood Quality of Life subcommittee on Best Practices for Rental Property Owners has raised the idea of a landlord orientation program, and requested a future Worksession to discuss whether and how the City would support this program.

Councilmember Cook announced the College Park Wood Neighborhood Watch Pot Luck on Saturday May 21.

Councilmember Dennis said the Lakeland Civic Association monthly meeting would be held on May 12, and the Berwyn District Civic Association would meet on May 19. As Mayor Pro Tem, he attended the launch of the Safety Ambassador Program and plans to attend the If I Were Mayor event at MML. The College Park Community Foundation held their 5K run last Saturday.

STUDENT LIAISON'S REPORT/COMMENTS: Deputy Student Liaison Adler Pruitt said this is his last meeting as Deputy Student Liaison. He was elected as the SGA Vice President of Student Affairs next year. He updated Council on the exam, commencement and move-out schedule over the next week.

ADJOURN: A motion was made by Councilmember Nagle and seconded by Councilmember Kabir to adjourn the meeting and enter into a closed session to consult with counsel on a legal matter and consult with staff about pending or potential litigation. With a vote of 7 – 0 – 0, the meeting was adjourned at 9:25 p.m.

Janeen S. Miller, CMC City Clerk	Date Approved
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Pursuant to §C6-3 of the College Park City Charter, at 9:25 p.m. on May 10, 2016, a motion was made by Councilmember Nagle and seconded by Councilmember Kabir to enter into a Closed Session to 1) consult with Counsel on a legal matter, 2) consult with staff about pending or potential litigation. The motion passed 7 – 0 – 0 and the Council entered into the closed session at 9:32 p.m.

PRESENT: Mayor Pro Tem Dennis; Councilmembers Kabir, Nagle, Stullich, Day, Cook and Kujawa.

ABSENT: Mayor Wojahn; Councilmember Brennan.

Also Present: Scott Somers, City Manager; Bill Gardiner, Assistant City Manager; Janeen Miller, City Clerk; Suellen Ferguson, City Attorney; Bob Ryan, Director of Public Services.

Topics Discussed: The City Attorney advised the Council about a recent court decision and possible next steps.

Actions Taken: None.

Adjourn: A motion was made by Councilmember Stullich and seconded by Councilmember Kujawa to adjourn the closed session, and at 9:52 p.m. with a vote of 7 – 0 – 0, Mayor Pro Tem Dennis adjourned the meeting.

16-G-78

Program Open Space Allocation

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



AGENDA ITEM NUMBER 16-G-78

Prepared By: Steve Beavers,
Community Development Coordinator

Meeting Date: June 14, 2016

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

Consent Agenda: No

Originating Department: Planning, Community and Economic Development

Action Requested: Approve FY 2017 Program Open Space Allocation

Strategic Plan Goal: Goal 4: Quality Infrastructure

Background/Justification:

The City will be receiving \$114,711.84 Program Open Space funding in FY2017. Our tentative plan for apportioning this funding must be submitted to the Maryland National Capital Park and Planning Commission (M-NCPPC) by June 17, 2016.

Staff recommends placing \$20,000 of our allocation into additional acquisition funding for Hollywood Gateway Park. The remaining \$94,712 is recommended for the proposed wellness trail around the Hollywood Shopping Center. Additionally, staff recommends an administrative edit to rename our acquisition project category titled "US Route 1 Open Space Acquisition" to "Neighborhood Open Space Acquisition" to indicate more citywide utilization of these funds in the future.

Several specific open space acquisition opportunities have recently emerged that merit further discussion by Council. These potential projects should be reviewed during an executive session within the next several months.

Fiscal Impact:

None at this time.

Council Options:

#1. Approve FY 2017 Program Open Space allocation as described above: \$20,000 acquisition funding to Hollywood Gateway Park and \$94,712 development funding to the Wellness Trail.

#2. Revise FY 2017 Program Open Space Allocation to assign 100% of funding to a development project.

#3. Revise FY 2017 Program Open Space Allocation to assign 100% of funding to an acquisition project.

Staff Recommendation:

#1.

Recommended Motion:

I move to approve the FY 2017 Program Open Space allocation as follows: \$20,000 in acquisition funding to Hollywood Gateway Park and \$94,712 in development funding to the Hollywood Wellness Trail.

Attachments:

None

16-O-03

Adoption

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



AGENDA ITEM NUMBER 16-O-03

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

Meeting Date: June 14, 2016

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

Consent Agenda: No

Originating Department: City Attorney

Action Requested: Approval of an amendment to City Code Chapters 15, 110, 125, and 157 to clarify sidewalk snow removal requirements, update Chapter 157, create a separate Chapter 115 to consolidate fire safety laws from Chapters 125 and 157, provide for a fine and make conforming changes

Strategic Plan Goal: Goal 6– Excellent Services

Background/Justification:

An amendment of Chapter 157, Property Maintenance, was begun to conform the requirements for snow removal to §141-5 of the Code. Portions of Chapter 157 have not been amended for many years. As a result, an update of the Chapter is required. In addition, provisions are made for regulating the alteration of storm water flow from one property to another or onto the right of way. City staff has also recommended that the fire safety laws be moved into a separate chapter, new Chapter 115, to clarify that these regulations apply to all properties. Chapter 110 is amended to include the Chapter 115 fine.

Fiscal Impact:

None.

Council Options:

- #1: Approve Ordinance 16-O-03
- #2: Amend and approve Ordinance 16-O-03
- #3: Take no action

Staff Recommendation:

#1:

Recommended Motion:

I move to approve 16-O-03 to amend Chapter 15, "Boards, Commissions And Committees", §15-19, "Powers And Duties"; Chapter 110, "Fees and Penalties", §110-2 "Penalties", Chapter 125, "Housing Code", §125-8, "Maintenance of Dwellings", and §125-17, "Firesafety Laws"; and Chapter 157, "Property Maintenance", §157-2, "Definitions; Word Usage"; §157-3, "Compliance; Inspections"; §157-4, "Notification of Violations; Hearings"; §157-6, "Responsibilities of Owners and Occupants"; §157-7 "Designation Of Unfit Buildings; Condemnation"; and § 157-8, "Higher Standards To Prevail"; delete §157-5, "Adoption of Rules and Regulations", and §157-9 "Hearings" and adopt a new Chapter 115, "Fire Safety" to update and clarify the Codes, include Fire Safety Laws in one chapter, conform snow removal requirements, regulate alteration of water flow, and to make certain conforming changes.

Attachments:

- 1. Ordinance 16-O-03 with amendments to City Code Chapters 15, 110, 125, and 157; and new Chapter 115.

AN ORDINANCE
OF THE MAYOR AND COUNCIL OF THE CITY OF COLLEGE PARK,
AMENDING CHAPTER 15, “BOARDS, COMMISSIONS AND COMMITTEES”, §15-19,
“POWERS AND DUTIES”; CHAPTER 125, “HOUSING CODE”, §125-8,
“MAINTENANCE OF DWELLINGS”, §125-17, “FIRESAFETY LAWS”, AND §125-17.1,
ABATEMENT OF CERTAIN VIOLATIONS; AND CHAPTER 157, “PROPERTY
MAINTENANCE”, §157-2, “DEFINITIONS; WORD USAGE”; §157-3, “COMPLIANCE;
INSPECTIONS”; §157-4, “NOTIFICATION OF VIOLATIONS; HEARINGS”, §157-6,
RESPONSIBILITIES OF OWNERS AND OCCUPANTS”; §157-7” DESIGNATION OF
UNFIT BUILDINGS; CONDEMNATION”; § 157-8, “HIGHER STANDARDS TO
PREVAIL”; DELETING §157-5, “ADOPTION OF RULES AND REGULATIONS”, AND
§157-9 “HEARINGS”; AMENDING CHAPTER 110, ‘FEES AND PENALTIES”, §110-2,
“PENALTIES”, AND ADOPTING A NEW CHAPTER 115, “FIRE SAFETY” ,TO
UPDATE AND CLARIFY THE CODES, INCLUDE FIRE SAFETY LAWS IN ONE
CHAPTER AND PROVIDE FOR A FINE, AND TO MAKE CERTAIN CONFORMING
CHANGES

WHEREAS, pursuant to §5-201 *et seq.* of the Local Government Article, Annotated Code of Maryland, the City of College Park, Maryland (hereinafter, the “City”) has the power to pass such ordinances as it deems necessary to assure the good government of the municipality, and to protect and preserve the municipality’s property; and

WHEREAS, pursuant to this authority, the Mayor and Council have adopted an exterior property code for non-residential properties (Chapter 157), a Housing Code (Chapter 125), and a fire safety code (§125-17) and have provided for appeals from Chapter 157 (Chapter 15) as part of code enforcement in the City; and

WHEREAS, the Mayor and Council have engaged in a review of these provisions and have determined that certain changes to the City Code are in the public interest.

Section 1. **NOW, THEREFORE, BE IT ORDAINED AND ENACTED**, by the Mayor and Council of the City of College Park, Maryland, that Chapter 15 “Boards, Commissions and Committees”, Article IV, “Advisory Planning Commission”, §15-19, “Powers and duties” of the

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

Code of the City of College Park be, and is hereby, repealed, reenacted and amended to read as follows:

§15-19. Powers and duties.

The Advisory Planning Commission's duties are as follows:

A. to E. * * * *

F. To hear appeals and perform such other functions enumerated in § 125-4 of Chapter 125 of the College Park Code, entitled "Housing Regulations," § 87-19 of Chapter 87 of the College Park Code, entitled "Building Construction," § 157-[9] 6 of Chapter 157 of the College Park Code, entitled "Property Maintenance," and as otherwise directed by the Council.

Section 2. BE IT FURTHER ORDAINED AND ENACTED, by the Mayor and Council of the City of College Park, Maryland, that Chapter 15 “Boards, Commissions and Committees”, Article IV, “Advisory Planning Commission”, §15-29.1, “Hearing panel for fire protection and fire safety” of the Code of the City of College Park be, and is hereby, repealed, reenacted and amended to read as follows:

§15-29.1. Hearing panel for fire protection and fire safety.

Notwithstanding any other provision of this Code or any regulations adopted hereunder, the Advisory Planning Commission is authorized to hear appeals pursuant to ~~§125-4~~§115-7 of the City Code involving fire protection or fire safety violations by means of panels comprised of three or more permanent and/or temporary members. Action by the panel on such appeals may be taken by the affirmative vote of the majority of the panel.

Section 3. BE IT FURTHER ORDAINED AND ENACTED, by the Mayor and Council of the City of College Park, Maryland, that Chapter 115 “Fires Safety Code”, §15-29.1, “Hearing panel for fire protection and fire safety” of the Code of the City of College Park be, and is hereby, enacted to read as follows:

CHAPTER 115 FIRE SAFETY CODE

§115-1. GENERALLY. DIVISION 4 OF SUBTITLE 11 OF THE FIRE SAFETY LAW OF PRINCE GEORGE'S COUNTY, MARYLAND, 2012 EDITION, AS AMENDED FROM TIME TO TIME, WITH THE EXCEPTION OF SECTION 11-293, IS INCORPORATED HEREIN AND ADOPTED BY REFERENCE. THIS SECTION ALSO INCORPORATES BY

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

REFERENCE CHAPTER 24 OF THE NFPA 101 LIFE SAFETY CODE, 2015 EDITION, AND IS APPLICABLE TO ONE- AND TWO-FAMILY DWELLINGS AS DEFINED THEREIN. REFERENCES IN THE FIRE PREVENTION CODE OF PRINCE GEORGE'S COUNTY TO THE FIRE CHIEF OR AUTHORIZED REPRESENTATIVE SHALL BE CONSTRUED TO INCLUDE THE CITY PUBLIC SERVICES DEPARTMENT DIRECTOR AND CODE ENFORCEMENT OFFICERS. INSPECTIONS SHALL BE PERFORMED BY THE CITY'S PUBLIC SERVICES DEPARTMENT AND VIOLATIONS SHALL BE ENFORCED IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION. NOTHING HEREIN SHALL BE CONSTRUED AS PREVENTING COUNTY PERSONNEL FROM PERFORMING INSPECTIONS AND ENFORCING THE COUNTY'S FIRE SAFETY LAWS.

§115-2. SMOKE ALARMS. THE OWNER(S) OF ALL RENTAL ROOMING OR DWELLING UNITS, TO INCLUDE BUT NOT BE LIMITED TO APARTMENT UNITS, BOARDING AND ROOMING HOUSES, FRATERNITIES, SORORITIES, ROOMS RENTED AS A HOME OCCUPATION BUT REQUIRED TO HAVE AN OCCUPANCY PERMIT, HOTELS, MOTELS, TOURIST HOMES, AND SINGLE AND DUAL-FAMILY HOMES, WITHIN THE CITY OF COLLEGE PARK ARE REQUIRED TO INSTALL, MAINTAIN, AND HAVE IN OPERATION AT ALL TIMES SMOKE ALARMS OF A TYPE, MAKE AND MODEL APPROVED BY, AND MOUNTED IN LOCATIONS AS SET FORTH IN, DIVISION 4 OF SUBTITLE 11 OF THE FIRE SAFETY LAW OF PRINCE GEORGE'S COUNTY.

§115-3. AUTOMATIC FIRE SPRINKLERS.

A. DORMITORIES, WHICH FOR PURPOSES OF THIS SECTION SHALL INCLUDE ANY FRATERNITY AND SORORITY HOUSE, REGARDLESS OF THE NUMBER OF SLEEPING ACCOMMODATIONS, SHALL BE PROTECTED THROUGHOUT BY INSTALLATION OF AN AUTOMATIC FIRE SPRINKLER SYSTEM MEETING THE REQUIREMENTS OF NATIONAL FIRE PROTECTION ASSOCIATION (NFPA) STANDARD NO. 13, 13D OR 13R, IN ACCORDANCE WITH THE COMPLIANCE DEADLINES SET OUT IN THIS SECTION:

B. ALL CONNECTIONS SHALL BE LOCATED ON THE STREET SIDE OF EACH BUILDING, AND ACTIVATION OF THE SPRINKLER SYSTEM SHALL ACTIVATE BOTH THE REQUIRED FIRE ALARM SYSTEM AND A SUPERVISORY ALARM AT A TWENTY-FOUR-HOUR CERTIFIED AND LICENSED ALARM MONITORY SERVICE. INSTALLATION SHALL BE PERFORMED BY A CONTRACTOR POSSESSING A SPRINKLER CONTRACTOR LICENSE FROM THE STATE OF MARYLAND. SAID CONTRACTOR MUST OBTAIN A PERMIT FROM PRINCE GEORGE'S COUNTY PRIOR TO INSTALLATION OF THE SPRINKLER SYSTEM.

C. DETACHED AND SECONDARY BUILDINGS. EXISTING DORMITORY BUILDINGS ARE EXEMPT FROM THE REQUIREMENTS OF THIS SECTION AS TO FIRE SPRINKLER SYSTEMS IF THEY HAVE NO MORE THAN 1,000 SQUARE FEET OF FLOOR AREA, ARE NOT DIRECTLY CONNECTED TO THE MAIN BUILDING USED FOR SLEEPING, AND HAVE NO FACILITIES INTENDED OR USED FOR SLEEPING.

D. DISABLING SPRINKLER SYSTEM. NO PERSON SHALL SHUT OFF OR DISABLE AN AUTOMATIC FIRE SPRINKLER SYSTEM INSTALLED PURSUANT TO THIS SECTION, EXCEPT DURING THE ACTUAL PERFORMANCE OF MAINTENANCE WORK BY A LICENSED CONTRACTOR.

E. MAINTENANCE OF SPRINKLER SYSTEM. ANY SPRINKLER SYSTEM INSTALLED PURSUANT TO THIS CHAPTER SHALL BE MAINTAINED IN ACCORDANCE WITH NFPA 25, AS AMENDED, BY A CONTRACTOR LICENSED BY THE STATE TO PERFORM SUCH MAINTENANCE.

§115-4. CARBON MONOXIDE DETECTORS. THE REQUIREMENTS OF SEC. 11-295 OF THE PRINCE GEORGE'S COUNTY CODE TO INSTALL AND MAINTAIN CARBON MONOXIDE DETECTORS SHALL ALSO APPLY TO ALL EXISTING SINGLE FAMILY RESIDENCES.

§ 115-5. NOTICE OF VIOLATION. WHENEVER THE CODE ENFORCEMENT OFFICER DETERMINES THAT THERE ARE REASONABLE GROUNDS TO BELIEVE THAT THERE HAS BEEN A VIOLATION OF ANY PROVISION OF THIS CHAPTER OR OF ANY RULE OR REGULATION ADOPTED PURSUANT THERETO, NOTICE OF SUCH ALLEGED VIOLATION SHALL BE GIVEN TO THE PERSON OR PERSONS RESPONSIBLE THEREFOR, AS HEREINAFTER PROVIDED. SUCH NOTICE SHALL:

- A. BE PUT IN WRITING.
- B. INCLUDE A STATEMENT OF THE REASONS WHY IT IS BEING ISSUED.
- C. STATE THE TIME FOR THE PERFORMANCE OF ANY ACT IT REQUIRES.
- D. BE SERVED UPON THE OWNER OR HIS/HER AGENT OR THE OCCUPANT, AS THE CASE MAY REQUIRE, PROVIDED THAT SUCH NOTICE SHALL BE DEEMED TO BE PROPERLY SERVED UPON SUCH OWNER OR AGENT OR UPON SUCH OCCUPANT IF A COPY THEREOF IS SERVED UPON HIM/HER PERSONALLY OR IF A COPY THEREOF IS SENT BY REGULAR MAIL TO HIS/HER LAST KNOWN ADDRESS OR IF A COPY THEREOF IS POSTED IN A CONSPICUOUS PLACE IN OR ABOUT THE DWELLING AFFECTED BY THE NOTICE OR IF HE/SHE IS SERVED WITH SUCH NOTICE BY ANY OTHER METHOD AUTHORIZED OR REQUIRED UNDER THE LAWS OF THIS STATE.

§115-6. PENALTIES. FAILURE TO COMPLY WITH THE PROVISIONS OF THIS SECTION WITHIN TWENTY-FOUR HOURS OF NOTIFICATION SHALL SUBJECT THE OWNER TO AN IMMEDIATE ABATEMENT/CORRECTION ORDER, ISSUANCE OF A MUNICIPAL INFRACTION AND PENALTIES AS PROVIDED IN § 110-2 . AN ADDITIONAL CITATION MAY BE ISSUED FOR EACH SUCCESSIVE TWENTY-FOUR-HOUR PERIOD IN WHICH THE VIOLATION IS NOT FULLY CORRECTED.

§115-7. REQUEST FOR APPEAL. ANY PERSON AFFECTED BY ANY NOTICE OR ORDER WHICH HAS BEEN ISSUED IN CONNECTION WITH THE ENFORCEMENT OF ANY PROVISION OF THIS ARTICLE MAY REQUEST AND SHALL BE GRANTED A

HEARING ON THE MATTER BY THE ADVISORY PLANNING COMMISSION, PROVIDED THAT SUCH PERSON SHALL, WITHIN 10 DAYS AFTER SERVICE OF A NOTICE OR ORDER, FILE IN THE OFFICE OF THE PUBLIC SERVICES DIRECTOR A SIGNED, WRITTEN NOTICE OF APPEAL, REQUESTING A HEARING AND SETTING FORTH A BRIEF STATEMENT OF THE REASONS THEREFOR. UPON RECEIPT OF SUCH NOTICE OF APPEAL, THE PUBLIC SERVICES DIRECTOR SHALL NOTIFY THE ADVISORY PLANNING COMMISSION.

§115-8. APPEALS. THE PLANNING COMMISSION SHALL HEAR APPEALS FROM ALLEGED VIOLATIONS OF THE PROVISIONS OF THIS CHAPTER. A QUORUM OF THREE OR MORE PERMANENT AND/OR TEMPORARY MEMBERS SHALL BE REQUIRED BEFORE THE COMMISSION MAY TAKE ANY OFFICIAL ACTION. ACTION MAY BE TAKEN BY THE AFFIRMATIVE VOTE OF THE MAJORITY OF THE PANEL. THE ADVISORY PLANNING COMMISSION SHALL SET A TIME AND PLACE FOR SUCH HEARING AND SHALL GIVE THE PERSON APPEALING AND THE PUBLIC SERVICES DIRECTOR NOTICE THEREOF. THE BOARD SHALL DETERMINE SUCH APPEALS AS PROMPTLY AS PRACTICABLE.

§115-9. DECISION. AFTER SUCH HEARING, THE ADVISORY PLANNING COMMISSION MAY AFFIRM, AMEND, MODIFY OR WITHDRAW THE NOTICE OR ORDER APPEALED FROM. THE DECISION OF THE ADVISORY PLANNING COMMISSION SHALL CONSTITUTE AN ORDER, AND ANY PERSON WHO SHALL FAIL, REFUSE OR NEGLECT TO COMPLY WITH ANY SUCH ORDER SHALL BE GUILTY OF VIOLATING THE PROVISIONS OF THIS ARTICLE. THE DECISION OF THE COMMISSION SHALL IN ALL CASES BE FINAL, EXCEPT THAT ANY APPELLANT OR PARTY DIRECTLY AGGRIEVED BY A DECISION OF THE COMMISSION MAY, PROVIDED THAT HE/SHE DOES SO, APPEAL TO A COURT OF RECORD OF COMPETENT JURISDICTION WITHIN 30 DAYS AFTER THE RENDERING OF SUCH DECISION.

§115-10. EMERGENCIES. UPON A DETERMINATION THAT A FIRE SAFETY EMERGENCY EXISTS WHICH REQUIRES IMMEDIATE ACTION TO PROTECT THE PUBLIC HEALTH, THE DIRECTOR OF PUBLIC SERVICES MAY, WITHOUT NOTICE OR HEARING, ISSUE AN ORDER RECITING THE EXISTENCE OF SUCH AN EMERGENCY AND REQUIRING SUCH ACTION TO BE TAKEN AS IS DEEMED NECESSARY TO MEET THE EMERGENCY. NOTWITHSTANDING THE OTHER PROVISIONS OF THIS ARTICLE, SUCH ORDER SHALL BE EFFECTIVE IMMEDIATELY. IF REQUESTED, A HEARING SHALL BE AFFORDED AS SOON AS POSSIBLE.

Section 4. BE IT FURTHER ORDAINED AND ENACTED, by the Mayor and Council of the City of College Park, Maryland, that Chapter 125, "Housing Code", §125-8

“Maintenance of dwellings”, of the Code of the City of College Park be, and is hereby, repealed as follows:

§125-8. Maintenance of dwellings.

No person shall occupy as owner-occupant or let to another for occupancy any dwelling, or dwelling or rooming unit, for the purpose of living therein, which does not comply with the following requirements:

- A. – H. * * * *
- I. Grading and drainage. All premises shall be graded and maintained so as to prevent the accumulation of stagnant water thereon or within any building or structure located thereon. No stagnant water may be allowed to accumulate or stand anywhere on or about the premises, or in any items or receptacles on the premises in which water has collected, and ruts or other uneven surfaces shall be graded to eliminate standing water. Water in swimming pools, wading pools and fish ponds shall not be allowed to stagnate and shall be maintained in a clean and sanitary condition at all times. Water from swimming or wading pools, sump pumps, or fish ponds shall not be drained in such a manner as to flow onto neighboring property, or onto sidewalks or driveway aprons in the public right-of-way, or to cause erosion. Every downspout or gutter shall be properly installed, free from leaks and obstructions, and kept in good repair. ANY CONSTRUCTION, GRADING, INSTALLATION OF IMPERMEABLE SURFACES SUCH AS PATIOS, DRIVEWAYS, WALKWAYS OR TERRACES OR OTHER PAVING, OR THE INSTALLATION OF ANY DOWNSPOUT OR DRAIN, WHICH WILL ALTER THE FLOW OF WATER OR DRAINAGE SO AS TO HAVE AN ADVERSE EFFECT ON ABUTTING OR NEARBY PROPERTIES OR ONTO THE PUBLIC RIGHT OF WAY IS PROHIBITED. A notice of violation shall give the responsible party 10 days to correct the violation.

Section 5. BE IT FURTHER ORDAINED AND ENACTED, by the Mayor and

Council of the City of College Park, Maryland, that Chapter 125, “Housing Code”, §125-17

“Firesafety laws”, of the Code of the City of College Park be, and is hereby, repealed as follows:

~~§125-17. “Firesafety laws.~~

~~A. Generally. Division 4 of Subtitle 11 of the Fire Safety Law of Prince George's County, Maryland, as amended effective January 2007 and from time to time, is incorporated herein and adopted by reference. This section also incorporates by reference Chapter 24 of the NFPA 101 Life Safety Code, 2006 Edition, and is applicable to one and two family dwellings as defined therein. References in the Fire Prevention Code of Prince George's County to the Fire Chief or authorized representative shall be construed to include the City Public Services Department Director and Code Enforcement Officers. Inspections shall be performed by the City's Public Services Department and violations shall be enforced in accordance with the provisions of~~

CAPS/**BOLD** : Indicate matter added to existing law.
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~~§ 125-3. Nothing herein shall be construed as preventing county personnel from performing inspections and enforcing the county's fire safety laws.~~

~~B. Smoke alarms. The owner(s) of all rental rooming or dwelling units, to include but not be limited to apartment units, boarding and rooming houses, fraternities, sororities, rooms rented as a home occupation but required to have an occupancy permit, hotels, motels, tourist homes, and single-family homes, within the City of College Park are required to install, maintain, and have in operation at all times smoke alarms of a type, make and model approved by, and mounted in locations as set forth in, the Prince George's Fire Protection Codes.~~

~~C. Automatic fire sprinklers.~~

~~(1) Required.~~

~~(a) The following existing structures or buildings shall be protected throughout by installation of an automatic fire sprinkler system meeting the requirements of National Fire Protection Association (NFPA) Standard No. 13, 13D or 13R, in accordance with the compliance deadlines set out in this section:~~

~~[1] Dormitories, which for purposes of this section shall include any fraternity and sorority house, regardless of the number of sleeping accommodations.~~

~~(b) All connections shall be located on the street side of each building, and activation of the sprinkler system shall activate both the required fire alarm system and a supervisory alarm at a twenty-four-hour certified and licensed alarm monitoring service. Installation shall be performed by a contractor possessing a sprinkler contractor license from the State of Maryland. Said contractor must obtain a permit from Prince George's County prior to installation of the sprinkler system.~~

~~(2) Compliance period. Existing dormitories shall come into compliance with this section within three years of its effective date. If an existing structure is proposed to be converted to use as a dormitory, compliance with this section is required prior to the issuance of any occupancy permit for that use. If an existing structure is in use as a dormitory and is renovated prior to the three-year compliance period at a cost exceeding 50% of the structure's taxable value, then compliance with this section is required at the time of renovation completion.~~

~~(3) Detached and secondary buildings. Existing dormitory buildings are exempt from the requirements of this section as to fire sprinkler systems if they have no more than 1,000 square feet of floor area, are not directly connected to the main building used for sleeping, and have no facilities intended or used for sleeping.~~

~~(4) Disabling sprinkler system. No person shall shut off or disable an automatic fire sprinkler system installed pursuant to this section, except during the actual performance of maintenance work by a licensed contractor.~~

~~(5) Maintenance of sprinkler system. Any sprinkler system installed pursuant to this chapter shall be maintained in accordance with NFPA 25, as amended, by a contractor licensed by the state to perform such maintenance.~~

~~D. Penalties. Failure to comply with the provisions of this section shall subject the owner to an immediate abatement/correction order and penalties as provided in § 110-2 and § 125-3B(4).]~~

Section 6. BE IT FURTHER ORDAINED AND ENACTED, by the Mayor and

Council of the City of College Park, Maryland, that Chapter 125, "Housing Code", §125-17.1

“Abatement of certain violations”, of the Code of the City of College Park be, and is hereby, renumbered as follows:

§125-17[~~4~~]. Abatement of certain violations.

* * * *

Section 7. BE IT FURTHER ORDAINED AND ENACTED, by the Mayor and Council of the City of College Park, Maryland, that Chapter 157 “Property Maintenance, Article I, “Nonresidential Premises”, §157-2, “Definitions; word usage” of the Code of the City of College Park be, and is hereby, repealed, reenacted and amended to read as follows:

§157-2. Definitions; word usage.

A. The following terms, wherever used herein or referred to in this [~~code~~] CHAPTER, shall have the respective meanings assigned to them unless a different meaning clearly appears from the context:

* * * *

~~[FIRE HAZARD~~

~~Anything or any act which increases or may cause an increase of the hazard or menace of fire to a greater degree than that customarily recognized as normal by persons in the public service of preventing, suppressing or extinguishing fire or which may obstruct, delay or hinder or may become the cause of an obstruction, a delay, a hazard or a hindrance to the prevention, suppression or extinguishment of fire. (See also "nuisance.")~~

~~FIRE MARSHAL~~

~~The Fire Marshal of the City of College Park or Prince George's County.]~~

* * * *

GARBAGE

[~~Putrescible animal and~~] ANIMAL OR vegetable waste THAT IS SUBJECT TO ORGANIC DECOMPOSITION AND resulting from the handling, preparation, cooking and consumption of food. (See also "refuse" and "rubbish.")]

* * * *

CAPS/**BOLD** : Indicate matter added to existing law.
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LITTER

ALL RUBBISH, WASTE MATERIAL, REFUSE, GARBAGE, TRASH, DEBRIS, DEAD ANIMALS OR OTHER DISCARDED MATERIALS OR PROPERTY OF EVERY KIND AND DESCRIPTION.

* * * *

NUISANCE

- (1) Any public nuisance known at common law or in equity jurisprudence or as provided by the statutes of the State of Maryland, Prince George's County or the ordinances of the City of College Park.
- (2) Any nuisance which may prove detrimental to the health or safety of children, whether in a building, on the premises of a building or upon an unoccupied lot. This includes but is not limited to abandoned walls, shafts, basements, excavations, abandoned iceboxes, refrigerators, motor vehicles, any structurally unsound fences or structures, and lumber, trash, LITTER, [~~fences,~~] debris or vegetation, such as poison ivy, oak or sumac, which may prove a hazard for inquisitive minors.
- (3) Physical conditions dangerous to human life or detrimental to the health of persons on or near the premises where the conditions exist.
- (4) Overcrowding of a room with occupants in violation of [~~this code~~] Chapter 115, FIRE SAFETY.
- (5) Insufficient ventilation or illumination in violation of this [~~code~~] CHAPTER.
- (6) Inadequate or insanitary sewerage or plumbing facilities in violation of this code.
- (7) Insanitary conditions or anything offensive to the senses or dangerous to health in violation of this code.
- (8) Whatever renders air, food or drink unwholesome or detrimental to the health of human beings.
- (9) Fire hazards.
- (10) Walks, roadways, parking lots and similar areas open to the public which present hazardous conditions by reason of poor maintenance.

* * * *

REFUSE

All putrescible and non-putrescible solid wastes, except body wastes, including but not limited to garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles and solid market and industrial wastes. [~~(See also "garbage" and "rubbish.")~~]

* * * *

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RUBBISH

Non-putrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, wrappings, cigarettes, tin cans, yard clippings, leaves, wood, glass, bedding, crockery and similar materials. ~~[(See also "garbage" and "refuse.")]~~

Section 8 . **BE IT FURTHER ORDAINED AND ENACTED**, by the Mayor and Council of the City of College Park, Maryland, that Chapter 157 “Property Maintenance, Article I, “Nonresidential Premises”, §157-3, “Compliance; inspections” of the Code of the City of College Park be, and is hereby, repealed, reenacted and amended to read as follows:

§157-3. Compliance; inspections.

A. – C. * * * *

~~[D. Occupancy permit. After inspection by the Public Services Department and compliance with this article is obtained, an occupancy permit for the use of the structure may be issued in compliance with Chapter 144 of the City Code.]~~

Section 9 . **BE IT FURTHER ORDAINED AND ENACTED**, by the Mayor and Council of the City of College Park, Maryland, that Chapter 157 “Property Maintenance, Article I, “Nonresidential Premises”, §157-4, “Notification of violations; hearings” of the Code of the City of College Park be, and is hereby, repealed, reenacted and amended to read as follows:

§157-4. Notification of violations; hearings.

A. Notice; fine.

(1) * * * *

(2) Public nuisance-type violations adversely affecting the public because of odor, safety or health may require expedited corrective action within ~~[eight]~~ FOUR hours of notification to the offending or responsible party. Failure to take such corrective action shall result in the imposition of a fine as set forth in Chapter 110, Fees and Penalties, and the issuance of a citation in accordance with the requirements of ~~[Article 23A, § 3(b)(2),]~~ §6-102

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ET SEQ. of the LOCAL GOVERNMENT ARTICLE, Annotated Code of Maryland. If the violator fails to pay the fine by the date of payment set forth on the citation and fails to file a notice of his/her intention to stand trial for the offense, the person shall be liable for the assessed fine as set forth in Chapter 110, Fees and Penalties. If the City, because of the urgency of having the violation corrected, uses City labor or material to correct the violation, the material and labor charges shall be assessed and shall be collectible as a tax lien against the subject property. In addition to the foregoing, the Public Services Department is authorized to seek injunctive relief when the situation so warrants.

Section 10. **BE IT FURTHER ORDAINED AND ENACTED**, by the Mayor and Council of the City of College Park, Maryland, that Chapter 157 “Property Maintenance, Article I, “Nonresidential Premises”, §157-5, “Adoption of rules and regulations” of the Code of the City of College Park be, and is hereby, deleted as follows:

~~[§157-5. Adoption of rules and regulations.~~

~~The Mayor and Council is hereby authorized to make and to adopt such written rules and regulations as may be necessary for the proper enforcement of the provisions of this article, provided that such rules and regulations shall not be in conflict with the provisions of this article. Such rules and regulations shall have the same force and effect as the provisions of this article and the penalty for violation of the provisions of this article, as hereinafter provided.]~~

Section 11. **BE IT FURTHER ORDAINED AND ENACTED**, by the Mayor and Council of the City of College Park, Maryland, that Chapter 157 “Property Maintenance, Article I, “Nonresidential Premises”, §157-6, “Responsibilities of owners and occupants” of the Code of the City of College Park be, and is hereby, repealed, reenacted, renumbered and amended to read as follows:

§157-[6] 5. Responsibilities of owners and occupants.

- A. General Requirements * * * *
- B. Duties and responsibilities of owner.
 - (1) Maintenance of exterior of premises.

(a) [1] –[9]

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[10] Public nuisances, snow removal: IT SHALL BE THE DUTY OF EVERY OWNER, OPERATOR AND OCCUPANT OF A PROPERTY TO REMOVE AND CLEAR AWAY ANY accumulated snow or ice ~~[on]~~ FROM THE PORTION OF THE PUBLIC SIDEWALK WHICH ABUTS SAID PROPERTY, AND FROM paths, walks, driveways, parking lots and parking areas and other areas which are accessible and used by pedestrians and automobiles ON THE PROPERTY, WITHIN 24 HOURS OF CESSATION OF SNOWFALL ~~[where such snow and/or ice remains uncleared within eight hours of daylight after the termination of the snowfall.]~~ [Note: Section 157-4F may be applied to this section if deemed necessary because of emergency conditions. See § 157-4A(2) for applying noncompliance charges.]

[11] * * * *

[12] GRADING OR CONSTRUCTION OF IMPERMEABLE SURFACES, SUCH AS PATIOS, DRIVEWAYS, WALKWAYS OR TERRACES OR OTHER PAVING, OR THE INSTALLATION OF ANY DOWNSPOUT OR DRAIN, WHICH WILL ALTER THE FLOW OF WATER OR DRAINAGE SO AS TO HAVE AN ADVERE EFFECT ON ABUTTING OR NEARBY PROPERTIES OR ONTO THE PUBLIC RIGHT OF WAY IS PROHIBITED.

* * * *

(2) Interior maintenance.

(a) – (f) * * * *

(g) Designated storage bins, rooms and areas shall be used for accumulating garbage or refuse. Flammable or combustible liquids or other materials may not be stored on the premises unless they are of a type ~~[approved for storage by the regulations of the Fire Marshal,]~~ THAT IS COMPLIANT WITH CHAPTER 115 OF THIS CODE and then only in such quantities and in such fireproof storage containers as may be prescribed by the regulations.

(h) – (i) * * * *

~~(j) [If the capacity of the building is fewer than 50 people, only one egress is needed. If rated for 50 or more people, two egresses are needed.]~~

(j) All exit signs, lights and emergency lights are to be in good repair and operating efficiently.

(k) THE OWNER AND OPERATOR SHALL BE RESPONSIBLE FOR THE ELIMINATION OF INFESTATION IN AND ON THE PREMISES SUBJECT TO HIS/HER CONTROL

* * * *

C. Duties and responsibilities of occupant.

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- (1) Cleanliness and sanitation. All parts of the premises under the control of the occupant or operator shall be kept in a clean and sanitary condition, and the occupant shall refrain from performing any acts which would render other parts of the premises unclean or insanitary or which would prevent the owner or operator from performing any duty required hereunder or maintaining the premises in a clean and sanitary condition. ~~[Every operator shall be responsible for the elimination of infestation in and on the premises subject to his/her control.]~~
- (2) ~~[Malicious damage. Every occupant shall be responsible for willfully or maliciously causing damage to any part of the premises.]~~
- (3) Installation and maintenance of heating equipment. Where any occupant undertakes to install heating equipment, the same shall conform to the requirements of the ~~[Prince George's County]~~ CITY’S Building Code. The occupant shall thereafter be responsible for maintaining such equipment installed by him/her in good repair and operating condition during all times that the heating equipment shall remain under his/her control. The area around the heating equipment shall be kept clean and free of any material and be accessible for servicing. No flammable materials shall be stored in this area.

Section 12. BE IT FURTHER ORDAINED AND ENACTED, by the Mayor and Council of the City of College Park, Maryland, that Chapter 157 “Property Maintenance, Article I, “Nonresidential Premises”, §157-7, “Designation of unfit buildings; condemnation” of the Code of the City of College Park be, and is hereby, repealed, reenacted, renumbered and amended to read as follows:

§157-~~[7]~~ 6. Designation of unfit buildings; condemnation; HEARING

A. – D. * * * *

E. THE ADVISORY PLANNING COMMISSION, UPON INFORMATION FROM THE PUBLIC SERVICES DIRECTOR THAT ANY NONRESIDENTIAL BUILDING WITHIN THE CORPORATE LIMITS OF THE CITY HAS BEEN ORDERED DEMOLISHED OR REPAIRED UNDER THE PROVISIONS OF § 157-6B, SHALL SCHEDULE A HEARING ON THE MATTER WITHIN A REASONABLE TIME THEREAFTER. THE OWNER OF THE PROPERTY SHALL BE NOTIFIED BY REGISTERED MAIL OF THE SCHEDULED HEARING AT LEAST 15 DAYS IN ADVANCE OF THE SCHEDULED MEETING. NOTICE OF THE MEETING, INCLUDING A DESCRIPTION OF THE INVOLVED PROPERTY, SHALL BE PUBLISHED IN TWO CONSECUTIVE ISSUES OF A NEWSPAPER OF GENERAL CIRCULATION IN THE CITY. ON THE SCHEDULED DATE OF THE HEARING, THE ADVISORY PLANNING COMMISSION SHALL HEAR THE OWNER OF SAID PROPERTY, OR HIS/HER DULY DESIGNATED AGENT OR REPRESENTATIVE, IF EITHER SHALL APPEAR, AND MAY ALSO HEAR ANY

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ADDITIONAL EVIDENCE OR VERIFIED INFORMATION WHICH MAY HAVE A BEARING UPON THE CASE.

Section 13. BE IT FURTHER ORDAINED AND ENACTED, by the Mayor and Council of the City of College Park, Maryland, that Chapter 157 “Property Maintenance, Article I, “Nonresidential Premises”, §157-8, “Higher standards to prevail” of the Code of the City of College Park be, and is hereby, repealed, reenacted, renumbered and amended to read as follows:

§157-[8] 7. Higher standards to prevail.

* * * *

Section 14. BE IT FURTHER ORDAINED AND ENACTED, by the Mayor and Council of the City of College Park, Maryland, that Chapter 157 “Property Maintenance, Article I, “Nonresidential Premises”, §157-9, “Hearings” of the Code of the City of College Park be, and is repealed and amended to read as follows:

~~[§157-9. Hearings.~~

~~A. The Advisory Planning Commission, upon information from the Public Services Director that any nonresidential building within the corporate limits of the City has been ordered demolished or repaired under the provisions of § 157-7B, shall schedule a hearing on the matter within a reasonable time thereafter. The owner of the property shall be notified by registered mail of the scheduled hearing at least 15 days in advance of the scheduled meeting. Notice of the meeting, including a description of the involved property, shall be published in two consecutive issues of a newspaper of general circulation in the City.~~

~~B.~~

~~On the scheduled date of the hearing, the Advisory Planning Commission shall hear the owner of said property, or his/her duly designated agent or representative, if either shall appear, and may also hear any additional evidence or verified information which may have a bearing upon the case.]~~

Section 15. BE IT FURTHER ORDAINED AND ENACTED, by the Mayor and Council of the City of College Park, Maryland, that that Chapter 110 “Fees and Penalties”, §110-2, “Penalties” be and it is hereby repealed, re-enacted and amended to read as follows:

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§110-2 Penalties.

Unless otherwise noted herein, the violation of a City ordinance or resolution is a municipal infraction. The following fines and/or imprisonment for violations of various ordinances or resolutions are applicable in the City of College Park:

Chapter/Section	Violation	Penalty
	* * * * *	

Chapter 115, Fire Safety Code

* * * * *

Chapter:

First violation	\$100
Second violation	\$200
Each additional 24 hours	\$200

Section 16. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that, upon formal introduction of this proposed Ordinance, which shall be by way of a motion duly seconded and without any further vote, the City Clerk shall distribute a copy to each Council member and shall maintain a reasonable number of copies in the office of the City Clerk and shall publish this proposed ordinance or a fair summary thereof in a newspaper having a general circulation in the City of College Park together with a notice setting out the time and place for a public hearing thereon and for its consideration by the Council. The public hearing, hereby set for 7:30 P.M. on the 14th day of June, 2016, shall follow the publication by at least seven (7) days, may be held separately or in connection with a regular or special Council meeting and may be adjourned from time to time. All persons interested shall have an opportunity to be heard. After the hearing, the Council may adopt the proposed ordinance with or without amendments or reject it. As soon as practicable after adoption, the City Clerk

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shall have a fair summary of the Ordinance and notice of its adoption published in a newspaper having a general circulation in the City of College Park and available at the City's offices. This Ordinance shall become effective on _____, 2016 provided that a fair summary of this Ordinance is published at least once prior to the date of passage and once as soon as practical after the date of passage in a newspaper having general circulation in the City.

INTRODUCED by the Mayor and Council of the City of College Park, Maryland at a regular meeting on the 10th day of May, 2016.

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.

ATTEST:

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

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16-O-04

Introduction

ORDINANCE
OF THE MAYOR AND COUNCIL OF THE CITY OF COLLEGE PARK AMENDING
CITY CODE CHAPTER 138 “NOISE”, §§138-5, “ PROHIBITED ACTS”, 138-6,
“VIOLATIONS AND PENALTIES” AND 138-9, “IMPOSITION OF A FINE BY NOISE
CONTROL BOARD” AND CHAPTER 110, “FEES AND PENALTIES”, §110-2,
“PENALTIES”, TO CLARIFY THE CIRCUMSTANCES UNDER WHICH A NON-
RESIDENT OWNER HAS VIOLATED THE NOISE ORDINANCE, MAKE ANY
REPEAT VIOLATION WITHIN A TWELVE MONTH PERIOD SUBJECT TO AN
INCREASED FINE, AND MODIFY THE MITIGATING FACTORS THAT MAY
JUSTIFY A REDUCTION IN THE FINE FOR A VIOLATION

WHEREAS, the Local Government Article of the Annotated Code of Maryland provides that the Mayor and Council of the City of College Park, Maryland have the authority to pass such ordinances as it deems necessary to preserve peace and good order, and to protect the health, comfort and convenience of the citizens of the municipality; and

WHEREAS, the Mayor and Council determined that the residents of the City have a right to an environment that is free from noise that may jeopardize their health, general welfare or property and as a result adopted Chapter 138, “Noise”; and

WHEREAS, the Mayor and Council have determined that it is in the public interest to amend Chapter 138 to allow a violation to be issued to a non-resident owner with notice of any previous noise violations, to provide for an increased fine for any repeat violations in a twelve month period, and to modify the mitigating factors that may justify a reduction in the fine for a

Section 1. NOW THEREFORE, BE IT ORDAINED AND ENACTED, by the Mayor and Council of the City of College Park, Maryland that Chapter 138 “Noise”, §138-5, “Prohibited acts” be, and is hereby, repealed, re-enacted and amended to read as follows:

§ 138-5. Prohibited acts.

A. Unless it is for the purpose of necessary property maintenance during the day, it shall be unlawful:

(1) For any owner or occupant of real property located within the City to make or to generate loud or raucous sound on said property, or to permit any loud or raucous sound to be made or generated on said property, so as to cause unreasonable annoyance or disturbance to others living or located nearby;

(2) For the owner or occupant of real property located within the City to make any noise or operate any sound amplifier on said property, or to permit any noise to be made or any sound amplifier to be operated on said property, so as to be clearly audible to any person located beyond the property line of such property at a level higher than 65 dBA during the day or 55 dBA during the night, as such sound may be measured from any point along the curb in front of the property line upon which the noise is being generated or at any place on adjacent property, provided that the person measuring the sound shall first obtain the permission of the adjacent property owner to enter upon said property; and

(3) ~~NO~~ FOR ANY person ~~shall~~ TO cause, suffer, allow or permit the operation of an amplified source of sound in such a manner that it raises the total sound levels to greater than the following permissible sound level limits, when measured from within a building on an adjacent property.

dBC above neighborhood residual sound level

Nights 3 dBC

All other times 6 dBC

(4) For the owner or occupant of real property located within the City to permit guests or invitees to such property to make noise on adjacent property, whether public or private, where that noise, if made or generated on the property itself, would violate subsections A(1), (2), or (3) of this section.

B. ~~[In the case of real property which is not occupied by the owner of such property], [i]~~ It shall be unlawful for the NON-RESIDENT owner of ~~[such]~~ A property to permit the occupants of such property to violate the provisions of Subsection A of this section.~~[- provided, however, that t~~ The owner ~~[of such property]~~ shall not be deemed to have violated this subsection unless THE OWNER, OR OWNER'S AGENT:

(1) ~~[Such owner or the agent of such owner shall have]~~ HAS received notice ~~[or other information,]~~ from any source, that ~~[the]~~ A CURRENT OR PRIOR occupant of such property has, OR IS ALLEGED TO HAVE, PREVIOUSLY engaged in conduct ~~[or is alleged to have engaged in conduct which]~~ THAT violates ~~[Subsection A of]~~ this section ~~[on one or more prior occasions], [without regard to]~~ REGARDLESS OF whether ~~[such conduct has been the subject of]~~ a finding of a violation ~~[of this section]~~ by the Noise Control Board or by a court of competent jurisdiction WAS MADE; or

(2) ~~[Such owner or the agent of such owner]~~ has failed to take action reasonably calculated under the circumstances to prevent a violation of this section from occurring or recurring.

C. A violation of this section shall be a municipal infraction, subject to the fine imposed by Chapter 110, Fees and Penalties.

D. Each repeat violation within a ~~[six]~~ TWELVE-month period shall give rise to a charge as set forth in Chapter 110, Fees and Penalties.

Section 2. BE IT FURTHER ORDAINED AND ENACTED, by the Mayor and Council of the City of College Park, Maryland, that Chapter 138 "Noise", §138-6, "Violations and penalties" be, and is hereby, repealed, re-enacted and amended to read as follows:

§ 138-6. Violations and penalties.

A. Code Enforcement or Law Enforcement Officer. When a City Code Enforcement Officer, or a state, county, University of Maryland or other law enforcement officer chosen by the City, determines, based upon the results of a test conducted using a calibrated sound-level meter, that noise is being or has been generated in violation of § 138-5A(2) or (3) of this chapter, he/she shall issue a municipal infraction citation to the violator(s) in accordance with the provisions of [~~Article 23A, § 3~~] §6-103 OF THE LOCAL GOVERNMENT ARTICLE of the Annotated Code of Maryland. In the event that more than one owner and/or more than one occupant of the real property is alleged to have violated the provisions of this chapter, a municipal infraction citation [~~shall~~] MAY be issued to each alleged violator.

B. – D. * * * *

E. In addition, the Public Services Director shall schedule a show-cause hearing before the College Park [~~Board of Housing Hygiene~~] ADVISORY PLANNING COMMISSION as to why the City use and occupancy permit for the property should not be revoked for three or more violations of the provisions of this chapter within any twelve-month period, and may otherwise request such a hearing for violations of this chapter at his/her discretion

Section 3. BE IT FURTHER ORDAINED AND ENACTED, by the Mayor and Council of the City of College Park, Maryland, that Chapter138 “Noise”, §138-9, “Imposition of a fine by Noise Control Board” be, and is hereby, repealed, re-enacted and amended to read as follows:

§ 138-9. Imposition of a fine by Noise Control Board.

A. Except as set forth in Subsection C of this section, in the event that the Board finds that a violation of § 138-5 has occurred, it shall impose the fine set forth in Chapter 110, Fees and Penalties.

B. In the event that the Board finds that the owner and the occupant of real property have each violated this chapter, the Board shall impose a fine as set forth in Chapter 110, Fees and Penalties, upon the owner and the occupant.

C. In the event that there are more than one owner and/or more than one occupant, the fine shall be imposed upon each owner and upon each occupant who has been found in violation of the this chapter, except that in the event that there is more than one occupant, the fine shall be divided proportionately among those occupants who have been found to have violated this chapter, with the amount of the fine imposed on each occupant rounded to the nearest dollar; provided, however, that in the event that the property is leased to a corporate entity, the fine for a violation by an occupant shall be imposed upon such corporate entity.

D. IF A VIOLATION IS A FIRST OFFENSE AND IS NOT EGREGIOUS, THE FOLLOWING MITIGATING FACTORS MAY BE CONSIDERED BY THE BOARD TO WARRANT ~~[The Board shall consider with respect to whether the evidence indicates that significant mitigating factors warranting a]~~ A reduction in the amount of the fine to be imposed ~~[are present]:~~

(1) ~~[Whether person subject to a fine has a past record which is free of any violation of this chapter;~~

(2) ~~Whether t]~~ The person subject to a fine has taken action reasonably calculated under the circumstances to prevent or mitigate future violations of this chapter, IS REMORSEFUL AND

HAS A PRESENT Demeanor THAT DEMONSTRATES A SINCERE DESIRE TO PREVENT FUTURE VIOLATIONS OF THIS CHAPTER;

~~{(3) Whether the present demeanor of the person subject to a fine indicates that such person is remorseful with respect to the violation and, including whether such person has apologized, prior to the hearing, to the persons who were disturbed by the violation};~~

(2) THE PERSON SUBJECT TO A FINE HAS APOLOGIZED, PRIOR TO THE HEARING, TO THE PERSON(S) WHO FILED THE COMPLAINT AND OTHER KNOWN PERSONS WHO WERE DISTURBED BY THE VIOLATION.

(3) ~~[Whether t] The violation was not so egregious or lengthy in duration. [that a reasonable person would view the violation as reprehensible]~~

E. For each factor set forth in Subsection D above which is satisfied by the evidence, the Board ~~[shall]~~ reduce the fine set forth in Chapter 110, Fees and Penalties, by \$100.00~~[+25]~~. IN ANY EVENT, THE MINIMUM FINE SHALL BE \$200.00.

Section 4. BE IT FURTHER ORDAINED AND ENACTED, by the Mayor and Council of the City of College Park, Maryland, that Chapter 110 “Fees and Penalties”, §110-2, “Penalties” be, and is hereby, repealed, re-enacted and amended to read as follows:

§110-2 Penalties.

Chapter/Section	Description	Fee/Interest
	* * * * *	
Ch. <u>138</u> , Noise		
§ <u>138-5</u>	Chapter:	
	Citation	\$500
	Repeat violation within any [6] 12-month period	\$1,000
	* * * * *	

Section 5. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that, upon formal introduction of this proposed Ordinance, which shall be by way of a motion duly seconded and without any further vote, the City Clerk shall distribute a copy to each Council member and shall maintain a reasonable number of copies in the office of the City Clerk and shall publish this proposed ordinance or a fair summary thereof in a newspaper having a general circulation in the City of College Park together with a notice setting out the time and place for a public hearing thereon and for its consideration by the Council. The public hearing, hereby set for _____ P.M. on the _____ day of _____, 2016, shall follow the publication by at least seven (7) days, may be held separately or in connection with a regular or special Council meeting and may be adjourned from time to time. All persons interested shall have an opportunity to be heard. After the hearing, the Council may adopt the proposed ordinance with or without amendments or reject it. As soon as practicable after adoption, the City Clerk shall have a fair summary of the Ordinance and notice of its adoption published in a newspaper having a general circulation in the City of College Park and available at the City's offices. This Ordinance shall become effective on _____, 2016 provided that a fair summary of this Ordinance is published at least once prior to the date of passage and once as soon as practical after the date of passage in a newspaper having general circulation in the City.

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

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.

ATTEST:

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-CR-01

Introduction

CHARTER RESOLUTION
OF THE MAYOR AND COUNCIL OF THE CITY OF COLLEGE PARK, TO AMEND
ARTICLE III, “MAYOR AND COUNCIL”, §3-6, “VACANCIES”, ARTICLE IV,
“VOTING AND ELECTIONS”, §C4-4 “OTHER ELECTION OFFICIALS” AND
ARTICLE VIII, “ORDINANCES”, §8-2, “PASSAGE”, TO CHANGE THE MANNER
IN WHICH NOTICE IS GIVEN OF VACANCIES IN ELECTIVE OFFICE,
APPOINTMENT OF ELECTION OFFICIALS, AND ADOPTION OF ORDINANCES

A Charter Resolution of the Mayor and Council of the City of College Park, Maryland, adopted pursuant to the authority of Article XI-E of the Constitution of Maryland and §4-301 *et seq.*, Local Government Article, Annotated Code of Maryland, as amended.

WHEREAS, the Mayor and Council have determined to change the manner in which notice of vacancies in office, appointment of election officials, and adoption of ordinances is given, in order to more efficiently provide information about important events to City residents; and

WHEREAS, the Mayor and Council have determined that certain provisions of Article III, “Mayor and Council”, Article IV, “Voting and Elections”, and Article VIII, “Ordinances”, require amendment in order to provide this notice.

Section 1. NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of College Park that Article III, “Mayor and Council”, §3-6, “Vacancies” be repealed, reenacted and amended to read as follows:

§3-6 Vacancies

A. * * * * *

B. Election or appointment to fill vacancies.

(1) – (2) * * * *

(3) Vacancy in office of Mayor or Council.

(a) Upon it becoming necessary to fill a vacancy in the office of Mayor or Council member pursuant to Subsection B(1) above, the City Clerk shall [place,] POST AT CITY HALL, TO THE OFFICIAL CITY WEBSITE, TO THE CITY-MAINTAINED EMAIL LISTSERV, AND ON THE CITY CABLE CHANNEL, AND PUBLISH IN ANY CITY NEWSLETTER[in a

CAPS : Indicate matter added to existing law.

[Brackets] : Indicate matter deleted from law.

Asterisks * * * : Indicate matter remaining unchanged in existing law but not set forth in Ordinance.

~~newspaper of general circulation in the City~~], an announcement of the vacancy, containing the qualifications of the office, the geographical boundaries of the district(s) to be represented, the procedure to apply for appointment to the vacancy or to be placed on the special election ballot, as appropriate, and the deadline for applications. Applications for appointment shall be forwarded by the Clerk to the Mayor and Council. Applications to be placed on the special election ballot shall be forwarded by the Clerk to the Supervisors of Elections, who shall review the applications for the purpose of determining the qualifications of the candidates. The application shall include a petition in a form satisfactory to the Board of Election Supervisors containing the names, addresses and signatures of not less than 20 registered voters residing in the applicant's district or, in the case of the Mayor, not less than 15 registered voters from each district in the City, indicating support of the applicant's candidacy. The applicant's name and signature may appear and be counted toward the required number on any such petition. Any candidate wishing to withdraw his or her application must do so no later than noon on the 11th calendar day before the election.

(b)– (c) * * * *

C. * * * *

Section 2. BE IT FURTHER RESOLVED by the Mayor and Council of the City of College Park, Maryland, that Article IV, “Voting and Elections”, §C4-4 “Other election officials” be repealed, reenacted and amended to read as follows:

§C4-4 “Other election officials.

Biennially, after due notice given [~~in the usual and customary methods in use by the City and, at minimum, printed in a newspaper having general circulation in the City,~~] BY POSTING AT CITY HALL, TO THE OFFICIAL CITY WEBSITE, TO THE CITY-MAINTAINED EMAIL LISTSERV, AND ON THE CITY CABLE CHANNEL; AND PUBLICATION IN ANY CITY NEWSLETTER, the Supervisors of Elections shall appoint such election officials as they deem necessary, who shall be compensated by the Mayor and Council, and conduct an election by ballot for the election of these officers provided for in this Charter. The Judges of Election shall prepare ballots containing the names of those persons eligible to become candidates for office and designating the office they seek and, except as otherwise provided herein in this Charter and in Chapter 34 of the Code, conduct elections under this Charter as nearly as practicable as

is now, or hereafter may be, provide for in the election of officers for Prince George's County under the general election laws.

Section 3. BE IT FURTHER RESOLVED by the Mayor and Council of the City of College Park, Maryland, that Article VIII, “Ordinances”, §C8-2 “Passage” be repealed, reenacted and amended to read as follows:

§C8-2 Passage.

A. A proposed ordinance may be introduced by any member of the City Council at any regular or special meeting of the Council. Prior to formal introduction of the proposed ordinance, the City Council may, at the request of any two Council members, schedule an informational meeting to present information to the public as to the proposed measure and to receive responses back from the public, at which meeting a presentation will ordinarily be made by the Mayor and Council or city staff. Such informational meeting shall be advertised in advance in such manner as the Mayor and Council deem advisable under the circumstances. Following the informational meeting, the Council may, in its discretion, recommit the proposed ordinance for discussion to a work session. Upon formal introduction of the proposed ordinance, which shall be by way of a motion duly seconded and without any further vote, the City Clerk shall distribute a copy to each Council member and shall maintain a reasonable number of copies in the office of the City Clerk and shall [~~publish~~] POST AT CITY HALL, TO THE OFFICIAL CITY WEBSITE, TO THE CITY-MAINTAINED EMAIL LISTSERV, AND ON THE CITY CABLE CHANNEL, AND PUBLISH IN ANY CITY NEWSLETTER, the proposed ordinance or a fair summary thereof in a newspaper having general circulation in the City of College Park and, if time permits, in the City newsletter, together with a notice setting out the time and place for a public hearing thereon and for its consideration by the Council. The public hearing shall follow the publication by at least seven days, may be held separately or in connection with a

regular or special Council meeting and may be adjourned from time to time. All persons interested shall have an opportunity to be heard. After the hearing, the Council may adopt the proposed ordinance with or without amendments or reject it. As soon as practicable after adoption, the City Clerk shall POST AT CITY HALL, TO THE OFFICIAL CITY WEBSITE, TO THE CITY-MAINTAINED EMAIL LISTSERV, AND ON THE CITY CABLE CHANNEL, AND PUBLISH IN ANY CITY NEWSLETTER, ~~[have]~~ a fair summary of the ordinance and notice of its adoption ~~[published in a newspaper having a general circulation in the City of College Park and published in the City newsletter and available at the city's offices.]~~ Except as otherwise provided, every ordinance adopted shall become effective at the expiration of twenty (20) days after its adoption or at any later date specified therein. However, with respect to the limited zoning-type ordinances that may be passed by the Mayor and City Council pursuant to the authority of §25-303 OF THE LAND USE ARTICLE ~~[8-112.1 of Article 28]~~ of the Annotated Code of Maryland, the provisions of the Annotated Code of Maryland shall control as to the effective date of the proposed ordinance.

B. * * * * *

Section 4. BE IT FURTHER RESOLVED by the Mayor and Council of the City of College Park that, upon formal introduction of this proposed Charter Resolution, the City Clerk shall publish this proposed Charter Resolution or a fair summary thereof in a newspaper having a general circulation in the City of College Park together with a notice setting out the time and place for a public hearing thereon and for its consideration by the Council. The public hearing is hereby set for _____ p.m. on the _____ day of _____, 2016. All persons interested shall have an opportunity to be heard.

Section 5. BE IT FURTHER RESOLVED that this Charter Resolution is adopted this _____ day of _____, 2016, and that the amendment to the Charter

of the City of College Park, hereby proposed by this enactment, shall be and become effective upon the fiftieth (50th) day after its passage by the City unless petitioned to referendum in accordance with §4-304 of the Local Government Article, Annotated Code of Maryland within forty (40) days following its passage. A complete and exact copy of this Charter Resolution shall be posted in the City offices located at 4500 Knox Road, College Park, Maryland for forty (40) days following its passage by the Mayor and Council and a fair summary of the Charter Resolution shall be published in a newspaper having general circulation in the City not less than four (4) times, at weekly intervals, also within the forty (40) day period following its adoption by the City.

Section 6. BE IT FURTHER RESOLVED that, within ten (10) days after the Charter Resolution hereby enacted becomes effective, either as herein provided or following referendum, the City Manager for the City of College Park shall send separately, by mail, bearing a postmark from the United States Postal Service, to the Department of Legislative Services, one copy of the following information concerning the Charter Resolution: (i) the complete text of this Resolution; (ii) the date of referendum election, if any, held with respect thereto; (iii) the number of votes cast for and against this Resolution by the Council of the City of College Park or in the referendum; and (iv) the effective date of the Charter Resolution.

Section 7. BE IT FURTHER RESOLVED that the City Manager of the City of College Park be, and hereby is, specifically enjoined and instructed to carry out the provisions of Sections 4 and 5 as evidence of compliance herewith; and said City Manager shall cause to be affixed to the minutes of this meeting (i) an appropriate Certificate of Publication of the newspaper in which the fair summary of the Charter Resolution shall have been published; and (ii) return receipts of the mailing referred to in Section 6 and shall further cause to be completed and executed the Municipal Charter or Annexation Resolution Registration Form.

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

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

EFFECTIVE the _____ day of _____, 2016.

ATTEST:

CITY OF COLLEGE PARK,

Janeen S. Miller, CMC, City Clerk

By _____
Patrick L. Wojahn, Mayor

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

Suellen M. Ferguson, City Attorney