



TUESDAY, SEPTEMBER 13, 2016
CITY OF COLLEGE PARK
COUNCIL CHAMBERS
7:30 P.M.

MAYOR AND COUNCIL REGULAR MEETING
AGENDA

(There Will Be A Closed Session Following 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:** Led by Councilmember Kabir
3. **ROLL CALL**
4. **ANNOUNCEMENTS**
5. **CITY MANAGER'S REPORT**
6. **ACKNOWLEDGMENTS**
7. **PROCLAMATIONS AND AWARDS:** Winners of the Litter Logo Competition
8. **AMENDMENTS TO AND APPROVAL OF THE AGENDA**
9. **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.
10. **PRESENTATIONS**
11. **PUBLIC HEARINGS**
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-21 Resolution Of The Mayor And Council Of The City Of College Park Adopting The Recommendations Of The Advisory Planning Commission Regarding Variance Application Number CPV-2016-09, 4709 Guilford Road, College Park, Maryland, Recommending Approval Of A Variance From Sec. 27-442(C) Table II Of The Prince George's County Zoning Ordinance, Which Prescribes A Maximum Lot Coverage At 30 Percent

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

- 16-G-109 Approval of funding for the Old Parish House 200th anniversary celebration in an amount not to exceed \$10,000 to be taken from FY '16 surplus
- 16-R-22 Adoption of 16-R-22, A Resolution Of The Mayor And Council Of The City Of College Park Prohibiting Certain Through Truck Traffic On Designated City Streets
- 16-G-110 Approval of Minutes: April 5, 2016 Worksession; April 19, 2016 Worksession; May 3, 2016 Worksession; May 17, 2016 Worksession; June 7, 2016 Worksession; July 5, 2016 Worksession; August 3, 2016 Worksession; August 9, 2016 Regular Meeting. Approval of Confidential Minutes of January 19, January 26, March 1, March 22, April 12, May 3, May 10, May 17, June 14, July 5, July 12, August 3 and August 9, 2016 (provided separately).
- 16-G-114 Approval of the City's participation in the Wyland Foundation's 2017 National Mayor's Challenge for Conservation
- 16-G-116 Approval of a letter for continued support of the Purple Line

13. ACTION ITEMS

- 16-G-111 Approval of a resident request to replace four Zelkova street trees on Wichita Avenue
 Motion By: Nagle
 To: Approve
 Second:
 Aye: Nay:
 Other:
- 16-G-112 Approval of a letter of support for the joint UMD-City FY '17 Our Town Grant Application to the National Endowment for the Arts
 Motion By: Brennan
 To: Approve
 Second:
 Aye: Nay:
 Other:
- 16-G-115 Approval of Contract of Sale for the purchase of 9814 47th Place for the Hollywood Gateway Park project
 Motion By: Kabir
 To: Approve
 Second:
 Aye: Nay:
 Other:
- 16-G-92 Consideration and possible action on the Terrapin Row proffer/pedestrian safety improvements around Toll development (delayed from July 12 and August 3)
 Motion By:
 To:
 Second:
 Aye: Nay:
 Other:
- 16-O-08 Introduction of Ordinance 16-O-08, An Ordinance of the Mayor and Council of the City of College Park to Amend the Fiscal Year 2016 Operating and Capital Budget of the City of College Park, Maryland (Amendment #3)
The Public Hearing will be September 27 at 7:30 p.m.
 Motion By:
 To: Introduce
 Second:

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

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

CLOSED SESSION

To discuss a matter related to a negotiating strategy, consider matters related to the acquisition or sale of real property for a public purpose, and consider matters relating to a proposal for a business to locate in the County

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.

16-R-21

CPV-2016-09 4709

Guilford Road

RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLLEGE PARK ADOPTING THE RECOMMENDATIONS OF THE ADVISORY PLANNING COMMISSION REGARDING VARIANCE APPLICATION NUMBER CPV-2016-09, 4709 GUILFORD ROAD, COLLEGE PARK, MARYLAND, RECOMMENDING APPROVAL OF A VARIANCE FROM SEC. 27-442(C) TABLE II OF THE PRINCE GEORGE'S COUNTY ZONING ORDINANCE, WHICH PRESCRIBES A MAXIMUM LOT COVERAGE OF 30 PERCENT

- WHEREAS**, the City of College Park, Maryland ("City") has, pursuant to §190-1 *et seq.* of the Code of the City of College Park ("City Code"), and in accordance with Sec. 27-924 of the Prince George's County Zoning Ordinance (hereinafter, "Zoning Ordinance"), enacted procedural regulations governing any or all of the following: departures from design and landscaping standards, parking and loading standards, sign design standards, and variances for lot coverage, setback, and similar requirements for land within the corporate boundaries of the City, alternative compliance from landscaping requirements, certification, revocation, and revision of nonconforming uses, and minor changes to approved special exceptions; and
- WHEREAS**, the City is authorized by § 190-1 *et seq.* to grant an application for a variance where, by reason of exceptional narrowness, shallowness, shape, topography, or other extraordinary situation or condition of the specific parcel of property, the strict application of the Zoning Ordinance would result in peculiar and unusual practical difficulties or an exceptional or undue hardship upon the owner of the property, and a variance can be granted without substantial impairment of the intent, purpose and integrity of the General Plan or Master Plan; and
- WHEREAS**, the Advisory Planning Commission ("APC") is authorized by §190-3 of the City Code to hear requests for variances from the terms of the Zoning Ordinance with respect to lot coverage, setback, and other requirements from which a variance may be granted by the Prince George's County Board of Appeals, including variances from Sec. 27-442(c) Table II of the Zoning Ordinance, and to make recommendations to the Mayor and Council in connection therewith; and
- WHEREAS**, Sec. 27-442(c) Table II of the Zoning Ordinance prescribes a maximum lot coverage of 30 percent in the R-55 zoning district; and
- WHEREAS**, on July 21, 2016, Roger and Sheila Ishii ("Applicants"), submitted an application for a variance from Sec. 27-442(c) Table II to permit replacement and widening of an existing driveway from 7.5-foot wide to 10-foot wide at the premises known as 4709 Guilford Road, College Park, Maryland ("Property"); and
- WHEREAS**, on August 4, 2016, the APC conducted a hearing on the merits of the application, at which time the APC heard testimony and accepted evidence, including the staff report, Exhibits 1 – 5, and the staff presentation with respect to whether the subject application meets the standards for granting a variance set forth in §190-4 of the City Code.

WHEREAS, based upon the evidence and testimony presented, the APC voted 4-0-0 to recommend that the variance be granted; and

WHEREAS, the Mayor and Council are authorized by §190-6 of the City Code to accept or deny the recommendation of the APC with respect to variance requests; and

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

WHEREAS, no exceptions have been filed.

NOW THEREFORE, the Mayor and Council are in agreement with and hereby adopt the findings of fact and conclusions of law of the APC with regard to CPV-2016-09 for a variance from Sec. 27-442 (c) Table II of the Zoning Ordinance, not to exceed 590.4 square feet or 11.35% from the maximum allowable lot coverage.

Section 1. Findings of Fact

- 1.1 The Property is located at 4709 Guilford Road in the Elmore Power’s subdivision.
- 1.2 The Property is zoned R-55, single-family residential.
- 1.3 The property is nearly rectangular in shape with a width of 50-feet and a length of 100-feet and with a rectangular extension 8-foot in depth by 25-feet in width.
- 1.4 The property has an area of 5,200 square feet.
- 1.5 The original house was constructed in 1922.
- 1.6 The house footprint is 28.2 feet wide by 32 feet deep or 902.4 square feet, with a roofed front porch (8-feet deep by 28-feet wide).
- 1.7 The existing 7.5-foot wide driveway has a green median strip for much of its length which will not be retained.
- 1.8 The existing driveway is 88-feet long and already exceeds lot coverage.
- 1.9 There is a 12-foot by 12-foot shed in the rear yard at the end of the driveway, where a detached garage was located.
- 1.10 There is a 4-foot high chain-link fence along both the sides and part of the rear property line. The remaining part of the rear property line contains a board-on-board fence.
- 1.11 The Property is located in the Calvert Hills Historic District which is on the National Register of Historic Places maintained by the U.S. Department of the Interior. A character-defining feature of the environmental setting in this District is long, narrow driveways that lead to a detached garage or accessory structure.

- 1.12 While shortening the driveway to reduce the lot coverage, thereby eliminating the need for a variance to provide for a wider driveway, is possible, the length of the driveway would then not be in keeping with the original environmental setting.

Section 2 Conclusions of Law

- 2.1 The property has an exceptional condition in that the existing long driveway is a character-defining feature of the environmental setting of the Calvert Hills Historic District.
- 2.2 The strict application of the Zoning Ordinance will result in a peculiar and unusual practical difficulty to the Applicants because the existing 7.5-foot width is insufficient to allow them to open their car door freely and exit the vehicle from both sides. Widening the driveway to 10 feet will eliminate this problem.
- 2.3 Granting the driveway variance will not substantially impair the intent and purpose of the applicable County General Plan or County Master Plan. There will be no noticeable impact to the appearance of the neighborhood since the driveway is pre-existing and in keeping with the character of the neighborhood which historically has similar driveways in length.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the City of College Park, Maryland to approve CPV-2016-09 and grant a variance from Section 27-442(c) Table II of the Zoning Ordinance not to exceed 590.4 square feet or 11.35% from the maximum allowable lot coverage to replace and widen an existing driveway.

ADOPTED, by the Mayor and Council of the City of College Park, Maryland at a regular meeting on the 13th day of September 2016.

CITY OF COLLEGE PARK,

Janeen S. Miller, CMC
City Clerk

Patrick L. Wojahn, Mayor

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

Suellen M. Ferguson
City Attorney

16-G-109

OPH 200th
Anniversary



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

AGENDA ITEM 16-G-109

Prepared By: Janeen S. Miller
City Clerk

Meeting Date: September 13, 2016

Presented By: Janeen S. Miller

Proposed Consent Agenda: Yes

Originating Department: City Clerk's Office

Action Requested: Authorize funding for an event to celebrate the 200th anniversary of the Old Parish House in an amount not to exceed \$10,000

Strategic Plan Goal: Goal 5 – Effective Leadership

Background/Justification:

The Old Parish House, which is the second oldest building in College Park and the only historic building owned by the City, is turning 200 in 2017. A workgroup composed of Leslie Montroll (resident and founder of the College Park Needle Arts Society), Melissa Sites (Executive Director, College Park Arts Exchange), Aaron Marcavich (Executive Director, Anacostia Trails Heritage Association/Maryland Milestones) and City staff Janeen Miller, Yvette Allen and Ryna Quiñones met and developed plans for a weekend celebration to commemorate this anniversary, which is currently scheduled for April 21 -23, 2017. Leslie Montroll attended the September 6 Worksession and presented these plans to Council. A not-to-exceed budget of \$10,000 was discussed.

Fiscal Impact:

Funds will be provided in an FY '17 budget amendment to be introduced on October 25.

Council Options:

1. Approve funding as requested at last week's Worksession
2. Do not approve funding
3. Delay action and ask for additional information

Staff Recommendation:

#1

Recommended Motion:

I move to authorize the expenditure of up to \$10,000 to fund the Old Parish House 200th Anniversary celebration scheduled for April 2017.

Attachments:

1. September 6, 2013 Staff Report and attachment



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

Prepared By: Janeen S. Miller
City Clerk

Meeting Date: September 6, 2016

Presented By: Janeen S. Miller

Proposed Consent Agenda: No

Originating Department: City Clerk's Office

Issue Before Council: Consideration and approval of an event to celebrate the 200th anniversary of the Old Parish House

Strategic Plan Goal: Goal 5 – Effective Leadership

Background/Justification:

The Old Parish House, which is the second oldest building in College Park and the only historic building owned by the City, is turning 200 in 2017. City staff have undertaken efforts to properly preserve and maintain the Old Parish House, as evidenced by the recently commissioned Historic Structures Report and planned capital improvements, but we also wish to celebrate this valued historic resource with a celebration of its origins and importance to our community over the last 200 years.

A workgroup composed of Leslie Montroll (resident and founder of the College Park Needle Arts Society), Melissa Sites (Executive Director, College Park Arts Exchange), Aaron Marcavich (Executive Director, Anacostia Trails Heritage Association/Maryland Milestones) and City staff Janeen Miller, Yvette Allen and Ryna Quiñones has met and developed plans for a weekend celebration of the OPH@200 for the weekend of April 21 -23, 2017. Leslie Montroll will attend the September 6 Worksession to review the plans and answer questions.

Fiscal Impact:

If Council wishes to move forward with the OPH 200th anniversary event, funds can be allocated from FY '16 surplus via a budget amendment.

Council Options:

This is a discussion item to get feedback from Council on the proposal.

Staff Recommendation:

N/A

Recommended Motion:

N/A

Attachments:

1. OPH 200th anniversary brief sheet

**Old Parish House at 200
April 21 - 23, 2017
Brief Sheet
(Draft for September 6, 2016 Council Worksession)**

Vision

To create a multi-day College Park community-oriented celebration marking the 200th anniversary of the Old Parish House through lectures, art, music, dance and hands-on activities. These events will serve to showcase the historical, artistic, musical and cultural times in which it was constructed and highlight the numerous roles the building has played in serving the community during its 200 year existence. It is anticipated that about 150 children and their parents will attend on Saturday; about 80 adults will attend on Sunday.

Proposed Plans/Cost Estimate

Friday, April 21, 7:30 - 9:30 pm: Vintage Contra Dance			
The weekend’s activities will kick off with a Vintage Contra Dance on Friday night. It will feature live music and a caller. Period snacks will be served. This event is slated to be held at St. Andrews Church Parish Hall to accommodate a large number of dancers, including families with children.			
		Partner Contributions	Budget Request
	Church rental		\$425
	Caller	CPAE \$250	
	Musicians	CPAE \$500	
	Food		\$250
	Subtotal	\$750	\$675
Saturday, April 22, 12:00 - 4:00 pm: Family Fun Day			
Saturday afternoon is family-oriented fun, harkening back to the social and cultural times of the 19 th century. Every room of the Old Parish House will be utilized in addition to two outdoor tents to be set up on the property. Vintage-oriented food will be available for purchase throughout the afternoon as well as a variety of grab & go healthy snacks. It will be helpful to be able to close off one block of Knox Road and Dartmouth Avenue.			
Key elements of the afternoon include: an authentic Punch and Judy puppet show (wildly popular in the 19 th century); a horse-drawn wagon ride through Old Town; a petting zoo with barnyard farm animals; hands-on butter churning and baking Maryland beaten biscuits; relay races with prizes for the children including sack races, potato relay, bean bag toss, etc.; a variety of hands-on craft activities for children; read-aloud story times; a dress-up photo area for “selfies” with period costumes; and walking tours highlighting several of the historic structures in Old Town.			

Saturday, April 22, 12:00 - 4:00 pm: Family Fun Day, continued:		Partner Contributions	Budget Request
	Riversdale Kitchen Guild volunteers and supplies	Riversdale \$350	
	CPAE Children's activities coordinator	CPAE \$150	
	Supplies for children's projects		\$1,000
	Prizes for children's activities		\$150
	Contribution to local theaters for costumes		\$250
	Horse & Wagon rides		\$1,200
	Punch & Judy Show	CPAE \$500	
	Barnyard Friends Petting Zoo		\$900
	Food		\$350
	Tents		TBD*
	Porta-Potties and Hand Washing Station		\$445
	Day-Of-Event Signage		\$200
	Subtotal	\$1,000	\$4,495*
		*Without Tents included	

Saturday, April 22, 7:00- 9:00 pm: Community Sing-Along and Ice Cream Social

After a break for dinner at home, the fun will continue in the evening with a Community Sing-Along and Ice Cream Social. This will include a performance by College Park Youth Music Traditions. Ice cream will of course be purchased from the UMD Dairy.

		Partner Contributions	Budget Request
	Ice Cream from UMD Dairy		\$150
	Extra toppings, paper goods, etc.		\$150
	Song leaders		\$350
	Subtotal	-0-	\$650

Sunday, April 23, 1:00 - 4:00 pm: OPH History Day

After a day of family-oriented fun on Saturday, Sunday turns to more educational (or intellectual) pursuits with a series of short lectures and musical performances. The building we call the Old Parish House was originally constructed as a brick barn in 1817 as part of the Riversdale estate. That estate as well as the Calvert family were central to the founding of the school that today we call the University of Maryland as well as the City of College Park. Accordingly, the day's talks will put our Old Parish House in a historic context, giving a local, regional and world perspective to events of the 1817 time period. Key elements include:

- *Mrs. Calvert: the Mistress of Riversdale*, will discuss her life at Riversdale including food ways, butter production, clothing, farming, travel and hardships.

- *A County Takes Shape*: Topics will include the development of area, with a focus on the role of tobacco, agriculture, the economy and slavery. Speaker TBD.
- *From Plantation to University: how it all began*: Anne Turkos, UMD archivist, will discuss the beginnings of the University and recall key events through the 19th century.
- *From Gown to Town: the origins of College Park*: Local civic leader and award-winning journalist Kathy Bryant will discuss her great-grandfather’s role in the establishment of College Park.
- *A Building for the Ages*: Users of this Building Past & Present. A discussion panel to include representatives from St. Andrew’s (Kathy Bryant), College Park Woman’s Club (Sarah Bourne), and College Park Arts Exchange (Melissa Sites).
- *What in the World?: How did Napoleon Influence College Park*: A university professor will provide a world context for the early years of the 19th century. Speaker TBD.
- Performances by College Park Arts Exchange musicians
- Quilt presentation by Leslie Montroll

		Partner Contributions	Budget Request
	Ms. Rosalie Calvert, Mistress of Riversdale		\$250
	Honoraria for speakers (4 @ \$150)		\$600
	Musical performances	CPAE \$150	
	Food		\$500
	Subtotal	\$150	\$1,350

Additional and Optional Items

	Partner Contributions	Budget Request
Printing Event Program Brochures	City \$XX	
City bus shuttle service from City Hall or Calvert Road parking lot to the Old Parish House – 4 hours on Saturday afternoon		\$300
Option 1: Creation of an OPH History brochure: compile existing historical information from various sources, conduct additional research, write brochure	ATHA \$500	
Option 2: Commemorative tote bags with sketch of the OPH and event date for sale. If approved as such, this could be fundraising activity to offset either the expenses of this event, or to fund the OPH renovations		-0- See note to left

Contingency (10%)			TBD*
	TOTAL	\$2,400	\$7,470*
			*Excluding cost of tents or 10% contingency

This weekend-long commemorative event seeks major support from the City of College Park. The current budget estimate for the program outlined above is \$7,470 before adding the cost of tents and a 10% contingency. We are hoping to find a sponsor to donate the tents, and will have more information on this at the September 6 Worksession.

Additional and in-kind support totaling \$2,400 has been pledged by the College Park Arts Exchange, Maryland Milestones/ATHA, and Riversdale.

A team of community volunteers will help bring this program to life. The event will be publicized primarily through the local civic associations as well as the City's website and social media.

16-R-22

No Through Truck Traffic



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

Prepared By: Steven E Halpern, City Engineer

Meeting Date: 09/13/16

Presented By: Steven E Halpern, City Engineer

Proposed Consent: Yes

Originating Department: Engineering

Issue Before Council: Adoption of Resolution 16-R-22 to designate certain City streets as "No Through Truck" routes, as authorized in Ordinance 16-O-06 (City Code Chapter 184-5.1)

Strategic Plan Goal: Goal 4: Quality Infrastructure

Background/Justification:

In August the City Council adopted Ordinance 16-O-06 authorizing the City to regulate "Through Truck Traffic" by Resolution on City streets as long as an alternate route is designated. Staff prepared Resolution 16-R-22 prohibiting Through Truck Traffic on certain City streets which was discussed with Council on September 6 (see attached staff report).

Fiscal Impact:

Minimal fiscal impact

Council Options:

1. Adopt Resolution 16-R-22 which prohibits Through Truck Traffic on Cheyenne Place, Cree Lane, Delaware Street, Erie Street, Cherokee Street, Guilford Drive, as indicated on the Resolution.
2. Do not adopt Resolution 16-R-22

Staff Recommendation:

Option #1

Recommended Motion:

I move that the City Council adopt Resolution 16-R-22 to designate certain City streets as "No Through Truck" routes, as authorized in Ordinance 16-O-06

Attachments:

1. Resolution 16-R-22
2. Location Maps
3. Staff Report from September 6, 2016 Worksession

**RESOLUTION
OF THE MAYOR AND COUNCIL OF THE CITY OF COLLEGE PARK
PROHIBITING CERTAIN THROUGH TRUCK TRAFFIC ON
DESIGNATED CITY STREETS**

WHEREAS, the College Park City Council adopted Ordinance 16-O-06 on August 9, 2016 to provide for the regulation of through truck traffic on City streets; and

WHEREAS, Section 184-5.1 “Through Truck Traffic” of the College Park City Code authorizes the City Council to prohibit through truck traffic by Resolution, provided that an adequate alternate route for diverted truck traffic has been designated; and

WHEREAS, the City Council has determined that it is in the public interest to prohibit certain through truck traffic on designated City streets.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the City of College Park that the following City streets be, and are hereby, designated, “No Through Truck” routes:

1. Cheyenne Place - westbound from 51st Avenue
The alternate route for diverted truck traffic is: Indian Lane, Blackfoot Place and 51st Avenue
2. Cree Lane - westbound from 51st Avenue
The alternate route for diverted truck traffic is: Indian Lane, Blackfoot Place and 51st Avenue
3. Delaware Street - westbound from 51st Avenue between 51st Avenue and 50th Place
The alternate route for diverted truck traffic is: Indian Lane, Blackfoot Place and 51st Avenue
4. Erie Street - westbound from Baltimore Avenue to Autoville Drive
The alternate route for diverted truck traffic is: Baltimore Avenue
5. Cherokee Street - westbound from Baltimore Avenue to Autoville Drive
The alternate route for diverted truck traffic is: Baltimore Avenue
6. Eastbound Guilford Drive – From eastbound Mowatt Lane and southbound Knox Road
The alternate route for diverted truck traffic is: Knox Road and Mowatt Lane

BE IT FURTHER RESOLVED that, for purposes of this Resolution, “truck” is defined as:

- 1. Any truck exceeding 21 feet in length or eight feet in width that is used for commercial purposes;
- 2. Any truck exceeding ten feet in height; and
- 3. Any tractor trailer, semi-trailer, or cab and any dump truck, stake platform truck or crane.

BE IT FURTHER RESOLVED that City staff is directed to install appropriate signage on the streets so designated as “No Through Truck” routes pursuant to this Resolution.

INTRODUCED the _____ day of _____, 2016.

ADOPTED the _____ day of _____, 2016.

EFFECTIVE the _____ day of _____, 2016.

WITNESS:

CITY OF COLLEGE PARK

Janeen S. Miller, CMC, City Clerk

Patrick L. Wojahn, Mayor

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

Suellen M. Ferguson, City Attorney



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

Prepared By: Steven E Halpern, City Engineer **Meeting Date:** September 6, 2016
Presented By: Steven E Halpern, City Engineer

Originating Department: Engineering

Issue Before Council: Designate Certain City Streets as “No Through Truck” routes, as authorized in Ordinance 16-O-06 (City Code Chapter 184-5.1)

Strategic Plan Goal: Goal 4: Quality Infrastructure

Background/Justification:

In August the City Council adopted Ordinance 16-O-06 authorizing the City to regulate “Through Truck Traffic” by Resolution on City streets as long as an alternate route is designated. Staff has prepared the attached Resolution prohibiting Through Truck Traffic on certain City streets.

1. On May 26, 2016 a resident of Cheyenne Place notified her City Councilmembers that for the second time an 18 wheeler came through her neighborhood and this time ripped the Verizon wires from her house. On June 2, 2016, a third oversized truck reportedly drove along Cheyenne Place, this time without doing damage to the overhead utilities. Cheyenne Place is located directly across from an industrial zoned area. The City Public Works facility, Stone Industries, and a warehouse with many tenants are located across from Cheyenne Place. See attachment. We believe these oversized truck occurrences on Cheyenne Place are because the truck drivers were lost and could not find their way back to Rhode Island Avenue.

A request was made by the resident and District 1 Councilmembers to install “No Through Truck” signs on Cheyenne Place, Cree Lane, and Delaware Street to prevent large trucks from driving on these residential streets. Upon investigation, the City Manager and City Attorney suggested an Ordinance be adopted to establish the City’s authority to designate No Through Truck traffic on its streets. On August 9, 2016 the Mayor and Council adopted an ordinance 16-O-06, No Through Truck Traffic, which authorizes the City Council to designate by Resolution certain City streets as No Through Truck routes, providing that an alternate truck route is so designated.

2. During the development of the Monument project on Baltimore Avenue in 2014, it was decided by the Councilmembers of the District 4 that “No Through Truck” be established in the residential neighborhood adjoining the development on Autoville Drive. As a result, Erie Street and Cherokee Street have been included in this resolution.
3. In addressing the pedestrian safety issues around the new Toll Brothers/Terrapin Row development, and after receiving letters from two churches along Guilford Drive expressing concerns about providing a safe and defined crossing for the many students that cross this intersection, City staff is recommending that “No Through Truck” also be established on eastbound Guilford Drive from eastbound Mowatt Drive and southbound Knox Road.

Fiscal Impact:

Minimal fiscal impact

Council Options:

1. Adopt Resolution 16-R-22 which prohibits Through Truck Traffic on Cheyenne Place, Cree Lane, Delaware Street, Erie Street, Cherokee Street, Guilford Drive and Autoville Drive, as indicated.
2. Do not adopt Resolution 16-R-22

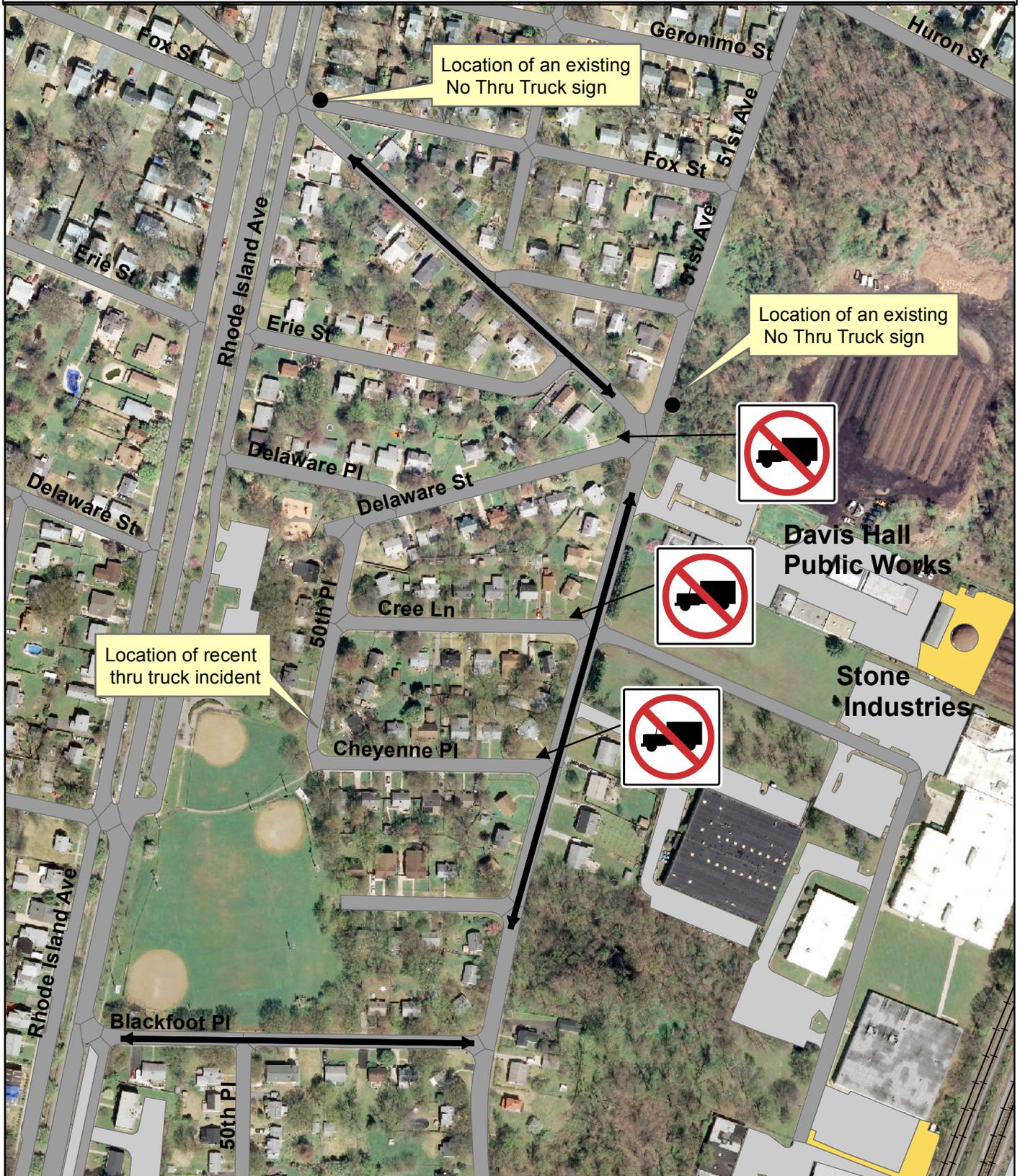
Staff Recommendation:

Option #1

Attachments:

1. Location Maps

Attachment "No Thru Truck" Signs Cheyenne Pl, Cree Ln, & Delaware St

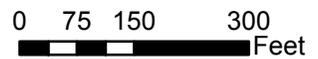


By: College Park Engineering
 Date :08-29-16
 Source: M-NCPPC GIS

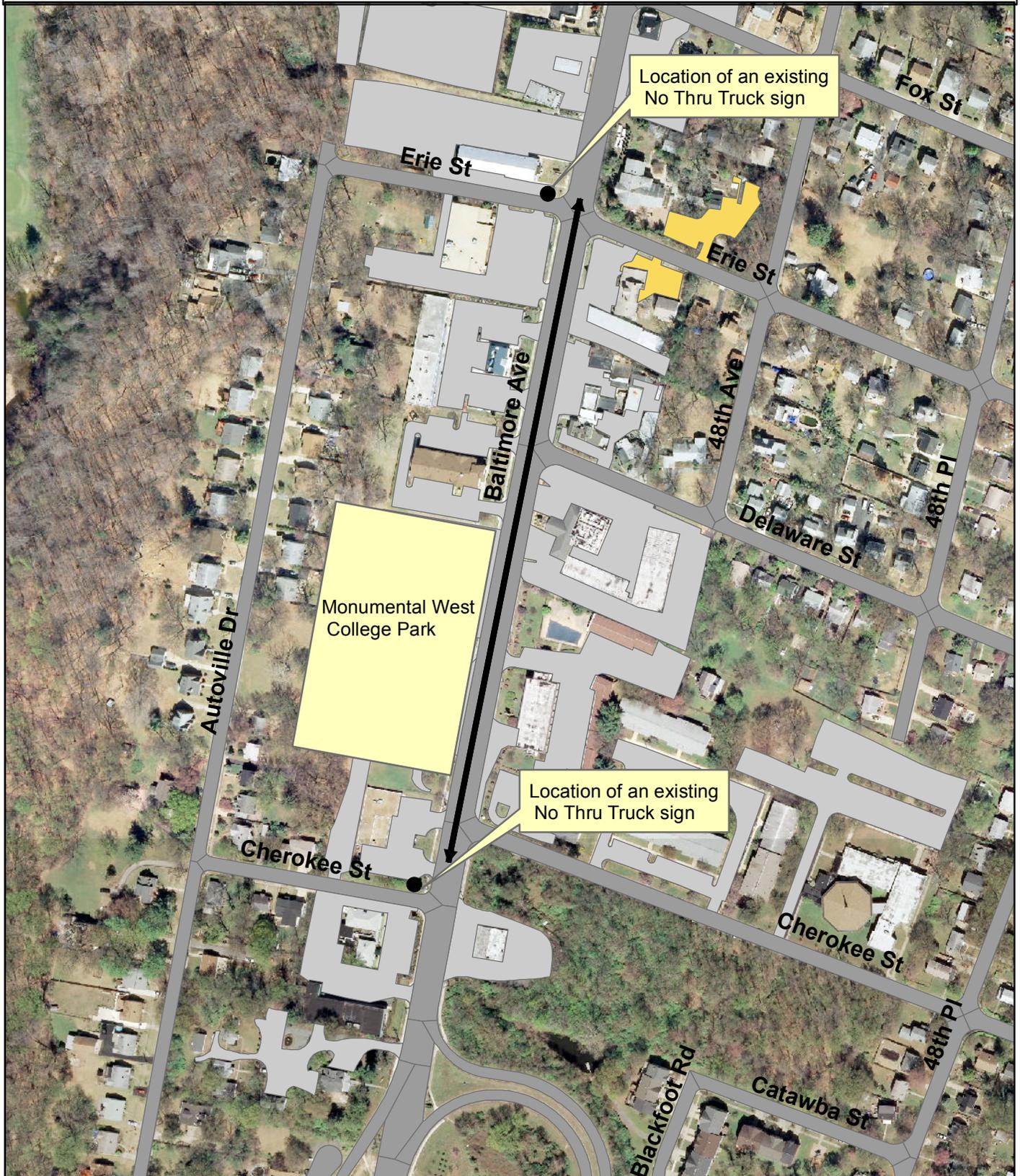


Legend

↔ Established Truck Route



Attachment "No Thru Truck" Signs Cherokee Street and Erie Sreet

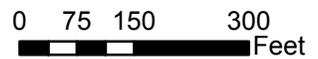


By: College Park Engineering
Date :08-23-16
Source: M-NCPPC GIS

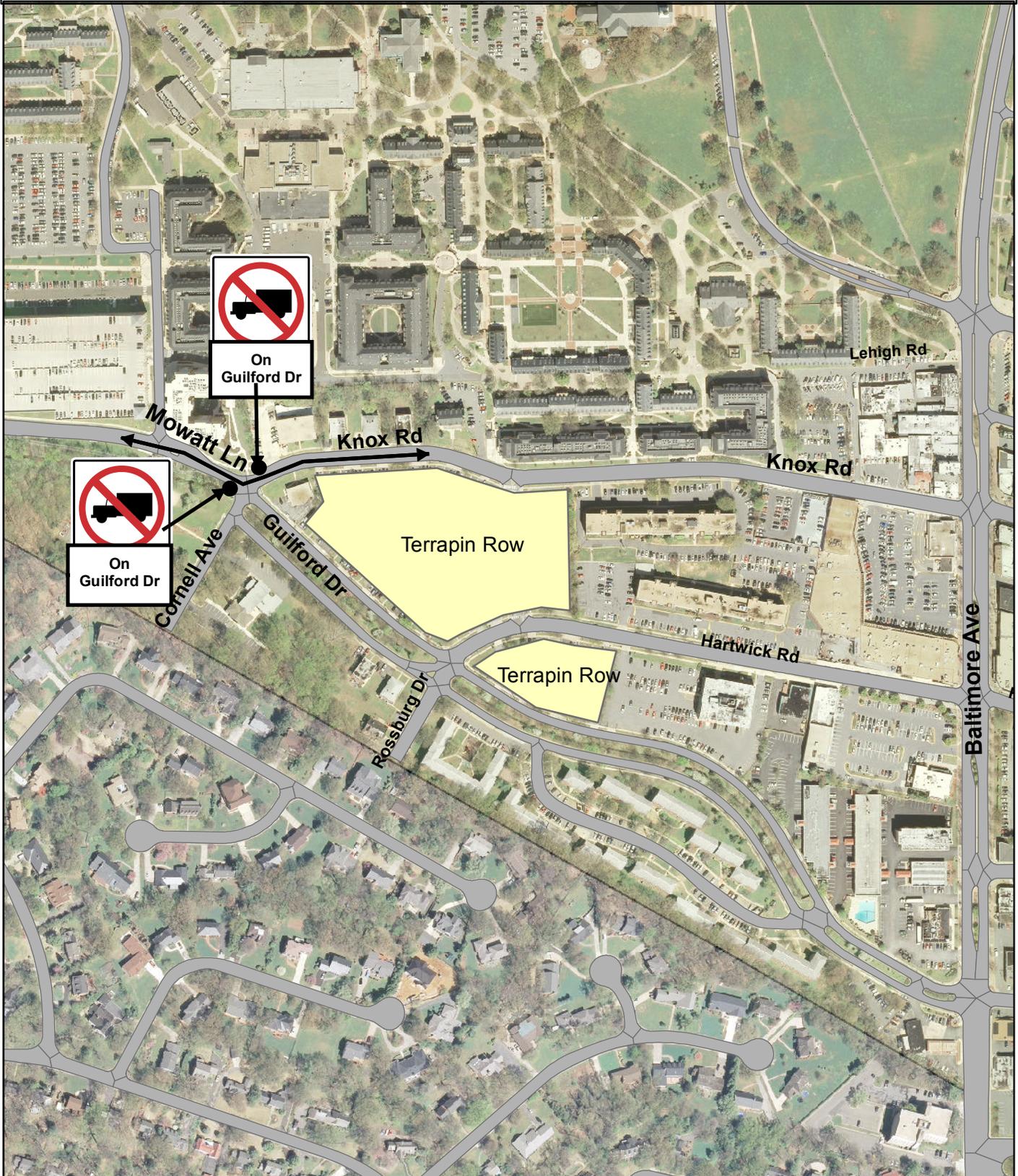


Legend

↔ Established Truck Route



Attachment "No Thru Truck" Signs Eastbound Guilford Drive



By: College Park Engineering
Date :08-29-16
Source: M-NCPPC GIS



Legend

↔ Established Truck Route

0 100 200 400
Feet

16-G-110

Minutes

WORKSESSION MINUTES

Tuesday, April 5, 2016

Council Chambers

7:30 p.m. – 12:08 a.m.

PRESENT: Mayor Wojahn; Councilmembers Kabir, Nagle, Brennan, Dennis, Stullich (arrived at 7:35 p.m.), Day (left at 10:21 p.m.), Cook and Kujawa.

ABSENT: None.

ALSO PRESENT: Scott Somers, City Manager; Bill Gardiner, Assistant City Manager; Janeen Miller, City Clerk; Suellen Ferguson, City Attorney; Terry Schum, Director of Planning; Peggy Higgins, Director of Youth, Family and Senior Services; Bob Ryan, Director of Public Services; Steve Beavers, Community Development Coordinator; Steve Halpern, City Engineer.

Mayor Wojahn opened the Worksession at 7:30 p.m.

CITY MANAGER'S REPORT:

- Review of items in the red folders and the weekly bulletin
- April 28 Four Cities Meeting in New Carrollton
- Bicycle Boulevard meeting April 27
- Launch of mbike UMD-City bikeshare program

AMENDMENTS/APPROVAL OF AGENDA:

- Remove item #s 2,3 and 4, related to the Kidwell development (Brennan/Kabir)
- Add letter of support for Pregnancy Aid Center's beautification grant application (Brennan/Kabir)
- Add Council Internship Program (Kabir/Nagle)
- Amended agenda approved (Kabir/Day) 8 – 0 - 0

AGENDA ITEMS:

- 1. Discussion of a Property Use Agreement in connection with the application for a transfer of a Class B+, Beer, Wine and Liquor License for the use of Town Hall Wine and Spirits, LLC, t/a Town Hall Restaurant and Liquor, 8135 Baltimore Avenue, College Park, 20740, transfer from J&G, Inc., t/a Town Hall Restaurant.**

Guest: Ashuta Tandon and Robert Kim, Attorney.

The Property is being sold to the applicants and the liquor license will be transferred. The current owner (not this applicant) has the responsibility to expend the \$50,000 investment required by the Sunday permit; this applicant does not have any control over what the current owner does. The Sunday sale liquor license does not require food service, but this applicant has agreed to serve some food. They don't have a full kitchen, grease traps, or fryers, so will provide "snacks" that do not require a full kitchen. Exterior has been painted, lights are brighter, fence is chain link; only outstanding item is an LED sign which should be finalized in 6 weeks (just got the County permit). This applicant has another liquor store but have not operated a bar before. Tonight's request is only for the transfer of the liquor license. The applicant intends to make the store much nicer. Mr. Tandon said they intend to change the awning, add more lighting, repaint, redo the floors and ceiling,

add new shelving and selection of craft beers, wants to add windows to open up the interior, but he is not sure when he can make those improvements.

2. ~~Agenda item 16-G-37: Approval of an Amendment to the contract with NZI for construction of Randolph Macon Avenue~~ (Removed)
3. ~~Agenda item 16-G-38: Approval of an Amendment to the Declaration of Covenants with Robert Kidwell~~ (Removed)
4. ~~Agenda item 16-G-39: Approval of an Amendment to the City's Homeownership Grant program~~ (Removed)
5. **Agenda item 16-G-45: Letter in support of CB-3-2016, County legislation against hydraulic fracturing:** See Special Session minutes.
6. **Agenda item 16-G-46: Letter in support of CR-014-2016, County legislation concerning Regional Institution Strategic Enterprise ("RISE") Zone Program For the Purpose of Approving the Designation of the Greater College Park RISE Zone:** See Special Session minutes.
7. **Agenda item 16-G-47: Letter in support of a Hyattsville CDC grant application to the Redevelopment Authority for Trolley Trail signs – Guest: Stuart Eisenberg, Executive Director, Hyattsville CDC:** See Special Session minutes.

ADD Agenda item 16-G-48: Letter of support for Pregnancy Aid Center's beautification grant application: See Special Session minutes.

8. **Status update on the Aging-In-Place Task Force report – Guests Helen Barnes and Dave Dorsch:** Review of survey results (see attached PowerPoint); these results do not include seniors who live in our senior housing. Proposal in FY '17 budget to increase senior caseworker by .5 FTE. Final report due April 30.
9. **Proposed Complete Streets Policy:** Review of staff report. COG grant funded the project. Review of attached policy. Include an assessment of drainage issues as we address our streets in coordination with the County. Note that some of the street connections shown on the report diagram are controversial and/or in conflict with Sector Plan. Response: the street connections are not included in our policy; just provided as information. We are not adopting the report; it only provided information to inform our policy. Revise per discussion and adopt policy (Nagle).

ADD Discussion of Council Internship Program: Councilmembers Kabir, Kujawa, Day; Mayor Wojahn and Student Liaison Cole Holocker drafted the document. The ran it through HR and the City Attorney. Question: who would select the intern? Staff would be involved because it is a paid position, but a Councilmember would supervise. Intern needs access to staff and information. Concern about the level of staff time that might be involved. Project needs to advance something in the strategic plan. Use the existing subcommittee to select the interns. Kabir will finalize the draft report. Return to a future meeting to adopt.

10. Resolution in support of the Mayor's Challenge for Conservation: Consent Agenda

11. Discussion about how best to use City resources to support education (including, perhaps, use of the \$80,000 Education Improvement Fund): Review membership of EAC and their credentials and backgrounds. They were asked to look at how the \$80K education improvement fund could be spent and also how we can publicize good news from our schools. They made their recommendations to Council last month. Grantees are asked to submit a report at the end of the grant. Councilmember Day will abstain because his wife is on the EAC and his son attends the College Park Academy. Report on Summer Camp Scholarships: 92 applicants, 57 were new. Gave 41 scholarships (\$14,960); 35 were returning students. It would cost \$33,455 to fund everyone who applied. All are from College Park.

Cook/Nagle: Motion to table this discussion to the April 19 Worksession. Passed 4 – 3 – 1 (Stullich, Dennis, Brennan opposed; Day abstained).

12. Clarification of items from Council Rules and Procedures: Section M2 – remove the word “residents”; Council will be the conduit. Explain why items need to be done in Special Session. Do a better job of communicating when items are removed or delayed so there are no surprises. 3 stages of an agenda: Proposed (Wednesday after staff meeting); Published (Friday); Adopted (Tuesday night). Deadline to add an item not previously proposed should be Friday. Change language re: Master List: Council will make a request, it will be circulated to Council, if no objections, it will be added. Return future meeting.

13. Review of next week’s agenda: N/A

14. Review of legislation: N/A

15. Requests For/Status of Future Agenda items: Question about “Resolution in support of FBI Relocation to Greenbelt station.” Leave on agenda; ask Council Member Glaros to contact Council for background.

16. Appointments to Boards and Committees: Kujawa-Melissa Avery to CBE.

17. Mayor and Councilmember Comments: N/A

18. City Manager's Comments: N/A

Janeen S. Miller, CMC
City Clerk

Date
Approved

WORKSESSION MINUTES

Tuesday, April 19, 2016

Council Chambers

7:30 p.m. – 11:24 p.m.

PRESENT: Mayor Wojahn; Councilmembers Kabir, Nagle, Brennan, Dennis, Stullich (arrived at 7:41 p.m.), Day, Cook and Kujawa.

ABSENT: None.

ALSO PRESENT: Scott Somers, City Manager; Bill Gardiner, Assistant City Manager; Janeen Miller, City Clerk; Suellen Ferguson, City Attorney; Terry Schum, Director of Planning; Miriam Bader, Senior Planner; Cole Holocker, Student Liaison; Adler Pruitt, Deputy Student Liaison.

Mayor Wojahn opened the Worksession at 7:30 p.m.

CITY MANAGER'S REPORT:

- Bicycle Boulevard Community Meeting on April 20, 7 p.m.
- April 28, 7:30, Four Cities Meeting in New Carrollton
- May 20, Volunteer Reception
- Red Folder items
- Vacation schedule

AMENDMENTS/APPROVAL OF AGENDA: Brennan/Day without amendment, 7 – 0 - 0.

AGENDA ITEMS:

- 1. DSP-12030, Pregnancy Aid Center:** Mary Jelacic, Executive Director; Robert Antonetti, Attorney; plus the architect and engineer. Presentation by Miriam Bader. Planning Board date is April 28. 1 story addition to the north, plus exterior improvements. Requested a modification from the Sector Plan to be 1 story instead of 2. Major issue is the fence, which is embedded in perimeter vegetation in places, so to remove it they would have to cut back some of the desired vegetation, so they are requesting a departure on the fence. Staff requested a fence plan; we want consistent fencing along Erie and on the northern property line that abuts residential. PAC dedicated some ROW on Route 1 and SHA will pay for the retaining wall improvement. When SHA finishes the sidewalk and wall, PAC will finish the fence with something decorative. They are in agreement with all other conditions. They entered an agreement with Prince George's County Hospital Center to add a family practice and to see men as well. The addition is for 8 additional exam rooms. They have 5,000 visits per year, 1/3 are uninsured. (Kabir to agenda)
- 2. Discussion with APC about their recommendations for the City's Fence Ordinance:** Chris Gill, Chair. Reviewed letter. APC deals with exceptions to the fence ordinance and it is confusing. Issues: hedges, boulders, decorative fences, front yard vegetable garden fences. Request to better align City definitions with County definitions. Add illustrations. Address when a retaining wall does and does not count as a fence. Consider narrowing the fence variance criteria down to the same 3 criteria that are needed for a zoning

variance. What does temporary mean? Process should be less burdensome, especially regarding hedges as a fence. Return future Worksession with revisions to fence ordinance: 1) Add clarification to definitions. 2) Allow front yard garden fences. 3) Clarify discouragement of chain link fences. 4) Reduce criteria for variances. When the changes to the fence ordinance come back for review, also discuss “explore financial incentives to promote the use of other fence material beside chain link.”

3. **Discussion of Budget Ordinance prior to Introduction next week:** No need for this item.
4. **Request by the University of Maryland to rename Paint Branch Parkway to Campus Drive – Carlo Colella and Anne Martens, UMD:** They have a letter of support from the FDA; they have spoken to Park and Planning but not The Tennis Center. Stulich received 34 responses to her survey: 24 were OK with the change but 10 were opposed. Brennan said his list serve had mixed reviews. District 1 had one comment about the heritage. Concern: How can we honor/recognize the Native American heritage in another way? Consider plaque or marker. (Day to agenda)
5. **Revised joint application for the Greater College Park RISE Zone and draft Council Resolution of support: Bill Gardiner, David Iannucci (Prince George’s County) and Carlo Colella (UMD):** Prince George’s County is participating at a high level (75%) to incentivize the “knowledge economy.” They want to aggressively grow the Innovation District, M Square and Research Park for high tech sectors. These types of businesses are difficult to attract because everyone wants them. Proposal for the City to also consider 75% instead of 50% for certain types of businesses. Bill will send the numbers around. Get input on both 50% and 75% at Public Hearing. Request to re-label/improve the map.
6. **Continuation of discussion from April 5 Worksession on the use of City resources to support education:** See Special Session Minutes 16-G-54
7. **Council Rules and Procedures:** See Special Session Minutes 16-G-52
8. **Discussion of creation of a Charter Revision Committee:** To remove items from the Charter that don’t really belong in a Charter, remove administrative-type items, recommend non-substantive changes to bring our Charter up-to-date. OK to move forward. Mayor Wojahn, Councilmember Nagle, Scott Somers, Suellen Ferguson and Janeen Miller.
9. **Agenda items for April 28 Four Cities Meeting in New Carrollton:** None.
10. **Review of “Future Worksessions” list:** N/A
11. **Requests For/Status of Future Agenda items:** N/A
12. **Appointments to Boards and Committees:** Reappoint Dave Turley to the AWC.

13. Mayor and Councilmember Comments:

- Councilmember Cook is speaking at a Think Tank Diversity Consortium representing herself.
- Councilmember Kabir requested public safety budget information
- Budget Town Hall on Friday 4/29 at 7:00 p.m. at YFS
- Farmers Markets open this weekend
- 3rd Thirsty Thursday is Thursday at Ledo's
- BDCA meeting
- Saturday Berwyn/Lakeland Clean up
- Bitcamp event: received 2 dozen ideas, judged by Mayor and Cole Holocker. Selected College Park Toitles, an app to publicize events that can be used by local organizations. He asked them to put together a budget for the \$1,000 and invited them to a Worksession.
- Request proclamation for Infrastructure Week in May.
- Student Liaison applications for next year. Schedule subcommittee to review. (Wojahn, Day and Kujawa)

14. City Manager's Comments: N/A

Janeen S. Miller, CMC
City Clerk

Date
Approved

WORKSESSION MINUTES

Tuesday, May 3, 2016

Council Chambers

7:30 p.m. – 10:29 p.m.

PRESENT: Mayor Wojahn; Councilmembers Kabir, Nagle, Brennan, Dennis, Stullich (arrived at 7:35 p.m.), Day, Cook and Kujawa (arrived at 7:31 p.m.)

ABSENT: None.

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; Terry Schum, Director of Planning; Jill Clements, Director of Human Resources; Jim Miller, Parking Enforcement Manager; Steve Beavers, Community Development Coordinator; Cole Holocker, Student Liaison; Adler Pruitt, Deputy Student Liaison.

Mayor Wojahn opened the Worksession at 7:30 p.m.

CITY MANAGER'S REPORT:

- Power outage at City Hall last week; we are working on a generator for City Hall to prevent the problems we had
- Grass over 12" is a violation of City Code; the City has issued 124 citations for tall grass YTD
- Public and Right-Of-Way mowing begins Thursday
- May Municipal Scene came out today – call us to receive it by regular mail.
- Red folder items
- Schum: Launch of bikeshare program with UMD called "mbike" is Wednesday at 3:00 p.m. at the Stamp Parking Garage.

AMENDMENTS/APPROVAL OF AGENDA:

- For item #5: Add closed session at end of the meeting re: acquisition of real property for a public purpose (Kabir/Brennan). 5-2-1 (Cook and Nagle opposed, Kujawa abstained).
- Approve agenda as amended (Stullich/Dennis) 8 – 0 – 0.

AGENDA ITEMS:

- 1. Discussion of an amendment to the Property Use Agreement with Fishnet (Class B, Beer and Wine License), 5010 Berwyn Road, College Park, Maryland 20740, for a Growler (Refillable Container) Permit. Guest: Ferhat Yalcin**
Patrons asked if they could take beer home but under their existing license, it was not allowed. This allows people to take home their beers on tap – they are microbrews and beers not readily available. Council said the restaurant is an asset to the community and we want to see it thrive. Consent.

2. Discussion of security cameras City-wide, Guests: Stewart Witt, Tania Mancilla, and Damon Whitlow, Hitachi

Hitachi bought Avrio Systems (the prior vendor) and has made recent improvements regarding camera failures. They have a new subcontractor to correct glitches and improve reliability; in the process of implementing software to ping each device to make sure it is functioning. Staff is planning to submit another grant application to GOCCP; provide feedback on the proposed new camera locations. Consider signage campaign to make people aware of surveillance. Consider a monitor in the DPS office that shows all camera shots on a screen to ensure proper functioning of the cameras.

3. Discussion of permit parking survey results near the Metropolitan development (now called The Boulevard at 9091)

Jim Miller reviewed survey results. Not an overwhelming response in favor. Next step: take public comment on a proposal for permit parking south of Delaware to Blackfoot. Comment on area and hours.

4. Award of Contract for Compensation Study, Jill Clements, Director of HR:

Last done in 1993 or 1996. Issued an RFP. Responses in the \$14K - \$85K range. Recommend award to Management Advisory Group. MAG is at \$35K; budget is \$50K. Project will take 4-5 months and involve all employees. Consent.

5. Discussion of Hollywood Gateway Park project-Terry Schum, Director of Planning:

The City purchased the corner lot several years ago; the house has been boarded up. The park project is 100% designed and we have obtained the stormwater management permit. Project has not been put out to bid or construction permits applied for due to the issue of the extra lot, so the project has been on hold. Project is fully funded by grants, but they are time limited. We do not have an updated cost estimate or annual maintenance costs. Further discussion later in closed session.

6. Discussion on Calvert Hills Community Garden and approval of an agreement with WMATA – Steve Beavers:

Reviewed staff report and options. Council OK with Option #1 – continue to work with WMATA but defer garden this year.

7. Proposed amendments 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 – Suellen Ferguson, City Attorney

This started as a need to conform two conflicting parts of the City Code regarding when you have to remove snow from the sidewalk. Then decided to move various fire safety laws located in other Chapters into one new Chapter – Chapter 115. Also added provision to address runoff – prohibition on altering the course of the flow of water from one property to another. Introduction (Nagle).

8. Requests For/Status of Future Agenda items

- Future W/S re: raising the Pride Flag at City Hall for the month of June – May 17 W/S (Brennan)
- Future W/S to review fines; also, are there any amendments from the Code Enforcement subcommittee of the NQOL that need to be addressed? (Brennan)
- Revisions to the NQOL committee
- Future W/S to establish a “homeowners resources” fund to provide a long-term loan to residents for home repair projects and secure it with a lien on their property (Nagle)
- Review the duties of our Election Board – would they handle debates? (Nagle)

9. Appointments to Boards and Committees

- Reappoint Lisa Miller and Paul Carlson to NQOL
- Resident Hall Association has expressed an interest in adding a member to NQOL – wait and handle this when you do a comprehensive revision of the NQOL committee

10. Mayor and Councilmember Comments

- Stulich: Primary Election Issues: Report of long lines to vote at Ritchie and Stamp-1 hour 20 minutes wait to check in; parking tickets given out at Ritchie; they ran out of provisional ballots. Consider a letter to the Prince George’s County Board of Elections.
- Kabir: Four Cities Meeting, Hollywood Farmers Market opening, Community Clean up on 5/21
- Nagle: Subcommittee of NCPCA/CP Boys and Girls Club will look at upcoming changes to Duvall Field
- Holocker: New Student Liaison Chris Kiosian
- Mayor: Proclamation about Immigrant Heritage Month; Start-up shell – card buddies attach to back of phone for credit cards.

11. City Manager's Comments: N/A

Janeen S. Miller, CMC
City Clerk

Date
Approved

WORKSESSION MINUTES

Tuesday, May 17, 2016

Council Chambers

7:30 p.m. – 9:50 p.m.

PRESENT: Mayor Wojahn; Councilmembers Kabir, Nagle, Brennan, Dennis, Stullich (arrived at 8:04 p.m.), Day, Cook and Kujawa (arrived at 7:31 p.m.)

ABSENT: None.

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; Terry Schum, Director of Planning; Leo Thomas, Deputy Director of Finance; Sarah Price, IT Manager; Cole Holocker, Student Liaison.

Mayor Wojahn opened the Worksession at 7:30 p.m.

CITY MANAGER'S REPORT:

- The Old Parish House is temporarily closed while structural repairs are being addressed. Davis Hall is also closed for installation of the new modular building.
- UMD Shuttle is running a pilot shuttle route down College Avenue through Old Town. Pilot will end in August and they will evaluate whether to continue it.
- Ceremonial opening of Berwyn Pedestrian Bridge Saturday June 20 or Wednesday July 27. Actual opening will be sooner.
- Friday night is the volunteer reception at UMD Golf Course Clubhouse.

AMENDMENTS/APPROVAL OF AGENDA: 1) Add Four Cities letter in support of the FBI going to Greenbelt (Brennan/Kabir) 6 – 0 – 0 (Day out of the room). 2) Add Closed Session at end of meeting re: acquisition of real property for a public purpose (Kabir/Cook) 7 – 0 – 0. Approve agenda as amended (Dennis/Day) 7 – 0 – 0.

AGENDA ITEMS:

1 Discussion of possible budget changes after public hearing – Leo Thomas:

Write proposed amendments for:

- Reduction in tax rate (Kabir)
- Remove .5 FTE for Seniors Case Manager (Cook)
- Remove statistically significant resident survey (Nagle)
- Add \$50,000 to CPCUP/UMD Homeownership grant program (Day)
- Remove \$20,000 for employee engagement survey (Nagle)

Schedule a Worksession to review City's Homestead Tax Credit Rate (Nagle)

2 Discussion about raising the Pride Flag at City Hall

175 signatures on a change.org petition. Fly for one week in June. Flag pole does not lend itself to this – instead hang flag on side of building as a banner. Message of inclusivity. What about other groups that want to fly their flags? Who should decide: M&C, Mayor, committee of residents, policy? City Clerk to survey other municipalities for policies. Stullich to agenda – first full week in June, under City Hall sign.

3 Presentation on the Towne Place Suites development – Matt Tedesco and Dan Hampton:

Preliminary Plan was filed in 2006-2007. Financing is tight. They want to reduce the number of king rooms and add double queen rooms which will change footprint 4 feet on south elevation to help secure financing. Proposed change requires a limited minor amendment from Park and Planning staff. It will be referred to the City but not go to Planning Board. Erosion and sediment measures are in place. 13-month construction. Project goes through from US 1 to Autoville Drive – site is long and narrow and slopes back. 2 story garage under building and 20 spaces at grade. 4 ½ - 5 stories on US 1. Stullich to agenda.

4 Purchase of IT server refresh (will require a super majority) – Sarah Price, IT Manager and Bill Gardiner, Assistant City Manager:

Currently have a number of individual servers and need new servers for new services. They want to virtualize the servers which means buy a minimal number of servers that contain different servers within them. This will make disaster recovery faster, will reduce carbon footprint and electrical usage. This does not include the AS400. Two at City Hall and one at Public Works. We have used this vendor before, received two other bids, this is the low bidder. What about the power outage we had? We need to resolve that – either add fiber at Public Works or install a generator at City Hall. Consent.

5 Discussion about the possibility of creating a Martin Luther King, Jr. Tribute Committee

Tribute began as a grass roots effort in Lakeland 25 years ago and has grown steadily. Now desire to create a standing City committee to continue the tradition. Acknowledge involvement of schools (essays and artwork) to teach children about Dr. King's legacy. Return June 7 W/S with a resolution.

6 Discussion of allowing free parking during summer weeknights

Estimated loss of \$18,000. To help restaurants and other downtown businesses that suffer in the summer when students are gone. What about College Park Shopping Center? That is a private lot. Explore tie-in with DCPMA and Shop College Park for coupons? Consent.

7 Discussion of Worksession seating arrangements

Try a horseshoe shape open to the audience.

ADDED ITEM: Support for Four Cities Letter on the FBI relocation to Greenbelt Station:

Discussed at last Four Cities meeting in response to information that GSA is not using proximity to Metro as a factor. Greenbelt has already sent a letter. Most recent draft handed out. Add Glaros and Lehman to cc list. Consent.

8 Requests For/Status of Future Agenda items

- Scott will re-send his email from 5/6/16 with recommendations for specific Future Worksession items, respond by June 1. Review the list at the next W/S.
- Schedule 48-hour-rule in June (Wojahn)
- Schedule amendments to Chapter 125 – see if there are other code items. (Brennan)
- If the update on the technology plan has been discussed as part of the Strategic Plan/Action Plan then the item can be removed (Kabir)
- Schedule an update on the Strategic Plan and where we are with Action Items
- Schedule Internship Program ASAP (Kabir)
- Update on City Hall? Future
- Transportation in general/City transportation possibilities/Lack of transportation on Metzert Road (Kujawa)

9 Appointments to Boards and Committees

- Stuart Adams – Rec Board
- Judith Oarr – Rec Board (reappointment)

10 Mayor and Councilmember Comments

- VMC will do something different at Memorial Day – instead of a speaker they will read the names of deceased Veterans from College Park (Cook)
- Can we link to PG County Animal Shelter Survey from our website? (Nagle)
- Saturday community clean-up in north College Park: free breakfast, lunch and T-Shirts (Kabir)
- Third Thirsty Thursday at Ledo's. LIDL meeting. Litter Logo competition ends May 20. Schedule a recognition for the winners. (Brennan)
- Saturday June 4 Explorations on Aging group holding a Legal Document clinic with an elder law attorney (Brennan)
- College Park Woods NW Pot Luck on Saturday (Kujawa)
- Rotary of College Park – Citizens of the Year: Dave Milligan, Jim McFadden, Manual Guevara.

11 City Manager's Comments: N/A

Janeen S. Miller, CMC
City Clerk

Date
Approved

WORKSESSION MINUTES

Tuesday, June 7, 2016

Council Chambers

7:30 p.m. – 10:14 p.m.

PRESENT: Mayor Wojahn (arrived at 7:38 p.m.); Councilmembers Kabir, Nagle, Brennan, Dennis, Day, and Kujawa

ABSENT: Councilmembers Cook and Stullich

ALSO PRESENT: Bill Gardiner, Assistant City Manager; Janeen Miller, City Clerk; Suellen Ferguson, City Attorney; Bob Ryan, Director of Public Services; Jim Miller, Parking Enforcement Manager; Steve Beavers, Community Development Coordinator; Chris Keosian, Student Liaison.

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

CITY MANAGER'S REPORT (Bill Gardiner provided the report):

- Mr. Somers and Councilmember Cook are attending the ITGA Conference
- City Manager's Weekly Bulletin has been reformatted
- Expanded services being provided at Davis Hall: parking permits, ticket payments, flag releases, animal licenses 8 a.m. – 6 p.m. Monday – Friday
- Hours at City Hall lobby window have changed from 7:00 p.m. to 6:00 p.m. M-F
- I-495 exit ramp to US 1 is closing for 2 weeks for resurfacing
- IT/Finance system outages
- Planning submitted a grant for a bikeways program
- Interviewing for Economic Development Position
- Education Enhancement grants due tomorrow
- YFS Open House for City seniors Wednesday June 22

Kabir: Request for Spanish language permit applications on-line

Brennan: Berwyn pedestrian overpass has unofficially opened.

[Mayor Wojahn arrived.]

AMENDMENTS/APPROVAL OF AGENDA: Day/Brennan without amendment 6 – 0 – 0.

AGENDA ITEMS:

- 1 Discussion of Landlord Orientation Pilot Program Guests: Lisa Miller and John Hawvermale (NQOL Best Practices Subcommittee):** Reviewed their proposal for a pilot program which would focus on certain landlords (new and/or problem landlords) and quality of life issues. Voluntary program, not mandatory. Support from DPS staff and UMD Office of Student Conduct is anticipated. City cannot endorse their proposed lease template language. No objections to having them proceed with the one year pilot program (2 sessions). Evaluate/request feedback afterward. No Council action.

- 2 Follow-up to the January 5 discussion of recommendations by the Noise Control Board-Bob Ryan, Suellen Ferguson, Alan Stillwell, Chair, NCB:** The proposed changes will help the NCB streamline their hearings. Under this amendment, the fine cannot be reduced to zero, but can be reduced from \$500 to \$200 depending on the factors listed. Day to Introduce.
- 3 Allocation of FY 2017 Program Open Space funds-Steve Beavers:** Provided POS background and reviewed staff report and recommendation for the POS Plan, which is due June 17. This year the full allocation can be used for development project (which requires a match). Proposed private property acquisitions will be discussed at a future closed session. Staff recommendation will go to agenda (Brennan).
- 4 Proposed Revisions to the City’s “48 hour parking” rule-Jim Miller and Bob Ryan:** Review of current City Code and staff report. City shouldn’t become a pawn in neighborhood disputes, which could happen when laws are based on complaint. Someone should be able to leave their car in front of their own house for longer period of time; we shouldn’t force people to drive (i.e. if they take Metro to work); should we give more leeway (i.e. parked on the same block)? Review of statistics in packet – there aren’t as many issues on streets that are permit restricted. Can’t address every single situation that comes up. Ease restrictions somewhat, one or two block radius from where a person lives. Need a clear definition that parking officers can follow. Return future Worksession for discussion before introduction.
- 5 Resolution to create a Martin Luther King, Jr. Tribute Committee:** Add a Whereas clause about including the schools. To Consent.
- 6 Report from “Council Internship Program Subcommittee”:** Subcommittee (Wojahn, Day, Kujawa, Kabir, Student Liaison Keosian) will select projects and interns. #11 Hiring Preferences: Family members not eligible. Subcommittee member will recuse themselves from voting on their own project. Projects meant to provide experience for the intern to advance their educational goals. #16 Staff Time: City Manager must approve. Evaluation at the end of the project. Consent.
- 7 Introduction of Charter Amendment 16-CR-01 to amend the notice requirements in the City Charter to eliminate the requirement for notice in a newspaper of general circulation:** Added other self imposed notice requirements per staff memo. Nagle to Introduce.
- 8 Requests For/Status of Future Agenda items:**
 - State/Federal Election – parking at Ritchie and around the community center (Dennis)
 - Remove Litter Logo presentations from next week’s agenda (Brennan)
 - Schedule NQOL Resolution for August (Brennan)
 - Report from staff about communicating with residents with language barriers per email today from NCPCA president (Kabir)
- 9 Appointments to Boards and Committees:** N/A

10 Mayor and Councilmember Comments

- BDCA Meeting next week (Brennan)
- Third Thirsty Thursday next Thursday (Brennan)
- Lakeland Civic Association meeting (Dennis)
- NCPCA Thursday at YFS building (Nagle)
- Community clean-up Saturday (Kabir)
- Live Smart Eat Local next Wednesday (Wojahn)
- Bus 104 major route changes (Day)

11 City Manager's Comments: N/A

Janeen S. Miller, CMC
City Clerk

Date
Approved

WORKSESSION MINUTES

Tuesday, July 5, 2016

Council Chambers

7:00 p.m. – 10:35 p.m.

PRESENT: Mayor Wojahn; Councilmembers Kabir (arrived at 7:04 p.m.), Nagle (arrived at 7:25 p.m.), Brennan, Stullich (arrived at 7:10 p.m.), Day, Kujawa and Cook.

ABSENT: Councilmember Dennis

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; Jim Miller, Parking Enforcement Manager; Steve Beavers, Community Development Coordinator; Steve Halpern, City Engineer; Terry Schum, Director of Planning; Miriam Bader, Senior Planner; Bob Stumpff, Director of Public Works; Chris Keosian, Student Liaison.

Mayor Wojahn opened the Worksession at 7:00 p.m.

CITY MANAGER'S REPORT:

- Fireworks display postponed to tonight due to weather; concert cancelled.
- Summer free parking: weeknights after 5:00 p.m. and all day Saturday
- Recreation Board Movie Night at Duvall Field on July 15, 7 – 10 p.m.

AMENDMENTS/APPROVAL OF AGENDA:

- Move item #9 to the end of the agenda (Day/Brennan)
- Approve agenda as amended (Brennan/Day) 5 – 0 – 0.

AGENDA ITEMS:

- 1** *Special Session 16-R-12: Resolution Of The Mayor And Council Of The City Of College Park, Maryland Adopting The Recommendations Of The Advisory Planning Commission Regarding Appeal Number CEO-2016-01, 9507 48th Place, College Park, Maryland, Recommending Approval Of Variances From The Following Requirements: Prince George's County Zoning Ordinance, Section 27-420(A), City Code §87-23 B. And C. To Permit The Reconstruction Of An Existing Fence With A 6-Foot High, Board And Batten Fence In The Side/Rear Yard, And Construction Of A 4-Foot High Picket Fence Within The Front Yard:* See Special Session minutes.
- 2** *Special Session 16-R-13: Resolution Of The Mayor And Council Of The City Of College Park, Maryland Adopting The Recommendations Of The Advisory Planning Commission Regarding Variance Application Number CPV-2016-04, 5008 Huron Street, College Park, Maryland, Recommending Approval Of A Variance From Section 27-120.01(C) Of The Prince George's County Zoning Ordinance, "Front Yards Of Dwellings," To Construct A Driveway In The Front Yard, 24 Feet In Width By 24 Feet In Length:* See Special Session minutes.

- 3 *Special Session 16-R-14: Resolution Of The Mayor And Council Of The City Of College Park, Maryland Adopting The Recommendations Of The Advisory Planning Commission Regarding Variance Application Number CPV-2016-05, 8405 48th Avenue, College Park, Maryland, Recommending Approval Of A Variance From Section 27-120.01(C) Of The Prince George’s County Zoning Ordinance, “Front Yards Of Dwellings,” To Construct A Driveway In The Front Yard, 16 Feet In Width By 31 Feet In Length:* See Special Session minutes.**
- 4 *Special Session 16-R-15: Adoption of Resolution 16-R-15, A Resolution of the Mayor and Council of the City of College Park, Maryland to approve an amendment to the Memorandum of Understanding with Prince George’s County to establish zoning enforcement procedures in the City:* See Special Session minutes.**
- 5 Litter Awareness Campaign AND Solid waste reduction ideas including Pay As You Throw (PAYT) – Steve Beavers, Janis Oppelt and Suchitra Balachandran:**
A: Litter Awareness Campaign (Councilmember Brennan):

 - Litter Logo Competition completed; awards to be presented
 - Partner with Prince George’s County and Alice Ferguson Foundation on the campaign
 - CBE will help with public education
 - Minimal staff time available
 - Look at where we can add new receptacles throughout the City (bus stops, Edmonston Road)

B: Pay as you throw program:

 - Reviewed report in the packet; statistics
 - If trash is metered, it would change behavior: recycling would increase and solid waste would decrease
 - Does Council want to move forward with exploring a pay-as-you-throw program?
 - Perception – this is double taxation, because residents pay for trash service already
 - Issues: Can we reduce tax rate for residents since we would pay less in tipping fees? Should we institute a fee for bulk pick-up? Should we provide a system/structure for composting? Can we accommodate residents on limited incomes?
 - Form a workgroup to bring a plan to the Mayor and Council: Councilmember Nagle, some staff and CBE members, Gemma Evans. Return future W/S
- 6 Discussion of the City’s Community Legacy Grant Application – Terry Schum:**
Reviewed staff report, program guidelines and two staff recommendations. Community Legacy has a new focus on capital projects, so the proposed city-wide parking study (Project #1) won’t work. However, the Council was in support of this idea. The second project for the redesign of the College Park Shopping Center parking lot is in line with the criteria, but she doesn’t have a commitment from the shopping center owner. This project got a mixed response from Council. At issue: CPCUP intends to submit their own Community Legacy grant application, so we would be competitors with them if both go forward. Last year we received \$100,000 for asbestos remediation at Calvert Road. New ideas proposed: strategic acquisition of additional ROW for US 1? Strategic demolition? Hollywood project? Schum will continue to explore. Somers wants to make sure we are

moving forward with existing projects. Any new project should be in our strategic plan or sustainability plan to move forward; otherwise, pass this year.

- 7 Agreement outlining the coordination between the City's and the CPCUP/UMD homeowner grant program AND report from the CPCUP on eligibility criteria for the homeowner grant (condition of the FY '17 \$50,000 funding from the City) – Bill Gardiner and Eric Olson:** Review of staff report on City and CPCUP overlapping homeowner incentive programs and proposed changes. If the homeowner qualifies for both programs, the City would loan \$5,000 to CPCUP and the CPCUP would process that application, and the homeowner would get a \$20,000 grant with conditions from the CPCUP. If homeowner violates the terms under this scenario, the CPCUP would request the funds from the homeowner, and then repay the City. This would require two actions: 1) an MOU between the City and the CPCUP reflecting this collaboration, and 2) an amendment to the City's Homeownership Grant Program. City employees will be included now, but teachers cannot be included at this time. Both to Consent.
- 8 Request by the CPCUP for support for their Community Legacy Grant Application for their Homeownership Grant Program – Eric Olson:** Reviewed success of the CPCUP Homeownership Program which was initially funded with a \$100,000 Community Legacy Grant and \$50,000 match from UMD. City has committed \$50,000 for the coming year. Distributed report sent to DHCD. They had two years to spend the funds but spent it in one year. Requesting letter of support from the City for new Community Legacy application. Consent.
- 9 Discussion on proposal from the University of Maryland for child care at the Calvert Road School – Carlo Colella and Anne Martens:** They made an initial presentation to Council in May 2015; this is their follow-up proposal for child care at the Calvert Road School. They reviewed their handout of the conceptual plan and the partnership options. They have selected a service provider to provide child care to 120 children ages 6 weeks to five years. They reviewed the renovations that would be required. There are two partnership options proposed: a traditional ground lease option or a partnership lease option. They reviewed each option (see handout) and the number of seats that would be available to each party under each option. University would be responsible for the maintenance of the building itself; City would be responsible for grounds, trash/recycling, snow. The University could provide a loan to the City for the City's capital investment and the City could repay it over time as a way to guarantee more seats for City residents. Council wants to review the results of the child care survey done two years ago. Move forward with the appraisal of the property. University will pay for two appraisals; one company to be selected by the City, one by the University. Follow up discussion in closed session.
- 10 Discussion of compliance with the Declaration of Covenants with Terrapin Row developers regarding streetscape/roadway improvements on Hartwick, Guilford and Knox Roads – Suellen Ferguson, Tom Haller (attorney for Toll/Terrapin Row) and Paige Hacker (sp?), Project Manager:** Guilford Road is in the flood plain so completion of all of the pedestrian safety and streetscape improvements in paragraph 11 of the 2013 Declaration of Covenants is causing them a problem because it requires special

permitting from MDE. The developer is asking if their proffer will be sufficient to fulfill this condition. Staff agrees that some of the items should be waived because they don't fit the site as constructed. Concern has been expressed from nearby churches about pedestrian safety. Rather than permanent concrete and fill, they suggest bollards and a thermoplastic product to apply to the asphalt, and to move up the stop line. Once these improvements are installed, it is the City's responsibility to maintain them. The action can be a motion that the proffer is sufficient to fulfill paragraph 11 of the DOC, rather than amending the DOC. This will relieve Toll of any further obligation. Questions/concerns about durability/lifespan of proposed product, aesthetics, the City's need to maintain it. Councilmember Day to agenda.

- 11 Discussion of parking restrictions around the Terrapin Row development – Bob Ryan and Jim Miller:** Review of staff memo, proposed changes to permit parking zones and monthly and permit fees. No change proposed for hourly parking rate. Reduce number of permits sold for garage, and sell permits in blocks of six months. Primary purpose of downtown garage was for retail and economic development, not for student permits. Concern about reduced parking on-campus and the stress it places on neighborhoods: need a comprehensive parking management plan. Three actions: 1) Changes to permit parking zones 11 and 11A (Brennan), 2) Change fees in municipal garage (Nagle), 3) Establish pay to park zone by Terrapin Row (Day).
- 12 Possible Special Session: Approval of a letter to Gov. Hogan regarding funding for Youth Service Bureaus:** See Special Session minutes.
- 13 Discussion of Council action to prohibit through truck traffic on residential streets – Scott Somers:** Began as a resident request to prohibit trucks on a certain street. City Attorney said state law allows the City to legislate this as long as you provide an alternate route. She suggests the best way to enact this prohibition is to adopt an Ordinance giving the Council the general authority, then adopt specific streets and prohibitions by Resolution. Kabir to Introduce.
- 14 Agenda items for July 28 Four Cities Meeting in Berwyn Heights – None.**
- 15 Requests For/Status of Future Agenda items**
 - Annual presentation from SHA on what's in the pipeline (Kujawa)
 - Interest in a Community Garden and Dog Park in north College Park (Kabir/Nagle)
 - How to retain residents (Cook) – in conjunction with review of community survey
- 16 Appointments to Boards and Committees**
 - Reappoint Adele Ellis to the Rec Board (Stullich)
 - Appoint Kendra Goodson to EAC
 - Javid Farazad can continue to serve on APC until/unless there is another District 4 appointment
- 17 Mayor and Councilmember Comments**

- Kujawa: Town Hall meeting at Maranatha Church Wednesday, July 18, 7 – 8:30 pm
- Kabir: Community Clean-up Saturday, July 23, 8:30 am
- Day: Paint Branch Parkway has officially been renamed Campus Drive
- Brennan: Respond to the MML essayists and inform them what the City is doing in response to their concerns.
- Keosian: Brandon Carroll, Deputy Student Liaison
- Mayor: USCM and NLC Board meetings.

18 City Manager's Comments: N/A

Janeen S. Miller, CMC
City Clerk

Date
Approved

WORKSESSION MINUTES

Tuesday, August 3, 2016

Council Chambers

7:30 p.m. – 9:39 p.m.

PRESENT: Mayor Wojahn; Councilmembers Kabir, Nagle, Brennan, Dennis, Stullich, Day, Cook and Kujawa.

ABSENT: None.

ALSO PRESENT: Bill Gardiner, Assistant City Manager; Yvette Allen, Assistant City Clerk; Suellen Ferguson, City Attorney; Terry Schum, Director of Planning; Steve Halpern, City Engineer and Brandon Carroll, Deputy Student Liaison.

Mayor Wojahn opened the Worksession at 7:30 p.m.

CITY MANAGER'S REPORT:

- City employees were recognized at an award ceremony held Friday, July 29
- National Night Out held on August 2nd
- Ribbon cutting ceremony for the new Paint Branch Playground held on July 25
- The City is sold out of SMARTLEAF® compost

AMENDMENTS/APPROVAL OF AGENDA:

- Remove item # 6 from the agenda (Kabir/Cook)
- Move item #11 to a Closed Session at the end of the meeting (Brennan/Day)
- Remove item # 5 from the agenda (Brennan/Dennis)
- Remove item #7 from the agenda (Day/Kujawa)

Agenda approved as amended (**Dennis/Day**)

AGENDA ITEMS:

1. Proposed Consent: Resolution Of The Mayor And Council Of The City Of College Park Adopting The Recommendations Of The Advisory Planning Commission Regarding Variance Application Number CPV-2016-03, 9747 52nd Avenue, College Park, Maryland, Recommending Approval Of A Variance From Section 27-120.01(C) Of The Prince George's County Zoning Ordinance, "Front Yards Of Dwellings," To Construct A Driveway In The Front Yard, Not To Exceed An Encroachment Of 196 Square Feet - **Consent Agenda for the Regular meeting of August 9**
2. Proposed Consent: Resolution Of The Mayor And Council Of The City Of College Park Adopting The Recommendations Of The Advisory Planning Commission Regarding Variance Application Number CPV-2016-07, 5027 Mineola Road, College Park, Maryland, Recommending Approval Of A Variance From Section 27-120.01(C) Of The Prince George's County Zoning Ordinance, "Front Yards Of Dwellings," To Construct A Driveway In The Front Yard, Not To Exceed An Encroachment Of 5 Feet In Width By 19 Feet In Length - **Consent Agenda for the Regular meeting of August 9**

3. Consideration of Property Use Agreements for Old Maryland Grill, Potomac Pizza, Kapnos Taverna and The Hotel at UMD –

Ms. Linda Carter and Mr. Hillman were in attendance.

Ms. Ferguson noted that there will be a change to the Security portion of the PUAs to state that the City agrees to treat any written security plan as proprietary and confidential.

Old Maryland Grill and Potomac Pizza will have outdoor seating. Potomac Pizza is the only restaurant that you can't enter from the hotel. Each establishment will have a card scanner and all staff will be Alcohol Awareness Certified. Scanners will be used for everyone under the age of 35. **Consent Agenda for the Regular meeting of August 9.**

4. Property Use Agreement with Moose Creek re: Transfer of liquor license from OpRock College Park Beverage, LLC, t/a Moose Creek Steak House to Ankur Patel, Managing Member/Authorized Person, Kevin Patel, Authorized Person, Kalpesh Patel, Authorized Person, Piyush Patel, Authorized Person, for a Class BH, Beer, Wine and Liquor License for the use of DC West Beverage, LLC, t/a Holiday Inn/Moose Creek Steakhouse, 10000 Baltimore Avenue, College Park

The hotel is being sold and the only significant change to the existing PUA will be to add a "Security" paragraph to the agreement. **Consent Agenda for the Regular meeting of August 9**

5. Terrapin Row proffer/pedestrian safety improvements around Toll development: **Removed from the agenda; placed on the Future Agenda**

6. Removal of healthy trees from Wichita Avenue: **Removed from agenda; placed on the September 6 Worksession Agenda**

7. Discussion of CBE recommendation for a project with the Environmental Finance Center: **Removed from agenda; placed on the September 6 Worksession Agenda**

8. Discussion of a food truck hub in the Innovation District and allowing food trucks to operate until midnight at the downtown College Park food truck hub.

New County legislation approved food truck hubs to operate until midnight, with the approval from the municipality, on Thursday, Friday and Saturday. College Park Ventures LLC requested support from the City to extend their hours. Opening is scheduled for September 2. There will only be two trucks in operation in the cross-hatched area on Thursday, Friday and Saturday.

Letter of support to extend the hours of operation in the Downtown College Park Food Hub to midnight on Thursday, Friday and Saturday was placed on the **Consent Agenda for the Regular meeting of August 9**

9. Award of contract for stormwater management projects along Rhode Island Avenue and Narragansett Parkway

The City was awarded a Chesapeake Bay Trust (CBT) grant for \$66,180 from the Prince Georges County Stormwater Stewardship program to fund bioretention along Narragansett Parkway near Muskogee Street and awarded a CBT grant for \$80,960 from the Green Streets, Green Jobs, Green Towns Program to fund a bioswale along Rhode Island Ave between Greenbelt Road and Tecumseh Street. Stormwater Maintenance, LLC can complete the work in eight weeks. If awarded the contract, work will begin the end of September and be completed by December. There will be road closures on Rhode Island Avenue during the construction period and staff will notify the residents prior to any streets being closed. There should be no impact on road closures for Narragansett Parkway. Steve Beavers agreed to attend the September North College Park Citizens Association meeting to give an overview of both projects. **This item will be placed on the August 9 agenda.**

10. Award of contract for design of Hollywood Streetscape Project:

Ms. Schum: This project follows on to the Hollywood Commercial District Streetscape Revitalization Study that was completed in April 2015. It made several recommendations for ways to improve pedestrian and bicycle access, create safer intersections and enhance landscaping and placemaking along Rhode Island Avenue in the commercial area. These recommendations were well received by the community but require additional study and design before they can be implemented. This is proposed to be accomplished through a 2-phase approach. Phase 1 will involve data collection, meetings with Prince George's County Department of Public Works and Transportation and community input to determine the final streetscape elements to be included for 30% design drawings. Phase 2 will prepare 100% design drawings and specifications for construction bidding. At the conclusion of the 1st phase, the information will be presented to Council and the residents.

Councilmembers Kabir and Nagle will speak to Ms. Schum regarding several different tasks and will then decide if this item will be placed on the August 9, 2016 Agenda.

11. Discussion of a banner policy for public buildings (may include a closed session for legal advice) **Removed from agenda; moved to the Closed Session after the meeting for legal counsel advice.**

12. Requests For/Status of Future Agenda items :N/A

13. Appointments to Boards and Committees

- Reappoint Adele Ellis to the Noise Control Board for a four year term, and rescind the reappointment to the Recreation Board that was made in error at the July 12 meeting.
- Appoint Denise Mitchell to the Advisory Planning Commission for a three year term.

14. Mayor and Councilmember Comments

- Councilmember Cook – Successful National Night Out in the Cherry Hill neighborhood. Met many new people.
- Councilmember Kabir: Successful National Night Out in North College Park. Thanked Mrs. Termini for her hard work putting everything together and for all who attended.
- Councilmember Day: A long time resident of College Park Estates, Ann Chotiner, passed away at the age of 92.
- Councilmember Dennis: Two National Night Out events in his district. Successful National Night Out in Lakeland. Thanked all who organized and attended the event. Communication between the City, residents (young and old), police and Civic Associations need to continue throughout the year, not just on National Night Out.
- Councilmember Brennan – Gave kudos to everyone involved in the Washington Business Journal publication.
- Councilmember Kujawa –Successful National Night Out in College Park Woods

15. City Manager's Comments – Bill Gardiner gave kudos to the Communication Coordinator and Planning Director for their work on the Washington Business Journal article.

Yvette Allen, CMC
Assistant City Clerk

Date
Approved

MINUTES
Regular Meeting of the College Park City Council
Tuesday, August 9, 2016
Council Chambers
7:30 p.m. – 8:25 p.m.

PRESENT: Mayor Wojahn; Councilmembers Kabir, Nagle, Brennan, Dennis, Stullich (arrived at 7:32 p.m.), Day, Kujawa and Cook

ABSENT: None.

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; Jim Miller, Parking Enforcement Manager

Mayor Wojahn opened the Regular Meeting at 7:30 p.m.

Announcements:

Councilmember Kabir announced a School Supply Giveaway at Duvall Field on August 27 from 10 a.m. to 2 p.m.

Councilmember Nagle said school supply collection boxes are located at Youth and Family services, Davis Hall and at the College Park Community Library.

Councilmember Brennan said they collected school supplies at the last Third Thirsty Thursday event which have been taken to Youth and Family Services. Also, TTT will be on vacation in August. Councilmember Brennan will be the guest bartender at an upcoming event at the College Park Aviation Museum.

Councilmember Dennis discussed the Prince George's County Police Coffee Club at Jason's Deli on Wednesday mornings.

Proclamations and Awards: Mayor Wojahn, Councilmember Cook and Councilmember Kujawa presented Certificates of Appreciation to College Park Woods Neighborhood Watch leaders on the 10th anniversary of the program.

City Manager's Report: Mr. Somers said pet micro-chipping would be available at the Farmers Markets on August 20 and 21. He reminded everyone that free parking continues until August 14 after 5:00 p.m. and all day on Saturday in the City Hall lot and downtown parking garage. There is an updated contract in the red folder for item 16-G-106.

Amendments To And Approval Of The Agenda: Move item 16-G-107 to be the next item so that Ms. Schum can attend another event (Stullich/Day). Approve agenda as amended (Dennis/Stullich) 8 – 0 – 0.

16-G-107 Award of contract to Sabra, Wang and Associates for Design of Hollywood Commercial District Streetscape Project

Ms. Schum said this has been a long standing CIP project whose goals are to visually unify the Hollywood Commercial District, improve pedestrian and bicycle safety, strengthen the existing businesses and create a streetscape that will attract new business. This project follows on to the Hollywood Commercial District Streetscape Revitalization Final Report submitted in April 2015.

A motion was made by Councilmember Kabir and seconded by Councilmember Nagle to award the contract for design of Hollywood Commercial District Streetscape Improvements to Sabra, Wang and Associates in the amount of \$67,337.25 and to authorize the City Manager to sign the contract in a form acceptable to the City Attorney.

There were no comments from the audience.

Councilmembers Kabir and Cook spoke in support of the motion.

The motion carried 8– 0 – 0.

PUBLIC COMMENT ON CONSENT AND NON-AGENDA ITEMS: None.

PUBLIC HEARINGS:

- a. **Ordinance 16-O-06, An Ordinance Of The Mayor And Council Of The City Of College Park Amending City Code Chapter 184 “Vehicles And Traffic”, Article I, “General Regulations” By Adopting §184-5.1, “Through Truck Traffic”, To Provide For Regulation Of Through Truck Traffic**

Ms. Ferguson provided an overview. She clarified that the numbering is Section 184-5.1. This amendment began with a complaint about through truck traffic on a residential street that brought wires down. There is state authority to regulate through truck traffic. This allows the Council to adopt by Resolution specific City streets for “No Through Truck” regulations and to tailor for each street the types of trucks you want to prevent. This is the first step; specific Resolutions are the next step.

Oscar Gregory, 9253 Limestone Drive: This proposal is unreasonably broad, intrusive, poorly organized and confusing. It is buried under 184-5.1, Major Automobile Repairs, which will make it hard to find. Without a definition of “truck” in the ordinance, the state definition is used, which is too broad. Instead, allow residents to petition the Council for No Through Trucks like they do for Traffic Calming. Please reject this Ordinance.

Alan Hew, 9118 Autoville Drive: He is in favor of this Ordinance; his neighborhood is plagued by through truck traffic which has caused major problems. They have had no means to enforce this in the past, but this Ordinance will give them the tool they need.

Councilmember Cook asked what kind of truck this would apply to. Ms. Ferguson said the state definition is the default if Council does nothing further, but when Council adopts specific Resolutions to set “No Through Truck” regulations per street, they can decide the type of truck at that time, and also define alternate routes. This is just enabling legislation.

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

- 16-R-19 Resolution of the Mayor and Council of the City of College Park Adopting the Recommendations of the Advisory Planning Commission Regarding Variance Application Number CPV-2016-03, 9747 52nd Avenue, College Park, Maryland, Recommending Approval of a Variance from Section 27-120.01(C) of the Prince George’s County Zoning Ordinance, “Front Yards of Dwellings,” to Construct a Driveway in the Front Yard, Not to Exceed an Encroachment of 196 Square (Appeal period ended August 2, 2016)**
- 16-R-20 Resolution of the Mayor and Council of the City of College Park Adopting the Recommendations of the Advisory Planning Commission Regarding Variance Application Number CPV-2016-07, 5027 Mineola Road, College Park, Maryland, Recommending Approval of a Variance from Section 27-120.01(C) of the Prince George’s County Zoning Ordinance, “Front Yards of Dwellings,” to Construct a Driveway in the Front Yard, Not to Exceed an Encroachment of 5 Feet in Width By 19 Feet in Length (Appeal period ended August 2, 2016)**
- 16-G-102 Motion to support the issuance of a Class B (BH) Beer, Wine and Liquor License to The Hotel at UMCP ABC, LLC, to include Old Maryland Grill, and Class B (BLX) beer, wine and liquor licenses to Kapnos Taverna and Potomac Pizza, located at 777 Baltimore Avenue, subject to the Applicants entering into a Property Use Agreement (PUA) with the City in substantially the forms as attached; authorize the City Manager to sign the PUA’s; and authorize staff to testify to the Council’s position at the BOLC hearing on August 23, 2016.**
- 16-G-103 Motion to support the transfer of a Class BH, Beer, Wine and Liquor License from OpRock College Park Beverage, LLC, t/a Moose Creek Steak House to Ankur Patel, Managing Member/Authorized Person, Kevin Patel, Authorized Person, Kalpesh Patel, Authorized Person, Piyush Patel, Authorized Person, for the use of DC West Beverage, LLC, t/a Holiday Inn/Moose Creek Steakhouse, 10000 Baltimore Avenue, College Park, subject to the Applicants entering into a Property Use Agreement (PUA) with the City in substantially the forms attached; authorize the City Manager to sign the PUA’s; and authorize staff to testify to the Council’s position at the BOLC hearing on August 23, 2016.**

16-G-104 Approval of a letter of support to extend the hours of the Food Truck Hub to extend the hours of operation in the Downtown College Park Hub to Midnight Thursday through Saturday.

16-G-105 Approval of Minutes: April 5, 2016 Special Session; April 19, 2016 Special Session; July 5, 2016 Special Session; March 1, 2016 Worksession; March 15, 2016 Worksession and July 12, 2016 Regular Meeting

The motion carried 8 – 0 – 0.

ACTION ITEMS:

16-O-06 Adoption of 16-O-06, An Ordinance of the Mayor and Council of the City of College Park Amending City Code Chapter 184 “Vehicles and Traffic”, Article I, “General Regulations” By Adopting §184-5.1, “Through Truck Traffic”, to Provide for Regulation of Through Truck Traffic

A motion was made by Councilmember Kabir and seconded by Councilmember Nagle to adopt 16-O-06, An Ordinance of the Mayor and Council of the City of College Park Amending City Code Chapter 184 “Vehicles and Traffic”, Article I, “General Regulations” By Adopting §184-5.1, “Through Truck Traffic”, to Provide for Regulation of Through Truck Traffic provided that an alternate route has been designated.

Mayor Wojahn said due to the earlier Public Hearing, no further public comment would be taken at this time. There were no comments from Council.

The motion passed 8 – 0 – 0.

16-G-106 Award of Contract to Stormwater Maintenance, LLC for the Narragansett Parkway and Rhode Island Avenue projects, subject to final review and approval by the City Attorney.

Ms. Ferguson noted there is an updated version of the contract in the red folders; the contract amount was corrected.

A motion was made by Councilmember Brennan and seconded by Councilmember Day to approve the contract with the Stormwater Maintenance, LLC for the Narragansett Parkway and Rhode Island Avenue projects, in an amount not to exceed \$155,000, subject to final review and approval by the City Attorney.

Councilmember Brennan said he is pleased that the City applied for and received funds from the Chesapeake Bay Trust for this project. We have coordinated with the Tree and Landscape Board and the Low Impact Development Center. These types of projects are key to mitigating stormwater issues.

There were no comments from the audience or Council.

The motion passed 8 – 0 – 0.

16-O-07 Introduction of Ordinance 16-O-07 (Amended), Ordinance of the Mayor and Council of the City of College Park, Amending Chapter 110 “Fees and Penalties”, By Repealing and Reenacting §110-1 “Fees and Interests” to Increase the Monthly Permit Parking Fee in the Downtown Parking Garage and to Include Bi-Annual Permit Parking Fees and Monthly Permit Parking Fees

Ms. Ferguson said this is a re-introduction of the ordinance that was discussed and introduced in July. It has been amended to include the language discussed at that time, and also includes in the City Code fees for various parking zones throughout the City. It will take effect January 1, 2017 as requested by Council.

A motion was made by Councilmember Dennis and seconded by Councilmember Brennan to introduce Ordinance 16-O-07, An Amended Ordinance of the Mayor and Council of the City of College Park, Amending Chapter 110 “Fees and Penalties”, By Repealing and Reenacting §110-1 “Fees and Interests” to Increase the Monthly Permit Parking Fee in the Downtown Parking Garage and to Include Bi-Annual Permit Parking Fees and Monthly Permit Parking Fees.

The Public Hearing will be held on Tuesday, September 27 at 7:30 p.m. in the Council Chambers.

16-G-108 Appointments to Boards and Committee

A motion was made by Councilmember Dennis and seconded by Councilmember Nagle to appoint Denise Mitchell to the Advisory Planning Commission, and to reappoint Adele Ellis to the Noise Control Board, and to rescind her appointment made in error last month to the Recreation Board. The motion passed 8 - 0 – 0.

COUNCIL COMMENTS:

Councilmember Nagle said the Consent Agenda should be for routine items, not just something we all agree on. Councilmember Dennis said items can always be removed from Consent.

Mayor Wojahn said College Park Day would be held on Saturday, September 24 from 11 – 4 at the College Park Aviation Museum. He is participating in a Dunk Tank fundraiser for the College Park Community Foundation and College Park Food Bank.

COMMENTS FROM THE AUDIENCE:

Joseph Solomon, Hyattsville City Council and President, Prince George’s County Municipal Association: Thanked Council for their partnership on PGCMA matters and announced the next PGCMA meeting is August 11 in Brentwood.

Cristoferos Beck, 4907 Blackfoot Road: He introduced himself as a new District 2 resident interested in getting involved on a committee.

ADJOURN: A motion was made by Councilmember Kujawa and seconded by Councilmember Day to adjourn into a closed session to discuss a personnel matter. The motion passed 8 – 0 – 0.

Janeen S. Miller, CMC City Clerk	Date Approved
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Pursuant to §C6-3 of the College Park City Charter, at 10:29 p.m. on May 3, 2016, during a scheduled Worksession in the Council Chambers of City Hall, a motion was made by Councilmember Brennan and seconded by Councilmember Kabir to enter into a Closed Session to consider the acquisition or sale of real property for a public purpose, and matters directly related to such acquisition or sale, and to discuss a negotiating strategy before a contract is awarded. The motion passed 8 – 0 – 0 and Council entered into the closed session at 10:36 p.m.

PRESENT: Mayor Wojahn; Councilmembers Kabir, Nagle, Brennan, Dennis, Stulich, Day, Kujawa and Cook. Councilmember Day participated in the vote but left before the Closed Session began.

ABSENT: None.

ALSO PRESENT: Scott Somers, City Manager, Bill Gardiner, Assistant City Manager; Janeen Miller, City Clerk; Suellen Ferguson, City Attorney; Terry Schum, Director of Planning and Cole Holocker, Student Liaison.

Topics Discussed: Council discussed a negotiation that is in progress and reviewed terms for the potential purchase of a piece of property.

Actions Taken: None.

Adjourn: The Closed Session was adjourned at 10:52 p.m. on a motion by Councilmember Stulich and seconded by Councilmember Brennan and a vote of 7 – 0 – 0.

Pursuant to §C6-3 of the College Park City Charter, at 10:35 p.m. on July 5, 2016, a motion was made by Councilmember Brennan and seconded by Councilmember Day to enter into a Closed Session to 1) consider the acquisition or sale of real property for a public purpose and matters directly related to such acquisition or sale, 2) discuss a negotiating strategy before a contract is awarded, 3) consult with Counsel on a legal matter. The motion passed 7 – 0 – 0 and the Council entered into the closed session at 10:43 p.m.

Present: Mayor Wojahn; Councilmembers Kabir, Nagle, Brennan, Stullich, Day, Cook and Kujawa.

Absent: Councilmember Dennis

Also Present: Scott Somers, City Manager; Bill Gardiner, Assistant City Manager; Janeen Miller, City Clerk; Suellen Ferguson, City Attorney; Terry Schum, Planning Director and Chris Keosian, Student Liaison.

Topics Discussed: 1) Council was updated on an ongoing project and considered possible options for the acquisition of real property in connection with that project. The City Attorney advised Council about one of those options. 2) Council discussed the use of a City property for a public purpose

Actions Taken: None.

Adjourn: A motion was made by Councilmember Kujawa and seconded by Councilmember Kabir to adjourn the closed session, and at 11:49 p.m. with a vote of 7 – 0 – 0, Mayor Wojahn adjourned the meeting.

=====
Pursuant to §C6-3 of the College Park City Charter, at 9:38 p.m. on August 3, 2016, a motion was made by Councilmember Day and seconded by Councilmember Kujawa to enter into a Closed Session to 1) consider the acquisition or sale of real property for a public purpose and matters directly related to such acquisition or sale, 2) consider a matter that concerns the proposal for a business or industrial organization to locate in Prince George’s County and 3) consult with Counsel on a legal matter. The motion passed 8 – 0 – 0 and the Council entered into the closed session at 9:38 p.m.

Present: Mayor Wojahn; Councilmembers Kabir, Nagle, Brennan, Dennis, Stullich, Day, Cook and Kujawa.

Absent: None.

Also Present: Bill Gardiner, Assistant City Manager; Yvette Allen, Assistant City Clerk; Suellen Ferguson, City Attorney; Terry Schum, Planning Director and Brandon Carroll, Deputy Student Liaison.

Topics Discussed: 1) Council discussed a proposal that would involve City property and discussed the City's options. 2) The City Attorney provided a legal opinion to the City Council regarding a banner policy for public buildings.

Actions Taken: None.

Adjourn: A motion was made by Councilmember Day and seconded by Councilmember Kabir to adjourn the closed session, and at 11:18 p.m. with a vote of 8 – 0 – 0, Mayor Wojahn adjourned the meeting.

Pursuant to §C6-3 of the College Park City Charter, at 8:25 p.m. on August 9, 2016, during a regularly scheduled Council Meeting in the Council Chambers of City Hall, a motion was made by Councilmember Kujawa and seconded by Councilmember Day to enter into a Closed Session discuss a personnel matter. The motion passed 8 – 0 – 0 and Council entered into the closed session at 8:40 p.m.

PRESENT: Mayor Wojahn; Councilmembers Kabir, Nagle, Brennan, Dennis, Stulich, Day, Kujawa and Cook.

ABSENT: None.

ALSO PRESENT: Scott Somers, City Manager.

Topics Discussed: 1) The City Manager and City Council discussed criteria and forms to use for an employee's performance evaluation. 2) The City Manager and City Council discussed a staff response to a Councilmember request.

Actions Taken: None.

Adjourn: The Closed Session was adjourned at 9:00 p.m. on a motion by Councilmember Kujawa and seconded by Councilmember Cook and a vote of 8 – 0 – 0.

16-G-114

Wyland Foundation



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

AGENDA ITEM NUMBER 16-G-114

Prepared By: Steve Beavers
Community Development Coordinator

Meeting Date: September 13, 2016

Presented By: Mayor Wojahn

Consent Agenda: Yes

Originating Department: Planning, Community and Economic Development

Action Requested: Wyland Foundation National Mayor's Challenge for Conservation

Strategic Plan Goal: Goal 2: Environmental Sustainability

Background/Justification:

The Mayor's Challenge (Challenge) is a nationwide resource conservation outreach program. This educational effort consists of a series of online pledges that City residents and the general public can complete at www.mywaterpledge.com.

The Challenge is run by the Wyland Foundation, a nonprofit organization dedicated to promoting, protecting, and preserving the world's oceans, waterways, and marine life. The Challenge is supported by the U.S. Environmental Protection Agency and the National League of Cities. It runs yearly from April 1st to April 30th.

The City has participated in the challenge annually since 2014. This year, the City finished 17th and last year, the City finished 16th in our category ("30,000 – 99,999" population). This proposed motion will facilitate the City's entry in the contest in 2017.

Fiscal Impact:

No direct impact. Staff time is used to advertise the Challenge during the month of April in the City's media channels such as the Municipal Scene and the City Manager's Report.

Council Options:

- #1: Approve the City's participation in the Mayor's Challenge for Conservation in 2017.
- #2: Withhold approval until a future date.
- #3: Deny City's participation in the Mayor's Challenge for Conservation

Staff Recommendation:

#1

Recommended Motion:

I move to support the City's participation in the Mayor's Challenge for Conservation in 2017 and authorize City staff to register for, and to promote the contest as necessary.

Attachments:

None

16-G-116

Purple Line Letter

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



AGENDA ITEM NUMBER 16-G-116

Prepared By: Bill Gardiner,
Assistant City Manager

Meeting Date: 09/13/2016

Presented By: Bill Gardiner,
Assistant City Manager

Consent Agenda: Yes

Originating Department: Administration

Action Requested: Authorize the Mayor to sign a letter to the Maryland Transportation Secretary stating the City's continued support for the Purple Line and the State's support of the appeal of a recent court ruling that could delay the project

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

Background/Justification:

In August, the State of Maryland was ready to sign a \$900 million funding agreement with the Federal Transit Administration (FTA) for the Purple Line, but a U.S. District judge ordered one of the studies to be re-done due to changes in Metro ridership. Metro ridership has declined recently due to safety and repair issues, but the \$5.6 billion Purple Line is not scheduled to be completed until 2022. The ruling has been appealed by FTA and the Maryland Attorney General has submitted a memorandum of support for the appeal.

State officials have said that redoing the Metro ridership numbers could delay the project six months and the delay could cost \$13 million each month. The delay could also jeopardize the complex public-private partnership agreement the State has negotiated.

The lawsuit that led to the court ruling was filed in 2014 by opponents of the project

Fiscal Impact:

None

Council Options:

- #1: Authorize the Mayor to sign the letter
- #2: Authorize the Mayor to sign an amended letter
- #3: Do not authorize the Mayor to sign a letter regarding the Purple Line

Staff Recommendation:

#1

Recommended Motion:

I move that the City Council authorize the Mayor to sign a letter to Maryland Transportation Secretary, Peter Rahn, stating the City's continued support of the Purple Line and the appeal of the recent federal court decision.

Attachments:

Letter to Secretary Rahn

September 14, 2016

Pete K. Rahn, Secretary
Maryland Department of Transportation
7201 Corporate Center Drive
Hanover, MD 21076

Dear Secretary Rahn:

On behalf of the College Park City Council and residents, I am writing to convey our continued strong support for the Purple Line. It is unfortunate that a federal court tied the recent Metro safety issues—which are being addressed—to expected Purple Line ridership in 2022. We applaud the State’s support of the Federal Transit Administration appeal of the court decision and your work to move the project forward now.

As numerous studies have shown, the Purple Line will have positive economic and transportation benefits for the State, our region, and the City of College Park. It will provide important connectivity to Metro stations and employment centers. The Federal, State, and local government commitments to the project have already spurred investment along the Purple Line route. As you know, even a short-term delay can create uncertainty and longer-term negative impacts.

We hope the appeal will be heard very soon and it will be successful so the Purple Line can proceed as soon as possible. Please know that we appreciate your work and look forward to the completion of this transformative project, and let us know if there is anything we can do to support the project.

Sincerely,

Patrick L. Wojahn
Mayor

CC: 21st District Delegation
Rushern Baker, Prince George’s County Executive
Dannielle Glaros, District 3 Council Member, Prince George’s County
Mary Lehman, District 1 Council Member, Prince George’s County

16-G-111

Replace four street
trees on Wichita Ave



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

AGENDA ITEM NUMBER 16-G-111

Prepared By: Scott Somers, City Manager

Meeting Date: September 13, 2016

Presented By: Scott Somers, City Manager

Consent Agenda: No

Originating Department: City Manager's Office

Action Requested: Consider residents request to replace four Zelkova street trees on Wichita Avenue

Strategic Plan Goal: Goal 2: Environmental Sustainability and Goal 4: Quality Infrastructure

Background/Justification:

During the September 6, 2016 City Council worksession, the City Council discussed a request to replace four (4) Zelkova street trees along Wichita Avenue in north College Park. Complaints received concerning the existing trees include excessive wildlife noise and droppings, tree root water and sewer line interference, power line interference, and excessive foliage in yards, on cars, and along the street during the fall season. The trees in question were planted in approximately the Spring of 1999.

The Tree and Landscape Board (TLB) met on August 17, 2016 to discuss the request to replace the three (3) Zelkova street trees. The TLB voted 5-1 to maintain the existing trees. Please see the attached Draft Minutes from the TLB meeting and a position paper on the subject signed by Joseph Smith, Chair of the Tree and Landscape Board.

The request to replace these trees was discussed and considered by the City Council during their January 15, 2013 Worksession. The notes from that Worksession follow:

January 15, 2013:

Removal of trees on Wichita: Several residents who live on Wichita Ave.; John Lea-Cox, City Forester; Mark Wimer, Tree & Landscape Board Chair; Brenda Alexander, Horticulturist; and Bob Stumpff, Public Works Director attended the meeting. Residents discussed issues about street trees (heaved sidewalks, impeding street lights, bird droppings, birds singing at night, electrical problems, sewer problems from roots) and requested the trees be removed. Staff said the removal of healthy street trees is regulated by the state Department of Natural Resources Roadside Tree Law. TLB and City Forester are against removing the trees. City Manager is against removal of trees and said it would take Council action to do so. Council not interested in pursuing removal of trees.

Council could consider the following when directing staff how to proceed:

The City's Strategic Plan, *Goal 2: Environmental Sustainability*, discusses how, "The City is a leader in the protection and restoration of natural resources...has well-managed and attractive natural resources, such as parks, trails, and outdoor recreation areas...is sensitive to environmental issues and that strives to limit impacts on the environment."

On the other, the City's Strategic Plan, *Goal 4: Quality Infrastructure*, discusses how, "The City's infrastructure, including roads, sidewalks, paths... and other facilities are constructed and maintained at a high quality standard to meet the needs of the residents, employees, and visitors;" that "College Park regularly evaluates its public infrastructure and facilities...so that all facilities meet the expectations of the residents... and surrounding neighborhoods."

During the September 6, 2016 worksession, Council directed staff to bring this item back to a regular Council meeting for a formal vote on the request to replace the trees. Should Council vote in favor of replacing the

trees, staff recommends that District 1 Councilmembers, City staff, and residents along Wichita Avenue work together to identify and select which species of trees should replace the Zelkovas.

Attached for Council's review are photos of the existing trees and recommended alternatives with descriptions and a map identifying water and sewer locations relative to the trees in question.

Fiscal Impact:

Cost of tree removal and replacement. The cost to remove the 3 trees & grind the resulting stumps is about \$2,100. New replacement trees could run about \$600.

Council Options:

1. Direct staff to remove and replace the street trees.
2. Direct staff to maintain the trees.
3. Provide alternate direction to staff.

Staff Recommendation:

Staff will take direction from the City Council.

Potential Motion: *I move to direct staff to replace four Zelkova street trees on Wichita Avenue with trees more conducive to the desires of the residents along Wichita Avenue.*

Attachments:

TLB Draft Minutes and position paper
Photo of street trees in question
Recommended tree alternatives with descriptions



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

Prepared By: Scott Somers, City Manager

Meeting Date: September 6, 2016

Presented By: Scott Somers, City Manager

Originating Department: Administration

Issue Before Council: Request to replace three (3) street trees along Wichita Avenue

Strategic Plan Goal: Goal 4: Quality Infrastructure

Background/Justification:

The City has received a request to replace three (3) Zelkova street trees along Wichita Avenue in north College Park. Complaints received concerning the existing trees include excessive wildlife noise and droppings, tree root water and sewer line interference, power line interference, and excessive foliage in yards, on cars, and along the street during the fall season. The trees in question were planted in approximately the Spring of 1999.

The Tree and Landscape Board (TLB) met on August 17, 2016 to discuss the request to replace the three (3) Zelkova street trees. The TLB voted 5-1 to maintain the existing trees. Please see the attached Draft Minutes from the TLB meeting and a position paper on the subject signed by Joseph Smith, Chair of the Tree and Landscape Board.

The request to replace these trees was discussed and considered by the City Council during their January 15, 2013 Worksession. The notes from that Worksession follow:

January 15, 2013:

Removal of trees on Wichita: Several residents who live on Wichita Ave.; John Lea-Cox, City Forester; Mark Wimer, Tree & Landscape Board Chair; Brenda Alexander, Horticulturist; and Bob Stumpff, Public Works Director attended the meeting. Residents discussed issues about street trees (heaved sidewalks, impeding street lights, bird droppings, birds singing at night, electrical problems, sewer problems from roots) and requested the trees be removed. Staff said the removal of healthy street trees is regulated by the state Department of Natural Resources Roadside Tree Law. TLB and City Forester are against removing the trees. City Manager is against removal of trees and said it would take Council action to do so. Council not interested in pursuing removal of trees.

Council could consider the following when directing staff how to proceed:

The City's Strategic Plan, *Goal 2: Environmental Sustainability*, discusses how, "The City is a leader in the protection and restoration of natural resources...has well-managed and attractive natural resources, such as parks, trails, and outdoor recreation areas...is sensitive to environmental issues and that strives to limit impacts on the environment."

On the other, the City's Strategic Plan, *Goal 4: Quality Infrastructure*, discusses how, "The City's infrastructure, including roads, sidewalks, paths... and other facilities are constructed and maintained at a high quality standard to meet the needs of the residents, employees, and visitors;" that "College Park regularly evaluates its public infrastructure and facilities...so that all facilities meet the expectations of the residents... and surrounding neighborhoods."

Attached for Council's review are photos of the existing trees and recommended alternatives with descriptions should Council vote in favor of replacing the trees.

Fiscal Impact:

Cost of tree removal and replacement. The cost to remove the 3 trees & grind the resulting stumps is about \$2,100. New replacement trees could run about \$600.

Council Options:

1. Direct staff to remove and replace the street trees.
2. Direct staff to maintain the trees.
3. Provide alternate direction to staff.

Staff Recommendation:

Staff will take direction from the City Council.

Attachments:

- TLB Draft Minutes and position paper
- Photo of street trees in question
- Recommended tree alternatives with descriptions

**DRAFT Minutes of the Tree and Landscape Board
City Hall, City of College Park
August 17, 2016**

<u>Term Exp.</u>	<u>Members</u>	<u>Present</u>	<u>Absent</u>
N/A	Brenda Alexander, Public Works Deputy Director	<input checked="" type="checkbox"/>	<input type="checkbox"/>
N/A	Steven Beavers, Planning Dept. Representative	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11/30/2016	John Krouse, Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4/30/17	John Lea-Cox, City Forester	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8/30/2017	Christine O'Brien, member	<input checked="" type="checkbox"/>	<input type="checkbox"/>
N/A	Janis Oppelt/CBE Representative	<input type="checkbox"/>	<input checked="" type="checkbox"/>
9/30/2016	Joseph Smith, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>
N/A	Laura Salers, Contract Secretary	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Mr. Smith called the meeting to order at 7:04 pm.

- 1. Approval of Meeting Minutes:** The minutes of the July 20, 2016 meeting were reviewed and several edits were made.

Motion: To adopt the TLB meeting minutes with changes.

Moved: Dr. Lea-Cox **Second:** Mr. Krouse

Aye: Unanimous **Nay:** 0 **Abstain:** 0

- 2. Planning Department Report:** Mr. Beavers reported that Randolph Macon Road is under construction and curbs and gutters are going in. The road should be paved soon and will be renamed Howard Avenue. The Duval Field construction area has been fenced off and the contractor has begun work. Park and Planning will be holding a public hearing on the Resource Conservation Functional Master Plan on September 27th, 7:00 pm at the county administration building. The plan deals with forest canopy, water quality, urban agriculture, green infrastructure and agricultural conservation.

The TLB requested a \$1,000 match for the tree canopy enhancement program from the Committee for a Better Environment (CBE). The CBE was happy to provide the matching funds and encourages the TLB to seek additional funds from other entities so that the program can be an even greater success.

- 3. Public Works Department Report:** Ms. Alexander shared the following highlights:
 - XL Tree Experts are working to finish tree work in the city by the end of August.
 - A grant application to DNR to support replacing the play structure at Davis playground.
 - Pepco has begun working on line clearance activities in North College Park. Two additional plans were received from Pepco and are being reviewed by Public Works.
 - One of the part-time summer crew members has left to return to college.
 - The fall pansy and bulb order will be submitted soon and a list of trees in the city, that need replacing this fall, is being drafted.
 - The MDE application for the compost facility is moving along and they will be making an onsite visit soon.

- Public Works has ordered port-a-johns for use at Duval Field because the fields will remain open to the public during the renovation project.

The TLB discussed using Alice Kennington Memorial Tree funds to enhance the Duval Field project.

Motion: That \$5,000 from the Alice Kennington Memorial Tree fund be devoted to covering the cost of trees and restoring the structural soil component at the Duval Field block house renovation project.

Moved: Dr. Lea-Cox

Second: Mr. Krouse

Aye: Unanimous

Nay: 0

Abstain: 0

- 4. Pepco Tree Trimming Work and Council Agenda Item:** There are not significant updates on the Pepco work except the two new plans currently under review by Public Works.

A dead tree on 49th Avenue was discussed. Although the tree was enclosed in the property owner's fence, it may have on the City right of way. The end result was that Pepco removed the tree.

The Council Agenda item is a citizen's request to remove trees on Wichita Avenue. The item did not come to a vote at the last City Council meeting and so it will be on the agenda at the September 6th meeting. Dr. Lea-Cox noted that he will not be able to attend the September 6 meeting. A resident has requested that 3 zelkova trees be removed from the right of way on Wichita Avenue near his home. Ms. Alexander shared photographs of the trees on Wichita with the Board members. Highlights of the discussion include:

- The TLB discussed the resident's possible reasons for the tree removal. These may include noise from the birds singing, blocking of light, roots raising the sidewalks and bird droppings.
- The trees are not directly in front of the requestor's house but he parks his cars under them.
- It was suggested that a possible solution to the lighting problem is to add a street light on that side of the street. The trees were thinned in the past to help alleviate this problem but have filled back in.
- The resident has complained numerous times about the birds that sit in the trees. Ms. Alexander reported visiting the trees several times and has not witnessed excessive birds in the trees.
- At one point, the City placed shiny ornaments and an owl decoy into the trees to deter the birds. The trees has since grown so much that they are no longer sufficient.
- The Wichita Avenue zelkova trees are the only ones in the city that have been reported as having an excessive bird problem.
- The resident's cars are not moved on a regular basis because you can see leaves and debris accumulated behind the tires.
- Ms. Alexander talked to two additional residents living near the trees. One neighbor feels that the trees are getting into her water line but she has not reported this to WSSC. A second neighbor complained that she couldn't get to her ride because there were cars parked in front of her house and it was too difficult to get by them through the grass because of the tree roots sticking up. She declined Ms. Alexander's

suggestion to request a handicap parking space in front of her house because her neighbor uses those spaces to park his cars.

- The City Code was reviewed and it states that the TLB's duty is to promote healthy trees with aesthetic, historic or ecological value.
- The resident can explore options such as parking elsewhere on the street and covering his cars.
- A representative from DNR advised Ms. Alexander that a resident cannot request trees cut down when they are in front of someone else's house.
- One member asked the TLB to consider the fact that the City owns these trees, and if they are creating a nuisance, they can be replaced with a tree that would be less likely to result in the same problems. Several TLB members felt that this would set a bad precedent.
- If the residents' primary concern is the bird droppings, then this is a wildlife management problem, not a tree problem and the City can look into ways to deter the birds.
- Mr. Krouse has a minority opinion on this matter. He doesn't want to see any further escalation of the situation. He feels that these trees and birds have proven to be a nuisance for the resident as well as the City staff dealing with it over a long period of time.

Motion: To send the City Council a position statement from the TLB in support of preserving these trees for the reasons discussed, including to not set a precedent of removing healthy adult trees and to maintain the ecological value of the trees.

Moved: Mr. Smith

Second: Ms. O'Brien

Discussion:

Mr. Krouse appreciates the position of the TLB, but he respectfully declines to support the motion because he feels that the City also has a responsibility to consider removal of trees that have proven to become a nuisance.

Aye: 5

Nay: 1

Abstain: 0

5. Tree Canopy Enhancement Program Policy: Ms. Alexander passed around a copy of the guidelines for the Tree Canopy Enhancement Program for review. Suggested edits include:

- If the application is denied, the application fee will be returned to the resident.
- Underground utilities will be marked by Ms. Utilities prior to installation. (This will most likely be done by the installers)
- Release of Liability statement
- Ask contractor to provide tree maintenance information to the homeowner.
- Add section to the application asking the applicant to identify themselves as the owner or tenant. If the applicant is a tenant, their application would require an approval letter from the owner.
- If a resident wants a tree that is not on the recommended tree list, it will be considered on a case by case basis.

Ms. Alexander will finalize the document and pass it along to the City Manager and the legal department before moving it forward to City Council for approval.

6. **Hazardous Trees Policy:** Public Services office did not submit comments on this matter. Ms. Alexander will follow up with them and this subject will be revisited at the September meeting.
7. **Website Update:** Mr. Smith sent the documents the text for the website to Ms. Alexander. It is ready to be uploaded. The list of TLB members will be updated.
8. **Native Plant Finder:** Dr. Lea-Cox shared information regarding a native plant finder database, which will help people find the best native plants specifically for their area that attract butterflies and moths and the birds that feed on their caterpillars, based upon the research of Dr. Douglas Tallamy. This resource will help people make planting decisions that support diversity and promote insects, which will allow wildlife to thrive. The TLB will consider creating a brochure that recommends plantings and cross reference it with the ecological benefits of each variety so that residents have a better understanding of what they can plant to attract butterflies and birds.
9. **Benefits of Large Trees Brochure:** This topic will be revisited at the September meeting.
10. **Wrap Up, Confirmation of Next Meeting:** The next meeting of the TLB will take place on September 21, 2016. Motion to adjourn was made by Mr. Lea-Cox and seconded by Mr. Krouse. Meeting adjourned at approximately 8:46 pm.

Position of the City of College Park Tree and Landscape Board Regarding the trees on Wichita Avenue

To the Mayor and the Members of the College Park City Council:

College Park's City Code states that it is the policy of the City of College Park, Maryland, to educate and encourage all persons in the City to use safe and desirable installation, removal and maintenance practices to promote healthy trees, shrubs and ground covers on public *and private* lands within the City limits. [Emphasis added]

To achieve those ends, the City wisely established a Tree and Landscape Board and assigned it several duties, including those to "establish, maintain and disseminate guidelines" regarding the "proper installation, removal, and maintenance practices" of trees" and to "develop guidelines to protect from destruction ... trees of aesthetic, historical or ecological value to the community, whether they are located on public or private lands within the City limits."

Given these policies and mandates, the Tree and Landscape Board believes it is well within its purview to recommend that the three healthy Zelkova trees along Wichita Avenue, which some residents want removed, remain in place, and for the following reasons:

I.) The Unjustified Removal of Healthy Trees May Start a Precedent

Certainly, trees deemed hazardous and that pose a risk to public safety should be removed immediately. However, the members* of the Tree and Landscape Board expressed concern that allowing residents to demand the *unjustified* removal of healthy trees for spurious reasons (e.g., falling leaves, tree blossoms that attract stinging insects, falling tree sap, and so on) could encourage residents on other streets to do the same. Such behavior should not be encouraged.

II.) This May Actually Be a "Wildlife Nuisance" Issue, and Not a "Tree Issue"

Following the Board's discussion of this matter at its August 2016 meeting, it seems (although it is not entirely clear) that at least one of the residents on Wichita Avenue wants these trees removed because flocks of starlings are roosting in the trees and generating a significant amount of excrement. If this is indeed the case, then this is more of a wildlife management issue than a tree issue. There are surely a variety of ways to discourage the birds from roosting in these trees without cutting the trees down.

III.) If Light Is a Concern, These Trees Can Be Pruned

The Board also heard that residents wanted these trees taken down because they blocked light from a nearby streetlight, and the lack of illumination amounts to a threat to public safety. If this is indeed the case (photos of the area that show the location of another streetlight in the immediate vicinity) then the Board recommends that a certified arborist be hired to prune the branches of the tree or trees in question to allow for greater illumination of the area.

IV.) These Trees Provide Ecological Benefits

There is no question that the trees lining the streets of College Park provide several benefits, commonly referred to as “ecosystem services,” such as carbon sequestration, stormwater management assistance, and shade, which reduces of the “urban heat island” effect (i.e., the heat emitted from asphalt and concrete warmed by the intense sunshine in the summer). Clearly, these benefits fit within the City’s stated desire to “protect trees of ecological value.”

In closing, the members* of the Tree and Landscape Board take the City’s mandate to protect the City’s trees seriously. Thus, while we understand that our position my stand in opposition to the Wichita Avenue residents who would like to see these trees removed, for the reasons stated above, the Board does not support their demands. Thus, we recommend that that the City Council move to keep the trees in place.

Sincerely,

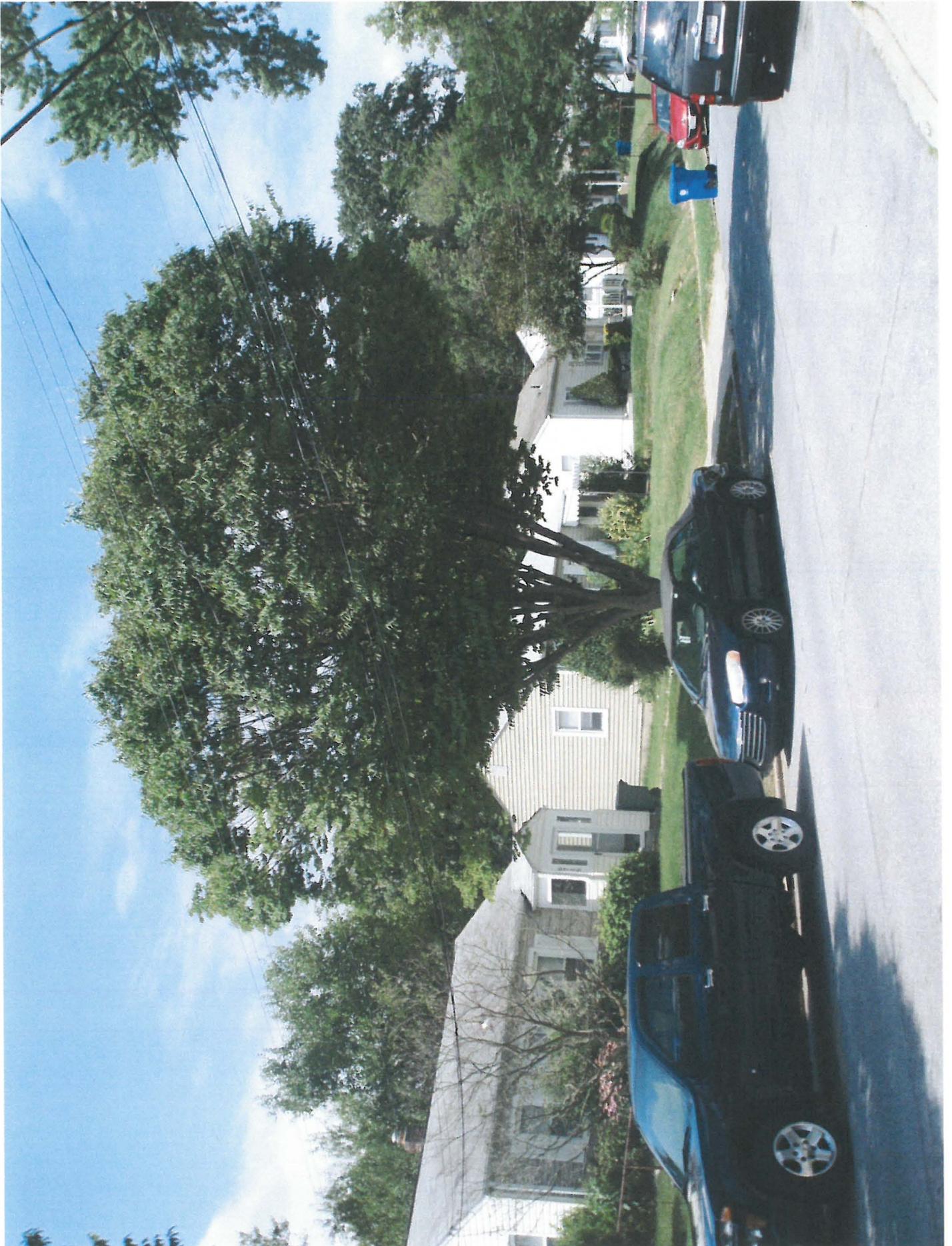
Joseph Smith
Chair, College Park Tree and Landscape Board

N.B) In the interest of full disclosure, it would be remiss of me not to mention that, while the Board did vote in favor of taking this position, it was not unanimous. One member, Mr. John Krouse, voted in opposition to the position.











Honey Locust



A large size maturing tree at 50' – 60' with an open vase-shaped spreading habit. Recommended for street tree use as it transplants readily and is adaptable to a wide range of soil types. It is heat, drought and salt tolerant, and is adaptable to urban conditions. The tree has small pinnately compound leaves that provide a fine texture and filtered shade. Fairly fast growth rate. A native species.

Chinese Elm



A large size maturing tree at 40' – 50' with a vase-shaped spreading habit. Recommend for street tree use as it transplants readily and is adaptable to urban conditions; it will tolerate a wide range of soil conditions. The peeling, exfoliating bark provides interesting winter interest. It has moderate growth rate. An introduced species.

Hackberry



A large size maturing tree at 40' – 50' with a broad rounded crown. Tolerates wet or dry soil conditions, compacted soil, salt and pollution. Recommended for urban sites; performs well in adverse conditions. May be slow to establish after transplanting. A native species.

16-G-112

Letter of support for
NEA Our Town grant
application



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

AGENDA ITEM NUMBER 16-G-112

Prepared By: Terry Schum, Planning Director **Meeting Date:** September 13, 2016

Presented By: Terry Schum

Consent Agenda: No

Originating Department: Planning, Community and Economic Development

Action Requested: Approval of Letter of Support for Our Town Grant Application

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

Background/Justification:

The City and the University of Maryland (UMD) are jointly submitting an application to the National Endowment for the Arts (NEA) for the preparation of a public art and culture master plan for the City. As discussed at the City Council Worksession on September 6, 2016, the process for preparing the plan will include a variety of community engagement strategies involving arts facilitators and other partners such as the College Park Arts Exchange and the Clarice. The resulting Master Plan will provide a set of recommendations, project ideas and locations for physical art and placemaking initiatives. The application is due on September 26 and requires a statement of support from the local jurisdiction.

Fiscal Impact:

The grant request is for \$50,000 and requires a 50% match of dollars or in-kind services. Up to \$15,000 in matching funds from the Planning Department may be used for this project with UMD and other partners providing the balance of the match.

Council Options:

- #1: Approve a Letter of Support for the Our Town grant application to the NEA and be a primary partner.
- #2: Provide a Letter of Support but don't be a primary partner in the application.
- #3: Don't support the grant application.

Staff Recommendation:

#1

Recommended Motion:

I move that the City provide a Letter of Support for a joint City and UMD application to the Our Town program of the NEA in the amount of \$50,000.

Attachments:

- 1. Letter of Support

September 13, 2016

National Endowment for the Arts
Design Division
Our Town FY 2017

To Whom It May Concern:

The City of College Park is a municipal corporation in the State of Maryland with a Council/Manager form of government. The Mayor is the highest ranking elected official in the City and the City Manager is the highest ranking government official.

The College Park Mayor and Council are excited to be a primary partner with the University of Maryland (UMD) and University of Maryland Foundation for the FY 2017 Our Town Grant Application. There is a need to incorporate art and culture more directly in the daily lives of our community and this partnership with the university affords us with the opportunity to prepare a plan that will help us to do that. In fact, the genesis of this idea first surfaced during a 2014 “Thinkathon” hosted by UMD that brought the university community and City residents together to explore issues of diversity and the role of the arts in community building.

This application is the latest example of a renewed sense of collaboration and shared vision with UMD to become a top 20 college town and more fully integrate the campus and the town. The City has a strategic plan goal of “One College Park” which symbolizes a new future working together with UMD. An Art and Culture Master Plan can help us with this goal and also help the City to find and express its own unique identity. It is important for the City to brand the desirability of our community and establish the City’s visual and cultural personality through amenities and projects that would be guided by this plan.

The City looks forward to planning and participating in the community engagement activities proposed in the grant application. They represent an interdisciplinary approach that should appeal to a wide range of community members. The process is designed to be as inclusive as possible to ensure community buy-in and support for plan implementation in the future.

Thank you for the opportunity to submit this application. It is the only Our Town application submitted with the support of the City of College Park.

Sincerely,

Patrick L. Wojahn
Mayor

16-G-115

Purchase of
9814 47th Place



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

AGENDA ITEM NUMBER 16-G-115

Prepared By: Terry Schum, Planning Director **Meeting Date:** September 13, 2016

Presented By: Terry Schum **Consent Agenda:** No

Originating Department: Planning, Community and Economic Development

Action Requested: Approve Contract of Sale for 9814 47th Place

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

Background/Justification:

This property consists of two vacant lots in the Hollywood on the Hill subdivision having a total of 6,250 square feet, more or less. The purpose of the acquisition is to enlarge the area proposed for the construction of the Hollywood Wind and Weather Park and to provide access to the park in compliance with the Americans with Disabilities Act. The Contract of Sale for the property contains terms and conditions that have been negotiated between the Buyer and Seller including a lot line adjustment between lots 3 and 4, construction of a fence along the adjusted lots and construction of a curb cut and driveway on 47th Place. The contract is contingent on the Maryland State Board of Public works approval of Program Open Space funding for a portion of the purchase price.

Fiscal Impact:

The agreed upon purchase price for the property is \$80,000. The City also agrees to pay for settlement fees including title search, deed preparation, recordation fees and transfer taxes. Updated appraisals completed after the lot lines are adjusted will determine the amount of grant funding provided through Program Open Space.

Council Options:

- #1: Approve the Contract of Sale for the purchase of 9814 47th Place.
- #2: Do not approve the Contract of Sale for the purchase of 9814 47th Place.

Staff Recommendation:

#1

Recommended Motion:

I move that the Contract of Sale between Shu Chin Lai and Ta Cheng Yang and the City of College Park in substantially the form attached be approved.

Attachments:

- 1. Contract of Sale and Exhibit A

CONTRACT OF SALE

THIS CONTRACT OF SALE (“Contract”), dated the _____ day of _____, 2016, between **Shu Chin Lai and Ta Cheng Yang, wife and husband** (“Sellers”), whose address is 13112 Darnestown Road, Gaithersburg, Md. 20878 and the **CITY OF COLLEGE PARK**, a Maryland municipal corporation (“Buyer”), whose address is 4500 Knox Road, College Park, MD 20740.

1. The Property. Sellers agree to sell to Buyer, and Buyer agrees to purchase from Sellers, Lot 5, and Lot 4 with adjusted lot line as referenced herein, being the two lots that make up the fee simple real property known as 9814 47th Place, College Park, Maryland 20740-1435 and referenced in Liber 21534, folio 00399, recorded among the Land Records of Prince George’s County, Maryland (collectively the “Property”), consisting of 6,250 square feet, more or less, together with all improvements and all the rights and appurtenances thereto, more particularly described on Exhibit A attached hereto. The acquisition is necessary for the Buyer to install a park improvement project (“Project”). The lot lines between Lot 3 of 4705 Edgewood Road, College Park, MD 20740 and Lot 4 of the Property will be adjusted so that Lot 4 is parallel to the existing house on 4705 Edgewood Road. An existing shed and patio, which will be located as is on adjusted Lot 3, shall remain in place.

2. Purchase Price. The purchase price for the Property is Eighty Thousand Dollars (\$80,000.00) (“Purchase Price”), of which Buyer shall pay One Thousand Dollars (\$1,000.00) at the signing hereof (“Deposit”), which shall be held by the Closing Agent in a non-interest bearing escrow account. The balance of the Purchase Price shall be paid by Buyer to Seller in cash at settlement. Buyer agrees to pay all closing costs.

3. Time and Place of Closing. Unless the parties agree otherwise, settlement shall take place within thirty (30) days of approval by the Maryland State Board of Public Works, as referenced herein (“Closing” or “Closing Date”) at the offices of Bay Title Company, 125 West Street, Fourth Floor, Annapolis, Maryland 21401 (hereinafter referred to as “Closing Agent”). Time is of the essence in regard to this contract.

4. Contingencies. Notwithstanding anything to the contrary contained in this Contract, Buyer’s obligation to close on the Property is expressly contingent on the following conditions being satisfied:

A. Maryland State Board of Public Works. Approval of the Program Open Space funding for part of the Purchase Price and the terms and conditions of this Contract and any Addenda thereto by the State of Maryland Board of Public Works.

B. Adjustment of Lot Line and Re-subdivision. The Buyer and Seller agree that the lot lines for Lot 3 of 4705 Edgewood Road and Lot 4 of the Property must be adjusted through a lot line adjustment procedure and that a re-subdivision of the property must occur to conclude the sale of the Property and that both must take place prior to settlement. A diagram of the estimated adjustment/re-subdivision is attached to this contract as Exhibit B. The Buyer shall pay all costs required to accomplish the lot line adjustment and re-subdivision, including without

limitation any required survey. Seller agrees to perform all acts and things required of them as current owners of the Property to assist the Buyer in obtaining the lot line adjustment and re-subdivision

5. Access to Property. Seller will provide the Buyer, inspectors and appraisers representing Buyer, reasonable access to the Property to comply with or satisfy any Contingencies of this Contract. In addition, Buyer and/or Buyer's representative will have the right to make a final inspection within 5 days prior to Closing and/or occupancy.

6. Title to the Property. At Closing, upon payment as above provided of the unpaid purchase money, a deed for the Property containing covenants of special warranty and further assurance shall be executed at Buyer's expense by Seller, which shall convey the Property to Buyer. The title conveyed to Buyer shall be good and merchantable, free of liens and encumbrances, except use, occupancy and similar restrictions of public record which are generally applicable to properties in the immediate neighborhood or subdivision in which the Property is located, easements which may be observed by an inspection of the Property, and such utility and other easements as do not materially adversely affect the fair market value of the Property.

7. Fees. Fees for Seller's legal fees, if any, will be paid by Seller. Fees for the preparation of the Deed, the title exam (except as otherwise provided), survey, recording (including those for any purchase money trusts) and the Closing Agent's, Buyer's legal fees and any other proper charges assessed to Buyer will be paid by Buyer. Recordation and transfer taxes, if any, shall be paid by the Buyer.

8. Closing Adjustments. Rents, taxes, water and sewer charges, front foot benefit and house connection charges, association, homeowners' and/or property owners' association regular periodic assessments (if any) and any other operating charges, are to be adjusted to the day of Closing. Taxes, general and special, are to be adjusted according to the certificate of taxes issued by the collector of taxes, if any, except that recorded assessments for improvements completed prior to Closing, whether assessments have been levied or not, will be paid by Seller or allowance made at Closing.

9. Broker's Fee. The parties warrant unto each other that no fees or commissions are due any real estate brokers or agents with respect to this contract.

10. Attorney's Fees. In any action or proceeding involving a dispute between Buyer and Seller arising out of this Contract, the prevailing party will be entitled to receive from the other party reasonable attorney's fees to be determined by the court or arbitrator(s).

11. Performance. Delivery of the required funds and executed documents to the Closing Agent will constitute sufficient tender of performance. Funds from this transaction at Closing may be used to pay off any existing liens and encumbrances, including interest, as required by lender(s) or lienholders.

12. Buyer's Default. If Buyer defaults in Buyer's obligation to purchase the Sale Property, Seller shall have the right, as Seller's sole remedy, to retain the Deposit paid hereunder as liquidated damages and not as a penalty, and thereafter the parties shall be released from all further liability hereunder at law and in equity.

13. Seller's Default. If Seller defaults in Seller's obligation to sell the Property, Buyer shall have, as his sole remedies, the option to demand the return of the Initial Deposit or file suit for specific performance to compel Seller's performance under this Contract.

14. Property Condition. Seller and Buyer agree that Buyer is purchasing the Property and improvements located thereon in an "as is" condition. Seller makes no representations as to the Property or improvements and Buyer shall perform such inspections and investigation that it deems appropriate to determine whether the condition of the Property is satisfactory for Buyer's intended uses. Seller will deliver the Property in substantially the same condition as on the Contract Date and broom clean, with all trash and debris removed. Seller will have all utilities in service through Closing or as otherwise agreed.

15. Broker. Buyer and Seller acknowledge that neither party has engaged the services of a real estate broker or agent with respect to the advertising, marketing, sale or purchase of the Property.

16. Further Consideration. As further consideration for this Contract, the Buyer agrees, at the expense of the Buyer, to:

A. Remove an existing chain link/barb wire fence along the south side of Lot 4 and along the western property line of Lots 1 through 5 of the Property and replace with a new fence as shown on the plans for the Project. The new fence will be installed as part of the construction of the Project and in any event within one year of settlement.

B. Construct a curb cut and driveway on 47th Place to serve the existing house on the property at the expense of the Buyer, to be installed as part of the construction of the Project, and in any event within one year of settlement. The concrete driveway will extend from the road to the existing patio on adjusted Lot 3, and measure twelve feet in width.

C. Obtain any required appraisals and surveys. Seller authorizes Buyer to enter onto the Property to perform any required appraisals and surveys.

17. Miscellaneous.

A. This Contract may be signed in one or more counterparts, each of which is deemed to be an original, and all of which together constitute one and the same instrument. Documents obtained via facsimile machines will also be considered as originals. Typewritten or handwritten provisions included in this Contract will control all pre-printed provisions that are in conflict.

B. This Contract contains the final and entire agreement between the parties and neither they nor their agents shall be bound by any terms, conditions or representations not herein written.

C. Time is of the essence of this Contract.

D. This Contract is binding on the parties and their personal representatives and assigns.

18. Void Contract. If this Contract becomes void and of no further force and effect, without Default by either party, both parties will immediately execute a release directing that the Deposit be refunded in full to Buyer according to the terms of this Contract.

19. Entire Agreement. This Contract will be binding upon the parties, and each of their respective heirs, executors, administrators, successors and permitted assigns. The provisions not satisfied at Closing will survive the delivery of the deed and will not be merged therein. This Contract, unless amended in writing, contains the final and entire agreement of the parties and the parties will not be bound by any terms, conditions, oral statements, warranties or representations not herein contained. The interpretation of this Contract will be governed by the laws of the jurisdiction where the Property is located.

20. Assignment. This Contract may not be assigned without the prior written consent of Seller, which consent shall not be unreasonably conditioned or withheld.

21. Effective Date. The Effective Date of this Agreement shall be the date by which this Contract and any Addenda hereto have been duly executed by all parties.

WITNESS the hands and seals of the parties.

WITNESS:

SELLERS:

SHU CHIN LAI

TA CHENG YANG

BUYER:

CITY OF COLLEGE PARK

Janeen S. Miller, CMC, City Clerk

By: _____
Scott Somers, City Manager

16-G-92

Terrapin Row Pedestrian Safety

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



AGENDA ITEM NUMBER 16-G-92

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

Meeting Date: 09/13/2016

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

Consent Agenda: No

Originating Department: City Attorney and Planning

Action Requested: Approval of Toll proposal for intersection and other improvements adjacent to Terrapin Row as being in substantial compliance with the Declaration of Covenants and Agreement Regarding Land Use

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

Background/Justification:

In 2013, the City entered into a Declaration of Covenants and Agreement Regarding Land Use ("Covenants") with Toll Brothers ("Toll") with respect to the re-development of the Knox Box area. The project, known as Terrapin Row, is nearing completion. Certain intersection improvements and signage were required in the Covenants, based on a conceptual study that was included as an exhibit. After recent site review, City staff and Toll agreed that certain improvements required by the Covenants should be amended or waived. Toll notified the City that an amendment to the MDE permit issued for this area would be required to install the remaining curb extensions required by the Covenants (at Rossburg and Guilford and at the NE and SE corner of Knox and Guilford), which are in the flood plain. It is their position that Toll is, as a result, not required to install the curb extensions. As an alternative, Toll proposed to install certain intersection improvements that would not require an amendment of the MDE permit. That proposal was included in a letter from Tom Haller dated June 30, 2016. They are also willing to pay for curb extensions, to be installed by the City. The total value of the alternate proposal is \$17,785, plus \$7,000 for the curb extensions, for a total of \$25,000.00.

The City has received letters of concern from Hope Lutheran Church and the Catholic Student Center with respect to pedestrian movements at the Knox Road/Mowatt/Guilford intersection.

Since that time, the City has received another communication from Toll, through its attorney. They are now concerned, based on input from their engineers, that the installation of the intersection improvements proposed by them on June 30 is not consistent with AASHTO standards. Specifically, they are concerned that when a truck makes the turn from southbound Mowatt onto Guilford, it has to swing into the northbound lane of Mowatt and use the entire paved area to negotiate the turn. Adding the pedestrian improvements makes that turning movement even tighter. A truck will not be able to make the turn without driving into the designated pedestrian area. The Kwik Curb will bend and pop back up, but a pedestrian in this location will be exposed to the truck's movement. The concern their consultant has raised is the pedestrian improvements may give the impression of a pedestrian "safe zone" which is actually not safe. As a result, Toll and their engineers are not willing to provide certified plans or to install the improvements unless the City holds them harmless from liability, waives the government caps on liability, and prohibits buses, including University of Maryland buses, 45 feet in length or more, from transiting the intersection from Mowatt.

Staff has done research into other alternatives. This intersection is in the flood plain. Any project that may impact the "infill" in a flood plain must be permitted by Prince George's County and Maryland Department of the Environment ("MDE"). We are informed by MDE that a permit application would be required from the City for any proposed improvement such as a pedestrian bridge. An engineering study would be required to show what impact, if any, the installation would have on the flood plain and the stream channel before any permit could issue. MDE would waive the filing fee for the application.

Prince George's County has informed the City Engineer about plans to upgrade the existing dual structural plate culverts at this intersection. This may involve changes to the intersection. The County has noted that there is minimal area, especially horizontally, to increase the width of the culverts in the confined space of the channel. Design and survey work are in DPW&T's 2017 budget. The City Engineer has been in touch with County personnel to express the concerns about pedestrians crossing this intersection and asking for pedestrian improvements, such as a sidewalk, to be part of the work that the County eventually approves. County representatives have indicated an intention coordinate with the City as this goes forward. However, the current expectation is five years until improvements are made, and this is not guaranteed.

Fiscal Impact:

None at this time.

Council Options:

- #1: Accept the funds from Toll as being in substantial compliance with the Declaration of Covenants, and pursue alternatives to determine the best option.
- #2: Require Toll to install the improvements as proposed, if City provides a hold harmless, waives liability caps and prohibits certain buses, as being in substantial compliance with the Declaration of Covenants
- #3: Disapprove the proposal by Toll

Staff Recommendation:

#1:

Recommended Motion:

I move to accept \$25,000.00 from Toll Brothers, Inc., as being in substantial compliance with their obligations under paragraph 11 of the Declaration of Covenants and Agreement Regarding Land Use

Attachments:

LAW OFFICES
GIBBS AND HALLER
1300 CARAWAY COURT, SUITE 102
LARGO, MARYLAND 20774

(301) 306-0033
FAX (301) 306-0037
gibbshaller.com

EDWARD C. GIBBS, JR.
THOMAS H. HALLER

ANTHONY G. BROWN
OF COUNSEL

June 30, 2016

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

Re: Terrapin Row Roadway Improvements

Dear Mr. Somers:

I represent Toll Brothers regarding the Terrapin Row project in the City of College Park. I have participated in conversations and meetings with your staff and the City Attorney regarding certain road improvements which incorporated in a Declaration of Covenants and Agreement Regarding Land Use dated November 13, 2013 ("Declaration"). Following up on my recent e-mail to Suellen Ferguson on June 23, 2016, I am transmitting the attached information for review by the City Staff and the City Council for the worksession scheduled for July 5, 2016.

As you are aware, the during the review of the Detailed Site Plan which governs the development of the property, the City presented Toll with certain proposed roadway and streetscape improvements which were intended to promote a safe pedestrian environment. Sketches of the proposed improvements were attached to the Declaration. Most of the improvements identified on the sketches were located along Guilford Road at the intersections of Knox Road and Hartwick Road. The entirety of Guilford Road along the property frontage is in the floodplain and development of the project required a permit from the Maryland Department of the Environment ("MDE"). Many of the proposed road improvements suggested by College Park required the installation of curb extensions which required the alteration of the road surface in a manner that could be construed as placing additional fill in the floodplain. As a result, the Declaration provided that Toll was not obligated to construct any streetscape or roadway improvements which would require the approval of the MDE. We have forwarded the sketch plans attached to the Declaration to

MDE and they have confirmed that construction of these improvements will require an amendment to the approved permit. I have attached a copy of the e-mail exchange between Bohler Engineering and MDE regarding this issue. As a result, Toll is not obligated to make these improvements under the terms of the Declaration.

Notwithstanding the above, in the course of our meetings with staff and the City Attorney, we were made aware of concerns raised by students who frequently walk to the religious student centers on the south side of Guilford Road at Knox Road. Even though Toll is not obligated to install the curb extensions, we have requested our traffic consultant, Lenhart Traffic Consulting, Inc. to review the Nelson Nygaard sketch attached to the Declaration and propose modifications which can be implemented without triggering review by MDE. Attached to this letter are drawings prepared by Lenhart Traffic Consulting, Inc. which depicts striping, stop sign modifications and the installation of bollards/separator curbs which address the City's concern regarding pedestrian safety. As a gesture of good will, Toll is willing to proffer these improvements.

We understand that the City Council intends to discuss this matter at its worksession on July 5, 2016. We were asked to get any proposed modifications to you by Friday at noon for inclusion in their back up. For that reason, I have included copies to all Council Members and the City Attorney. Given the submission of this information, we do not believe that it is necessary to meet tomorrow prior to the worksession. You should have sufficient opportunity to review these plans prior to that time. Please let me know if you have any questions regarding the attached.

Very truly yours,

~~GIBBS AND HALLER~~



Thomas H. Haller

Enclosures

cc: Mayor
All City Council Members
Suellen Ferguson, Esq.
Terry Schum
Steve Halpern

Tom Haller

From: Matthew Jones <mjones@bohlereng.com>
Sent: Tuesday, June 14, 2016 10:45 AM
To: Tom Haller; phackler@tollbrothersinc.com
Cc: Nicholas Speach; MB122062@nf. bohlereng. com
Subject: FW: MDE # 14-NT-0039/201460131 Terrapin Row MDE permit inquiry

Matthew Jones, P.E. | Associate



BOHLER
ENGINEERING

16701 Melford Blvd, Suite 310 | Bowie, MD 20715
P: 301-809-4500 | M: 703-531-9471 | mjones@bohlereng.com
www.BohlerEngineering.com



2015

**BEST PLACES
TO WORK**

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From: Imtiaz Choudhry -MDE- [mailto:imtiaz.choudhry@maryland.gov]
Sent: Tuesday, June 14, 2016 10:43 AM
To: Matthew Jones <mjones@bohlereng.com>
Subject: Re: MDE # 14-NT-0039/201460131 Terrapin Row MDE permit inquiry

It is correct.

Confirmed,

Thanks,

Imtiaz

On Tue, Jun 14, 2016 at 10:41 AM, Matthew Jones <mjones@bohlereng.com> wrote:

Imtiaz,

Thank you for discussing this project today. You stated that we should do two things to permit these additional street improvements.

1. Extend the existing permit and include justification for the extension
2. Request a modification to the existing permit to include the additional work in the street and include the increased fill created by the street improvements. Include new plans
3. A \$250 modification fee will be required

Thank you,

Matthew Jones, P.E. | Associate



16701 Melford Blvd, Suite 310 | Bowie, MD 20715

P: [301-809-4500](tel:301-809-4500) | M: [703-531-9471](tel:703-531-9471) | mjones@bohlereng.com

www.BohlerEngineering.com



2015
BEST PLACES
TO WORK

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From: Matthew Jones

Sent: Friday, June 03, 2016 5:50 PM

To: ichoudhry@mde.state.md.us

Cc: Thomas H. Haller <thaller@gibbshaller.com>; MB122062@nf.bohlereng.com <MB122062@nf.bohlereng.com>; phackler@tollbrothersinc.com; Nicholas Speach <nspeach@bohlereng.com>

Subject: MDE # 14-NT-0039/201460131 Terrapin Row MDE permit inquiry

Imtiaz,

Good evening. I hope this email finds you well.

Toll Brothers, Inc. was issued a permit from MDE # 14-NT-0039/201460131, which expires in August 2016. The improvements approved under the MDE permit have been constructed for

the most part. The MDE permit was issued without curb bump outs (curb extension improvements) in the public right of way (City streets) as shown on the attached redlined exhibit supplied by the City of College Park. These curb improvements are within the 100 year floodplain, and create additional fill within the floodplain area. Will these improvements require a permit revision or new MDE permit?

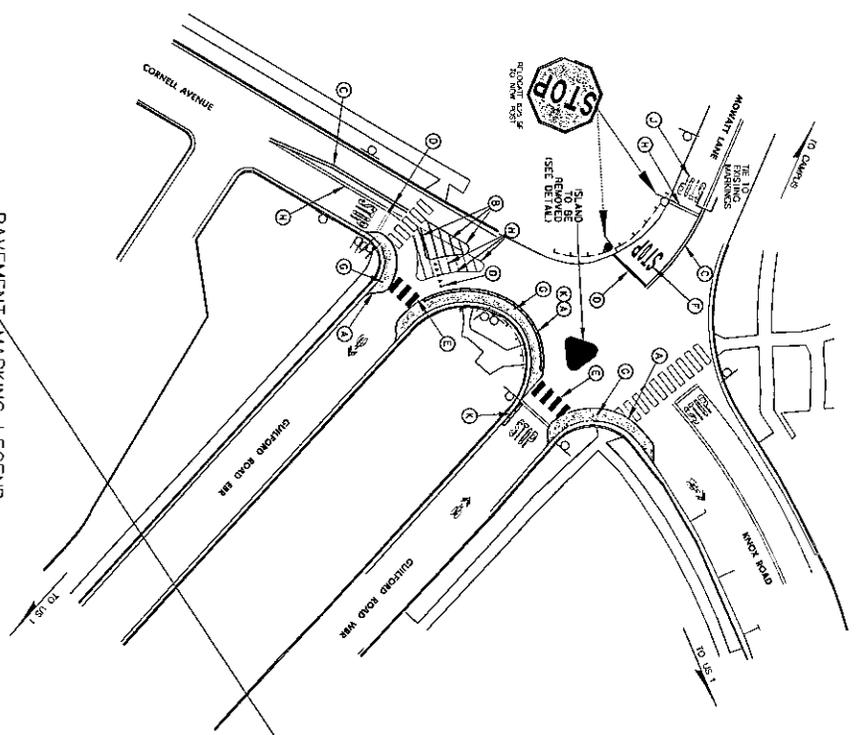
Thank you,

Matt Jones, PE

[301-809-4500](tel:301-809-4500)

--

Imtiaz A. Choudhry, P. E.
Senior Regulatory & Compliance Engineer
Waterway Construction Division
Nontidal Wetlands and Waterways Program
1800 Washington Blvd., ste. 430
Baltimore, Maryland 21230
Office: 410-537-3813
Fax: 410-537-3751
email: imtiaz.choudhry@maryland.gov



PAVEMENT MARKING LEGEND

- ① 5" SOLID WHITE LEAD FREE REFLECTIVE THERMOPLASTIC PAVEMENT MARKING
- ② 5" SOLID YELLOW LEAD FREE REFLECTIVE THERMOPLASTIC PAVEMENT MARKING
- ③ 5" SOLID DOUBLE YELLOW LEAD FREE REFLECTIVE THERMOPLASTIC PAVEMENT MARKING
- ④ 12" SOLID PREFORMED REFLECTIVE THERMOPLASTIC PAVEMENT MARKING LINES
- ⑤ 24" SOLID PREFORMED REFLECTIVE THERMOPLASTIC PAVEMENT MARKING LINES
- ⑥ WHITE PREFORMED PAVEMENT MARKING LEGENDS AND ARROWS
- ⑦ SAND COLOR PREFORMED PAVEMENT MARKINGS
- ⑧ REMOVE EXISTING PAVEMENT LINE MARKINGS - ANY WIDTH
- ⑨ REMOVE EXISTING PAVEMENT LETTERS, SYMBOLS, ARROWS AND NUMBERS
- ⑩ INSTALL W/NOCK KURB CHANNELIZATION PANELS ADJACENT TO EDGE LINE

DRAFT WORK IN PROGRESS
NOT FOR CONSTRUCTION

PAVEMENT LEGEND

FULL-DEPTH PAVEMENT
CONSTRUCTION

SIGNING LEGEND

SYMBOL	DESCRIPTION
□	EXISTING DETACHED MOUNTED SIGN AND SUPPORTS
□	PROPOSED DETACHED MOUNTED SIGN AND SUPPORTS
□	EXISTING SIGN TO BE REMOVED
□	PROPOSED SIGN TO BE REMOVED
□	EXISTING GUARD RAIL

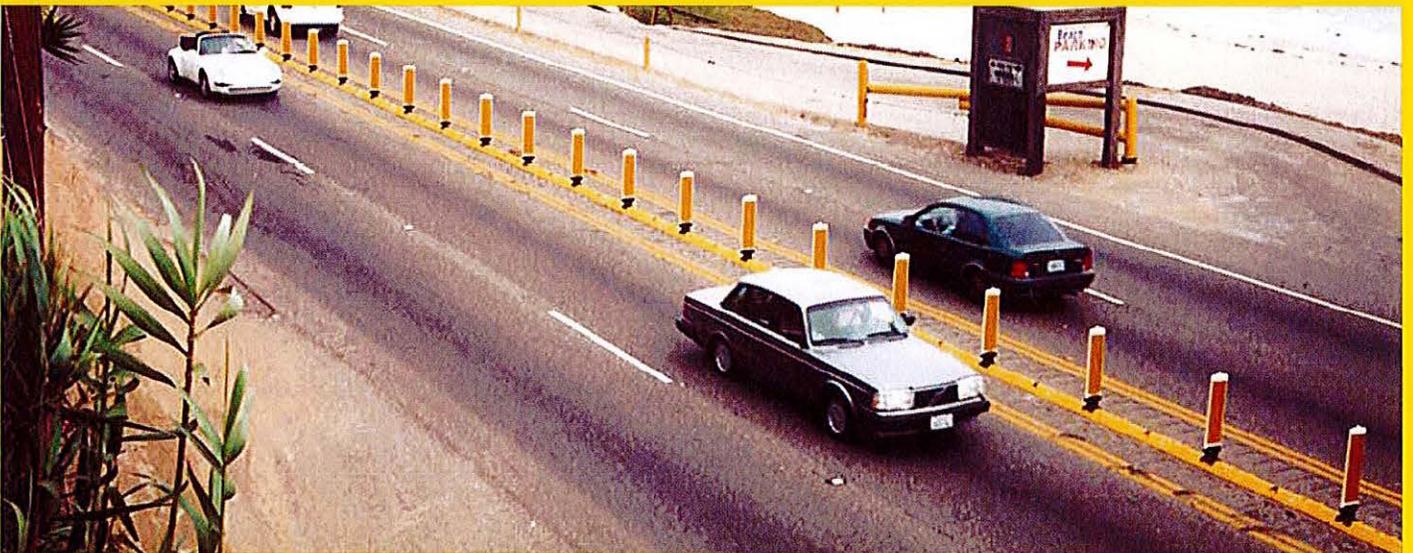
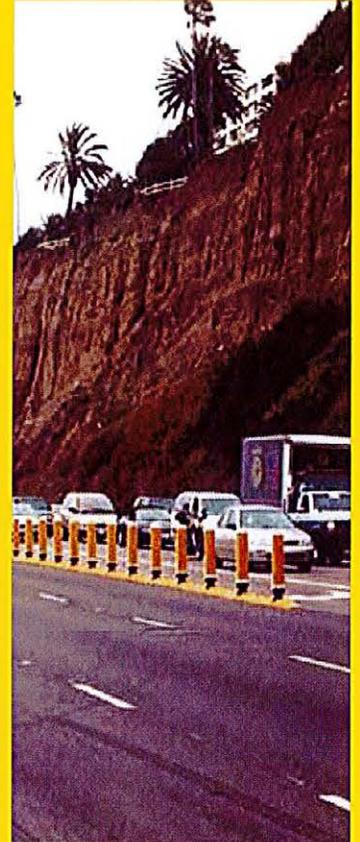
TERRAPIN ROW

SIGNING AND PAVEMENT MARKING PLAN

DATE: 04/22/2010	DESIGN BY: [REDACTED]	DRAWING NO.:	SHEET NO.:
SCALE: 1"=20'	DRAWN BY: [REDACTED]	SN 21	1 OF 1
CHECK BY: [REDACTED]	DATE: [REDACTED]		

LEHART-TABERT CONSULTING, INC.
 1000 W. BROADWAY, SUITE 200
 WASHINGTON, DC 20004
 TEL: 202.778.2200
 FAX: 202.778.2200
 WWW.LTCORP.COM

OWICK KURB®



SOLID QUALITY & PROVEN DURABILITY

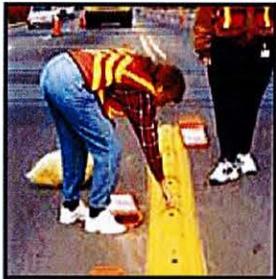
SEPARATOR CURB



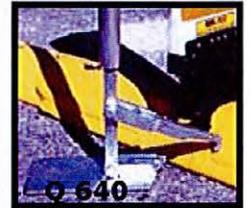
Each pallet holds 211 lf of Separator. Each Separator Unit weighs over 34 lbs. A conveyor can be hooked to a truck for long lengths of Separator. Using our "Hook & Bolt System" you can install nearly 1000 ft. per hour at temporary installations.

L62 Female End
18 Inch length

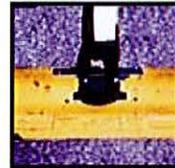
L60 Separator Unit
40" length
10 5/8 Inch width
3 1/2 Inch height



To depict profile of curb
SNAP IN A L65
REFLECTIVE ARC



Marker Puller



Flex with
Stabilizing
Bar



Securing
Arcs
For panel
stability



FS 50
Bolt,
Molly &
Washer
for on
Asphalt



FS 51
Anchor
Wedge
Concrete

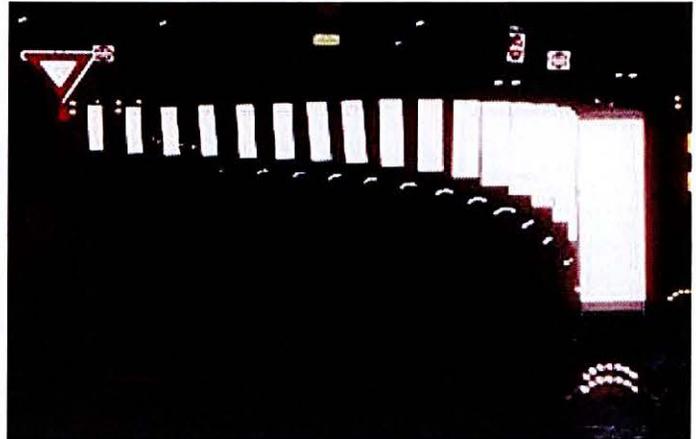


L61 Male End
18 Inch length

For permanent installations a hole is drilled into the road surface and the Separator is secured to the road using a bolt and molly. **Tighten to the road until the washer begins to bend. Our curb doesn't crack or shatter.** Reboundable markers slide into place quickly with the panel puller. Spacing of markers is as close as every meter.

THE ONE AND ONLY WITH OVER 20 YEARS ROAD EXPERIENCE

L104 MEGA MARKER™



CLEAR - DAY & NIGHT



CROSSWALK MESSAGE



BULLNOSE VISIBILITY

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Clerk of the
Circuit Court

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DECLARATION OF COVENANTS AND AGREEMENT

REGARDING LAND USE

PR GEO CO HD 401

THIS DECLARATION OF COVENANTS AND AGREEMENT REGARDING LAND USE ("Agreement") is made this 13th day of November, 2013 by and between TOLL BROS, INC. ("Toll"), a corporation existing under the laws of the State of Maryland, and the CITY OF COLLEGE PARK, MARYLAND (the "City") a municipal corporation of the State of Maryland.

WHEREAS, Toll is the contract purchaser of certain real property consisting of forty four (44) platted lots currently improved with 22 residential buildings on 5.3 acres (hereinafter "the Property") located in Prince George's County, Maryland, on the west side of Route 1, Baltimore Avenue, referenced as Block E, Lots 1-10, Lord Calvert Manor, College Park and recorded in the Land Records of Prince George's County at Plat Book 20, Plat No. 94; and Re-subdivision of Blocks F (Lots 9-14), and H (Lots 29-56), recorded in the Land Records of Prince George's County, Maryland at Plat Book 21, Plat No. 96; all as shown on the plat attached as Exhibit A; and

WHEREAS, the Toll has proposed the construction of rental student housing on the Property ("the Project"); and

WHEREAS, Toll has asked the City to recommend approval of Detailed Site Plan No. DSP 13025 ("DSP") for the Project to the Prince George's County Planning Board ("Planning Board") and the District Council for Prince George's County, Maryland; and

WHEREAS, the proposed DSP also includes certain real property consisting of four (4) platted lots currently improved with two (2) residential buildings on approximately 0.9 acres

TMP PD SURE 1 0.00
RECORDING FEE 0.00
TOTAL 0.00
RECORDED R#44333333
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located in Prince George's County, Maryland, on the west side of Route 1, Baltimore Avenue, referenced as Re-subdivision of Part of Block I (Lots 9-12), recorded in the Land Records of Prince George's County, Maryland at Plat Book 20, Plat No. 94; also referenced herein as Parcel 3, which is owned by KNOX VILLAGE PARTNERS, LLC, a Maryland limited liability company; KNOX BOX REALTY, LLC, a Delaware limited liability company, and AO ENTERPRISES, LLC, a Maryland limited liability company (collectively, the "Developer")

WHEREAS, Toll has asked the City to close, and consent to the vacation of, a portion of Rossburg Drive, currently in use as a public way, to enable the Project; and

WHEREAS, the City has agreed to make said recommendation, and to close and consent to the vacation of a portion of Rossburg Drive, upon certain conditions, which shall be executed by Toll in the form of this Agreement as set forth below, which covenants run with the land and may be enforced by the City

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

1. The recitals set forth above as well as the foregoing "NOW, THEREFORE," are incorporated herein as operative provisions of these Covenants.
2. The parties hereto acknowledge that Toll intends to construct and operate the Property as a student rental apartment community, that the Project consists of multiple buildings, that the Project also includes rental commercial space, and that

Paragraph 2(c) shall only apply in the event a condominium regime is recorded and the sale of individual residential condominium units to third-party purchasers commences. In conjunction with the ownership and operation of the Project, Toll agrees as follows:

(a) TOLL will not sell any of the multi-family apartment units separately from the remaining multi-family apartment units, except as set out in Paragraph 2(c). This provision shall not preclude the sale of whole buildings containing multi-family apartment units to another entity, or the sale of interests in the owning entity in connection with a joint venture and such entity will be subject to the provisions of Paragraph 2(c).

(b) When all or a portion of the Property not part of a condominium regime is operated as a rental facility, in order to insure high quality unitary management, said units shall be managed by TOLL or its affiliates, or in the alternative, by a reputable professional management agent having 10 years experience managing multifamily student rental properties. Any decision to discontinue such required professional property management or management by Toll or its affiliates shall require the prior written consent of the City of College Park

(c) The provisions of this Paragraph 2(c) shall only be applicable in the event TOLL establishes a condominium regime under which individual condominium units for any of the multi-family units in the Property may be sold, and commences the sale of such units to third-party unit purchasers and shall not apply to commercial or retail condominiums or the establishment of a condominium regime which creates condominium units to separate the

commercial use in the Property from the residential uses in the property. In the event TOLL determines to establish a condominium regime under which residential units may be individually sold, Toll agrees that no more than one master residential condominium regime will be established on the Property, and any such regime shall be included in and governed by a master condominium document. This Paragraph 2(c) does not apply to commercial or retail condominiums, which shall be included in and governed by a master condominium document. TOLL further agrees, to the reasonable satisfaction of the City, that it will include provisions in the applicable condominium documents, not subject to amendment, except as set out herein, as follows:

- i. To insure high quality management of the common areas, require unitary management for each such regime by a reputable professional condominium management agent not owned or operated by any unit owner (except TOLL or its affiliates or other similarly experienced multifamily owner/operators) that has at least ten (10) years of experience managing multifamily student housing projects. Any decision by the Board of Directors of a condominium to discontinue professional property management (or management by TOLL or its affiliates or other similarly experience multifamily owner/operator) would require the prior written consent of the City of College Park;
- ii. A provision prescribing that the condominium association provide a sample lease to unit owners for units which may be individually leased by unit owners to third parties, which lease shall include a notice to proposed tenants of applicability of City ordinances relating to tenant rights and obligations and

requiring unitary high quality maintenance and management with enforcement rights granted to the City and the condominium association to monitor and enforce tenant compliance with lease and other tenant obligations as set out herein and the City noise, nuisance and parking ordinances.

iii. The condominium documents shall provide that, except in cases of actual hardship, no more than twenty-five percent (25%) of the units within the condominium may be leased at any time, unless otherwise approved by the City. Any owner wishing to lease a unit must notify the Board of Directors of its intention to lease. Except in the event of actual hardship, the Board of Directors shall deny the right of a unit owner to lease a unit if such lease would result in more than twenty-five percent (25%) of the units within the Condominium being leased. Hardship is defined as need based on military service, loss of employment, involuntary relocation, death, disability, or other such circumstances. In the event an exception to the 25% rental limit is granted due to hardship, any lease so granted shall not exceed twelve months in duration unless approved by the City. In no event shall the total rental percentage, including hardship exception rentals, exceed 30% of the units within the Condominium. Any unit owner seeking to lease a unit must comply with all applicable laws, including obtaining any required rental licenses. The Board of Directors, shall require, and each occupant of a unit shall provide, not more than once in any twenty-four (24) month period (or more often if reasonably necessary), an affidavit certifying the status of the unit occupancy (i.e., whether the occupant is a unit owner, member of the unit owner's family, guest or invitee, or a lessee). The

affidavit shall be in a form subject to the reasonable approval by the City of College Park (a copy of which is attached hereto) and shall require that each occupant provide reasonable verification of the information contained in the affidavit. The City of College Park shall be entitled to receive a copy of all affidavits filed. In the event individual residents fail to submit the requested affidavit but the Condominium Board of Directors or management company has information concerning the occupancy status of particular units, the verification of occupancy status may be given by the Condominium Board of Directors or the management company. The minimum lease term for all leases within the for-sale condominium shall be twelve (12) months, and any rental of units will be subject to the prior review and approval of the Board of Directors. In this manner, the Board of Directors would be able to monitor the extent of leasing activity. No changes or modifications to these leasing restrictions will be permitted without the prior written consent of the City of College Park. The City of College Park would also be afforded the right, but not the obligation, to enforce these leasing restrictions against the individual unit owners.

iv No transient tenants may be accommodated in any Unit, nor shall any Unit be utilized for short-term hotel purposes. For purposes of this section, the term "transient tenants" shall mean a tenant leasing for a period of less than 12 months. No portion of a Unit (other than the entire Unit) may be rented. All agreements of the lease of a Unit shall provide that the terms of the lease shall be subject in all respects to the provisions of the Maryland Condominium Act, the Condominium Declaration and Bylaws and that any failure of the lessee to comply with the

terms of such provisions shall be a default under the lease, which default may be remedied by the Unit Owner in accordance with the lease and by the Condominium Association, in accordance with the Act. All leases must be in writing.

v. No Condominium Unit Owner or occupant shall make or permit to be made any unreasonably disturbing noise in the Common Elements or in the Units by himself, his family, guests, tenants, employees, servants or invitees, nor permit anything to be done by any such persons as would materially interfere with the rights, comfort or convenience of other Unit Owners or occupants. No Unit Owner or occupant of any Unit shall carry on, or permit to be carried on, any practice in his Unit or on the Property which unreasonably interferes with the quiet enjoyment and proper use of another Unit or the Common Elements by the Unit Owner or occupant of any other Unit, or which creates or results in a material hazard or nuisance on the Condominium.

vi. Unit Owners and occupants must deposit all rubbish or litter in the designated areas and receptacles provided for such purpose.

viii. Unless specific portions of the General Common Elements are designated by the Board of Directors for such purpose, no portion of the General Common Elements shall be used for the storage or placement of furniture or any other article, including, but not limited to, plants, boxes, shopping carts, bicycles, shoes or other articles of clothing and the like.

viii. The Unit Owners and occupants shall not cause or permit the blowing of any horn from any vehicle in which his guests, family, tenants, invitees or

employees shall be occupants, approaching or upon any of the driveways or parking areas serving the Condominium, except as may be necessary for the safe operation thereof.

ix. The owners and occupants of the Units shall in general not act or fail to act in any manner that unreasonably interferes with the rights, comfort and convenience of other Unit Owners and occupants.

x. No Unit Owner or any of his agents, servants, employees, licensees, or visitors shall at any time bring into or keep in his Unit any flammable, combustible or explosive fluid, material, chemical or substance, except for normal household use.

xi. Subject to the provisions in the Condominium Declaration and in the Bylaws, household birds and fish, house dogs or domesticated house cats are allowed, provided that the same shall not disturb other Unit Owners or occupants, including disturbance caused by barking or howling dogs. Any inconvenience, damage or unpleasantness caused by such pets shall be the sole responsibility of the respective owners thereof. All such pets shall be kept under the direct control of their owners at all times and shall not be allowed to run free or unleashed or to otherwise unreasonably interfere with the rights, comfort and convenience of any of the Unit Owners or occupants. All pets shall be attended at all times and shall be registered, licensed and inoculated as may from time to time be required by law, and must be registered with the condominium managing agent. Pets shall be walked on the condominium property only where permitted and must be cleaned up after.

which would not pass applicable state inspection criteria), shall be kept upon any portion of the Condominium or upon the public or private streets adjacent to the Condominium (except for bona fide emergencies), nor shall the repair or extraordinary maintenance of automobiles or other vehicles be carried out thereon.

xviii. Streets and other exterior surface parking areas within the Condominium shall be used by Unit Owners, occupants and guests for fully operable, inspected and registered four-wheel passenger vehicles, motorcycles, mopeds, two wheel motorized bicycles and standard bicycles only. No recreational vehicles, vans (other than non-commercial passenger vans), mobile homes, trailers, boats, trucks (unless licensed as a passenger vehicle and less than three-quarter ton capacity) or commercial vehicles (whether or not registered as a commercial vehicle with the Maryland Department of Motor Vehicles) shall be permitted to be parked on the Property, except on a day-to-day temporary basis in connection with repairs, maintenance or construction work on the Property.

xix. Outdoor cooking or barbequing is prohibited on any patios, decks, balconies or porches of an individual unit, but shall be permitted in the Common Areas where specifically provided for.

xx. Each Unit Owner shall maintain his Unit in a safe and sanitary manner and condition, in good order and repair and in accordance with all applicable restrictions, conditions, ordinances, codes and any rules or regulations which may be applicable hereunder or under law.

xxi. Portions of a Unit visible from the exterior of the Unit and the Limited Common Elements must be kept in an orderly condition so as not to detract from the neat appearance of the Condominium community. In this regard, no motorcycles or other motorized vehicles may be parked on the patios, decks, balconies or porches. No clotheslines and no outdoor clothes drying or hanging shall be permitted anywhere in the Condominium, nor shall anything be hung, painted or displayed on the outside of the windows (or inside of the windows, if visible from the outside) or placed on the outside walls or outside surfaces of doors of any of the Units, and no awnings, canopies or shutters (except for those heretofore or hereinafter installed by Declarant) shall be affixed or placed upon the exterior of a Units, or any part thereof, nor relocated or extended, without the prior written consent of the Board of Directors. Window air conditioners are prohibited. The Board of Directors, in its sole discretion, may determine whether the portions of a Unit visible from the exterior of the Unit and the Limited Common Elements are reasonably orderly. If an Owner shall fail to keep the portions of the Owner's Unit or the Limited Common Elements (if any) appurtenant thereto, that are visible from the exterior of such Unit or Limited Common Elements orderly, the Board of Directors may have any objectionable items removed from the portions of the Unit that are visible from the exterior of the Unit or the Limited Common Elements so as to restore their orderly appearance, without liability therefor, and charge the Unit Owner for any costs incurred in connection with such removal.

xxii. With the exception of lawn care or other maintenance equipment used by the Condominium Association, its employees or contractors, motorized vehicles may not be driven on the Common Elements (other than the paved street and parking areas designated for such use) by any Unit Owner occupant or guest and no unlicensed vehicles are allowed within the Condominium. Motorized vehicles shall include, but not be limited to, mini-bikes, snowmobiles and motorcycles,.

xxiii. Each Unit Owner shall maintain his Unit and in accordance with the Declaration and rules and regulations of the Association. In the event that a Unit is not so maintained, the Association shall have the right to enter the Unit to maintain the same, after giving the Unit Owner at least fifteen (15) days written notice to cure any maintenance problems or deficiencies. In the event that the Association exercises its right of entry for maintenance purposes, the Association shall have the right to assess the particular Unit Owner for the cost of such maintenance. The Association, by its Board of Directors, shall have the right to establish Rules governing the maintenance of any Unit.

3. In the event that the Property is developed and subsequently sold to any non-taxable entity, so that the Property is no longer subject to real property taxes, the entity(ies) purchasing the properties and each of them (or any successors or assigns) shall be liable to make an annual payment in perpetuity to the City in an amount equal to the annual City real property taxes on the property and any improvements, based on assessed value, it being the intent of the parties that the City not be deprived of this income regardless of the tax status of any owner and that this obligation shall run with the land. TOLL'S obligation set forth herein shall terminate upon the sale of the Property to an arm's length third party purchaser. Further, the requirement

set forth herein shall not apply in the event the Property is obtained by any non-taxable entity via the process of right-of-way dedication, eminent domain or condemnation. The owner shall notify the City in writing upon the closing of any sale to a third party purchaser, or upon receipt of legal process instituting any action of eminent domain or condemnation.

4. Prior to approval of a building permit, if the Capital Bikeshare Program or similar program is operational in the City of College Park, TOLL, its successors and assigns, shall pay the sum of \$45,000 to the City of College Park for the installation and operation of an 11 dock/6 bike station that measures 31 feet in length and 6 feet in width at a location on or near the Property. In the event the City of College Park determines that the Bikeshare facility should be located on the Property, it shall be placed in the location designated on the DSP.

5. Toll Brothers, Inc. shall achieve U.S. Green Building Council (USGBC) LEED-Silver certification under an applicable, current LEED rating system as required by the Sector Plan Development Standards. Specifically, TOLL shall follow the process below:

- a. Prior to DSP certification, TOLL shall:
 - i. Designate a LEED-accredited professional (“LEED-AP”) who is also a professional engineer or architect, as a member of their design team. TOLL shall provide the name and contact information for the LEED AP to the City.
 - ii. Designate the City’s Planning Director, or designee, as a team member in the USGBC’s LEED Online system. The City’s team member will have privileges to review the project status and monitor the progress of all documents submitted by the project team.
- b. Prior to approval of a building permit, TOLL shall:
 - i. Register the project with the U.S. Green Building Council (USGBC) and show results of LEED-ND Stage 1 or Stage 2 review. If conditional approval is obtained, TOLL shall employ every effort to obtain full LEED-ND certification and provide documentation of such. If conditional approval is not obtained, TOLL shall make every effort to achieve USGBC LEED-Silver certification under LEED-NC and/or LEED Homes, or if available, equivalent standard.
- c. Prior to issuance of the first Use and Occupancy Permit, TOLL shall:
 - i. Submit a report by a LEED AP that demonstrates that the project is anticipated to

attain a sufficient number of credits that will ultimately be sufficient to attain the LEED ND Silver certification or LEED-NC and LEED Homes as appropriate.

- ii. Establish an escrow or letter of credit in the amount of \$50,000 with an agent that is acceptable to the City. Said escrow agent shall hold the funds subject to the terms of this Agreement. The escrow (or letter of credit) shall be released to Applicant upon final LEED Silver certification. In the event that TOLL fails to provide, within 1 year of issuance of the use and occupancy permit for the final building within the LEED ND boundary, documentation to the City demonstrating attainment of LEED Silver certification, then as the City's sole remedy the entirety of the escrow will be released upon demand to the City and will be posted to a fund within the City budget supporting implementation of environmental initiatives. If LEED certification is obtained but not at the Silver level, 50% of the escrow will be released to TOLL and 50% will be released upon demand to the City to be posted to a fund within the City budget supporting implementation of environmental initiatives.
- d. If TOLL provides documentation from the USGBC demonstrating, to the satisfaction of the City, that USGBC completion of the review of the LEED certification application has been delayed through no fault of TOLL, TOLL's contractors or subcontractors, the proffered time frame may be extended as determined appropriate by the City, and no release of escrowed funds shall be made to TOLL or to the City during the extension.

6. Prior to a Use and Occupancy Permit, TOLL shall provide a copy of an agreement with the University of Maryland for the installation, maintenance and monitoring of emergency call boxes (Public Emergency Reporting Telephones, PERT). Prior to Use and Occupancy Permit, Toll will install exterior cameras with views of Knox Road, Hartwick Road, Guilford Road, and the Mews.

7. TOLL shall extend the street trees and pedestrian light fixtures required by the DSP from the Project boundary along Knox Road and Guilford Road to the intersection of these two streets. TOLL shall maintain, in a manner reasonably acceptable to the City, all pedestrian light fixtures installed in the right-of-way pursuant to the DSP and/or this Agreement along Knox Road, Hartwick Road and Guilford Drive, with the exception of the pedestrian light fixtures that are installed outside of the Project's property frontage. Maintenance and operation shall include but not be limited to electric utility charges, replacement of light bulbs, and repair and replacement of the pedestrian street lights within a reasonable period of time, pursuant to a maintenance schedule established

with the City.

The City may invoice TOLL on a quarterly basis for electricity costs in the event Toll is not invoiced the costs of electricity directly by the utility company. Invoices shall be payable to the City within thirty (30) days of receipt. In the event that any such invoice is not timely paid, in addition to any other remedy available at law, any outstanding amount shall be a lien upon the Property to be collected in the same manner as City taxes are collected. TOLL shall indemnify and save harmless the City, its officers, employees and agents, from all suits, actions and damages or costs of every kind and description, including reasonable attorneys' fees, arising directly or indirectly out of the maintenance of the pedestrian light fixtures, caused by the negligent act or omission, intentional wrongful acts, intentional misconduct or failure to perform with respect obligations under this paragraph on the part of TOLL, its agents, servants, employees and subcontractors.

8. Prior to the issuance of any occupancy permit, Toll shall grant to the Developer property a perpetual right to lease from Toll, or its successors and assigns, a sufficient number of spaces in the garage on Toll's property to meet the parking requirements for the Developer property ("the Parking Access Easement") as shown on the DSP. The required number of spaces reflected on the DSP as of the date of this Agreement is 24 spaces. These parking rights shall run with the land and shall be reflected in a Parking Access Easement Agreement in a form reasonably satisfactory to Toll and the City. The Parking Access Easement Agreement shall be recorded among the Land Records of Prince George's County, Maryland and shall be enforceable by the City.

9. A public use easement shall be provided to allow pedestrian and bicycle access through

the Project within the open area created on Parcel 1, between Knox Road and Guilford and Hartwick Roads (the "Public Pedestrian Access Easement). The Public Pedestrian Access Easement shall be to the benefit of the City of College Park and shall be approved by the City of College Park and the Maryland-National Park and Planning Commission. The easement shall set forth the rights, responsibilities, and liabilities of the parties.

10. Toll and Toll's heirs, successors, and/or assignees shall vacate the dedicated public right-of-way of Rossburg Drive (WWW 20-94) and obtain approval of a minor final plat pursuant to Section 24-112 of the Subdivision Regulations at a time in accordance with the approved Detailed Site Plan DSP-13025. The minor final plat shall reflect the liber and folio of the Parking Access Easement and the Public Pedestrian Access Easement.

11. The City has presented Toll with proposed roadway and streetscape improvements intended to promote a safe pedestrian environment. These streetscape and roadway improvements are shown on Exhibits B-D, attached to this Agreement and incorporated by reference. Toll agrees that, prior to any use and occupancy permit, it will obtain a right of way permit from the City and construct the roadway and streetscape improvements as shown on Exhibits B-D provided that i) such improvements are not construed or interpreted by Prince George's County constituting fill in the 100 year floodplain which adversely affect the existing floodplain by causing the floodplain elevation to rise from the current elevation shown on the approved floodplain study prepared by Bohler Engineering, or ii) if such improvements are construed or interpreted by Prince George's County as constituting fill in the floodplain which causes the floodplain elevation to rise from that the current elevation shown on the approved floodplain study prepared by Bohler Engineering, then Toll's sole obligation to compensate for such impact shall be limited to payment of a fee in lieu thereof which is reasonably acceptable to

Toll. In addition, Toll shall not be obligated to construct any streetscape or roadway improvements which would require modification or alteration to any stream channel or stream embankment which would require the approval of the Maryland Department of the Environment or the United States Army Corps of Engineers.

12. Prior to signature approval of the DSP, the applicants shall revise the site plan to:

- a. Show a possible location for a proposed Bikeshare Station (11 docks and 6 bikes) that measures 31 feet in length and 6 feet in width.
- b. Redesign the mews/stairs to accommodate pushing a bike.
- c. Show street light fixtures spaced not more than 30 feet on center.
- d. Show the installation of street trees and pedestrian light fixtures extended from the project boundary along Knox Road and Guilford Road to the intersection of these two streets.
- e. Show sidewalks along the property frontage at a minimum of 6-foot wide, preferably 8-foot wide to the extent possible.
- f. Provide a 6-foot wide sidewalk and 5-foot wide planting strip along the north side of Knox Road from the proposed crosswalk east to the driveway of the Delta Sigma Phi fraternity.
- g. Stripe Knox Road to provide a 5-foot wide west-bound bike lane, 10-foot wide west-bound drive lane, 11-foot wide east-bound "sharrow" lane and 8-foot wide parking lane on the south side of Knox Road. The ultimate street section is subject to approval and modification by the City of College Park.

13. Prior to a Use and Occupancy Permit, the applicant (Toll Brothers, Inc.) shall stripe Knox Road to provide a 5-foot wide west-bound bike lane, 10-foot wide west-bound drive lane, 11-foot wide east-bound "sharrow" lane and an 8-foot wide parking lane on the south side of Knox Road.

14. Prior to the closure of Rossburg Drive, the applicant shall convert Knox Road to a two-way street, in coordination with the City of College Park engineer.

15. Prior to signature approval of the DSP, the architectural elevations shall be revised for review and approval by the City of College Park and M-NCPPC as follows:

- a. Label the materials used on the façade of the garage.
- b. Create a 5-story projecting vertical bay with windows on Building B-south elevation, similar to that found on Building B-north elevation, or appropriate alternative.
- c. Create a 5-story projecting vertical bay with windows for Building C-west elevation.

similar to that found on Building C-north elevation, or appropriate alternative.

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

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

18. This Agreement shall be effective immediately as to TOLL and shall be binding on its heirs, successors and assigns subject to the terms and conditions hereof.

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

20. The City shall have the right to enforce, by any proceeding at law or in equity, including injunction, all restrictions, terms, conditions, covenants and agreements imposed upon the Property, and/or TOLL pursuant to the provisions of this Agreement. The parties agree that if TOLL should breach the terms of this Agreement, the City would not have an adequate remedy at law and would be entitled to bring an action in equity for specific performance of the terms of this Agreement. In the event the City is required to enforce this Agreement and TOLL is determined to have violated any provision of this Agreement, TOLL will reimburse the City for all reasonable costs of the proceeding including reasonable attorneys' fees. Should TOLL prevail in any action brought by the City to enforce a provision of this Agreement, the City shall

reimburse said party for all reasonable costs of the proceeding including reasonable attorneys' fees.

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

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

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

24. The City shall (i) generally support the approval of the DSP as long as they are found by the City to be in substantial conformance with the development plans for the Property previously shown to and endorsed by the City and (ii) close and support the vacation of the portion of Roszburg Drive to be closed and vacated as set forth in the DSP, upon the satisfaction of the conditions precedent thereto in the DSP and this Agreement. The City retains the right throughout the development process to comment on, object to, recommend conditions for and/or appeal issues not previously addressed and issues that have not yet arisen due to the current stage of development plans provided that it will not unreasonably withhold consent. The City further acknowledges that a conformance finding is not to be unreasonably withheld.

35503 608

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

WITNESS/ATTEST:

TOLL BROS., INC.

[Handwritten Signature]

[Handwritten Signature]
Title: Vice President

~~Pennsylvania~~
STATE OF MARYLAND)

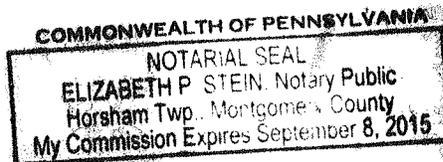
ss:
COUNTY of Montgomery

I HEREBY CERTIFY, that on this 19th day of November 2013, before me, a Notary Public in and for the State aforesaid, personally appeared Richard L. Key, Sr., and that he, being authorized so to do, executed the foregoing Agreement for the purposes therein contained by signing in my presence.

WITNESS my hand and Notarial Seal.

[Handwritten Signature] (SEAL)
Notary Public

My Commission Expires: 9/8/2015



WITNESS/ATTEST:

CITY OF COLLEGE PARK

By: *Janeen S. Miller*
Janeen S. Miller, City Clerk

By: *Joseph L. Nagro*
Joseph L. Nagro, City Manager

Gvette Allen
Asst. City Clerk
STATE OF MARYLAND)

) ss:

COUNTY OF MONTGOMERY

I HEREBY CERTIFY that on this 17TH day of DEC, 2013, before me, the subscriber, a Notary Public in the State and County aforesaid, personally appeared Joseph L. Nagro, who acknowledged himself to be the City Manager of the City of College Park, and that he, as such City Manager, being authorized so to do, executed the foregoing Agreement for the purposes therein contained by signing, in my presence, the name of said City of College Park, by himself, as City Manager.

WITNESS my hand and notarial seal.

Stephen [Signature] (SEAL)

Notary Public

My Commission Expires: 01/14/17

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

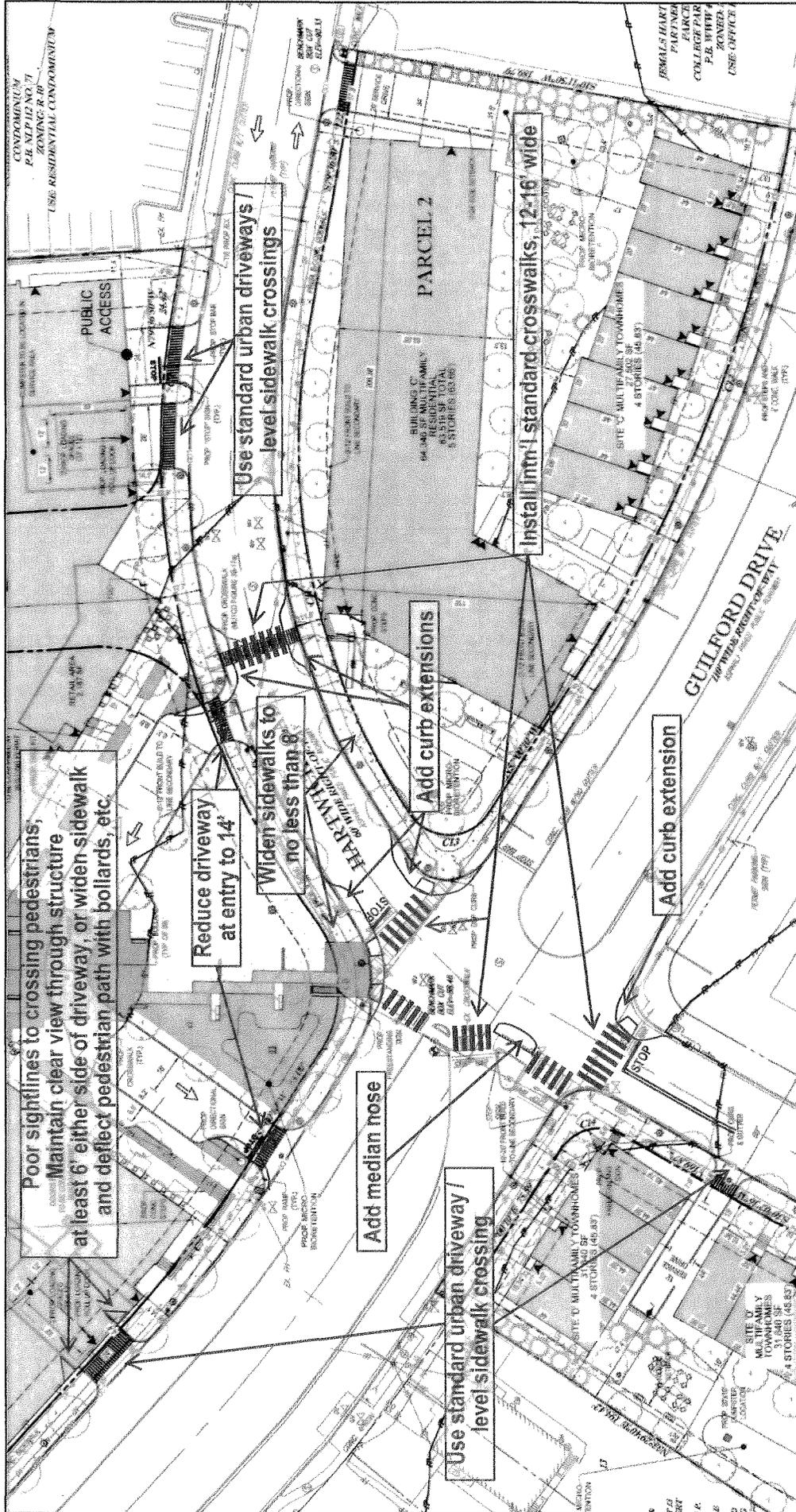
Suellen M. Ferguson
Suellen M. Ferguson

35503 610

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

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

UMD Student Housing at Knox Road: Site Design Comments



UMD Student Housing at Knox Road: Site Design Comments

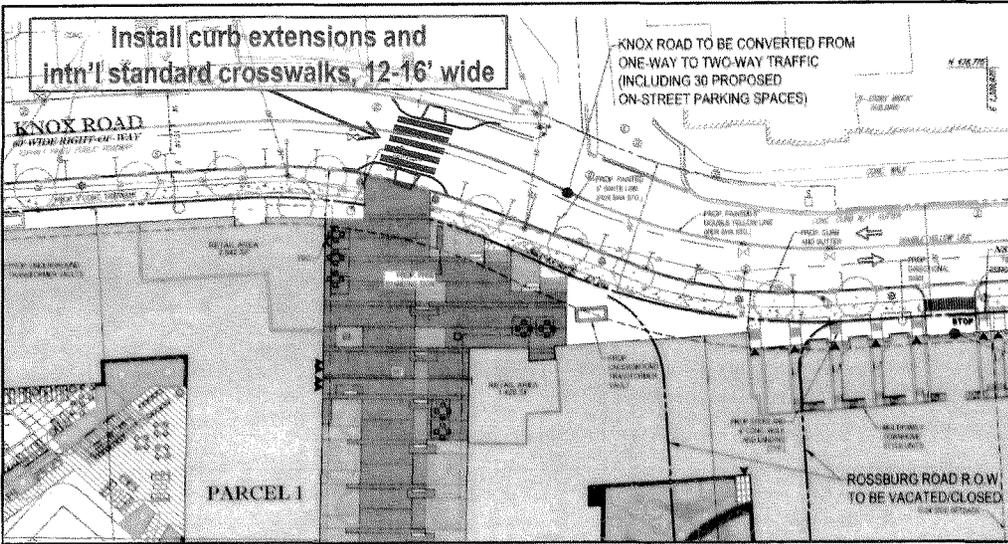
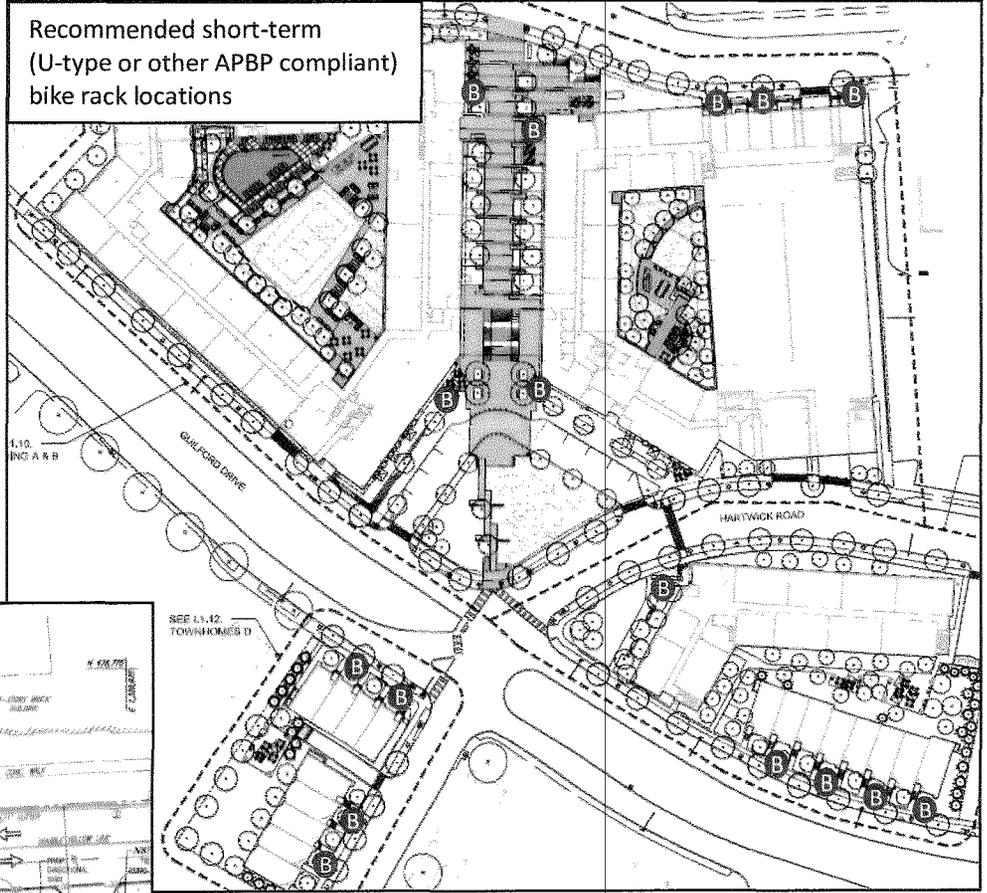
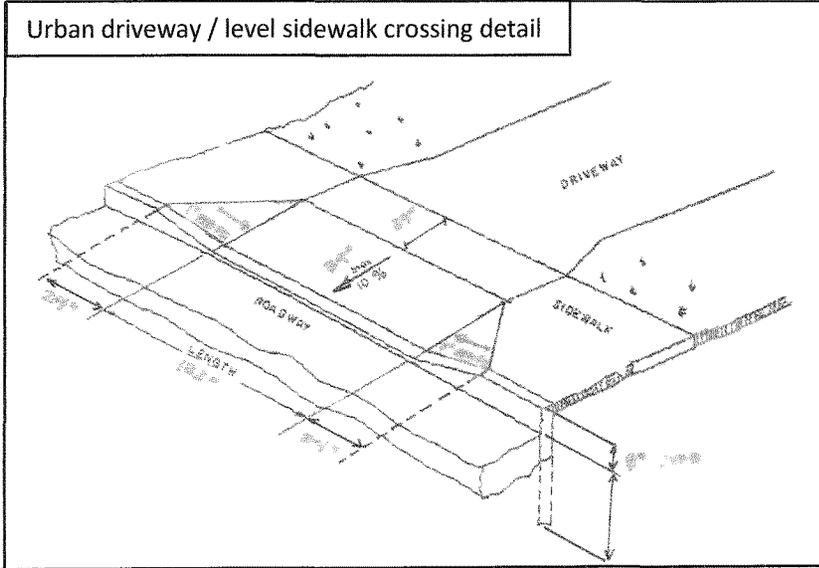


Exhibit "C"

UMD Student Housing at Knox Road: Site Design Comments

Knox & Guilford

35503 614

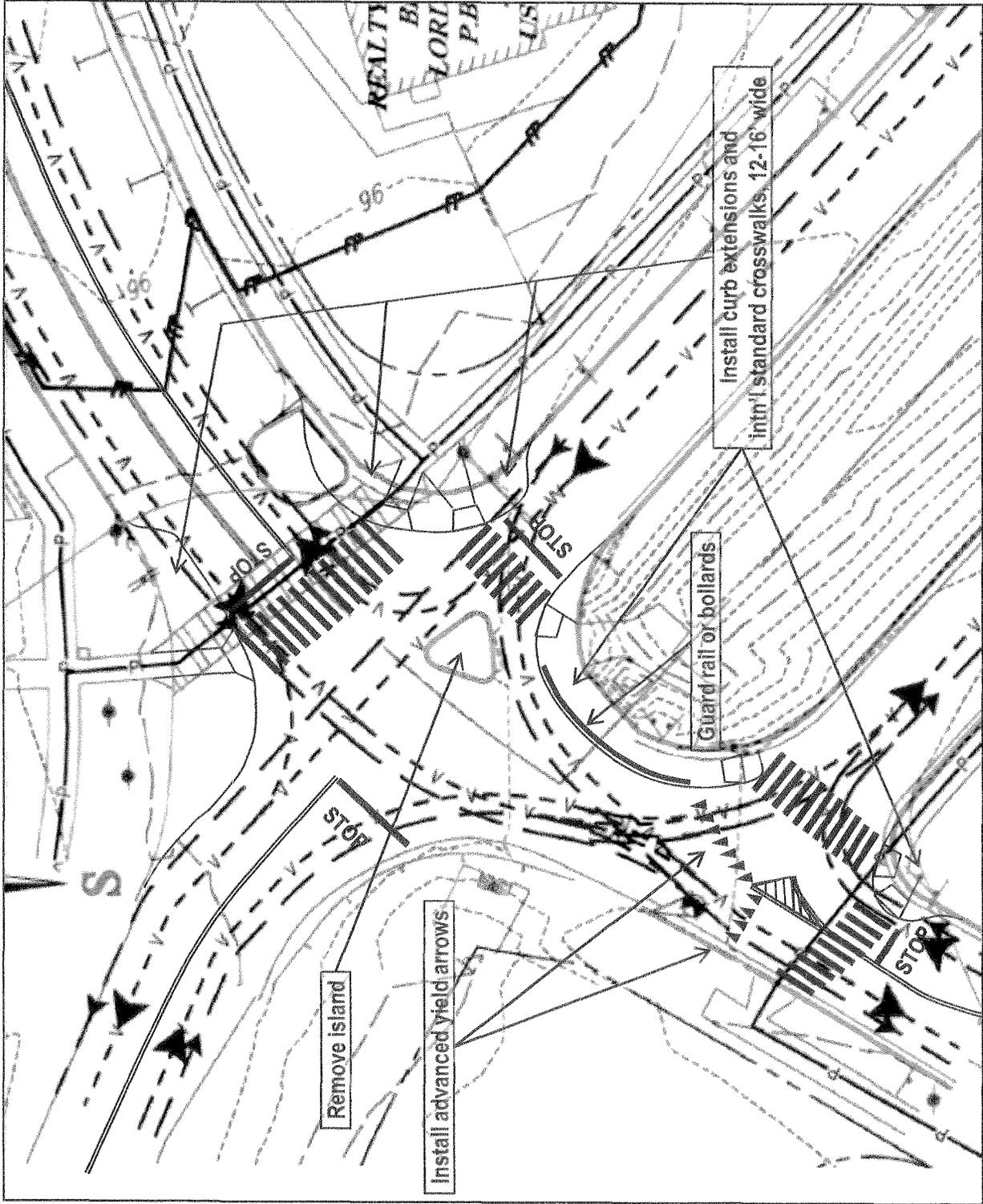


Exhibit "D"

16-0-08

Introduction

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



AGENDA ITEM NUMBER 16-O-08

Prepared By: Stephen Groh,
Director of Finance

Meeting Date: September 13, 2016

Presented By: Stephen Groh,
Director of Finance

Consent Agenda: No

Originating Department: Finance

Action Requested: Approve a FY2016 budget amendment to provide funding for the purchase and installation of 5 parking pay stations adjoining the Terrapin Row student housing development

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

Background/Justification:

On July 12, 2016, Council approved motion 16-G-98, authorizing the City Manager to spend up to \$75,000 to implement a pay-to-park zone at Terrapin Row, including the purchase of 5 pay stations, new signs and power supply to pay stations.

Pay stations were purchased and installed in August 2016. Total costs are \$98,281, including \$65,875 for the pay stations, \$19,906 for electrical installation, and \$12,500 for concrete pads. Electrical installation was higher than expected as the pay stations could not tap into nearby streetlights for power as they are connected to remote photocells; as a result, new electrical lines had to be run from the building. Solar power for these pay stations was not an option as the locations are too shady.

Fiscal Impact:

The \$98,281 has already been expended in FY2016. No additional fiscal impact.

Council Options:

- #1: Adopt Ordinance 16-O-08 as presented in order to provide a budget for this expenditure.
- #2: Take no action

Staff Recommendation:

#1. FY2016 audit is commencing on September 12 and passage of this budget amendment is recommended by the City Attorney in order to comply with budget provisions in the Charter and Code.

Recommended Motion:

I move to introduce Ordinance 16-O-08, an Ordinance of the Mayor and Council of the City of College Park to Amend the Fiscal Year 2016 Operating and Capital Budget of the City of College Park, Maryland (Amendment #3)

Attachments:

- 1. Ordinance 16-O-08, FY2016 Budget Amendment #3

ORDINANCE 16-O-08

An Ordinance of the Mayor and Council of the City of College Park to Amend the Fiscal Year 2016 Operating and Capital Budget of the City of College Park, Maryland (Amendment #3)

WHEREAS, the Mayor and Council of the City of College Park did adopt a budget for the fiscal year beginning July 1, 2015 and ending June 30, 2016 (hereinafter referred to as “Fiscal Year 2016” or “FY2016”) on May 26, 2015 by the enactment of Ordinance 15-O-03; and

WHEREAS, the Mayor and Council of the City of College Park did amend the FY2016 adopted budget on November 24, 2015 (Amendment #1) by the enactment of Ordinance 15-O-05; and

WHEREAS, the Mayor and Council of the City of College Park did amend the FY2016 adopted budget on January 26, 2016 (Amendment #2) by the enactment of Ordinance 16-O-01; and

WHEREAS, the Mayor and Council of the City of College Park desire to amend the FY2016 adopted budget in order to fund the purchase and installation of certain parking enforcement pay station equipment.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the City of College Park that the budget for fiscal year 2016 be, and hereby is, amended in accordance with the following schedule, with said amendments being indicated by asterisks in the right column. The individual budget amendment changes are itemized in Appendix A, attached hereto and incorporated herein by this reference.

General Fund

	<u>Budget as Adjusted</u>	<u>As Amended by this Ordinance</u>
Revenues		
Taxes	\$ 10,900,642	\$ 10,900,642
Licenses & Permits	1,193,935	1,193,935
Intergovernmental	261,772	261,772
Charges for Services	999,078	999,078
Fines & Fees	2,510,600	2,510,600
Miscellaneous Revenues	194,569	194,569
<i>Total Operating Revenues</i>	\$ 16,060,596	\$ 16,060,596

Non-Revenue Receipts		
Interfund Transfer from Parking Debt Service Fund	257,392	257,392
Use of Unassigned Reserve	<u>0</u>	<u>0</u>
Total Revenues	<u>\$ 16,317,988</u>	<u>\$ 16,317,988</u>

Expenditures		
General Government	\$ 3,102,976	\$ 3,102,976
Public Services	4,019,776	4,019,776 *
Planning, Community & Economic Development	664,463	664,463
Youth, Family & Senior Services	1,114,881	1,114,881
Public Works	5,189,981	5,189,981
Contingency	10,000	10,000
Debt Service	557,411	557,411
Interfund Transfers to Capital Projects Fund	<u>1,658,500</u>	<u>1,658,500</u>
Total Expenditures	<u>\$ 16,317,988</u>	<u>\$ 16,317,988</u>

Parking Debt Service Fund

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

Expenditures		
Interfund Transfer to General Fund	<u>\$ 257,392</u>	<u>\$ 257,392</u>
Total Expenditures	<u>\$ 257,392</u>	<u>\$ 257,392</u>

BE IT FURTHER ORDAINED that:

1. Except as amended herein, and by Ordinance 15-O-05 (Amendment #1) and Ordinance 16-O-01 (Amendment #2), Ordinance 15-O-03 (original budget adoption) shall remain unmodified and in full force and effect;

2. In addition to the projected General Fund operating revenue of \$16,060,596, the amount of \$0 is appropriated from the unassigned reserve and the sum of \$257,392 is transferred from the Parking Debt Service Fund;
3. This budget amendment Ordinance provides funding for the purchase and installation of certain parking enforcement pay stations, as itemized in Appendix A, attached hereto and incorporated herein by this reference. The net result is no change in the \$0 budgeted use of unassigned reserve and no change in the Capital Improvement Program (C.I.P.); and
4. This Ordinance shall become effective at the expiration of twenty (20) calendar days following its adoption.

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

A public hearing will be held on the proposed Ordinance at 7:30 p.m. on the 27th day of September, 2016 in the Council Chambers, City Hall, 4500 Knox Road, College Park, Maryland. The public hearing will be held in connection with a regular Council meeting. All persons interested will have an opportunity to be heard. After the public hearing, the Council may adopt the proposed Ordinance, with or without amendment, by the affirmative vote of at least six (6) members of the Council. It shall become effective twenty (20) days following its adoption. After its adoption, the City Clerk shall have a fair summary of the Ordinance and notice of its adoption published in a newspaper having a general circulation in the City of College Park, and shall have copies of the adopted Ordinance available at City offices.

Introduced on the _____ day of September, 2016

Adopted on the _____ day of September, 2016

Effective on the _____ day of October, 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

CITY OF COLLEGE PARK, MARYLAND
Appendix A to Ordinance 16-O-08
Itemized FY2016 Budget Amendment #3 Changes

Program	Description	Increase (Decrease)
Revenues- Unassigned Reserve Transfer 399.00	Use of Unassigned Reserve in Adjusted Budget (Amendment #2)	\$ 0
Publ Services- Parking Enf-2011	Add budget for the purchase and installation of 5 parking pay stations on Hartwick, Guilford and Knox Roads adjacent to the Terrapin Row student housing development, including purchase of pay stations, electrical installation and concrete pads	100,000
Publ Services- Contract Police- 2030	Reduce budget for contract police hourly wages as all budgeted funds were not expended in FY2016	<u>(100,000)</u>
Revenues- Unassigned Reserve Transfer 399.00	Use of Unassigned Reserve in Amended Budget (Amendment #3)	<u><u>\$ 0</u></u>

16-G-113

Appointments

Councilmember Day

- Reappoint Alan Stillwell to the Noise Control Board