## 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.

### WORKSESSION AGENDA

7:30 P.M.

<table>
<thead>
<tr>
<th>Time</th>
<th>Item</th>
<th>Staff/Council</th>
</tr>
</thead>
<tbody>
<tr>
<td>7:30</td>
<td>CALL TO ORDER</td>
<td></td>
</tr>
<tr>
<td></td>
<td>CITY MANAGER’S REPORT</td>
<td></td>
</tr>
<tr>
<td></td>
<td>AMENDMENTS TO AND APPROVAL OF THE AGENDA</td>
<td></td>
</tr>
</tbody>
</table>

### Discussion Items

<table>
<thead>
<tr>
<th>Time</th>
<th>Item</th>
<th>Staff/Council</th>
</tr>
</thead>
<tbody>
<tr>
<td>7:35</td>
<td>Presentation on Western Gateway Project (30)</td>
<td>Gilbane</td>
</tr>
<tr>
<td>8:05</td>
<td>Property Use Agreement for Hard Times Café – Possible Special Session (15)</td>
<td>Bob Ryan, Director of Public Services</td>
</tr>
<tr>
<td>8:20</td>
<td>Discussion of financing options for City Hall and other capital projects - Guests: Joe Mason and Jennifer Diercksen, Davenport &amp; Company, Financial Advisors (30)</td>
<td>Gary Fields, Director of Finance</td>
</tr>
<tr>
<td>8:50</td>
<td>Discussion of new bike share / scooter program (45)</td>
<td>Terry Schum, Director of Planning</td>
</tr>
<tr>
<td>9:35</td>
<td>Approval of lease agreement for 8400 Baltimore Avenue for relocation of City Hall staff and offices during construction of the new City Hall (15)</td>
<td>Scott Somers, City Manager</td>
</tr>
<tr>
<td>9:50</td>
<td>MOU with SHA for pedestrian lights on US 1 from College Avenue to MD193 (15)</td>
<td>Bill Gardiner, Assistant City Manager</td>
</tr>
<tr>
<td>Time</td>
<td>Item</td>
<td>Description</td>
</tr>
<tr>
<td>-------</td>
<td>--------</td>
<td>-----------------------------------------------------------------------------</td>
</tr>
<tr>
<td>10:05</td>
<td>7</td>
<td>Discussion of legislation – Possible Special Session for approval of matters related to time-sensitive legislation (10)</td>
</tr>
<tr>
<td>10:15</td>
<td>8</td>
<td>Appointments to Boards and Committees</td>
</tr>
<tr>
<td>10:20</td>
<td>9</td>
<td>Requests for/Status of Future Agenda items</td>
</tr>
<tr>
<td>10:25</td>
<td>10</td>
<td>Mayor and Councilmember Comments</td>
</tr>
<tr>
<td>10:30</td>
<td>11</td>
<td>City Manager’s Comments</td>
</tr>
</tbody>
</table>

This agenda is subject to change. Item times are estimates only. For the most current information, please contact the City Clerk. In accordance with the Americans with Disabilities Act, if you need special assistance, please contact the City Clerk’s Office and describe the assistance that is necessary. City Clerk’s Office: 240-487-3501
Western Gateway Project Presentation
Hard Times Café
**CITY OF COLLEGE PARK, MARYLAND**  
**WORKSESSION AGENDA ITEM**

**Prepared By:** R. W. Ryan,  
Public Services Director  
**Meeting Date:** 02/19/2019

**Presented By:** R. W. Ryan,  
Public Services Director and  
Suellen M. Ferguson, City Attorney  
**Proposed Consent Agenda:** No

<table>
<thead>
<tr>
<th>Originating Department:</th>
<th>Public Services Department</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Issue Before Council:</strong></td>
<td>Discussion of a Property Use Agreement (PUA) for new owners of Capital City Chili, Inc., t/a Hard Times Café, 4738 Cherry Hill Road, College Park.</td>
</tr>
<tr>
<td><strong>Strategic Plan Goal:</strong></td>
<td>Goal 3: High Quality Development and Reinvestment</td>
</tr>
</tbody>
</table>

**Background/Justification:**
An application has been made to the Board of License Commissioners (BOLC) by Richard J. Kelly, Jr., President, Cindy L. MacIntyre, Secretary/Treasurer, Thomas Abell, Assistant Secretary, for a Class B, Beer, Wine and Liquor for the use of Capital City Chili, Inc., t/a Hard Times Café, 4738 Cherry Hill Road, College Park, 20740, a transfer from Capital City Chili, Inc., t/a Hard Times Café, William Swint, President, Jennifer Swint, Secretary/Treasurer, Thomas Abell, Assistant Secretary.

A Declaration of Covenants, Conditions and Restrictions and an Agreement were executed on August 11, 1998 and November 8, 1999, respectively, between the City and William S. Swint, Jennifer R. Swint and Daniel Sweet, franchisees of the College Park Hard Times Cafe. These agreements were the predecessors of the current Property Use Agreements (“PUA”). The Swints have been the franchise business owners for the past 20 years. No complaints have been received with respect to the operation of this restaurant. The Swints are now selling the franchise back to the franchisors.

A draft revised and updated PUA has been presented to the new business owners by the City Attorney. The PUA would leave the Declaration in place and would add the current requirements. The applicants have not yet accepted the draft but have indicated their intention to abide by City requirements. No change is planned for the Hard Times Café operations.

The draft Property Use Agreement (PUA) is attached for review by Mayor and Council. The BOLC hearing is scheduled for February 26, 2019. The applicants plan to attend the Council Worksession on February 19 to discuss their business plans.

The attached draft PUA proposes to retain the existing alcohol-to-food sales ratio of 35% alcoholic beverages sales to 65% food sales.

**Fiscal Impact:**
No new fiscal impact is anticipated.

**Council Options:**
#1: Approve PUA as proposed and support the transfer of the License.  
#2: Approve PUA with edits and support the transfer of the License.  
#3: Do not support the transfer.

**Staff Recommendation:**
#1

**Attachments:**
1. Draft Property Use Agreement  
2. BOLC Agenda  
3. Original PUA

005
PROPERTY USE AGREEMENT

THIS PROPERTY USE AGREEMENT (the “Agreement”) is made as of the ___ day of _________________, 2018, by and between Capital City Chili, Inc., t/a Hard Times Café, Richard J Kelly, President, Cindy L. MacIntyre, Secretary / Treasurer, Thomas Abel Assistant Secretary (collectively “Licensee”) and the CITY OF COLLEGE PARK, a Maryland municipal corporation (the “City”).

WITNESSETH

WHEREAS, Licensee has applied to the Board of Liquor License Commissioners of Prince George’s County (the “Board”) for a Class B, Beer, Wine and Liquor license at the property located at 4738 Cherry Hill Road, College Park, MD 20740 (the “Property”); and

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

WHEREAS, the Licensee has requested the support of the City for this Application for a Class B Beer, Wine and Liquor License; and

WHEREAS, in consideration of the covenants contained in this Agreement, and of a Declaration of Covenants, Conditions and Restrictions dated August 11, 1998, the City will support the Licensee’s application for a Class B Beer, Wine and Liquor License subject to the parties’ compliance with the terms, conditions and restrictions contained herein.

NOW THEREFORE, in consideration of the foregoing, the mutual promises contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:
1. Repair and Maintenance of the Property. Licensee shall, from and after the date hereof, continue to keep the Property in good order and repair, and free of debris and graffiti.

2. Restrictions. Except with the express written consent of the City, which consent may not be unreasonably withheld, delayed or conditioned, during the period that Licensee is operating at or has any interest in the Property, and is using the Class B Beer, Wine and Liquor License, the use of the Property shall be restricted to the operation of a restaurant which receives from the sale of food and alcoholic beverages not more than thirty-five percent (35%) of its average monthly receipts over any three consecutive monthly periods from the sale of alcoholic beverages, and which complies strictly with the restrictions and requirements of the State of Maryland/Prince George’s County Class B License or such other license as the Board may subsequently issue. The calculation of the percentage of alcoholic beverages sold shall include the full cost of any such beverage, and not just the alcohol contained in the beverage, and the full retail cost of all food served at the Property.

Licensee will provide the City, by January 15 of each year, with the summaries for the sales of alcoholic beverages and food for the preceding calendar year, and, at any time, such information in such form as the City may reasonably require, to permit the verification of sales required in this paragraph 2 of this Agreement. Such information need not be prepared by an accountant or auditor, but must be accompanied by a general affidavit signed by the Licensee affirming the accuracy of the information provided. Licensee may be required to allow the City to inspect additional information to permit verification of the sales ratios required in this paragraph, including daily register receipts and the identity of, and invoices from, its alcohol and food suppliers. Licensee may be required by the City to provide information to permit verification of the sales ratios required in this paragraph, including daily register receipts and the identity of, and
invoices from, its alcohol and food suppliers. Any such information provided by Licensee that is claimed to be confidential shall be so marked by Licensee and the City will treat such record as confidential as allowed by law.

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

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

5. **Operations.** Licensee shall maintain and operate the restaurant in a manner that all seats are available for dining, and no area is designated solely for the consumption of alcoholic beverages. No sales of alcoholic beverages for off-site consumption shall be allowed except for partially consumed bottles of wine purchased at the Property and allowed off premises pursuant to Maryland law. Alcoholic beverages shall not be sold or served prior to 6:00 a.m. or after 2:00 a.m. The minimum price for a bottle or draft of beer and other alcoholic beverages shall not be less than $2.00. Beer will not be served in pitchers. Food from a regular menu must be served at all times that the premises are open for business and selling alcohol. Licensees shall ensure music and noise levels in the restaurant allow patron conversation in a normal tone of voice, are maintained at a reasonable level, and prohibit disruptive or rowdy behavior which disturbs the peaceful enjoyment of the facility by Licensee’s patrons and other persons visiting the facility. No cover or door charge will be charged for entry to the Property. Alcoholic beverages shall be served only to patrons...
sitting at the bar, tables or counters. Licensee shall ensure that the exterior of the restaurant, inclusive of any service or patio areas, remain clean and graffiti free. Licensee shall not engage in window advertising of the sale of beer, wine or liquor, nor off-premises leafleting of cars or on public right of way promoting the sale of beer, wine or liquor. All off-premises advertising of specials, happy hours or reduced prices for beer or wine shall be limited to promotions coupling the sale or service of food with the sale of alcoholic beverages.

Licensee shall not rent the facilities to individuals or businesses involved in promoting or making a business or profit from producing musical, band or disc jockey events without the Licensee retaining ultimate control of the event. This provision does not prevent Licensee from hiring a booking agent to act on its behalf in scheduling live entertainment, or contracting with a promoter, disc jockey or band for entertainment. Background music is allowed on outside patio areas. In the event that bona fide complaints as to the sound level of voice or music entertainment on any patio area are received by the City, the parties agree to review this condition, with further limitation of entertainment on the outside patio, if justified, not to be unreasonably refused by Licensee.

Licensee shall maintain a scanner system, as allowed by law, designed to recognize false identification prior to making alcoholic beverage sales. Licensee will not accept State of Maryland vertical type licenses as proof of age.

Licensee shall not provide tables, such as a beer pong table, whose purpose is for use in drinking games. Licensee shall not sponsor or support drinking games within the Property.

6. Enforcement. The City shall have the right to enforce, by any proceeding at law or in equity, including injunction, all restrictions, terms, conditions, covenants and agreements imposed upon the Property and/or Licensee pursuant to the provisions of this Agreement. The parties agree
that if Licensee should breach the terms of the Agreement, the City would not have an adequate remedy at law and would be entitled to bring an action in equity for specific performance of the terms of this Agreement. In the event of a violation of paragraph 2 of this Agreement, Licensee shall have sixty (60) days from the date of notification of the violation to adjust his operations and achieve compliance, as measured during the sixty (60) day period, with the requirements of paragraph 2 of this Agreement. In the event the City is required to enforce this Agreement and Licensee is determined to have violated any provision of this Agreement, Licensee will reimburse the City for all costs of the proceeding including reasonable attorneys’ fees. Should Licensee prevail in any action brought by the City to enforce a provision of this Agreement, the City shall reimburse Licensee for all costs of the proceeding including reasonable attorneys’ fees.

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

8. **Assignment.** This Agreement shall be binding upon, and shall inure to the benefit of, the affiliates, parent and subsidiary entities of Licensee.

9. **Scope and Duration of Restrictions.** The restrictions, conditions and covenants imposed by this Agreement shall be valid only so long as Licensee maintains a Class B Beer, Wine and Liquor License at the restaurant, or some other substantially similar establishment.

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

Richard J Kelly
1701 S Arlington Ridge Road
Arlington VA 22202

(ii) If to the City:

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

with copy to:

Suellen M. Ferguson, Esq.
Council, Baradel, Kosmerl & Nolan, P.A.
125 West Street, 4th Floor
Annapolis, Maryland 21404

11. Security. Pursuant to §26-1103 of the Alcoholic Beverages Article, Annotated Code of Maryland, Licensee is required to obtain a License for special entertainment or to obtain an exemption, or file an affidavit of no entertainment. Prior to seeking or operating under a License for special entertainment or an exemption, Licensee agrees that it shall first present to the City its plans for entertainment. For any activities authorized by such a license or exemption, the Licensee shall have and maintain a Security Plan to prevent the Property and any such activities from posing a threat to the peace and safety of the surrounding area. The Security Plan shall, at minimum, comply with the requirements of the Board of License Commissioners. Any required Security Plan for the Licensee is subject to review and revision annually or upon request by Prince George’s County Police, the University of Maryland Police or the City of College Park. To the extent allowed by law, the City agrees to treat as proprietary and confidential any written security plans received from Licensee as part of the review process.
a. Licensee shall diligently enforce ID policies through trained and certified managers and employees. Licensee agrees to take all necessary measures to ensure that under age persons do not obtain alcoholic beverages.

b. All serving, bar, and management employees will be TIPS trained before serving alcohol.

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

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

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

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

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

17. Recitals. The Recitals (“Whereas” clauses) set forth at the beginning of this Agreement are hereby acknowledged by the parties to be true and correct, and are hereby incorporated into and made a part of this Agreement.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals on the day and year first above written.
CAPITAL CITY CHILI, INC., T/A HARD TIMES CAFÉ

________________________________
By: 
Title:____________________________

________________________________
Richard J Kelly, President

________________________________
Cindy L. MacIntyre

________________________________
Thomas Abel

CITY OF COLLEGE PARK

________________________________
By: ______________________________
Janeen S. Miller, City Clerk

Scott Somers, City Manager

APPROVED AS TO FORM:

________________________________
By: ______________________________
Suellen M. Ferguson, City Attorney
REGULAR SESSION

February 26, 2019

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

TRANSFER

Narasimha M. Chappa, President, Ajay K. Gosain, Treasurer, for a Class A, Beer, Wine and Liquor for the use of SDAS, LLC, t/a North South Liquor, 8861 Greenbelt Road, Greenbelt, 20770, transfer from C-Square Liquors, Inc., t/a Cipriano Square Liquors, Jenny Younghee, President/Secretary/Treasurer.

Atty: Jason Deloach, Esquire
Opp:_________________________________

James J. Zenni, Jr., Authorized Person, for a Class B, Beer, Wine and Liquor for the use of FM Restaurant Chevy’s Opco, t/a Chevy’s Mexican Restaurant, 7511 Greenbelt Road, Greenbelt, 20770, transfer from RM Chevy’s, LLC, t/a Chevy’s Mexican Restaurant, Susan Cook, Authorized Person, Mustafa N. Alasaad, Authorized Person.

Atty: Leanne Schrecengost, Esquire
Opp:_________________________________

Richard J. Kelly, Jr., President, Cindy L. MacIntyre, Secretary/Treasurer, Thomas Abell, Assistant Secretary, for a Class B, Beer, Wine and Liquor for the use of Capital City Chili, Inc., t/a Hard Times Café, 4738 Cherry Hill Road, College Park, 20740, transfer from Capital City Chili, Inc., t/a Hard Times Café, William Swint, President, Jennifer Swint, Secretary/Treasurer, Thomas Abell, Assistant Secretary.

Atty: Robert Kim, Esquire
Opp:_________________________________

Andrew Labetti, Authorized Person, for a Class B (BH), Beer, Wine and Liquor for the use of WDC Concession Partners, LLC, t/a Sheraton College Park North, 4095 Powder Mill Road, Beltsville, 20705, transfer from WDC Concession Partners, LLC, t/a Sheraton College Park North, Joy C. Villa, Authorized Person.

Atty: L. Paul Jackson, Esquire
Opp:_________________________________
NEW – CLASS B, BEER AND WINE

Nicola Davis Bobbitt, Authorized Person, Dwight Hall, Authorized Person for a Class B, Beer and Wine for the use of HOT POT GRILL LLP, t/a HOT POT GRILL, 7931 Central Avenue, Capitol Heights, 20743.

Atty: Robert Kim, Esquire
Opp: ____________________

NEW – CLASS B (BLX), BEER, WINE AND LIQUOR

Carl S. Williams, Managing Member, Russell Thomas, Member, Mark McCain, General Manager Member for a Class B (BLX), Beer, Wine and Liquor for the use of Elite Edge Athletics, LLC, t/a Athletic Republic Capitol Region, 6417 Marlboro Pike, District Heights, 20747.

Atty: Linda Carter, Esquire
Opp: ____________________

NEW – CLASS B, BEER, WINE AND LIQUOR

Johnny West, Operations Director, for a new Class B, Beer, Wine and Liquor for the use of Artsgroup, Inc., t/a StudioPlace By Artsgroup, 4719 Stamp Road, Temple Hills, 20748.

Atty: ____________________
Opp: ____________________

A hearing will be held at 9200 Basil Court, Room 410, Largo, Maryland 20774, 10:00 a.m., Tuesday, February 26, 2019. Additional information may be obtained by contacting the Board's Office at 301-583-9980.

BOARD OF LICENSE COMMISSIONERS

Attest:
Kelly E. Markomanolakis
Administrative Assistant
February 6, 2019
AGREEMENT

THIS AGREEMENT is made this 8th day of November, 1999, between William S. Swint, President, Jennifer R. Swint, Secretary/Treasurer, and Daniel Sweet, Assistant Secretary, and Capital City Chili, Inc., t/a Hard Times Café (herein referred to as "Capital City Chili") and the City of College Park (herein referred to as the "City").

WHEREAS, the City is the beneficiary of a certain Declaration of Covenants, Conditions and Restrictions ("Declaration") executed by MLK Beltway LLC, a Maryland Limited Liability Company dated August 11, 1998, which is attached hereto and made a part hereof; and

WHEREAS, Capital City Chili leases a portion of the property owned by MLK Beltway LLC for the operation of a restaurant facility; and

WHEREAS, the Declaration contains certain restrictions on the operation of the restaurant facility by Capital City Chili as it pertains to the sale of alcoholic beverages, which provisions are set forth in Article V and Article VI of the Declaration; and

WHEREAS, Capital City Chili is currently the applicant for a Class B, Beer, Wine and Liquor License, which would expand its current license which is limited to the sale of beer and wine only; and

WHEREAS, Capital City Chili fully affirms the provisions of the Declaration as it relates to Capital City Chili and, except as hereinafter provided, would continue to operate pursuant to the terms of the Declaration insofar as the covenants apply to Capital City Chili; and

WHEREAS, the City, in consideration for entering no objection to the application of Capital City Chili for a Class B, Beer, Wine and Liquor License desires to prohibit off-premises sale of alcoholic beverages; and

WHEREAS, as consideration for the City’s position, Capital City Chili has agreed to limit the sale of beer, wine and liquor to that which is consumed on the premises only and will not engage in the off-premises sale of beer, wine or liquor.

NOW THEREFORE, the parties agree as follows:

1. Capital City Chili hereby confirms, agrees and adopts all of the provisions of the Declaration dated August 11, 1998, insofar as the provisions relate to the activities of Capital City Chili at its Cherry Hill Road location.

2. Capital City Chili further agrees that it will limit the sale of beer, wine and liquor to drinks which are consumed only on the premises and will not engage in the off-premises sale of beer, wine or liquor.
3. As consideration therefore, the City will enter no objection to the application of Capital City Chili for a Class B, Beer, Wine and Liquor License applicable to the premises of Capital City Chili located at 4738 Cherry Hill Road, College Park, Maryland.

4. In the event that Capital City Chili receives the license, it will conduct its operations in all respects in accordance with the provisions contained in the Declaration and this Agreement.

IN WITNESS WHEREOF, the undersigned hereby agree to this Addendum to the Declaration.

WITNESS:

CAPITAL CITY CHILI, INC. t/a HARD TIMES CAFÉ

By: ________________________________
Name: William S. Swint
Title: President

WITNESS/ATTEST:

CITY OF COLLEGE PARK, MARYLAND

BY: ________________________________
Richard Conti, City Manager
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS

THIS DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS (this "Declaration") is made as of this 11th day of August, 1998, by MLK Beltway LLC, a Maryland Limited Liability Company ("Declarant").

WITNESSETH

WHEREAS, Declarant is the owner of certain real property and improvements situate in Prince George's County, Maryland known as 4734 Cherry Hill Road, College Park, Maryland containing approximately 3,600 square feet and an outdoor patio area as more particularly described on the attached site plan marked as Exhibit A attached hereto and incorporated herein by reference (the "Property"); and

WHEREAS, the Property is located in the City of College Park; and

WHEREAS, Declarant has requested the consent of the City of College Park (the "City") to the proposed use of the Property described in the attached property description (as hereinafter defined); and

WHEREAS, Declarant desires to subject the Property and the delineated improvements located thereon to the covenants, conditions and restrictions set forth herein which are for the purposes of protecting the value and desirability of the Property and the improvements thereon; and

WHEREAS, the City desires to give its consent subject to the terms, conditions and restrictions contained herein.

NOW, THEREFORE, Declarant hereby declares that the Property shall be held, sold and conveyed or leased subject to the following easements, covenants, conditions and restrictions, which are for the purposes of protecting the value and desirability of the Property, and which shall run with the Property and shall be binding upon and inure to the benefit of all parties having any right, title or interest in or to the Property or any part thereof, their respective heirs, personal representatives, successors and assigns.

ARTICLE I

Definitions

As used herein, the following words and terms are defined to mean as indicated:

1.1 "Alteration" shall mean an addition, or substantial change, substantial alteration to the delineated Structure shown on the attached Site Plan.
1.2 "Capital City Chili" shall mean Capital City Chili, Inc., its parents, subsidiaries, transferees, successors, affiliates, and/or assigns.

1.3 "Declarant" shall mean MLK Beltway LLC, and its successors and assigns to which it conveys or otherwise transfers its right, title and interest to all or any part of the Property if, and only if, in so doing Declarant expressly designates its transferee or transferees as Declarant hereunder.

1.4 "Site Plan" shall mean that Site Plan which has been submitted to Prince George's County and attached hereto as Exhibit A.

1.5 "Property" shall mean that certain property first described hereinafore, and such additions thereto as may hereafter be subjected to this Declaration.

1.6 "Structure" shall mean any thing or device the placement of which upon the Property, as delineated, which may substantially affect the appearance of the Property including, by way of illustration and not of limitation, any building, trailer, garage, porch, shed, greenhouse, bath house, coop, cage, covered or uncovered patio, swimming pool, clothesline, radio, television or other antenna or satellite dish, fence, sign, curbing, paving, wall, roadway, walkway, exterior light, landscape, hedge, trees, shrubbery, planting, signboard or any temporary or permanent living quarters (including any house trailer) or any other temporary or permanent improvement made to the Property.

ARTICLE II

Property Subject to This Declaration

2.1 The Property. All of the Property, as delineated, shall be transferred, held, sold, conveyed, leased and occupied subject to this Declaration and subject to the covenants, conditions and restrictions herein set forth, which are for the benefit of, shall be binding upon, and shall run with the land, and are for the benefit of Declarant, and its successors and assigns.

ARTICLE III

Reserved Rights of Declarant

3.1 Easements. Declarant reserves unto itself, its successors and assigns, the right (i) to install, (ii) to maintain, and (iii) to grant easements, rights-of-way, licenses, and permits to any person, individual, corporate body, body politic or other legal entity, for the purpose of installing and maintaining sewer lines, water lines, electrical cables, telephone cables, CATV, gas lines, storm drains, underground conduits, and such other facilities related to the provision of utilities and similar services to the Property in, over, through and across any and all of the roads, streets, avenues and alleys. Declarant also reserves unto itself its successors and assigns, the right to relocate any easements on the Property to the extent that such relocation shall not materially interfere with the use of the Property.
3.2 Amendment of Declaration. Notwithstanding anything to the contrary contained herein, there is hereby reserved unto Declarant (or such other party as may in writing be designated by Declarant) an irrevocable Power of Attorney, coupled with an interest, for the purpose of amending or modifying this Declaration if, and only if, (a) such amendment is, in Declarant’s reasonable opinion, necessary to correct obvious errors therein; including typographical and mathematical errors and the like, or (b) such amendment or modification is required in order to satisfy State of Maryland, Prince George’s County or City of College Park laws, rules, regulations, or policies. Each lessee or holder of the Property shall be deemed to have acquiesced to any such amendments or modifications to this Declarant as set forth above, and shall be deemed to have granted unto Declarant (or such other parties as may in writing be designated by Declarant), an irrevocable Power of Attorney, coupled with an interest, to effectuate, execute, acknowledge and deliver any such amendments, and each such lessee or holder shall be deemed to have agreed and covenanted to execute such further assurances and instruments, if any, as may be required by Declarant, its successors or assigns, to properly accomplish such amendments.

ARTICLE IV

Repair and Maintenance of the Property

4.1 Condition of the Property. Each lessee or holder of the Property shall keep the Property, and the Structures thereon, in good order and repair, and free of debris.

ARTICLE V

Restrictions

5.1 Restrictions. Except with the express written consent of the City, which consent may be withheld in the City’s sole and absolute discretion, during the period that Capital City Chili is leasing, otherwise using or has an interest in the property and is using its Class B-Beer, Wine license, Capital City Chili’s use of the Property shall be restricted to the operation of a “Hard Times Café” restaurant or other substantially similar casual dining restaurant, which receives not more than thirty-five percent (35%) of its average daily receipts over any three consecutive monthly periods from the sale of alcoholic beverages and which complies strictly with the restrictions and requirements of the State of Maryland/Prince George’s County relating to a Class B-Beer, Wine license. Capital City Chili will provide the City with a summarization of its daily register receipts or such other information in such form as the City may reasonably require to permit the verification of sales required in this paragraph 5.1. Should Capital City Chili’s average alcohol sales exceed said percentage in any three (3) months, it shall be given sixty (60) days in which to cure said default.

5.2 Use of Property. Except as otherwise set forth herein, those uses of the Property permitted by the applicable zoning for the Property shall be permitted uses for the purposes of this Agreement. In addition, the Property shall be subject to all of the restrictions imposed by the applicable zoning of the Property.
5.3 **Restriction on Structures.** No Structure other than that which is set forth on the attached Site Plan shall be commenced, erected or maintained upon the Property after the date hereof, nor shall any substantial exterior addition to or change or Alteration therein be made during the period that Capital City Chili is actively using the Beer-Wine license on the Property, until Capital City Chili has obtained written approval of the changes to the detailed site location plan, construction plans, specifications and applicable landscaping plans from the City.

5.4 **Noise and Nuisances.** No nuisance shall be maintained, allowed or permitted on any part of the Property and no use thereof shall be made or permitted which may be noxious or detrimental to health or which may become an annoyance or nuisance to persons or surrounding property. Musical instruments, radios, televisions, audio players, phonographs and other devices emitting noise shall be used at all times only in such a manner as to not unreasonably disturb persons on surrounding property.

**ARTICLE VI**

**General Provisions**

6.1 **Enforcement.** In consideration of the consent of the City to the use of the property as described in the attached property description and the acquiescence of the City in the granting of a Beer & Wine license to Capital City Chili, Inc., the City shall have the right to enforce, by any proceeding at law or in equity, including injunction, all restrictions, conditions, covenants, reservations, liens and charges now or hereafter imposed by the provisions of this Declaration. Failure by the City to enforce any covenant or restriction herein contained shall in no event be deemed a waiver of the right to do so thereafter. If Capital City Chili contests such enforcement action and prevails, the City shall reimburse Capital City Chili for all costs and expenses incurred in such defense, to the extent permitted by law, including but not limited to court costs and reasonable attorneys' fees. Declarant, agrees for itself, its successors and assigns that any owner, lessee or holder who violates or permits the violation of any covenant herein contained agrees to reimburse the City for all costs and expenses which may result from said violation, including but not limited to, court costs and reasonable attorneys' fees.

6.2 **Severability.** Invalidation of any one of these covenants or restrictions contained herein by judgement or court order shall not effect any other provisions hereof, all of which provisions shall remain in full force and effect.

6.3 **Duration of Restrictions.** The restrictions, conditions, covenants, reservations, liens and charges authorized or imposed by the Declaration shall run with and bind the land, shall inure to the benefit of and be enforceable by the City, its legal representatives, successors and assigns, for the period that Capital City Chili is using the Class B-Beer, Wine license on the premises. The Declaration or any part hereof may only be amended by the Declarant by recording an appropriate document among the Land Records of Prince George's County, Maryland, which document must be executed and acknowledged by the City. No amendment shall be effective until and unless it is recorded among the Prince George's County Land Records, and no
amendment may alter or affect any rights granted hereunder to the City without the prior written consent of the City.

6.4 Notices. All notices required or provided for in this Declaration shall be in writing and hand delivered or sent by United States mail. If hand delivered, notice shall be deemed to have been given on the date hand delivered to the party receiving the same. If United States mails are used, notice shall be sent to the last known address of the party to whom the notice is being sent by certified mail, return receipt requested, postage prepaid, and shall be deemed to have been given on the date deposited in the United States mails.

6.5 Right of Entry. Violation or breach of any provisions herein contained shall give the City and its agents, legal representatives, successors and assigns, in addition to all other remedies, the right (but not the obligation), after fifteen (15) days notice to the lessee and the holder of the Property, to enter upon the Property as to which such violation or breach exists, and summarily to abate and remove, at the expense of the lessee or holder thereof, any Structure or condition that may be or exist thereon contrary to the intent and meaning of the provisions hereof, and the said parties shall not thereby be deemed guilty of any manner of trespass, conversion of property or other applicable cause of action, for such entry, abatement and removal, except that if any agent of the City shall be responsible for actually committing a trespass, conversion of property or other applicable cause of action, by behavior going beyond the intent of the authority conferred by this section, the City shall not be responsible for such unauthorized acts of such agent(s).

6.6 No Reverter or Condition Subsequent. No provision herein is intended to be, or shall be construed as a condition subsequent or as creating a possibility of reverter.

6.7 Headings. The heading or titles herein are for convenience of reference only and shall not affect the meaning or interpretation of the contents of this Declaration.

6.8 Assignment. In consideration of the support of the City to the proposed use of the Property and to the granting of a Class B-Beer, Wine license for Capital City Chili, the Declarant agrees that it shall not sell, transfer, or otherwise assign its rights, duties, interest and/or obligations with respect to the Property to any entity or person without first having given written notice of this Declaration to such proposed assignee and to the City so long as Capital City Chili is using the liquor license. However, Capital City Chili shall not sell, transfer or otherwise assign its rights under the Class B-Beer, Wine license without the express prior consent of the City, which consent may be withheld in the City's sole and absolute discretion.

6.9 Governing Law. This Declaration shall be executed in accordance with, and be governed by, the laws of the State of Maryland.
ARTICLE VII

7.1 Termination. In addition to any other termination provisions contained herein, this Declaration of Covenants, Conditions and Restrictions shall automatically terminate without need of action of any parties at such time as Capital City Chili, Inc. is no longer using the Class B-Beer, Wine license.

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

WITNESS:  

DECLARANT:

MLK BELTWAY LLC
4390 Parliament Place, Suite A
Lanham, Maryland 20706

By:  
Name:  
Title:  

WITNESS/ATTEST:

CITY OF COLLEGE PARK, MARYLAND
4601 A Calvert Road  4600 Knox Road
College Park, Maryland 20740-3390

By:  
City Manager
STATE OF MARYLAND:  
COUNTY OF Prince George's:

I HEREBY CERTIFY that on this 10th day of August, 1998, before me, the subscriber, a Notary Public of the State of Maryland, personally appeared Kenneth H. Milford, who acknowledged himself to be the Authorized Member of MLK Beltway LLC, a Maryland limited liability company, and that he, as such authorized member being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the limited liability company by himself as such authorized member.

IN WITNESS WHEREOF, I have hereto set my hand and notarial seal this 10th day of August, 1998.

Rachel M. Braden  
Notary Public

My Commission Expires: January 1, 2000

STATE OF MARYLAND:  
COUNTY OF Prince George's:

I HEREBY CERTIFY that on this 11th day of August, 1998, before me, the subscriber, a Notary Public of the State of Maryland, personally appeared Alfred K. Sott, who acknowledged himself to be the City Manager of the City of College Park, a Maryland municipal corporation, and that he, as such City Manager, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the City by himself as such City Manager.

IN WITNESS WHEREOF, I have hereto set my hand and notarial seal this 11th day of August, 1998.

W. pnein P. Wegg  
Notary Public

My Commission Expires: July 1, 1999

WEK/Hardtimes/Covenant
Financing options for City Hall and other capital projects
Background/Justification:
Please note that all numbers (dollars, rates, and years) are preliminary and represent best estimates at this time. The presentation and discussion at the February 19 Worksession will provide information on how the City can finance the City Hall project, along with possible financing options for other significant capital projects that are in process.

The City is planning for a new City Hall. This has been a lengthy process, going back many years. It is expected to be at least another two years from the groundbreaking before staff moves into the facility.

It has been the City’s general practice, with the exception of the parking garage, to fund capital projects in advance or 100% in the year of the project (“pay-go”). While this is acceptable for smaller projects, it is not financially feasible, nor the best use of City resources, for high-cost / long-lived projects such as the new city hall. It is common and sound business practice, especially in local government, to finance major capital expenditures over the life of the facility. Thirty-year financing is typical on a building expected to last for 50 years or more. (On the other capital projects that may be considered the financing would be over a significantly shorter period – seven to ten years).

There are three primary financing options the City is considering: 1) General Obligation (GO) Bonds – public sale by the City; 2) GO Bonds – public sale by the Maryland Community Development Administration (CDA); and 3) a GO Direct Bank Loan. In considering the pros and cons of each option, staff and our financial consultant, Davenport & Company, recommend Option #1, a GO Bond, public sale by the City. The key reason for this recommendation is the lowest cost of funds, even considering the costs of issuance.

While the main focus is financing for the City Hall project there are three other capital projects (Duvall Field Renovation, Hollywood Commercial Revitalization, and Complete & Green Streets) that have been in process and will have significant expenditures projected to start in FY2021. It may make sense to finance these along with the bond for City Hall, or the financing could be deferred, but Council should be aware of this option. Only rough, order-of-magnitude estimates have been done, but total costs for all three projects are expected to be several million dollars. As noted above, financing for these projects would be over a seven-to-ten year payback.

The City’s financial advisors from Davenport & Company, Joe Mason and Jennifer Diercksen, will be at the Worksession to present more information about the City issuing a GO Bond. Their attached memo presents more detailed information about the different financing options and some numbers and assumptions under each option.

Fiscal Impact:
The primary fiscal impact will be the future debt service payments required to pay back the amount borrowed. In addition, consideration should be given to the City’s GO borrowing limits set by charter (5% of the assessed valuation); similarly, the City’s debt-to-assessed value ratio; and the City’s ability to fund annual debt service.
Based on current assessed value of $2,795,000,000, the City’s GO borrowing limit, per City Charter, is almost $140 million. Preliminary assumptions are for a GO bond in the $12 million range for the new City Hall.

With the same assumptions, the City’s debt-to-assessed value ratio would be less than 0.5% (half of 1%), well below typical municipalities’ ratios and favorable in the eyes of credit-rating agencies.

The City has the financial capacity to make projected annual debt service payments. A typical measure of this capacity is that annual debt service payment should be less than 10% of the annual expenditures of a municipality. In College Park’s case that would equate to $2,000,000. Again, the scenarios that are being considered would be within that range.

Although it won’t be an issue, the City also has a requirement that bond issuances above 1% of the taxable base require a referendum. That amount is currently $27.9 million, well in excess of any anticipated financing.

It is important to remember that the City transfers significant amounts each year from the General Fund to fund CIP. For the new City Hall project alone, annual transfers of $1 million have been made for the last several years. The annual debt service for new City Hall is projected to be less than that, $830,000 (30 year bond) and $940,000 (20 year bond).

Council Options:
Staff is requesting direction to move forward with financing the new City Hall facility via one of the financing options discussed:
#1 - a public sale by the City of a GO Bond
#2 - a public sale by the Maryland Community Development Administration of GO Bonds
#3 - a GO Direct Bank Loan.

Staff Recommendation:
#1 – Direct staff to initiate the process of a public sale by the City of GO Bonds to finance the new City Hall facility. Final estimates and numbers will be brought back at a future date for formal approval of a bond resolution.

Recommended Motion:
I move to direct staff to initiate the process of a public sale of General Obligation bonds by the City in order to finance the new City Hall project. This does not create any obligation on the City’s part at this time, and City Council will be required to formally approve (or reject) a bond resolution at the appropriate time.

Attachments:
1) Davenport’s Financing Options for City Hall Development and Other Potential Capital Projects memo
At the request of City of College Park (“City”) staff, Davenport & Company LLC (“Davenport”), in our capacity as municipal advisor to the City, was tasked with preparing a summary of financing options for the City’s upcoming capital needs. The largest project being the redevelopment of City Hall, which has a current cost estimate of $12.5 million, including $1.6 million for property acquisition. Other potential projects to be incorporated into the financing would fund various park and/or streetscape needs. As cost estimates for these additional projects have not yet been finalized, Davenport has estimated an additional $2.5 million of funding for purposes of this analysis (equates to $15 million in total for all projects), noting that this amount is subject to change.

The balance of this memorandum will summarize the City’s financing options for these projects, examine various pertinent considerations, and make a recommendation to City Council and Staff as to an approach that attempts to balance a number of competing factors.

Main Financing Options

1. General Obligation Bonds (Public Sale Issued by the City of College Park)

   The City has the ability to issue full faith and credit, general obligation bonds secured by the City’s ad valorem taxing power. Positively, it is our understanding that the issuance of such bonds would not require an approving referendum by the citizens of College Park, as the estimated aggregate amount would be less than 1% of the assessed valuation (approximately $26 million as of fiscal 2017\(^1\)) of all real property subject to municipal taxation in the City\(^2\). In addition, the bonds would reflect a fixed interest rate through maturity and could be amortized up to a 30-year period as determined by the useful life of the financed assets, as well as the City’s budgetary ability to absorb the new debt service costs.

---

\(^1\) City of College Park 2017 CAFR  
\(^2\) City Charter – Chapter C4-9
2. **General Obligation Bonds (Public Sale Issued by the Maryland CDA)**

   The City also has the option to fund its upcoming projects through the Maryland Community Development Administration’s ("CDA") Local Government Infrastructure Financing Program. Under this program, the CDA issues bonds approximately once a year on behalf of a selected pool of local governments (counties, municipalities, agencies etc.) to help finance tax-exempt projects that are needed in their respective communities. Pool participants are chosen based on a submitted application that requires information that is similar to what would be requested by a rating agency during a credit review.

   If chosen as a pool participant, the City’s portion of debt incurred through the CDA issuance would be secured by its full faith and credit. In addition to the City’s general obligation pledge, the bonds would also be secured by the Maryland Infrastructure Financing Intercept Program, which allows for the City’s income tax and other various shared revenue from the state to be intercepted in the event that the City did not meet its debt service requirement on any given payment date. As with the City-issued General Obligation Bonds, a referendum would not be required, bonds would hold a fixed rate through maturity, and could be amortized up to a 30-year period.

3. **General Obligation Direct Bank Loan**

   Rather than going to the public market, the City could also finance its upcoming capital needs with a direct bank loan. Davenport would assist the City in issuing a Request for Proposals to the banking community, and would evaluate the bids received to determine the best financing option for the City. The direct bank loan would be secured by the City’s general obligation pledge, and as a result of the current estimated size, would not be subject to a referendum. While banks could offer up to a 20-year amortization, the interest rate would only be fixed for 7 to 10 years, followed by a previously agreed upon floating rate for the remainder of the loan, which opens the City to potential interest rate risk.

   While each of the above financing options are viable, the decision about which approach the City should utilize hinges on a number of other considerations, which are summarized below.

**Considerations for Financing Approach** (not ranked in order of importance)

1. **Cost**

   As stewards of public funds, City Council and Staff have an interest in funding upcoming capital needs at the lowest cost possible, taking into consideration all other relevant factors. On cost alone, Option #1 would produce the lowest interest rate or total cost of funds, including estimated cost of issuance. As a result, the estimated debt service requirement under Option #1 would be the most favorable.
2. Credit Ratings

Obtaining credit ratings would be required for both public sale options (Options #1 and #2) to improve the marketability of the bonds and help produce the lowest interest cost. Option #3 would not require a rating, as the banks complete their own due diligence, which results in the lower cost of issuance that was outlined in the previous consideration.

For Option #1, an initial rating that reflected the City’s own credit profile would be pursued and established, which we believe would result in at least a Aa1 rating (second highest rating possible) based on preliminary analysis. This rating could be utilized to obtain financing in any future transactions and would help achieve lower interest rates, not only in the public market, but with direct bank loans as well.

The rating assigned under Option #2 would reflect that of the CDA Local Government Financing Pool as a whole, and as a result, would be assigned a rating at least one-to-two notches below what could be achieved by the City on its own credit. In addition, while the City would be required to provide information that is similar to what would be requested during its own credit rating process during the application process, only CDA would be involved in discussions with the rating agencies on behalf of all pool participants as a whole. It should also be noted that in addition to maintaining potentially lower ratings than the City could achieve on its own, bonds issued by CDA typically trade slightly below actual ratings as CDA’s primary purpose is to provide financing support for affordable housing projects that naturally come with more risk.

Ultimately, the higher the rating achieved, the lower the borrowing costs and debt service requirements will be for the City.

3. Loan Terms

Often overlooked relative to the interest rate and overall costs associated with a loan are the terms and conditions of the loan. With interest rates still at low levels historically, the City may wish to “lock in” a cost of funds now for up to 30-year period as determined by the useful life of the financed assets, as well as the City’s budgetary ability to absorb the new debt service costs. This is certainly achievable with a public sale of bonds either by the City itself (Option #1) or through CDA (Option #2). However, in Davenport’s recent experience, banks are hesitant to lend for a 20 or 30-year fixed rate period given a rising interest rate environment. For Option #3, banks are more likely to offer a 20-year amortization structure at the most with an option to reset the rate after a shorter fixed rate period (typically 7 to 10 years). If the City only receives offers from banks for a fixed rate period less than 20 years, it would be exposed to a higher potential interest rate in the future.

A second loan provision that is important to the City is the call, or prepayment, provision. A direct bank loan is likely to offer a more flexible prepayment provision, compared to a standard 8 to 10-year prepayment in a public offering context.

Lastly, the City should recognize that there may be differences in loan conditions between a public sale of general obligation bonds and a direct bank loan. Public sales will require continuing market disclosure, while the direct bank loan might have other conditions not required of a public sale, such as a gross up provisions tied to changes in the tax code.
4. Complexity

This factor influences cost and availability of staff to execute the transaction. A general obligation direct bank loan (Option #3) would be the simplest way to fund the project. The City would simply issue a Request for Proposal to banks in order to obtain the lowest cost of funds with the best terms. Unlike with a public sale (Options #1 and #2), less time is required as there are no document (drafting of a Preliminary Official Statement) or rating requirements. Ultimately, a greater level of complexity leads to higher upfront cost and greater demands on staff time.

5. Marketability

A general obligation bond, whether issued at public sale (Option #1) or through a direct bank loan (Option #3), will be more marketable (i.e.; the demand from investors to purchase) than bonds issued through CDA. Since the City is an infrequent issuer of debt, both investors (public sale) and banks (direct bank loan) would be eager to purchase debt issued by the City. As CDA is a more frequent issuer of debt and has a number of local government infrastructure bonds already in the market, the appetite of investors to purchase these bonds would be lessened. Overall, greater demand in the market generally translates into lower cost and better terms.

6. Time to Completion

If City Council wishes to obtain funding on the shortest possible timeline, regardless of the other considerations outlined above, a direct bank loan (Option #3) would be the best financing option as the deal would only take between 4-8 weeks to complete. However, the timeline for the City to issue a general obligation bond in the public market (Option #1) would only take slightly longer to complete (12 weeks), with the variance being driven by the credit rating requirement.

Issuing the bonds through CDA (Option #2) has the potential for the longest timeframe, as CDA typically only comes to market once a year and the timing of each issuance varies upon when enough pool participants are assembled to create a marketable deal. Given that the City has expressed interest in moving fairly quickly on funding these projects, waiting for a CDA issuance could pose timing issues on when funding is received.

Please see Exhibit A, attached hereto, which summarizes the various considerations outlined about for each financing option.

Please proceed to the following page.
Davenport Recommendation

Given the considerations outlined above, Davenport would recommend that the City pursue issuing its own General Obligation Bonds (Option #1), for the following reasons:

- Lowest cost of funds even when incorporating estimated cost of issuance;
- Ability to achieve a fixed interest rate through maturity;
- Provides flexibility to adjust the terms of the loan (amortization and call provision) to best meet the City’s needs;
- Security will be most marketable to investors as the City is an infrequent issuer of debt, which will only help in achieving the lowest cost of funds;
- Obtaining a high-grade credit rating will not only be beneficial for the current issuance, but any future financings as well; and
- Transaction can be completed within three months (only one month longer than the direct bank loan) which fits the City’s current timeframe for funding.

Davenport welcomes the opportunity to present this analysis to staff and City Council in person, if so desired. We thank you for the opportunity to be of service to the City of College Park.
<table>
<thead>
<tr>
<th>Considerations</th>
<th>Amortization</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>OPTION #1</strong></td>
<td>G.O. Bonds (Issued by College Park)</td>
</tr>
<tr>
<td><strong>OPTION #2</strong></td>
<td></td>
</tr>
<tr>
<td><strong>OPTION #3</strong></td>
<td></td>
</tr>
<tr>
<td>1. Costs</td>
<td></td>
</tr>
<tr>
<td><strong>20-Year</strong></td>
<td>$14,190,000</td>
</tr>
<tr>
<td><strong>30-Year</strong></td>
<td>$14,855,000</td>
</tr>
<tr>
<td><strong>Cost of Funds</strong></td>
<td></td>
</tr>
<tr>
<td><strong>20-Year</strong></td>
<td>3.16%</td>
</tr>
<tr>
<td><strong>30-Year</strong></td>
<td>3.54%</td>
</tr>
<tr>
<td><strong>Cost of Issuance</strong></td>
<td></td>
</tr>
<tr>
<td><strong>20-Year</strong></td>
<td>$300,000</td>
</tr>
<tr>
<td><strong>30-Year</strong></td>
<td>$300,000</td>
</tr>
<tr>
<td><strong>Avg. Annual DS</strong></td>
<td></td>
</tr>
<tr>
<td><strong>20-Year</strong></td>
<td>$1,043,346</td>
</tr>
<tr>
<td><strong>30-Year</strong></td>
<td>$836,436</td>
</tr>
<tr>
<td>2. Credit Ratings</td>
<td></td>
</tr>
<tr>
<td><strong>Requirement</strong></td>
<td></td>
</tr>
<tr>
<td><strong>20-Year</strong></td>
<td>Yes</td>
</tr>
<tr>
<td><strong>30-Year</strong></td>
<td>Yes</td>
</tr>
<tr>
<td><strong>Rating Estimate</strong></td>
<td></td>
</tr>
<tr>
<td><strong>20-Year</strong></td>
<td>Aa1</td>
</tr>
<tr>
<td><strong>30-Year</strong></td>
<td>Aa1</td>
</tr>
<tr>
<td>3. Loan Terms</td>
<td></td>
</tr>
<tr>
<td><strong>20-Year</strong></td>
<td>Fixed rate for life; 8 to 10 year call</td>
</tr>
<tr>
<td><strong>30-Year</strong></td>
<td>Fixed rate for life; 8 to 10 year call</td>
</tr>
<tr>
<td>4. Complexity</td>
<td></td>
</tr>
<tr>
<td><strong>20-Year</strong></td>
<td>Intermediate</td>
</tr>
<tr>
<td><strong>30-Year</strong></td>
<td>Intermediate</td>
</tr>
<tr>
<td>5. Marketability</td>
<td></td>
</tr>
<tr>
<td><strong>20-Year</strong></td>
<td>Best</td>
</tr>
<tr>
<td><strong>30-Year</strong></td>
<td>Best</td>
</tr>
<tr>
<td>6. Time to Completion</td>
<td></td>
</tr>
<tr>
<td><strong>20-Year</strong></td>
<td>Intermediate (3 months)</td>
</tr>
<tr>
<td><strong>30-Year</strong></td>
<td>Intermediate (3 months)</td>
</tr>
</tbody>
</table>

* Costs include Discount, Financial Advisor, Bond Counsel, Rating Fees, and printing among others. For CDA, costs are proportional to participation in pool.
Bike Share / Scooter Program
Discussion of new bike share/scooter program, approval of bike share contract terms, approval of negotiation of a pilot scooter program

Strategic Plan Goal: Goal 4: Quality Infrastructure

Background/Justification:
In 2016, the City signed a three-year agreement with Zagster, Inc. to operate mBike, a joint bike share system between the City and the University of Maryland. That agreement expires in May of 2019 and City and University staff have begun contract renewal discussions with Zagster for another three-year term. There are several key changes that could occur under the new agreement.

Since the original launch of mBike in 2016, Zagster has introduced a new bike share service model, Pace. Pace uses “lock-to” technology that allows the bike share to operate as a dockless, as opposed to our current station-based, system. These lock-to vehicles avoid the pitfalls of free-floating dockless systems by requiring users to lock their bicycles to a Pace or public bike rack at the end of their ride. By allowing riders to use public racks as well as official stations, the reach of the bike share system is greatly extended, and users have greater flexibility in where they end their trips.

Zagster has offered to provide the Pace system at no cost to the City or University. We currently have a revenue-sharing agreement with Zagster that provides us with a portion of user fees. Under the new proposal, all revenue from rider fees would go to Pace in exchange for operating the system free of charge. Pace will also seek sponsorship opportunities from private businesses, and would retain any earnings from those sponsorships. The City and University would have the right to review and approve sponsors. Staff is seeking the Mayor and Council’s input on whether they wish to be part of the sponsor approval process or delegate that to staff.

The current Pace proposal includes the total replacement of our current fleet of 198 bicycles and 24 stations. Staff has requested that the number of bicycles and stations be increased in order to meet growing demand and reach underserved areas of the community. The new vehicles and stations would be branded as “Pace-mBike” to allow our system to retain its individual identity. Attachment 1 illustrates the new model bicycle.

The Pace proposal also includes the option to introduce pedal-assist bicycles, also known as ‘e-bikes,’ into our fleet at a proposed mix of 75% standard bikes to 25% e-bikes. E-bikes are a popular option for longer or more strenuous trips where the electric assist can supplement riders’ pedaling when needed. Staff supports the inclusion of an e-bike option in our new bike share contract.

In order to have a new contract in place before the current agreement expires, negotiations must be finalized by the end of April to allow time for the system to go down for transition. The new system launch is tentatively proposed for the week of May 19, 2019, after graduation. Staff is seeking Mayor and Council approval to continue contract discussions as explained in this memo and sign the agreement once terms are finalized, subject to approval by the City Attorney. The new contract would be a non-exclusive agreement that would not impede the expansion of Capital Bikeshare into the City and University.

In addition to a new bike share system, the City also has the option to introduce electric scooters into our mix of shared mobility devices. See Attachment 2 for a sample image of the type of scooters proposed. Several vendors made proposals to the University and, to a lesser extent, the City, to bring scooters to the
community. These operators typically provide scooters at no cost and collect all rider revenue. Other city and university communities that have introduced scooters have seen high ridership numbers due to the popularity of these devices for short trips.

Staff have held a series of conversations with University Department of Transportation Services staff about the feasibility of launching a scooter pilot program that would operate as a shared system, with the same rules, within the City and on campus. This temporary pilot would allow staff to evaluate the impact of these devices on the transportation system and the larger community in order to determine whether and under what guidelines to adopt a permanent program. Staff is seeking the Mayor and Council’s feedback on whether there is support for introducing a scooter pilot program. If the Mayor and Council support the pilot program, staff will bring this item back with a specific proposal, contract and any required ordinance changes.

**Fiscal Impact:**
The fiscal impact would be minimal. The City implemented the original bikeshare program using state grant funding and has collected developer fees to add more stations over time. There is a remaining balance of $227,135 in the CIP that can be used to add additional stations and public bike racks. The City would lose approximately $14,500 in annual revenue that it currently receives from Zagster. The staff time and resources required to implement a new scooter program could be offset by a fee paid by the vendor.

**Council Options:**
#1 Authorize staff to finalize a bike share contract with Pace and/or to initiate negotiations of a scooter pilot program in cooperation with the University of Maryland.
#2 Request that staff negotiate different terms for the bike share contract.
#3 Recommend an alternative direction for a bike share and/or scooter program.

**Staff Recommendation:**
#1

**Recommended Motion:**
N/A

**Attachments:**
Attachment 1: 2018 Pace Bicycle Specifications
Attachment 2: Sample Electric Scooters
Pace 2018 Bike

- Adjustable seat fits adult riders
- Built-in cable secures bike to a fixed object
- Rear wheel lock
- Fenders & chain guard keep riders clean
- 5 gear shifting & bell
- Convenient front basket
- Automatic front & rear lights
Pace 2018 Bike

Detailed Specs:

- Frame: Custom-tapered 6061 Aluminum
- Fork: Chromoly
- Crankset: Forged 3-piece aluminum, 38T
- Bottom Bracket: VP-BC73C cartridge-style
- Pedals: VP thermoplastic, chromoly axle
- Shifters: Sturmey Archer 5-speed
- Chain: KMC Rustbuster
- Wheelset: Sturmey Archer 3W Dynamo front / Sturmey archer 5-speed internal gear rear, 36H hubs, powder coated alloy rims
- Tires: Schwalbe Marathon, 26 x 1.75" w/ Greenguard Puncture Protection, reflective stripe
- Brakeset: Sturmey Archer drum brake, stainless hardware
- Brake Levers: Aluminum, 4-Finger Ergonomic
- Headset: 1", threaded
- Handlebar: Breezer North Road Aluminum, 25.4, 26mm rise, 570mm wide, 33 degree sweep
- Stem: Breezer Aluminum, 25.4, quill-style
- Grips: Kraton, black
- Saddle: Velo Comfort
- Seatpost: Aluminum, 30.9mm
- Fenders: Polycarbonate, 50mm, stainless fittings, integrated lighting wire guides
- Headlight: B&M Lumotec IQ Onefive N plus, w/ standlight
- Taillight: B&M Toplight 2C Plus, w/ standlight
- Accessories: Chaincase, kickstand, bell, front basket, steering stabilizer spring
- Weight: 46 lb.
Attachment 2 – Sample Electric Scooters

Photo by Andrew Liptak / The Verge
5

Lease Agreement for 8400 Baltimore Avenue
### Issue Before Council:
Approval of a Lease with the University of Maryland for additional space at 8400 Baltimore Avenue to accommodate City Hall staff during the construction of City Hall

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

### Background/Justification:
The new City Hall project will require vacating and demolishing the existing City Hall. Construction is planned to start in January 2020. The City could vacate City Hall before January in order to enable the project to move forward sooner. Staff has examined two primary relocation options during the construction of the new City Hall (a period of 24 – 30 months): renovating and using existing space in other City facilities; or locating adjacent to the Department of Public Services (DPS) at 8400 Baltimore Avenue. The University of Maryland owns this building and DPS moved there to enable the University to build a childcare facility at 4601 Calvert Road.

Internal staff discussions and meetings with architects identified several concerns and likely high costs to renovate second floor space at Davis Hall. Staff review of space in other City facilities revealed the difficulty of adding even small departments to currently occupied spaces. Existing facilities simply do not have excess space to accommodate the needs of the departments currently located in City Hall, and the dispersion of staff into shared space would likely create additional problems. The cost of renovations would likely come close to the cost of renting space.

Staff toured vacant space that is adjacent to DPS offices at 8400 Baltimore Avenue. Approximately 4,200 square feet is available, and can be configured to accommodate Administration, Finance, Parking, and Human Resources. The Planning Department would be located in existing space within the DPS offices. All other departments would not be impacted.

The University has offered an $80,000 allowance (the University would pay for up to $80,000 of work) to improve the existing space so that it meets the City's requirements. This work would include removing walls, creating new offices and open space, installing cashier windows, and providing new paint and flooring. The University has also identified office cubicles that can be provided to the City.

### Fiscal Impact:
The annual rent for year 1 is $79,268 and for year 2 is $81,646. The City would also be responsible for its share of operating expenses. The cost would be covered in the City Hall CIP account.

### Council Options:
1. Authorize the City Manager to sign a lease agreement with the University of Maryland.
2. Request additional information regarding the lease terms and / or other options for the relocation of staff during the construction of the new City Hall.
3. Provide other direction to staff regarding staff's relocation during the construction of the new City Hall.
<table>
<thead>
<tr>
<th><strong>Staff Recommendation:</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>#1</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Recommended Motion:</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><em>I move to authorize the City Manager to sign a lease with the University of Maryland for approximately 4,200 square feet of office space at 8400 Baltimore Avenue. City staff currently at 4500 Knox Road will relocate to 8400 Baltimore Avenue to allow for the demolition and construction of the new City Hall. The terms of the lease shall be reviewed and approved by the City Attorney.</em></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Attachments:</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposed floor plan of space adjacent to the Department of Public Services offices at 8400 Baltimore Avenue.</td>
</tr>
</tbody>
</table>
Pedestrian lights on US 1 from College Avenue to MD193
CITY OF COLLEGE PARK, MARYLAND
WORKSESSION AGENDA ITEM

Prepared By: Bill Gardiner,
Assistant City Manager

Meeting Date: February 19, 2019

Presented By: Bill Gardiner,
Assistant City Manager

Proposed Consent Agenda: No

Originating Department: Administration

Issue Before Council: Council approval of an MOU with the State Highway Administration regarding pedestrian lights on Baltimore Avenue

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

Background/Justification:
In 2018 the City, University, and the State Highway Administration discussed the possibility of adding pedestrian lighting along Baltimore Avenue as part of the SHA improvement project from College Avenue to MD 193 (phase 1). In July 2018 the City confirmed to SHA that it was interested in an MOU regarding the installation of pedestrian lighting for the project. The letter in July enabled SHA to include the installation of pedestrian lighting in the request for proposals that it has issued for the project.

The SHA Pedestrian Lighting policy enables SHA to share the costs of installing pedestrian lights along State roads. SHA pays for the cost of the below ground infrastructure. The cost of the basic light pole base and fixture (“Lamps”) is split 50/50 between SHA and the jurisdiction. The cost of additional features (“betterments”) on the light poles, such as banner or flower pot arms and electric outlets, are paid entirely by the jurisdiction.

This SHA policy offers the opportunity for the City to install the pedestrian lighting at a lower overall cost compared to the City installing the lights without SHA participation. The pedestrian lighting would be installed along the entire section and would not need to await redevelopment of individual parcels. Additionally, installing the pedestrian lights as part of the project avoids the disruption of a future infrastructure project along Baltimore Avenue for pedestrian lights. Generally, the City has waited until a property redevelops, and the zoning requires the installation of pedestrian lights. The City enters into an agreement with the property owner regarding the maintenance of the lighting. If Council is interested, SHA and the City would have a similar MOU for the pedestrian lights for the following phases of the project from MD-193 north to I-495.

There are 134 pedestrian streetlights proposed for the 1.4-mile segment, and four lighting control cabinets to service all 134 pedestrian streetlights. A map of the pedestrian light locations, the specifications of the pedestrian light pole and fixtures, and the draft MOU are attached.

Fiscal Impact:
SHA initially provided cost estimates based on 155 new LED pedestrian lights. However, City staff have confirmed that only 134 are required and SHA is amending the MOU to reflect the lower number. The SHA estimated total City cost for the 155 pedestrian lights (“Lamps” and “Betterments” and SHA overhead) in the MOU) is $840,000.

The actual costs will not be known until after SHA opens the bids on March 7, 2019. The annual operating cost for 134 LED lights is estimated at $5,000 - $6,000.

It is likely that the project cost will be spread over two or more fiscal years starting in FY20. The City has several options for funding the project. It could annually budget the anticipated cost for each year and pay for the entire project as it is being constructed (“pay-go”). The City could also issue bonds to pay for the project and pay back the bonds over a period of 10 to 15 years.
Regardless of how the City pays for the project, it may be able to require reimbursement for some costs in certain circumstances from the property owners abutting the right of way on which the lights are installed. The reimbursement could occur when properties are redeveloped, and the developer could agree as part of the City review process to reimburse the City for some costs.

**Council Options:**
1. Support the City entering into an MOU with the State Highway Administration for the installation of pedestrian lights as part of the SHA Baltimore Avenue project, upon review of accurate cost information.
2. Request additional information regarding the MOU.
3. Decline to support the installation of pedestrian lighting along Baltimore Avenue as part of the SHA project.

**Staff Recommendation:**
#1

**Recommended Motion:**
N/A

**Attachments:**
1. Draft "MEMORANDUM OF UNDERSTANDING for US 1 PEDESTRIAN LIGHTING by and between MARYLAND DEPARTMENT OF TRANSPORTATION STATE HIGHWAY ADMINISTRATION and THE CITY OF COLLEGE PARK" Please note that this MOU includes the amounts for 155 lights instead of 134. SHA is providing a corrected MOU as soon as possible.
2. Map of pedestrian streetlight locations
3. Diagram of specified street light with banner / flower basket arm and electric outlet
MEMORANDUM OF UNDERSTANDING

for

US 1 PEDESTRIAN LIGHTING

by and between

MARYLAND DEPARTMENT OF TRANSPORTATION
STATE HIGHWAY ADMINISTRATION

and

THE CITY OF COLLEGE PARK

THIS MEMORANDUM OF UNDERSTANDING (MOU) executed in duplicate, made effective on this ______ day of ___________________, 2019, (the “Effective Date”) by and between the Maryland Department of Transportation State Highway Administration, acting for and on behalf of the State of Maryland, hereinafter referred to as “MDOT SHA”, and the City of College Park, a body corporate and politic, hereinafter referred to as the “CITY”.

WHEREAS, MDOT SHA is currently designing improvements for the safety of vehicular, bicycle and pedestrian travel along the US 1 corridor located in the City of College Park in Prince George’s County under MDOT SHA contract PG6245171; and

WHEREAS the improvements start from College Avenue extends (i) 1.4 miles along US1 (Baltimore Avenue) to MD 193 (University Boulevard) (ii) approximately one-half mile along MD193 in the CITY, (hereinafter referred to as the “IMPROVEMENTS”); and

WHEREAS, the IMPROVEMENTS shall include pavement widening, to provide a raised grass median and bicycle lanes, construction of sidewalks, SWM facilities and a retaining wall, drainage improvements, and utility relocations; and

WHEREAS, as part of the IMPROVEMENTS the CITY desires to construct pedestrian lighting along the portion of US 1 from Paint Branch Bridge (MP 4.4) to MD 193 (MP 5.24) within the CITY limits, (hereinafter referred to as “LIGHTING”); and

WHEREAS, the LIGHTING includes all items to design and construct the one hundred fifty five (155) new pedestrian lighting structures, including but not limited to, conduit, foundations, pull-wire and hand boxes (hereinafter referred to as “INFRA-STRUCTURE”), and also including poles, pole bases, bracket arms, wiring and luminaries (hereinafter referred to as “LAMPS”) along with 120 Volts GFI outlets and Banner/flower pot hangers (hereinafter referred to as “BETTERMENTS”); and

WHEREAS, the total cost of the basic LAMPS system is estimated at Six Hundred Ninety Five Thousand Six Hundred Fifty Nine Dollars ($695,659.00); and

WHEREAS, pursuant to the conditions of the MDOT SHA Pedestrian Lighting Policy dated September 9, 2008, MDOT SHA has agreed to design and construct the INFRASTRUCTURE at no cost to the CITY and to provide funding in an amount equal to fifty percent (50%) of the basic LAMPS system approved by MDOT SHA, (hereinafter referred to as the “SHA LIGHTING CONTRIBUTION”); and
WHEREAS, the CITY has agreed to reimburse SHA in an amount equal to fifty percent (50%) of the basic LAMPS system approved by MDOT SHA, (hereinafter referred to as the “CITY LIGHTING CONTRIBUTION”) and to pay the total cost of the BETTERMENTS; and

WHEREAS, the CITY shall be responsible for the electrical connection and the costs necessary for the LIGHTING once constructed; and

WHEREAS, the IMPROVEMENTS and the LIGHTING (including the INFRASTRUCTURE, the LAMPS and the BETTERMENTS) are sometimes hereinafter collectively referred to as the “PROJECT”; and

WHEREAS, the CITY, its agents or assigns, shall own the LIGHTING and provide all maintenance and repair necessary for the LIGHTING; and

WHEREAS, MDOT SHA and the CITY agree that the PROJECT will benefit the parties to this MOU and will promote the safety, health and general welfare of the citizens of the State, including the CITY.

NOW, THEREFORE, THIS MEMORANDUM OF UNDERSTANDING WITNESSETH, that for and in consideration of the foregoing recitals, the mutual promises and other good and valuable considerations referenced herein, the receipt and adequacy whereof is hereby acknowledged, be it understood that MDOT SHA and the CITY do hereby agree as follows:

I. PROJECT DESCRIPTION

A. The PROJECT shall generally consist of the IMPROVEMENTS and the LIGHTING.

1. The IMPROVEMENTS shall generally consist of the design and construction of pavement widening, to provide a raised grass median and bicycle lanes, construction of sidewalks, SWM facilities and a retaining wall, drainage improvements, and utility relocations.

2. The LIGHTING shall consist of the INFRASTRUCTURE, the LAMPS and the BETTERMENTS.

   a. The INFRASTRUCTURE shall consist of the design and installation of the conduit system, hand holes, pull wires and hand boxes necessary for the support of one hundred fifty-five (155) pedestrian lights along US 1 between Paint Branch Bridge and MD 193 within the CITY limits.

   b. The LAMPS shall consist of, but not be limited to, the foundations, poles, mast arms, bracket arms, wiring, grounding system, control cabinets, luminaries, and the necessary power drop for electrifying.

   c. The BETTERMENTS shall consist of design and installation on each light pole of a 120 Volt GFI outlet and Banner/flower pot hanger for decoration purposes.

3. The CITY LIGHTING CONTRIBUTION AND THE SHA LIGHTING CONTRIBUTION each consist of 50% of the total cost of the LAMPS, estimated at Six Hundred Ninety Five Thousand Six Hundred Fifty Nine Dollars ($695,659.00).
II. PROJECT DESIGN PHASE

A. MDOT SHA Responsibility

1. MDOT SHA shall accomplish all tasks necessary to design the PROJECT.
2. MDOT SHA shall provide the CITY with four (4) sets of proposed final PROJECT plans and estimates for review and comment, but MDOT SHA shall have final authority.
3. In the event MDOT SHA desires to revise the PROJECT plans subsequent to final plan approval, but prior to award of bid or initiation of construction activities, MDOT SHA shall provide the CITY with prior written notification of said revisions including estimated costs.

B. CITY Responsibility

1. The CITY shall provide MDOT SHA with written review comments of all data or materials provided by MDOT SHA for review within ten (10) working days following the CITY’s receipt thereof.
2. In the event the CITY desires to revise the plans for the LIGHTING subsequent to final plan approval, but prior to initiation of construction activities, the CITY shall provide MDOT SHA with written notification of the proposed revision including estimated costs. All proposed revisions submitted by the CITY shall be subject to MDOT SHA approval of the proposed revision and the approval or denial shall occur within ten (10) working days of MDOT SHA’s receipt thereof, and MDOT SHA’s decision shall be final and the CITY shall pay for all increased costs associated with the revisions.

III. PROJECT CONSTRUCTION PHASE

A. MDOT SHA Responsibility

1. MDOT SHA shall (i) advertise the PROJECT for construction bids, (ii) award and administer the construction contract, (iii) construct the PROJECT as shown on the final PROJECT plans, and (iv) provide Construction Engineering Services for the PROJECT.
2. MDOT SHA shall obtain all permits necessary to construct the PROJECT prior to commencing Construction.
3. MDOT SHA shall provide the CITY with a copy of the apparent low bid which shall identify items associated with construction of the INFRASTRUCTURE, the LAMPS and the BETTERMENTS.
4. In the event that revisions to the PROJECT are required in MDOT SHA’s sole judgment due to conditions encountered during construction, said revisions shall be promptly made by MDOT SHA without prior concurrence by the CITY in order to minimize or eliminate possible delay claims by MDOT SHA’s construction contractor. The approval of the CITY for revisions to the PROJECT will be requested but is not required by MDOT SHA prior to MDOT SHA approval.
5. MDOT SHA shall provide the CITY with an MDOT SHA District right-of-entry permit (“PERMIT”), to be renewed annually, and the PERMIT shall grant a right-of-entry to CITY personnel or, its agents, contractors or assigns, for the sole purpose of providing the necessary maintenance and repair of the LIGHTING.

B. CITY Responsibility

1. In the event the CITY desires to make revisions to the PROJECT during construction, it shall promptly submit a request in writing to MDOT SHA for MDOT SHA approval, including the requested revisions and their estimated costs. MDOT SHA may include such revisions in the PROJECT plans, provided that those revisions comply with MDOT SHA’s policies and specifications; however, MDOT SHA shall retain sole authority to determine such compliance. The CITY agrees that any additional costs incurred by MDOT SHA to implement the revisions requested by the CITY shall be the sole responsibility of the CITY.

2. At its option and expense, the CITY may provide an inspector during construction of the PROJECT. MDOT SHA's PROJECT inspectors shall consult with the CITY’s inspector prior to decisions which affect the PROJECT whenever such consultation does not create a delay claim situation or is not a case of an emergency. However, MDOT SHA's PROJECT inspectors shall have final authority during construction.

IV. PROJECT DESIGN PHASE FUNDING

A. MDOT SHA Responsibility

1. MDOT SHA shall fund all costs associated with the design of the PROJECT.

B. CITY Responsibility

1. The CITY shall be responsible for all costs incurred by the CITY in the review of the PROJECT documents.

2. The CITY shall be responsible for all costs associated with providing information requested by MDOT SHA for the design of the PROJECT.

V. PROJECT CONSTRUCTION PHASE FUNDING

A. MDOT SHA Responsibility

1. MDOT SHA shall (i) advertise the PROJECT for construction bids, (ii) award and administer the construction contract, (iii) construct the PROJECT as shown on the final PROJECT plans, and (iv) provide Construction Engineering Services for the PROJECT.

2. MDOT SHA shall fund all costs associated with the construction of the IMPROVEMENTS.
3. MDOT SHA shall fund the cost for construction of the INFRASTRUCTURE, estimated at Four Hundred Fifty Eight Thousand One Hundred and One Dollar ($458,101.00) including MDOT SHA salaries, payroll burden and overhead.

4. MDOT SHA shall fund fifty percent (50%) of the costs of the LAMPS, estimated at Six Hundred Ninety Five Thousand Six Hundred Fifty Nine Dollars ($695,659.00) including that portion attributable to MDOT SHA salaries, payroll burden and overhead.

5. MDOT SHA shall submit to the CITY documented periodic invoices for reimbursement of the CITY LIGHTING CONTRIBUTION, and of the BETTERMENTS costs, including MDOT SHA’s direct salaries, payroll burden and overhead for Construction and/or Inspection Engineering Services incurred under MDOT SHA contract PG6245171.

B. In the event that MDOT SHA does not receive payment of an invoice or a Notice of Dispute within thirty (30) days following CITY receipt of any invoice, MDOT SHA will notify the CITY of the overdue payment and provide the CITY the opportunity to pay such overdue amount within thirty (30) days following such notification. If payment has not been received within thirty (30) days following such notification, MDOT SHA will notify the CITY in writing that MDOT SHA will proceed with a deduction from the CITY’s share of Highway User Revenues equal to the overdue invoice amount CITY Responsibility

1. The CITY shall reimburse MDOT SHA within thirty (30) days of receipt of each periodic invoice for reimbursement all documented costs incurred by MDOT SHA on behalf of the CITY as provided herein, including that portion attributable to MDOT SHA’s direct salaries, payroll burden and overhead for Construction and/or Inspection Engineering Services incurred under MDOT SHA contract PG6245171.

   a. For purposes of this MOU, the CITY’s reimbursement to MDOT SHA shall be the CITY LIGHTING CONTRIBUTION, which consists of fifty percent (50%) of all documented costs necessary to construct the LAMPS as defined in section I.A.2 b, and 100% of all documented costs necessary to construct the BETTERMENTS as defined in section I.A.2 c, above, currently estimated to be a total of Eight Hundred Forty Thousand Two Hundred Forty Four Dollars ($840,244.00), including attributable MDOT SHA’s direct salaries, payroll burden and overhead for design and installation.

   b. MDOT SHA’s attributable salaries, payroll burden and overhead for the LAMPS and BETTERMENTS is estimated to be One Hundred Sixty-Four Thousand Six Hundred Sixty Six Dollars ($164,666.00).

   c. For the purpose of this MOU, the estimated cost for the design and installation of the BETTERMENTS is One Hundred Forty-Four Thousand Five Hundred Eighty Four Dollars and Ninety Cents
($144,584.90) including attributable MDOT SHA salaries, payroll burden and overhead for Construction Engineering Services.

2. In the event the CITY does not reimburse MDOT SHA as required herein, MDOT SHA may make a deduction from the CITY’s share of Highway User Revenues in the amount equal to the CITY LIGHTING CONTRIBUTION and the total cost to construct the BETTERMENTS.

3. In the event the awarded low bid for the LAMPS and the BETTERMENTS is more than the CITY’s allocated funding, the CITY shall: (1) allocate additional funding to match the awarded low bid plus MDOT SHA’s direct salaries, payroll burden and overhead, (2) revise the scope of work and delete items from the PROJECT contract items to stay within current allocations, or (3) reject all bids in their entirety and, unless the CITY shall have installed the LAMPS in accordance with subsection(a) below, reimburse MDOT SHA for all costs incurred by MDOT SHA to date on the CITY’s behalf and for all costs and expenses for such deletion from MDOT SHA’s contract to include, but not be limited to, claims, revisions, salaries, payroll burden and overhead.

   a. Pursuant to the conditions of the MDOT SHA Pedestrian Lighting Policy dated September 9, 2008, rejection of all bids by the CITY will require that the CITY install the LAMPS within three (3) years of completion of construction of the PROJECT. In the event the CITY does not install the LAMPS in order to have an operational pedestrian lighting system within the three (3) year period, the CITY will be required to reimburse MDOT SHA for the cost to design and construct the INFRASTRUCTURE and any MDOT SHA costs for relocation of utilities for installation of the INFRASTRUCTURE; otherwise MDOT SHA may make a deduction from the CITY’s share of Highway User Revenues in the amount equal to the total cost to design and construct the INFRASTRUCTURE, including utility relocations not governed by prior rights of MDOT SHA or the CITY, and MDOT SHA’s direct salaries and payroll burden for Construction Engineering Services and other direct costs such as consultant services and materials attributable to the LIGHTING. For purposes of this MOU, the costs for MDOT SHA to design and construct the INFRASTRUCTURE is Four Hundred Fifty Eight Thousand One Hundred One Dollar ($458,101.00) including MDOT SHA salaries, payroll burden and overhead. This cost is an estimate only and the CITY will be required to pay actual costs incurred.

VI. GENERAL

A. The total amount to be reimbursed to MDOT SHA by the CITY for the purchase and installation of the LAMPS and the purchase and installation of the BETTERMENTS is estimated to be Eight Hundred Forty Thousand Two Hundred Forty Four Dollars ($840,244.00), including attributable MDOT SHA’s direct
salaries, payroll burden and overhead for Construction Engineering Services and other direct costs such as consultant services and materials.

B. By execution of this MOU the City grants a Right-Of-Entry to MDOT SHA, its contractors, sub-contractors and employees, onto all City Owned or Controlled Right-Of-Way needed for the PROJECT, for the purpose of designing and constructing the PROJECT with said Right-Of-Way to terminate upon final acceptance of the PROJECT by MDOT SHA.

C. Upon completion of the PROJECT, the CITY shall own and maintain the LIGHTING.

D. Whenever the approval of MDOT SHA or the CITY is required under this MOU, such approval will not be unreasonably withheld or delayed.

E. The parties hereto agree to cooperate with each other to accomplish the terms and conditions of this MOU.

F. This MOU shall inure to and be binding upon the parties hereto, their agents, successors, and assigns.

G. This MOU and the rights and liabilities of the parties hereto shall be determined in accordance with Maryland law and in Maryland courts.

H. The recitals (WHEREAS clauses) at the beginning of this MOU are incorporated herein as part of this MOU.

I. All notices and/or invoices, if to the CITY, shall be addressed to:

   Ms. Terry Schum, Director
   Department of Planning, Community and Economic Development
   City of College Park
   4500 Knox Road
   College Park, Maryland 20740
   Phone: 240.487.3538
   E-mail: tschum@collegeparkmd.gov

If to MDOT SHA:

   Mr. Andre Futrell, District Engineer, District 3
   State Highway Administration
   9300 Kenilworth Avenue
   Greenbelt, Maryland 20707
   Phone 301-624-8100
   Fax 301-624-8225
   E-mail: afutrell@sha.state.md.us

   Ms. Lindsay Bobian, Project Manager
   Office of Highway Development
   MDOT SHA
   707 N. Calvert Street, Mail Stop C-102
   Baltimore MD 21202
   Phone: 410-545-8765
   E-mail: lbobian@sha.state.md.us
With a copy to:
MDOT SHA Agreements Team
Office of Procurement and Contract Management
MDOT State Highway Administration
Mailstop C-405
707 N. Calvert Street
Baltimore MD 21202
Phone: 410-545-5636
E-mail: SHAAgreementsTeam@sha.state.md.us

(Signature Pages Follow)
IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their respective duly authorized officers on the day and year first above written.

MARYLAND DEPARTMENT OF TRANSPORTATION
STATE HIGHWAY ADMINISTRATION

________________________________
By: __________________________(SEAL)

WITNESS

Tim Smith, P.E.
Deputy Administrator/Chief Engineer for Operations

_____________________________
Date

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Assistant Attorney General

_____________________________
Jason A. Ridgway, P.E.
Deputy Administrator For Planning, Preliminary Engineering, Real Estate and the Environment

Lisa B. Conners
Deputy Administrator for Administration

_____________________________
William J. Bertrand
Director Office of Finance
WITNESS:

CITY OF COLLEGE PARK
A body corporate and politic

_________________________________     BY: ________________________________ (SEAL)
Janeen S. Miller, CMC, City Clerk
Scott Somers
City Manager
City of College Park

_________________________________
Date

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

________________________
Suellen M. Ferguson, City Attorney
**Module/Driver:** Cree LED modules are incased in a cast aluminum housing and sealed to a diffused dome lens. They provide industry-leading efficacy (steady state) of up to 108 lm/W for 40W/4000lm, available in 3000, 3500 or 4000k. Drivers are 0-10v dimming with universal voltage.

**Finish:** RED (RAL300) polyester powder coating

**Optional “BA”**
Banner arm "A" is for large banners, Flexible pultruded fiberglass rod, banding with double wrap banding per arm.

**Optional “FPB”**
Arm "B" is Flower Pot Adapter banding with double wrap banding.

**“C” Factory Install Vibration Dampener "VB"**

**Breakaway Coupling "BAC"**
Conform to current AASHTO standards for breakaway support and are F.H.W.A approved

**ALUMILITE**
5322 A RAFE BANKS DR.
FLOWERY BRANCH
GEORGIA, 30542

**M-DOT CITY OF COLLEGE PARK**

<table>
<thead>
<tr>
<th>SIZE</th>
<th>FSCM NO.</th>
<th>DWG NO.</th>
<th>REV</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Scale:** 06052017/06262018

063
Discussion of Legislation
Memorandum

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

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

DATE: February 15, 2019

RE: Weekly Report

Here is a list of pertinent issues:

<table>
<thead>
<tr>
<th>Bill Number</th>
<th>Description of Bill</th>
</tr>
</thead>
<tbody>
<tr>
<td>HB 10</td>
<td>State Highway Administration – Sidewalks Within Priority Funding Areas – Repair and Maintenance – Bill requires the SHA to repair and maintain sidewalks that are located within areas that are designated as priority funding areas. Local expenditures to maintain and repair sidewalks decrease, potentially significantly, beginning in FY 2020. Revenues are not affected. <strong>Bill was heard by the House Committee on Environment and Transportation on January 30th. Bill is supported by the Maryland Municipal League.</strong></td>
</tr>
<tr>
<td>HB 34 (SB 331)</td>
<td>Business Regulation – Trader’s Licenses – License Fees - This bill authorizes the governing body of a county or municipality to select a uniform trader’s license fee instead of using the existing tiered license fee. Selecting the uniform trader’s license fee is a one-time, irrevocable decision. As opposed to tiered licensing, in which most licensing revenue is retained by local governments, all revenue from uniform traders’ fees accrues to the State general fund. By December 31, 2019, the State Department of Assessments and Taxation (SDAT) must adopt regulations on the granting of exemptions from the reporting requirements (and associated filing fees) under § 11-101 of the Tax-Property Article. <strong>The House bill was heard on January 22nd by the House Economic Matters</strong></td>
</tr>
<tr>
<td>Bill Number</td>
<td>Description of Bill</td>
</tr>
<tr>
<td>-------------</td>
<td>---------------------</td>
</tr>
<tr>
<td><strong>HB 82 (SB 116)</strong>&lt;br&gt;Del. Charkoudian (D20)</td>
<td>Transportation – Complete Streets – Access to Healthy Food – Bill requires a complete streets policy to create access to healthy food for persons living in food deserts. <strong>The House bill was heard by the House Environment and Transportation Committee on February 7th.</strong> The Senate bill was heard on February 13th by the Senate Finance Committee.</td>
</tr>
<tr>
<td><strong>HB 102 (SB 442)</strong>&lt;br&gt;Del. Lierman (D46)&lt;br&gt;Sen. Smith (D20)</td>
<td>Toll Roads, Highways, and Bridges – County Government Consent Requirement – Expansion – Bill prohibits a state agency from constructing any toll roads, highways, or bridges without the express consent of a majority of the affected counties. Bill is supported with an amendment by the Maryland Municipal League. <strong>The House bill was heard on February 7th by the House Environment and Transportation Committee.</strong> The Senate bill will be heard on Feb. 27th by the Senate Finance Committee.</td>
</tr>
<tr>
<td><strong>HB 108 (SB 291)</strong>&lt;br&gt;Del. Carr (D18)&lt;br&gt;Del. Korman (D16)&lt;br&gt;Sen. Smith (D20)</td>
<td>Vehicle Laws – Intersections – Prohibited Acts – This bill, known as the Don’t Block the Box” bill, generally prohibits a vehicle facing a circular green signal, a green arrow signal, or a steady yellow signal from entering an intersection if the vehicle is unable to safely and completely proceed through the intersection <strong>The House bill was heard on February 7th by the House Environment and Transportation Committee. The Senate bill was heard on February 13th by the Senate Judicial Proceedings Committee.</strong></td>
</tr>
<tr>
<td><strong>HB 109 (SB 285)</strong>&lt;br&gt;Del. Lierman (D46)&lt;br&gt;Sen. Kagan (D17)</td>
<td>Environment - Expanded Polystyrene Food Service Products – Prohibition – This bill prohibits, beginning January 1, 2020, (1) a person from selling or offering for sale in the State an “expanded polystyrene food service product” and (2) a “food service business” or school from selling or providing food in an expanded polystyrene food service product. A county, municipality, or other local government may enact standards that are at least as stringent as the bill’s provisions. <strong>House bill was heard on Feb. 6th by the House Environment and Transportation Committee. The Senate bill was heard on Feb. 12th by the Senate Education, Health and Environmental Affairs Committee.</strong></td>
</tr>
<tr>
<td><strong>HB 155 (SB 164)</strong>&lt;br&gt;Administration</td>
<td>Maryland Department of Health – Capital and Grant Programs – State Grants – This Departmental bill increases the caps on the percentages of certain costs for the 4 construction, acquisition, renovation, and equipping of community mental health 5 facilities, addiction facilities, and developmental disabilities facilities for which State 6 grants can be provided under the Community Mental Health, Addiction, and 7 Developmental Disabilities Capital Program. <strong>The House bill will be heard on February 28th by the House Appropriations Committee. The Senate bill will be heard on February 27th by the Senate Budget and</strong></td>
</tr>
<tr>
<td>Bill Number</td>
<td>Description of Bill</td>
</tr>
<tr>
<td>-------------</td>
<td>---------------------</td>
</tr>
<tr>
<td>HB 183</td>
<td>Taxation Committee. Bill is supported by the Maryland Municipal League.</td>
</tr>
<tr>
<td>HB 183</td>
<td>Prince George’s County – Property Tax Credits for Security Camera Systems – (PG 413-19) This bill authorizes Prince George’s County to grant, by law, a property tax credit for residential or commercial property equipped with an exterior security camera system for the purpose of crime prevention. <strong>Bill was heard by the House Ways and Means Committee on February 5th.</strong></td>
</tr>
<tr>
<td>HB 185 (SB 352)</td>
<td>Prince George’s County – Movie Theater Licenses – Class BLX – (PG 302-19) This bill authorizes the issuance of a Class BLX license to a movie theater under certain circumstances, including renovations or remodeling exceeding $2,000,000. The license holder would be allowed to sell beer, wine, and liquor for on-premises consumption from 12 Noon to 12:30 a.m., the following day. <strong>House bill will be heard February 18th in House Economic Matters Committee. Senate bill will be heard February 22nd in Senate Education, Health and Environmental Affairs Committee.</strong></td>
</tr>
<tr>
<td>HB 186</td>
<td>Prince George’s County – Alcoholic Beverages – Family Entertainment Permit – (PG 301-19) This bill establishes a family entertainment permit in the county for holders of Class B (on-sale) licenses should the Liquor Board determine that certain criteria be met, i.e. 1) the license holder’s business provides family entertainment; 2) the room where entertainment will be held seats no more than 110 people; 3) the establishment will not offer entertainment for adults only; 4) the average daily receipts from food sales is at least 60% of the total daily receipts from the sale of food and drinks; 5) the establishment offers the same menu throughout the day, including when entertainment is provided; and 6) pricing for food and drink where the entertainment will be provided is comparatively priced as food and drink offered elsewhere in the establishment. The annual fee for the permit is $250. <strong>Bill will be heard February 18th by the House Economic Matters Committee.</strong></td>
</tr>
<tr>
<td>HB 188</td>
<td>Prince George’s County – Property Tax Credits – Grocery Stores – (PG 409-19) This bill authorizes a property tax credit to be granted against the property tax imposed on personal property that is owned by a grocery store that (1) completes eligible construction; and (2) is located in a healthy food priority area. <strong>Bill was heard by the House Ways and Means Committee on February 5th.</strong></td>
</tr>
<tr>
<td>HB 189</td>
<td>Prince George’s County – Alcoholic Beverages – Class BLX Licenses – (PG-304-19) This bill would increase the number of Class BLX licenses a person may hold from 10 to 15. <strong>Bill will be heard on February 18th by the House Economic Matters Committee.</strong></td>
</tr>
<tr>
<td>Bill Number</td>
<td>Description of Bill</td>
</tr>
<tr>
<td>----------------</td>
<td>---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>HB 209</td>
<td>Privately Owned Transportation Projects - Construction and Authorization to Use State-Owned Rights-of-Way and Property – Requirements - This bill prohibits a “project” from being constructed, and prohibits the State from authorizing the use of or access to a State-owned right-of-way or State property for a project, unless an environmental impact statement (EIS) is prepared in accordance with the National Environmental Policy Act (NEPA) or, if an EIS is not required under NEPA, (1) an environmental effects report is prepared in accordance with specified provisions of the Maryland Environmental Policy Act (MEPA) that is substantially similar to a report prepared in accordance with NEPA and (2) the project is approved by the Maryland Department of Transportation (MDOT). <strong>Bill was heard on February 14th by the House Environment and Transportation Committee.</strong></td>
</tr>
<tr>
<td>HB 220</td>
<td>Prince George’s County – Condominiums and Homeowners Associations – Reserve Studies – Annual Budgets – (PG 402-19) This bill requires the governing body of certain condominium communities (with more than 50 units) in the county to have a reserve study conducted for purposes related to major repairs and replacement of common elements of a condominium. <strong>Bill will be heard on February 19th by the House Environment &amp; Transportation Committee.</strong></td>
</tr>
<tr>
<td>HB 223</td>
<td>Prince George’s County – Property Tax Credits – Teachers – (PG 410-19) Bill would provide a property tax credit against the property owned by an eligible teacher who did not reside in the county before purchasing the home where the credit is claimed. <strong>Bill was heard by the House Ways and Means Committee on February 5th.</strong></td>
</tr>
<tr>
<td>HB 227</td>
<td>Prince George’s County – Ethics – Limitations on Applicant Campaign Contributions – (PG 404-19) Bill repeals prohibition against an applicant’s ability to contribute to the Prince George’s County Executive or a slate that includes the County Executive. <strong>Bill was heard by the House Ways and Means Committee on February 5th.</strong></td>
</tr>
<tr>
<td>HB 272 (SB 234)</td>
<td>Natural Resources – State and Local Forest Conservation Funds – Bill requires a person that is subject to the Forest Conservation Act to demonstrate that appropriate credits generated by a forest mitigation bank are not available before the person may pay money to a State or local forest conservation fund to meet certain requirements; prohibiting a local authority from collecting money for deposit into its forest conservation fund unless it has identified afforestation, reforestation, or conservation projects sufficient to provide full mitigation. <strong>House bill was heard on February 13th by the House Environment and Transportation Committee. The Senate bill was heard on February 12th by the Senate Education, Health and Environmental Affairs Committee. Supported with amendment by the Maryland Municipal League.</strong></td>
</tr>
<tr>
<td>Bill Number</td>
<td>Description of Bill</td>
</tr>
<tr>
<td>-----------------</td>
<td>-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>HB 286</td>
<td>Election Law - Registration and Voting at Precinct Polling Places – This bill provides an exception to the voter registration deadline to allow an individual to appear at a precinct polling place in the individual's county of residence and apply to register to vote or change the voter's address on an existing voter registration. <strong>Bill was heard on February 12th by the House Ways and Means Committee.</strong></td>
</tr>
<tr>
<td>HB 332 (SB 158)</td>
<td>Maryland Department of Health – Community Dental Clinics Grant Program – Bill establishes the Community Dental Clinics Grant Program, which authorizes the Board of Public Works, on the recommendation of the Secretary of Health, to make grants under the Program to counties, municipal corporations, and nonprofit organizations for the purpose of supporting the provision of dental services by community dental clinics. <strong>House bill was heard on February 13th by the House Health and Government Operations Committee. The Senate bill was heard on February 6th by the Senate Finance Committee. Bill is supported by the Maryland Municipal League.</strong></td>
</tr>
<tr>
<td>HB 369</td>
<td>Admissions and Amusement Tax – Limitations on Municipal Corporations – Drive-In Movies and Roller Skating Rinks - This bill prohibits a municipality from imposing an admissions and amusement tax on gross receipts derived from any admissions and amusement charge for (1) a business that provides drive-in movie entertainment or (2) a roller skating rink. <strong>Bill was heard on February 12th by the House Ways and Means Committee. Bill is opposed by the Maryland Municipal League.</strong></td>
</tr>
<tr>
<td>HB 386</td>
<td>Admissions and Amusement Tax – Limitations on Municipal Corporations – Agricultural Tourism - This bill prohibits a municipality from imposing an admissions and amusement tax on gross receipts derived from any admissions and amusement charge for any activities related to agricultural tourism. <strong>Bill was heard on February 12th by the House Ways and Means Committee. Bill is opposed by the Maryland Municipal League.</strong></td>
</tr>
<tr>
<td>HB 410 (SB 267)</td>
<td>Task Force on Prohibiting Debris From Entering Storm Drains or Stormwater Inlets – Bill establishes the Task Force on Prohibiting Debris From Entering Storm Drains or Stormwater Inlets; provides for the composition, chair, and staffing of the Task Force; prohibits a member of the Task Force from receiving certain compensation; requires the Task Force, by November 1, 2019, to report its findings and to make recommendations to the General Assembly regarding the preventing plastic bottles and other debris from entering storm drains and stormwater inlets. <strong>The House bill will be heard on February 20th by the House Environment and Transportation Committee. The Senate bill will be heard on March 5th by the Senate Education, Health and Environmental Affairs Committee. Bill is supported with amendment by the Maryland Municipal League.</strong></td>
</tr>
<tr>
<td>Bill Number</td>
<td>Description of Bill</td>
</tr>
<tr>
<td>-------------</td>
<td>---------------------</td>
</tr>
<tr>
<td>HB 413</td>
<td><strong>Public Information Act – Personnel and Investigatory Records – Formal Complaints Against Public Employees</strong> - This bill establishes that a record related to a formal complaint of job-related misconduct made against a public employee, including an investigation record, a hearing record, or disciplinary decision, is not a personnel record and thus not subject to mandatory denial of inspection under Maryland’s Public Information Act (PIA). Instead, a custodian of a public record may, subject to specified existing conditions, deny the inspection of a record generally relating to the investigation, hearings, or decisions involving a complaint of job-related misconduct made against a public employee. <strong>Bill was heard on February 12th by the House Health and Government Operations Committee.</strong> Bill is opposed by the Maryland Municipal League.</td>
</tr>
<tr>
<td>HB 428 (SB 269)</td>
<td><strong>Comprehensive Flood Management Grant Program – Awards for Flood Damage and Mandatory Funding</strong> – This bill alters the policy and purpose of provisions of law governing flood control and watershed management to include establishing a grant program to assist local jurisdictions with infrastructure repairs, debris removal, and emergency protection work associated with a flood event; and authorizes the Department of the Environment to use the comprehensive flood management grant program to award grants to subdivisions that incurred infrastructure damage of a certain monetary amount caused by a flood event on or after January 1, 2009. <strong>The House bill will be heard on February 19th by the House Environment and Transportation Committee.</strong> The Senate bill will be heard on March 6th by the Senate Budget and Taxation Committee. Supported by the Maryland Municipal League.</td>
</tr>
<tr>
<td>HB 472</td>
<td><strong>Constitutional Amendment – Environmental Rights</strong> – This bill proposes an amendment to the Maryland Constitution to establish that every person has the right to a certain clean and healthy environment; authorizes the State, a political subdivision, and any person to enforce certain rights; establishes that every person has the right to intervene in an action brought by the State or a political subdivision of the State to protect certain rights; and submits the amendment to the qualified voters of the State for their adoption or rejection. <strong>Bill will be heard by the House Environment and Transportation Committee on February 20th.</strong> Bill is opposed by the Maryland Municipal League.</td>
</tr>
<tr>
<td>HB 474</td>
<td><strong>Joint Use of Utility and Telecommunications Infrastructure</strong> – This bill authorizes the initiation of a proceeding at the Public Service Commission regarding the joint use of utility and telecommunications infrastructure; authorizes the Commission to order a joint use entity to allow joint use and reasonable compensation for joint use of certain infrastructure; clarifies the jurisdiction of the Commission over certain...</td>
</tr>
<tr>
<td>Bill Number</td>
<td>Description of Bill</td>
</tr>
<tr>
<td>----------------</td>
<td>------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td><strong>HB 515</strong></td>
<td><strong>Del.Hornberger (D35A)</strong> Municipalities – Municipal Infraction Proceedings – Designation of a Building Inspector or an Enforcement Officer to Testify – This bill authorizes a municipality to designate a qualified building inspector or enforcement officer to testify in a municipal infraction proceeding. Bill will be heard on February 26th by the House Environment and Transportation Committee. Bill is supported with amendment by the Maryland Municipal League.</td>
</tr>
<tr>
<td><strong>HB 553 (SB 324)</strong></td>
<td><strong>Del. Malone (D33) Sen. Young (D3)</strong> Political Subdivisions – Legal Notice Requirements – Posting on Websites – This bill authorizes a county or municipality to satisfy a statutory requirement to publish specified legal notices in a newspaper of general circulation by posting the notices on the jurisdiction’s website. The House bill will be heard on February 26th by the House Environment and Transportation Committee. The Senate bill was heard on February 14th by the Senate Education, Health and Environmental Affairs Committee. Supported by the Maryland Municipal League.</td>
</tr>
<tr>
<td><strong>HB 557 (SB 509)</strong></td>
<td><strong>Del. Holmes (D23B) Sen. Eckardt (D37)</strong> Property Tax - In Rem Foreclosure and Sale - Vacant and Abandoned Property – This bill requires a tax collector to withhold from tax sale certain real property designated by a county or municipal corporation for sale under a certain process; authorizes a county or municipal corporation to initiate an in rem foreclosure and sale of certain real property for delinquent taxes; requires a county or municipal corporation to enact certain laws authorizing in rem foreclosure and sale of certain real property; and prohibits a local government from filing a certain action until the Court of Appeals has adopted certain rules. The House bill will be heard on February 19th by the House Ways and Means Committee. The Senate bill will be heard on February 20th by the Senate Budget and Taxation Committee. Supported by the Maryland Municipal League.</td>
</tr>
<tr>
<td><strong>HB 560</strong></td>
<td><strong>Del. Healey (D22)</strong> Transportation - State Highway Administration - Traffic Calming Devices – This bill requires the State Highway Administration to develop certain statewide standards for the construction and maintenance of traffic calming devices; requires the Administration to publish a manual providing the statewide standards for the construction and maintenance of traffic calming devices; and requires the Administration to provide engineering services for the development, construction, and maintenance of traffic calming devices if requested by a county. Bill will be heard on February 21st by the House Environment and</td>
</tr>
</tbody>
</table>

entities; and requires the Commission to adopt certain regulations. Bill will be heard on February 21st by the House Economic Matters Committee. Bill is supported with amendment by the Maryland Municipal League.
<table>
<thead>
<tr>
<th>Bill Number</th>
<th>Description of Bill</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>HB 645</strong></td>
<td>Local Pension Systems – Special Disability Retirement Allowance – This bill requires that the appropriate authority of a local pension system offer a special disability retirement allowance to certain members under certain circumstances; provides for the calculation of a special disability retirement allowance; and exempts the appropriate authority of a local pension system from the requirements of the Act under certain circumstances. <strong>Bill will be heard on February 19th by the House Appropriations Committee.</strong> Bill is supported by the Maryland Municipal League.</td>
</tr>
<tr>
<td><strong>HB 654 (SB 937)</strong></td>
<td>Wireless Facilities – Installation and Regulation – This bill establishes procedures and requirements for the deployment, installation, and regulation of certain wireless telecommunications facilities in the State; prohibits an authority from entering into an exclusive agreement for the use of certain rights-of-way for certain purposes; authorizes an authority to impose certain rates and fees for use of certain rights-of-way in a certain manner and subject to certain limitations; and authorizes a wireless provider to collocate certain facilities and use certain rights-of-way. <strong>The House bill will be heard on February 21st by the House Economic Matters Committee.</strong> Opposed by the Maryland Municipal League.</td>
</tr>
<tr>
<td><strong>HB 679 (SB 872)</strong></td>
<td>Workplace Harassment – Prohibitions, Liability, and Enforcement – This bill prohibits certain individuals granted special access to the State legislative complex from unlawfully harassing or discriminating against certain individuals; requires the Department of General Services, if requested by a certain individual, to revoke access granted to a person who violates certain provisions of the Act or a regulated lobbyist who violates a certain provision of law; alters the definition of &quot;employee&quot; for the purposes of certain laws governing discrimination in employment. <strong>House bill will be heard on February 19th by the House Appropriations Committee.</strong> Supported with amendment by the Maryland Municipal League.</td>
</tr>
<tr>
<td><strong>HB 703 (SB 505)</strong></td>
<td>Environmental Violations – Reporting Requirements – This bill requires certain jurisdictions to report to the Department of the Environment on certain information relating to the number of cases alleging violations of sediment and erosion control laws and regulations and building and grading permits by January 1 each year; requires the Department to post certain information and a certain interactive map on its website; and requires the Department to report to the Governor and the General Assembly on or before March 1 each year. <strong>The House bill will be heard on February 22nd by the House Environment and Transportation Committee.</strong> The Senate bill will be heard on</td>
</tr>
<tr>
<td>Bill Number</td>
<td>Description of Bill</td>
</tr>
<tr>
<td>-------------</td>
<td>---------------------</td>
</tr>
<tr>
<td>HB 717 Del. J. Lewis (D24)</td>
<td>Law Enforcement Body Camera Task Force – This bill establishes the Law Enforcement Body Camera Task Force; provides for the composition, chair, and staffing of the Task Force; requires the Task Force to study the options for economical storage of audio and video recordings made by body-worn cameras and make recommendations for storage considering the budget limitations of State, county, local, and campus law enforcement entities; and requires the Task Force to report its findings and recommendations to the General Assembly on or before December 1, 2019. <strong>Bill will be heard on March 5th by the House Judiciary Committee.</strong> Supported with amendment by the Maryland Municipal League.</td>
</tr>
<tr>
<td>HB 765 (SB 914) Del. Valentino-Smith (D23A) Sen. Beidle (D32)</td>
<td>Transportation - Magnetic Levitation Projects – Requirements – This bill prohibits the construction of a certain transportation project involving a magnetic levitation propulsion system without a certain informed consent of a majority of the governing bodies of the affected counties; requiring a project owner to provide to each governing body of an affected county a bond that is payable to the affected county, issued by an approved surety, in a form and amount determined by the affected county, and conditioned on the project owner covering certain liability for certain damages. <strong>The House bill will be heard on February 28th by the House Environment and Transportation Committee.</strong></td>
</tr>
<tr>
<td>HB 776 Del. Wivell (D2A)</td>
<td>Vehicle Laws – Speed Monitoring Systems – Operation in School Zones – This bill requires that a local jurisdiction place a certain device in each direction of a roadway in close proximity to the boundary of a school zone before activating, placing, repairing, or altering a speed monitoring system on or after June 1, 2019; and limits the fee that a contractor may receive for operating a speed monitoring system or administering or processing citations generated by a speed monitoring system on behalf of a local jurisdiction for a contract entered into on or after June 1, 2019. <strong>Bill will be heard on February 28th by the House Environment and Transportation Committee.</strong> Bill is opposed by the Maryland Municipal League.</td>
</tr>
<tr>
<td>HB 858 Del. M. Fisher (D27C)</td>
<td>Personal Property Tax – Exemption for Business Personal Property – This bill exempts business personal property from the property tax imposed by a county or municipal corporation, subject to certain exceptions; requires the State Department of Assessments and Taxation to identify certain provisions of law and submit a certain report to the General Assembly; and applies the Act to taxable years beginning after June 30, 2019. <strong>Bill will be heard on February 26th by the House Ways and Means Committee.</strong> Opposed by the Maryland Municipal League.</td>
</tr>
<tr>
<td>Bill Number</td>
<td>Description of Bill</td>
</tr>
<tr>
<td>--------------</td>
<td>------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
</tbody>
</table>
| HB 1020 (SB 713)  
*Del. Lisante (D34A)*  
*Sen. Beidle (D32)* | Wireless Facilities – Permitting and Sitting – This bill establishes procedures and requirements for the permitting, installation, and regulation of certain wireless telecommunications facilities in the State; authorizes a wireless provider to install and maintain certain facilities in certain right-of-way in accordance with certain provisions; prohibits the use of a public right-of-way from obstructing or hindering certain other uses; prohibits a certain local law from prohibiting the installation of certain facilities or discriminating among certain providers. **House bill will be heard on February 21st by the House Economic Matters Committee. The Senate bill will be heard on February 26th by the Senate Finance Committee.** |
| HB 1162 (SB 656)  
*Del. Lierman (D46)*  
*Sen. Ferguson (D46)* | Heritage Structure Rehabilitation Tax Credit - Alterations - Opportunity Zones, Targeted Projects, and Transferability – This bill authorizes an additional 5% tax credit under the heritage structure rehabilitation tax credit program for certain commercial rehabilitations that qualify as opportunity zone projects; alters the definition of "small commercial project" to include certain residential units sold as part of a development project and certain targeted projects; makes the credit transferable and refundable under certain circumstances; and requires the Governor to appropriate at least $20,000,000 for the tax credit reserve fund. **The House bill will be heard on March 8th by the House Ways and Means Committee. The Senate bill will be heard on March 5th by the Senate Budget and Taxation Committee. Supported by the Maryland Municipal League.** |
| HB 1163 (SB 795)  
*Del. Sydnor (D44B)*  
*Sen. Hayes (D40)* | Income and Property Taxes – Qualified Maryland Opportunity Zone Investments – This bill allows a subtraction modification under the Maryland income tax for certain gains from the sale to, or an exchange with, a certain unrelated person of qualified Maryland opportunity zone property; provides for the calculation of the subtraction modification; requiring the governing body of a county or municipal corporation to grant a property tax credit on a certain assessment of qualified Maryland opportunity zone business property under certain circumstances; and provides for the amount of the credit. **The House bill will be heard on March 8th by the House Ways and Means Committee. The Senate bill will be heard on March 8th by the Senate Budget and Taxation Committee. Supported with amendment by the Maryland Municipal League.** |
| HB 1281 (SB 787)  
*Del. Lierman (D46)*  
*Sen. Rosapepe (D21)* | Transportation - Bikeways Network Program – Funding – This bill codifies the Bikeways Network Program to provide grant support for bicycle network development activities; requires the Department of Transportation to establish certain application and eligibility criteria; requires the Governor to provide an appropriation for the Program; and requires that $100,000 of the appropriation be distributed to the Maryland Association of Counties and the Maryland Municipal League |
to provide technical assistance to counties and municipalities with the drafting and submission of grant proposals. The House bill will be heard on March 7th by the House Appropriations Committee and by the House Environment and Transportation Committee. The Senate bill will be heard on March 5th by the Senate Budget and Taxation Committee. Supported by the Maryland Municipal League.

SB 3 (HB 117)  
*Sen. Rosapepe (D21)  
Del. Lafferty (D42A)*

Maryland Smart Growth Investment Fund – This bill authorizes the Department of Commerce to seek proposals to select a management entity to establish an investment fund that is: 1) based on the recommendations in the December 2013 report of the Maryland Smart Growth Investment Fund Workgroup; and 2) designed to meet the requirements for a Qualified Opportunity Fund. This bill has a high likelihood of passage and is supported by the Maryland Municipal League. The Senate bill was heard on February 5th by the Senate Finance Committee. The House bill was heard on February 12th by the House Environment and Transportation Committee.

SB 32  
*Sen. Benson (D24)*

Election Law – Early Voting Centers – Reduced Days of Operation – This bill would alter operating days for early voting centers as follows: a) the second Thursday and Second Friday before a primary or general election; 2) the second Monday through the Thursday before a primary or general election. Hearing cancelled. Bill withdrawn.

SB 34  
*Sen. Young (D3)*

Tourist Area and Corridor Program and Task Force on Attraction Signs – This bill creates a program responsible for developing a system of supplemental guide signs that direct motorists to eligible individual attractions within a geographical area. Individual attractions that will be eligible for a sign include: 1) an artist’s or artisan’s studio; 2) a brewery, cidery, distillery, or meadery; 3) a facility used for agritourism; and 4) a performing arts center. Bill was heard on February 13th by the Senate Finance Committee.

SB 55  
*Departmental Bill-Planning*

Department of Planning – Central Depository – This departmental bill clarifies that the Maryland Department of Planning is the central depository for all land use plans, and amendments and revisions to the plans adopted by a unit of the State government, of a regional government, or of a local government, or by an interstate agency. Bill passed Third Reader (46-0) by the Senate Education, Health and Environmental Affairs Committee with amendments.

SB 122 (HB 160)  
*Sen. Guzzzone (D13)  
Del. Ebersole (D12)*

Property Tax Credits – Real Property Used for Robotics – Bill authorizes a property tax credit against the real property that is used for a public-school robotics program or nonprofit robotics program. The Senate bill was heard on January 30th by the Senate Committee on Budget and Taxation. The Senate bill received a favorable report. The House bill
was heard on February 5th by the Committee on Ways and Means.

**SB 492**  
*Sen. Rosapepe (D21)*  
Investment in Job Skills Act of 2019 – This bill establishes the Career and Technology Education Grant Program; authorizing, rather than requiring, the Governor to appropriate at least $3,000,000 in the annual budget for Workforce Development Sequence Scholarships; requires the Department of Labor, Licensing, and Regulation to create a statewide media campaign to promote participation in career and technical education, apprenticeships, and workforce development in workforce shortage occupations. **Bill will be heard by the Senate Budget and Taxation Committee on March 6th.** Bill is supported by the Maryland Municipal League.

**SB 533**  
*Sen. Guzzone (D13)*  
Sales and Use Tax – Limited Residential Lodging – This bill requires certain hosting platforms to collect the sales and use tax on the sale of the right to occupy certain lodging accommodations; requires that the sales and use tax be stated and shown in a certain manner for each retail sale or sale for use of an accommodation; and prohibits a hosting platform from collecting certain fees unless the sales and use tax is collected in a certain manner. **Bill will be heard on February 27th by the Senate Budget and Taxation Committee.** Supported with amendment by the Maryland Municipal League.

**SB 781 (HB 663)**  
*Sen. Waldstreicher (D18)*  
*Del. Love (D16)*  
Public-Private Partnership Projects - Real Property Acquisition – Prohibition – This bill prohibits a State agency or its designee from acquiring residential real property for a public-private partnership project that includes the addition of toll lanes to I-495 or I-270. **Senate bill will be heard on March 6th by the Senate Budget and Taxation Committee.** The House bill was heard by the House Environment and Transportation Committee on February 6th. The hearing scheduled for the House Appropriations Committee was cancelled.
**CITY OF COLLEGE PARK, MARYLAND**  
**WORKSESSION AGENDA ITEM**

**Prepared By:** Bill Gardiner  
**Assistant City Manager**  
**Meeting Date:** February 19, 2019  
**Presented By:** Bill Gardiner  
**Assistant City Manager**  
**Proposed Consent Agenda:** N/A

<table>
<thead>
<tr>
<th>Originating Department:</th>
<th>Administration</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Issue Before Council:</strong></td>
<td>Support for SB 713 and HB 1020, Wireless Facilities—Permitting and Siting</td>
</tr>
<tr>
<td><strong>Strategic Plan Goal:</strong></td>
<td>Quality Infrastructure</td>
</tr>
</tbody>
</table>

**Background/Justification:**
The Federal Communications Commission issued Small Cell Orders in 2018 that reduced the authority of local governments to regulate deployment of small cell infrastructure. The FCC orders are under appeal. The small cell industry re-introduced a bill from 2018 (now HB 654 and SB 937) that would further reduce local authority over all aspects of small cell deployment in communities.

SB 713 and HB 1020 are bills supported by the Maryland Municipal League and the Maryland Association of Counties and are designed to safeguard reasonable local authority over the deployment of small cell infrastructure. This issue is the only MML legislative priority in 2019.

SB 713 allows local jurisdictions to adopt design and aesthetic requirements; establishes reasonable approval requirements; creates a fund to expand deployment in underserved areas; increases the fee cap for installation of small cell infrastructure; and strengthens bond and insurance requirements, including for removal of abandoned equipment.

The House Economic Matters Committee hearing is February 21, 2019 and Senate Finance Committee hearing is on February 26, 2019.

**Fiscal Impact:**
If SB 713 is adopted, municipalities will be able to recover more costs associated with the deployment of small cell infrastructure and to receive revenue for the use of the public right-of-way.

**Council Options:**
1. Authorize the Mayor to send a letter on behalf of the City Council to the respective Maryland House and Senate committees in support of SB 713 and HB 1020.
2. Decline to comment on these bills at this time.

**Staff Recommendation:**
#1

**Recommended Motion:**
I move to authorize the Mayor to send a letter to the respective Maryland House and Senate Committees expressing the City’s support for SB 713 and HB 1020.

**Attachments:**
1. SB 713 Wireless Facilities—Permitting and Siting
2. MACO Comparison of Small Cell Legislation Introduced by Industry and Local Government
3. Letter to Senate Finance Committee
4. Letter to Economic Matters Committee
SENATE BILL 713

By: Senators Beidle, Elfreth, Guzzone, and Reilly
Introduced and read first time: February 4, 2019
Assigned to: Finance

A BILL ENTITLED

AN ACT concerning Wireless Facilities – Permitting and Siting

FOR the purpose of establishing procedures and requirements for the permitting, installation, and regulation of certain wireless telecommunications facilities in the State; authorizing a wireless provider to install and maintain certain facilities and equipment in certain rights–of–way in accordance with certain provisions; prohibiting the use of a public right–of–way from obstructing or hindering certain other uses; prohibiting a certain local law from generally prohibiting the installation of certain facilities and equipment or discriminating among certain providers and services; authorizing an authority to adopt certain requirements or standards governing the installation of certain facilities and equipment in a certain manner; requiring a wireless provider to obtain certain approvals before collocating certain facilities or installing or modifying certain facilities or equipment; authorizing an authority to require certain applications and documents in connection with certain applications; authorizing an authority to allow the filing and consideration of certain consolidated applications; authorizing an authority to require that certain facilities and equipment be operational within a certain period; authorizing the cancellation of a certain approval in a certain manner; providing for the approval or disapproval of certain applications within certain periods; authorizing a certain applicant to file an action in a certain court under certain circumstances; authorizing an authority to provide public notice and hearing before approval of an application; requiring an applicant to be represented at a certain public hearing for certain purposes; requiring an applicant to respond to certain inquiries about an application in a timely manner; requiring an authority to notify an applicant of the basis of denying an application in a certain manner; authorizing an authority to provide the option to a wireless provider of performing certain make–ready work by certain means; providing for the reimbursement to the authority of certain costs under certain circumstances; requiring a wireless provider to promptly repair certain damages and return certain rights–of–way to certain conditions under certain circumstances; requiring a wireless provider to notify an authority of certain decisions to remove certain facilities and equipment; requiring a wireless provider to remove certain
facilities and equipment from a certain right–of–way under certain circumstances; authorizing an authority to remove certain abandoned facilities and equipment and charge a wireless provider for certain costs; authorizing an authority to charge a wireless provider for certain costs, subject to certain limitations; requiring a wireless provider to indemnify and hold harmless an authority and certain persons against certain loss, damage, or liability; authorizing an authority to require a wireless provider to carry certain insurance, to include the authority as an additional insured, and to provide that the authority and certain persons are immune from certain liability; authorizing an authority to adopt certain surety bonding requirements for certain purposes; establishing the Digital Inclusion Fund as a special, nonlapsing fund; specifying the purpose of the Fund; requiring the Secretary of Housing and Community Development to administer the Fund; requiring the State Treasurer to hold the Fund and the Comptroller to account for the Fund; specifying the contents of the Fund; specifying the purpose for which the Fund may be used; providing for the investment of money in and expenditures from the Fund; requiring the Secretary to adopt certain regulations; establishing a certain surcharge on certain wireless producers; establishing the amount of the surcharge; requiring the surcharge to be deposited in the Fund; providing that the Comptroller shall administer the surcharge; authorizing the Comptroller to adopt certain regulations; providing that certain provisions of law apply to the administration of the surcharge; providing that certain circuit courts have jurisdiction over certain matters under this Act; requiring a circuit court to adjudicate certain actions within a certain time period; providing for the appeal of certain matters in a certain manner; providing that certain local laws and agreements prevail over this Act; providing that this Act is not subject to the jurisdiction of the Public Service Commission; providing for the construction of this Act; excluding this Act from the application of certain penalties; defining certain terms; providing for a delayed effective date; and generally relating to wireless telecommunications facilities.

BY adding to

Article – Public Utilities
Section 8–701 through 8–719 to be under the new subtitle “Subtitle 7. Wireless Facilities”
Annotated Code of Maryland
(2010 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,
Article – Public Utilities
Section 13–101 and 13–201
Annotated Code of Maryland
(2010 Replacement Volume and 2018 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Article – Public Utilities
SUBTITLE 7. WIRELESS FACILITIES.

8–701.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) (1) “ANTENNA” MEANS AN APPARATUS DESIGNED TO EMIT RADIOFREQUENCY RADIATION AND OPERATE FROM A FIXED LOCATION TO PROVIDE WIRELESS SERVICES.

(2) “ANTENNA” INCLUDES MATERIALS USED FOR ARRANGING, SCREENING, AND CAMOUFLAGING ANTENNA EQUIPMENT.

(C) “ANTENNA EQUIPMENT” MEANS EQUIPMENT, SWITCHES, WIRING, CABLING, POWER SOURCES, SHELTERS, OR CABINS ASSOCIATED WITH AN ANTENNA AND LOCATED AT THE SAME FIXED LOCATION AS THE ANTENNA.

(D) (1) “APPLICABLE STANDARDS” MEANS ENGINEERING AND SAFETY STANDARDS, INCLUDING BUILDING, FIRE, SAFETY, ELECTRICAL, PLUMBING, AND MECHANICAL CODES ADOPTED BY AN AUTHORITY THAT MAY REGULATE OR OTHERWISE AFFECT THE INSTALLATION, MAINTENANCE, AND OPERATION OF THE FACILITIES AUTHORIZED OR AFFECTED BY THIS SUBTITLE.


(E) (1) “AUTHORITY” MEANS A COUNTY, A MUNICIPAL CORPORATION, THE STATE, OR AN INSTRUMENTALITY OF THE STATE THAT MAY APPROVE THE INSTALLATION OF WIRELESS FACILITIES OR POLES ON PUBLIC RIGHTS–OF–WAY.

(2) “AUTHORITY” DOES NOT INCLUDE A UTILITY OWNED BY A COUNTY OR MUNICIPAL CORPORATION.

(F) “COLLOCATE” MEANS TO INSTALL OR MOUNT A WIRELESS FACILITY ON A POLE.

(G) (1) “MAKE–READY WORK” MEANS WORK THAT AN AUTHORITY REASONABLY DETERMINES TO BE REQUIRED TO ACCOMMODATE A WIRELESS PROVIDER’S INSTALLATION UNDER THIS SUBTITLE AND TO COMPLY WITH ALL APPLICABLE STANDARDS.
(2) “MAKE–READY WORK” INCLUDES:

(I) REPAIR, REARRANGEMENT, REPLACEMENT, AND CONSTRUCTION OF A POLE;

(II) INSPECTIONS;

(III) ENGINEERING WORK AND CERTIFICATION;

(IV) PERMITTING WORK;

(V) TREE TRIMMING OTHER THAN TRIMMING PERFORMED FOR NORMAL MAINTENANCE PURPOSES;

(VI) SITE PREPARATION; AND

(VII) ELECTRICAL POWER CONFIGURATION.

(3) “MAKE–READY WORK” DOES NOT INCLUDE A WIRELESS PROVIDER’S ROUTINE MAINTENANCE.

(H) “PERSON” DOES NOT INCLUDE AN AUTHORITY.

(I) “POLE” MEANS A POLE OR SIMILAR STRUCTURE THAT IS USED OR IS CAPABLE OF BEING USED, AS AN AUTHORITY DETERMINES, WHOLLY OR PARTLY FOR THE COLLOCATION OF A WIRELESS FACILITY.

(J) (1) “PRECONSTRUCTION SURVEY” MEANS ALL WORK OR OPERATIONS REQUIRED BY APPLICABLE STANDARDS OR AN AUTHORITY TO DETERMINE THE MAKE–READY WORK NECESSARY TO ACCOMMODATE A WIRELESS PROVIDER’S FACILITIES.

(2) “PRECONSTRUCTION SURVEY” INCLUDES FIELD INSPECTION AND ADMINISTRATIVE PROCESSING.

(K) “SURETY BOND” MEANS A PERFORMANCE BOND ISSUED BY A COMMERCIAL SURETY THAT GUARANTEES THERE WILL BE FUNDS AVAILABLE:

(1) FOR THE REMOVAL OF ABANDONED OR IMPROPERLY MAINTAINED WIRELESS FACILITIES OR POLES; OR

(2) TO RECOUP RATES OR FEES PAYABLE TO THE AUTHORITY.
(L) (1) “Wireless facility” means equipment at a fixed location that enables wireless communications between user equipment and a communications network.

(2) “Wireless facility” includes:

   (I) equipment associated with wireless communications; and

   (II) any radio transceiver, antenna, coaxial or fiber–optic cable, regular or backup power supply, and comparable equipment, regardless of technological configuration.

(3) “Wireless facility” does not include:

   (I) the structure or improvements on, under, or within which the equipment is located;

   (II) a pole; or

   (III) coaxial or fiber–optic cable that is:

       1. located between wireless structures or poles; or

       2. not otherwise immediately adjacent to or directly associated with a particular antenna.

(M) “Wireless provider” means a person that installs or has installed on the person’s behalf wireless facilities or poles to provide wireless services.

(N) “Wireless services” means any services provided to the public using licensed or unlicensed spectrum, whether at a fixed location or using mobile equipment.

Except as otherwise provided by law, the provisions of this subtitle are not subject to the jurisdiction of the Commission.

8–702.

8–703.
(A) A wireless provider may install and maintain wireless facilities and poles in a public right-of-way in accordance with any applicable local law or regulations, franchises, permits, licenses, agreements, or other approvals required by an authority.

(B) The use of a public right-of-way or the attachment of wireless facilities to public assets by a wireless provider may not obstruct or hinder:

1. The travel or public safety on the public right-of-way;
2. The legal use of the public right-of-way or public assets by others.

(C) The applicable local law and regulation provided in subsection (A) of this section:

1. May not generally prohibit the installation of all wireless facilities or poles in the public right-of-way or on private property; and
2. May not discriminate among wireless providers of functionally equivalent wireless services.

8–704.

(A) An authority may adopt design and aesthetic requirements or standards that govern the installation of wireless facilities and poles.

(B) The requirements or standards may include:

1. The appearance of wireless facilities, including those relating to materials used for arranging, screening, landscaping, and camouflaging;
2. The location of wireless facilities, including spacing requirements between wireless facilities;
3. The height of wireless facilities;
(4) THE DESIGN AND APPEARANCE OF POLES OWNED BY A WIRELESS PROVIDER;

(5) THE LOCATION OF POLES, INCLUDING SPACING REQUIREMENTS BETWEEN POLES;

(6) THE HEIGHT OF POLES;

(7) THE UNDERGROUNDING OF WIRELESS FACILITIES; AND

(8) ANY OTHER DESIGN OR AESTHETIC REQUIREMENT THAT SEEKS TO PRESERVE THE VISUAL CHARACTER OF A NEIGHBORHOOD THAT MAY BE AFFECTED BY THE INSTALLATION OF A WIRELESS FACILITY OR POLE.

(C) THE DESIGN AND AESTHETIC REQUIREMENTS OR STANDARDS OF AN AUTHORITY MAY NOT HAVE THE EFFECT OF PROHIBITING ANY WIRELESS PROVIDER’S WIRELESS SERVICE.

(D) ANY ADOPTED DESIGN AND AESTHETIC REQUIREMENTS OR STANDARDS SHALL BE PUBLISHED IN ADVANCE OF THEIR EFFECTIVE DATE.

8–705.

(A) A WIRELESS PROVIDER SHALL BE REQUIRED TO OBTAIN ANY APPROVALS, INCLUDING FRANCHISES, PERMITS, LICENSES, LEASES, AND AGREEMENTS, THAT MAY BE REQUIRED BY AN AUTHORITY BEFORE:

(1) THE COLLOCATION OF A WIRELESS FACILITY;

(2) THE ATTACHMENT OF A WIRELESS FACILITY TO A POLE OWNED BY AN AUTHORITY;

(3) THE INSTALLATION OF A POLE; OR

(4) THE MODIFICATION OF A WIRELESS FACILITY OR A POLE.

(B) THE APPLICATIONS AND DOCUMENTS THAT AN AUTHORITY MAY REQUIRE MAY INCLUDE:

(1) DETAILED PLANS DESCRIBING THE COLLOCATION, MODIFICATION, OR ATTACHMENT, INCLUDING ANY CERTIFICATIONS THAT MAY BE REQUIRED;
(2) A PRECONSTRUCTION SURVEY;

(3) A DESCRIPTION OF ANY NECESSARY MAKE-READY WORK;

(4) A PROPOSED SCHEDULE FOR COMPLETION, CERTIFIED BY A LICENSED PROFESSIONAL ENGINEER; AND

(5) ANY OTHER INFORMATION REQUIRED BY AN AUTHORITY THAT WILL ALLOW THE AUTHORITY TO PROPERLY EVALUATE:

(I) THE SAFETY OF THE INSTALLATION, MODIFICATION, OR ATTACHMENT;

(II) THE EFFECT, IF ANY, ON THE PUBLIC RIGHT-OF-WAY; AND

(III) THE COMPATIBILITY OF THE INSTALLATION IN THE NEIGHBORHOOD IN WHICH THE INSTALLATION IS TO BE LOCATED.

(C) AN AUTHORITY MAY ALLOW A WIRELESS PROVIDER TO FILE A CONSOLIDATED APPLICATION FOR ALL WIRELESS FACILITIES TO BE COLLOCATED WITHIN THE JURISDICTION CONTROLLED BY THE AUTHORITY UNDER RULES AND GUIDELINES ESTABLISHED BY THE AUTHORITY.

8–706.

(A) AS PART OF THE APPLICATION PROCESS, AN AUTHORITY MAY REQUIRE A WIRELESS FACILITY TO BE FULLY OPERATIONAL WITHIN 120 DAYS AFTER THE DATE THE LAST OR FINAL PERMIT IS ISSUED, UNLESS THE AUTHORITY AND THE APPLICANT AGREE TO EXTEND THE PERIOD.

(B) THE FAILURE OF A WIRELESS FACILITY TO OPERATE IN THE TIME ESTABLISHED UNDER SUBSECTION (A) OF THIS SECTION SHALL ALLOW THE AUTHORITY TO:

(1) CANCEL THE AUTHORITY’S APPROVAL OF THE WIRELESS FACILITY; AND

(2) CAUSE THE REMOVAL OF THE WIRELESS FACILITY BY THE WIRELESS PROVIDER AT THE WIRELESS PROVIDER’S SOLE EXPENSE AND IN A TIME THE AUTHORITY SPECIFIES.

8–707.
(A) Except as provided in subsection (B) of this section, an application to install a wireless facility shall be approved or disapproved by the authority within the time frame established in federal law or regulation.

(B) In the absence of federal law or regulation, an application that is deemed complete by an authority shall be approved or disapproved within 180 days after the receipt of the complete application.

8–708.

If an authority fails to act on a complete application as provided in §8–706 of this subtitle, the applicant may file an action in the circuit court for the county in which the authority is located as provided in this subtitle alleging a violation of this subtitle.

8–709.

(A) An authority may elect to provide public notice of an application and hold a public hearing before the approval of an application.

(B) If an authority elects to hold a public hearing on an application, the applicant shall be represented at the public hearing and be available to answer inquiries about the application.

(C) If the authority receives written inquiries about an application, it may elect to forward the written inquiries to the applicant for a response, and the applicant must respond in a timely manner.

(D) If the applicant agrees, the time for approving or denying an application can be extended an additional 10 business days following a public hearing.

8–710.

If an authority denies a permit, the authority shall notify the applicant in writing of the basis for the denial, including any documentation regarding the denial.

8–711.
(A) An authority may provide a wireless provider the option of either having the wireless provider perform any necessary make-ready work through the use of qualified contractors authorized by the authority, or having the authority perform any necessary make-ready work at the sole cost of the wireless provider.

(B) On completion of the make-ready work performed by an authority at the request of a wireless provider, the wireless provider shall reimburse the authority for the authority's actual and documented cost of the make-ready work.

8–712.

A wireless provider shall be required to promptly:

(1) Repair any damage to the public right-of-way or any damages to facilities in the right-of-way directly caused by the activities of the wireless provider; and

(2) Return the right-of-way to the right-of-way's condition before the damages caused by the wireless provider.

8–713.

(A) A wireless provider shall notify an authority within 30 days after a decision to remove from service a wireless facility or a pole located on a public right-of-way.

(B) A wireless provider shall remove a wireless facility or a pole that is no longer needed for service and located on a public right-of-way at the sole cost and expense of the wireless provider.

(C) If an authority concludes that a wireless facility or a pole has been abandoned in place, the authority may remove the wireless facility or pole and charge the wireless provider for the actual and documented cost incurred by the authority for removal.

(D) Until a wireless facility or a pole that is located on a public right-of-way is removed from the public right-of-way, a wireless provider shall pay all fees and charges due the authority, regardless of whether a wireless facility is operational.
(A) An authority may charge a wireless provider:

(1) for the costs of processing applications and permits;

(2) for the attachment or use of a pole owned by the authority;

(3) for the privilege of using a public right-of-way (franchise); and

(4) for the cost of relocating wireless facilities or poles when relocation is required by the alteration of a public right-of-way or its appurtenance.

(B) The attachment or use charge under subsection (A)(2) of this section may not exceed the greater of:

(1) $2,500; or

(2) 2% of the gross revenue realized by a wireless provider from the use of the pole.

(A) A wireless provider shall indemnify and hold harmless the authority and its officers and employees against any loss, damage, or liability resulting from the wireless facility or pole.

(B) During the period in which the facilities of a wireless provider are located on or attached to the authority’s assets or rights-of-way, the authority may require a wireless provider to:

(1) carry, at the wireless provider’s sole cost and expense, the following types of third-party insurance:

   (i) property insurance for the replacement cost of all wireless facilities and poles against all risks;

   (ii) workers’ compensation insurance, as required by law;
COMMERCIAL GENERAL LIABILITY INSURANCE OF AT LEAST $2,000,000 PER CLAIM, WITH RESPECT TO THE WIRELESS PROVIDER’S ACTIVITIES IN, ON, OR AROUND THE AUTHORITY IMPROVEMENTS OR RIGHTS–OF–WAY, INCLUDING COVERAGE FOR BODILY INJURY AND PROPERTY DAMAGE; AND

ENVIRONMENTAL INSURANCE;

INCLUDE THE AUTHORITY AS AN ADDITIONAL INSURED ON THE COMMERCIAL GENERAL LIABILITY POLICY AND PROVIDE CERTIFICATION AND DOCUMENTATION OF INCLUSION OF THE AUTHORITY IN A COMMERCIAL GENERAL LIABILITY POLICY AS REASONABLY REQUIRED BY THE AUTHORITY; AND

PROVIDE THAT AN AUTHORITY AND ITS EMPLOYEES, OFFICERS, AND OFFICIALS ARE IMMUNE FROM LIABILITY FOR ANY CLAIM, INCLUDING A TORT CLAIM, ARISING FROM THE INSTALLATION OR OPERATION OF WIRELESS FACILITIES AND WIRELESS SUPPORT STRUCTURES.

AN AUTHORITY MAY ADOPT SURETY BONDING REQUIREMENTS FOR WIRELESS PROVIDERS, WHICH MAY INCLUDE PROVISIONS TO TERMINATE THE RIGHT TO OCCupy A PUBLIC RIGHT–OF–WAY FOR FAILURE TO MEET THE SURETY BONDING REQUIREMENTS.

THE PURPOSE OF A SURETY BOND REQUIRED UNDER SUBSECTION (A) OF THIS SECTION SHALL BE TO:

PROVIDE FOR THE REMOVAL OF ABANDONED OR IMPROPERLY MAINTAINED WIRELESS FACILITIES OR POLES, INCLUDING THOSE THAT THE AUTHORITY DETERMINES NEED TO BE REMOVED TO PROTECT PUBLIC HEALTH, SAFETY, OR WELFARE AND RESTORE THE RIGHT–OF–WAY; AND

RECOUP RATES OR FEES THAT HAVE NOT BEEN PAID BY A WIRELESS PROVIDER, AS LONG AS THE AUTHORITY HAS GIVEN REASONABLE NOTICE TO THE WIRELESS PROVIDER AND THE OPPORTUNITY TO PAY THE RATES OR FEES OUTSTANDING.

(A) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

“FUND” MEANS THE DIGITAL INCLUSION FUND.
(3) “SECRETARY” MEANS THE SECRETARY OF HOUSING AND COMMUNITY DEVELOPMENT.

(B) THERE IS A DIGITAL INCLUSION FUND IN THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT.

(C) THE PURPOSE OF THE FUND IS TO PROVIDE FUNDING TO AUTHORITIES FOR THE PURPOSE OF EXPANDING THE DEPLOYMENT OF WIRELESS FACILITIES AND POLES IN GEOGRAPHICAL AREAS OF THE STATE THAT ARE UNDERSERVED BY WIRELESS PROVIDERS.

(D) THE SECRETARY SHALL ADMINISTER THE FUND.

(E) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT TO § 7–302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

(2) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY, AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.

(F) THE FUND CONSISTS OF:

(1) REVENUES FROM THE SURCHARGE ESTABLISHED UNDER SUBSECTION (J) OF THIS SECTION;

(2) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND; AND

(3) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR THE BENEFIT OF THE FUND.

(G) THE FUND MAY BE USED ONLY FOR PROVIDING FINANCIAL ASSISTANCE IN THE FORM OF GRANTS AND LOANS TO AUTHORITIES TO FUND THE INSTALLATION OF WIRELESS FACILITIES AND POLES IN UNDERSERVED AREAS OF THE STATE.

(H) (1) THE STATE TREASURER SHALL INVEST THE MONEY OF THE FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

(2) ANY INTEREST EARNINGS OF THE FUND SHALL BE CREDITED TO THE GENERAL FUND OF THE STATE.

(I) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN ACCORDANCE WITH THE STATE BUDGET.
(J) (1) There is a surcharge levied and collected from wireless providers that install wireless facilities and poles under this subtitle.

(2) The amount of the surcharge is 1% of the gross revenue realized by a wireless provider from the sale of wireless services in the State.

(3) All revenues from the surcharge shall be deposited in the Fund.

(4) The Comptroller:

   (I) shall administer the surcharge; and

   (II) may adopt regulations appropriate for the collection, administration, and enforcement of the surcharge.

(5) Except to the extent they are inconsistent with this section, the provisions of Title 13 of the Tax—General Article applicable to the sales and use tax shall govern the administration, collection, and enforcement of the surcharge provided under this subsection.

(K) (1) The Secretary shall adopt regulations to implement this section.

(2) The regulations shall include:

   (I) procedures for authorities to apply for financial assistance from the Fund; and

   (II) priorities for allocating, selecting, and distributing financial assistance from the Fund to authorities in areas of the State underserved by wireless facilities and wireless services.

8–718.

(A) The circuit court for the county in which the authority is located shall have jurisdiction over any dispute arising under this subtitle.

(B) The circuit court shall adjudge a case arising from a
Dispute under this subtitle within 180 days after the complaint or petition is filed.

(C) A party to the judicial review may appeal the court’s final judgment in accordance with the Maryland Rules.

8–719.

If there is an inconsistency between this subtitle and the provisions of any local law or agreement of an authority in effect before January 1, 2020, and as the local law or agreement may be amended from time to time, the provisions of the local law or agreement shall prevail over this subtitle to the extent of the inconsistency.


(a) This section does not apply to a violation of the following provisions of this article:

(1) Title 5, Subtitle 4;

(2) Title 7, Subtitle 1;

(3) Title 8, Subtitles [1 and] 1, 3, AND 7; and

(4) Title 9, Subtitle 3.

(b) A person may not fail, neglect, or refuse to comply with any provision of this division or any effective and outstanding direction, ruling, order, rule, regulation, or decision of the Commission.

(c) An individual who knowingly violates or knowingly aids or abets a public service company in the violation of subsection (b) of this section or any provision of this division:

(1) is guilty of a misdemeanor; and

(2) unless a different punishment is specifically provided by law, on conviction is subject to a fine not exceeding $1,000 for a first offense and not exceeding $5,000 for each additional or subsequent offense.

13–201.

(a) This section does not apply to a violation of the following provisions of this article:
(1) Title 5, Subtitle 4;

(2) Title 7, Subtitle 1;

(3) § 7–213 as it applies to electric cooperatives;

(4) Title 8, Subtitles 1 and 3, AND 7;

(5) Title 9, Subtitle 3; and

(6) Title 8, Subtitle 4.

(b) (1) Except as provided in paragraph (2) of this subsection, the Commission may impose a civil penalty not exceeding $25,000 against a person who violates a provision of this division, or an effective and outstanding direction, ruling, order, rule, or regulation of the Commission.

(2) The civil penalty that the Commission may impose on a common carrier for each violation may not exceed $2,500.

c) (1) A civil penalty may be imposed in addition to any other penalty authorized by this division.

(2) Each violation is a separate offense.

(3) Each day or part of a day the violation continues is a separate offense.

(d) The Commission shall determine the amount of any civil penalty after considering:

(1) the number of previous violations of any provision of this article;

(2) the gravity of the current violation;

(3) the good faith efforts of the violator in attempting to achieve compliance after notification of the violation; and

(4) any other matter that the Commission considers appropriate and relevant.

e) (1) Except as provided in paragraphs (2) and (3) of this subsection, a civil penalty collected under this section shall be paid into the General Fund of the State.

(2) A civil penalty assessed for a violation of a service quality and reliability standard under § 7–213 of this article shall be paid into the Electric Reliability Remediation Fund under § 7–213(j) of this article.
(3) A civil penalty assessed for a violation of § 7–505(b)(7), § 7–507, § 7–603, § 7–604, or § 7–606 of this article, or a rule, an order, or a regulation adopted under any of those sections, shall be paid into the Retail Choice Customer Education and Protection Fund under § 7–310 of this article.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect January 1, 2020.
# Maryland 2019 General Assembly: Comparison of Small Cell Legislation Introduced by Industry and Local Government

<table>
<thead>
<tr>
<th>Purpose</th>
<th>Industry Bill</th>
<th>Local Government Bill</th>
<th>Note</th>
</tr>
</thead>
<tbody>
<tr>
<td>Purpose</td>
<td>Grant wireless provider and wireless infrastructure companies the right to install wireless facilities with minimal local government zoning requirements; enshrines FCC rules that are being litigated in MD law; require local government to subsidize permit costs and eliminate almost all compensation for use of rights of way (ROW) and public assets.</td>
<td>Requires new wireless infrastructure to comply with applicable local laws and regulations, which would include zoning, franchise, permitting, and design standards; strengthens bond and insurance requirements; creates Digital Inclusion Fund to support the deployment of wireless services in underserved areas.</td>
<td>Industry bill seeks more authority than granted under FCC Orders being appealed in US 9th Circuit; does not provide new rights for local government than exist under current law.</td>
</tr>
</tbody>
</table>

| General Applicability | Deployment of small wireless facilities and associated utility poles in a right-of-way (ROW); restricts local/state government authority over non-single-family home govt. buildings and small antennas on private property. | Installation and maintenance of wireless facilities and use of government-owned poles in rights of way. | |

| Local Government Authority | Cannot use the title to impose new requirements for cable service. Exclusive agreements prohibited. Written design guidelines can be adopted with “objective, technically feasible” criteria, meaning “can be implemented without a reduction in functionality of the small wireless facility,” to address location of ground mounted equipment, location of small wireless facility (SWF) on pole, appearance and screening or landscaping, and design and appearance of utility poles. Authority can prohibit installation of structures in an area with underground utilities if it provides a waiver process for placement of a new pole in the designated area. All antennas or pole design requirements must be: technically feasible, objective, “no more burdensome that applied to other types of infrastructure deployments,” and published in advance. Can propose an alternative pole if within 50’. Authorities can adopt a local law that conforms with state law, or state law in the bill will apply. | Local laws may not prohibit the provision of wireless service and may not discriminate among wireless providers of functionally equivalent services. Design and aesthetic requirements may be adopted. | “Technically feasible” is a large loophole. A single leaf reduces functional, but not significantly. Arguably, industry bill would make it difficult to impose requirements on wireless providers that are not imposed on electric utilities. Local/state governments lose landlord right to stop the use of specific poles; or require colocation or minimum distance between poles with antennas. Many poles are spaced 150’ or further apart. The underground section uses circular logic. |

<p>| Wireless Provider Authority | Right not subject to zoning review or approval, to install or collocate small wireless facilities, and to install, operate, modify, maintain, and replace utility poles in ROWs. Can collocate on or replace decorative poles. | The wireless provider may install facilities and poles in accordance with local law. | Wireless providers can have exclusive agreements, but authority and utility pole owner cannot. |</p>
<table>
<thead>
<tr>
<th>Industry Bill</th>
<th>Local Government Bill</th>
<th>Note</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Antennas</strong></td>
<td><strong>Local Government Bill</strong></td>
<td>Creates prohibition to regulate design or appearance of antennas on private property or roofs. Arguably would prohibit concealed regulations for SWF antennas placed on buildings.</td>
</tr>
<tr>
<td>Small wireless facility (SWF) antenna is not greater than 3 cubic feet, meets RF standards in 47 CFR 1.1307(b), does not require FCC registration, and is mounted on structure: 50' or less in height; 10% taller than adjacent structures; or does not extend a current structure by 50' or 10%, whichever is greater. Except to ensure safety, no authority over “design, engineering, installation, or operation of small wireless facility on property not owned or controlled by the authority.”</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Antenna Equipment</strong></td>
<td>Cabling and equipment installed at the same time as the antenna. 28 cu feet of equipment allowed.</td>
<td></td>
</tr>
<tr>
<td>Equipment does not include fiber and similar wires to connect antennas between structures and poles, equipment used to provide wireless backhaul between antennas/structures, or fiber not directly associated with antennas. The antenna does not include FCC Part 15 devices. Cannot require permits for “Micro wireless facility” that is no greater than 24” long x 15” wide x 12” high, plus exterior antenna 11” long.</td>
<td>Cabling and equipment installed at the same location as the antenna.</td>
<td></td>
</tr>
<tr>
<td><strong>Antenna &amp; Equipment Exclusions</strong></td>
<td></td>
<td>Montgomery received 40 applications last week from Crown Castle to deploy 40 lb micro wireless facilities on cable strands between poles without first seeking PEPCO approval to install.</td>
</tr>
<tr>
<td>Applies to poles owned by State, any state agency, local government, district or instrumentality of the above, public utility districts, irrigation districts and municipal electric utilities, located in ROWs. Decorative pole means poles owned by the same used for lighting, street signs or holiday/special event attachments. Poles can be increased in height 10% above adjacent structure within 500’ in the same ROW, or 50’ above ground level; local governments can authorize taller poles. Utility pole removal or replacement requires the approval of the utility pole owner. Requires utility pole owners to meet shorter make-ready deadline that required by FCC regulation. Utility poles would include traffic signals, signage, and poles used for electric distribution and communications. An authority utility pole is a utility pole owned by an authority, not just common utility poles. Nothing affects rights of investor-owned utilities.</td>
<td>Applies to poles owned by local government, State or instrumentality of the State, but not poles owned by utilities. Local government gets less authority than over decorative than utility poles – local govt cannot deny use or replacement of streetlights, but for other utility poles, owners must consent to replacements or upgrades. Likely unlawful to impose pole attachment requirements on utilities unless MD opts out of federal requirements.</td>
<td></td>
</tr>
</tbody>
</table>
### Maryland 2019 General Assembly: Comparison of Small Cell Legislation Introduced by Industry and Local Government

<table>
<thead>
<tr>
<th></th>
<th><strong>Industry Bill</strong></th>
<th><strong>Local Government Bill</strong></th>
<th><strong>Note</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Height</strong></td>
<td>SWF is mounted on structures: 50’ or less in height; 10 % taller than adjacent structures; or does not extend a current structure by 50’ or 10%, whichever is greater. Poles can be increased in height 10% above adjacent structure within 500’ in the same ROW, or 50’ above ground level; local governments can authorize taller poles.</td>
<td>Height limitations are permitted so long as they do not prohibit the provision of service</td>
<td></td>
</tr>
<tr>
<td><strong>Pole License Fee</strong></td>
<td>No fees or regulation of fees for collocation, nor Authority ability to require in-kind services, “including reservation of fiber, conduit, or pole space for the authority.” Applies to ROWs and all properties not zoned exclusively for single-family residential use. Uses “permit” term to likely mean pole license must be granted for at least 10 years and the applicant has discretion to renew (permits are not renewed). No consultant fees or expense can be recovered if needed to enable proper placement or safety code distance between facilities on a pole to enable colocation. Capped at $100 per year per SWF.</td>
<td>Capped at higher of $2,500 per year or 2% of gross revenue</td>
<td>If the provider installs streetlight in the park, the authority cannot request space for a security camera, obtain fiber or any compensation for use. Arguably, could not charge for use of roof on govt. properties or housing authority-owned apt bldgs. National average pole attachment rate is $1,500 per year. Boston rate is $500 + 5% gross revenue, or $2,500 per site.</td>
</tr>
<tr>
<td><strong>Permit requirements</strong></td>
<td>Authorities may not require more information from wireless providers than other communications services providers, prohibit placement of facilities on specific poles or categories of poles, nor set minimum separation distances between facilities. Can enforce safe traffic operation and ADA compliance. Only ROW permit may be required for routine maintenance, replacement of antennas, or installation of micro wireless facilities (i.e., no electric, building, or zoning permits required).</td>
<td>Detailed plans, certification, description of make-ready work, pre-construction survey, timeline for completion, compatibility with neighborhood are permitted to be required.</td>
<td>No permits could be required for installation of 24”15”x12” antennas and equipment on wires between poles (40 lbs.) Requirements for wireless have to be equivalent to wireline, even though much different equipment.</td>
</tr>
<tr>
<td><strong>Consolidation</strong></td>
<td>A consolidated application for “all” colocations in the jurisdiction can be filed.</td>
<td>Governments may permit consolidated applications.</td>
<td>Consolidation makes it difficult to map deployments and track status; every deployment is unique in location to houses, etc., even if the equipment is the same.</td>
</tr>
<tr>
<td><strong>Permit Costs</strong></td>
<td>Colocation: $500 for up to 1st 5; $100 for each additional facility. New or replacement pole: $1,000 per utility pole.</td>
<td>Cost</td>
<td>FCC created a rebuttal presumption of what is reasonable. Industry bill turns these into hard, below-cost, cap.</td>
</tr>
<tr>
<td></td>
<td>Industry Bill</td>
<td>Local Government Bill</td>
<td>Note</td>
</tr>
<tr>
<td>--------------------------------</td>
<td>------------------------------------------------------------------------------</td>
<td>----------------------------------------------------------------------------------------</td>
<td>-----------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Digital Inclusion Fund</td>
<td></td>
<td>Created from 1% of gross revenues surcharge on wireless providers that install facilities and poles in ROW; can be used for expanding deployment in geographic areas of the state that are underserved; administered by Comptroller.</td>
<td></td>
</tr>
<tr>
<td>Public Hearing</td>
<td></td>
<td>Permitted and the applicant shall be represented at the hearing</td>
<td>Removes zoning requirement (and effectively public hearing or discretionary application of rules)</td>
</tr>
<tr>
<td>Franchise Fee</td>
<td>$20 per year for each SWF</td>
<td>Permitted</td>
<td></td>
</tr>
<tr>
<td>Shot Clock</td>
<td>FCC timelines that are being litigated. 10 days for completeness, 60 days for colocation, 90 for the new structure.</td>
<td>Must approve or disapprove within 180 days</td>
<td></td>
</tr>
<tr>
<td>Operational</td>
<td>Can be required to be operational within 1 year, but exception if provider hasn't built out communication, transport facilities to antenna or power isn’t available</td>
<td>Can be required to be operational within 120 days</td>
<td></td>
</tr>
<tr>
<td>Right of Way</td>
<td>Damage to ROWs required to be repaired</td>
<td>Damage to ROWs required to be repaired; wireless provider must pay own costs to relocate facilities if ROW is moved</td>
<td></td>
</tr>
<tr>
<td>Denials</td>
<td>Must be in writing. Applicant has 30 days to revise application after denial and refiling fee may not be charged, and Authority must approve or deny within 30 days later. Denial can only be issued if interferes with traffic, pedestrian safety, ADA, or safety code requirement so long as it doesn’t prevent a provider from service any location, generally applicable safety codes, permitted design guidelines, FCC RF rules.</td>
<td>Must be in writing</td>
<td></td>
</tr>
<tr>
<td>Remedy</td>
<td>Deemed to be approved if not acted upon within timelines. Mistakenly grants jurisdiction to “District Court” – should be “Circuit Court”.</td>
<td>Right to Circuit Court in county; must be filed within 180 days.</td>
<td>Industry bill expands deemed approved beyond FCC rules and federal statutes (which only grant for a limited class of additional attachments to structures with existing attachments or modification of existing antenna).</td>
</tr>
<tr>
<td>Grandfather Clause</td>
<td>State law prevails over local law. Prior agreements only enforceable for wireless facilities that become operational or were constructed prior to the effective date of Act.</td>
<td>Existing agreement and laws remain in effect if there is a conflict with new state statute</td>
<td></td>
</tr>
</tbody>
</table>
## Maryland 2019 General Assembly: Comparison of Small Cell Legislation Introduced by Industry and Local Government

<table>
<thead>
<tr>
<th>Definitions</th>
<th>Industry Bill</th>
<th>Local Government Bill</th>
<th>Note</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>25. Additional terms intended to expand applicability of bill to poles in ROW owned by municipal electric companies, utility poles, and all local government poles used for streetlights and street signs; as well as to narrow and exclude certain wireless infrastructure from being subject to local government regulation, zoning review, concealment standard, or rental fees. “Authority” means State, any state agency, local government, district or instrumentality of the above, public utility districts, irrigation districts and municipal electric utilities, located in ROWs.</td>
<td>13.</td>
<td>Industry bill makes municipal electrics (in Berlin, Easton, Hagerstown, Thurmont, and Williamsport) subject to rules that they are not subject to under federal law and FCC pole attachment rules.</td>
</tr>
<tr>
<td>Abandoned Facilities</td>
<td>Notice must be provided 30 days prior to abandonment. SWF not operated for 12 months is considered abandoned, and the wireless provider must remove within 60 days after notice from Authority of abandonment or Authority can remove and recover reasonable expenses.</td>
<td>Notice must be provided within 30 days of removal from service; abandoned facilities can be removed by local government with costs to be reimbursed by the wireless provider. Bond can be required to recover removal costs.</td>
<td>Authority must provide abandonment notice, but limited means to determine. PEPCO does not perform work for providers without prior agreement because it doesn’t believe the provider will pay the bill.</td>
</tr>
<tr>
<td>Insurance</td>
<td>Authority may not require indemnification of the authority, except when a court finds loss, liability or damage was caused by the negligence of a wireless provider. Property, workers’ compensation and commercial general liability insurance may be required, but the wireless provider must be allowed to self-insure.</td>
<td>Property, workers’ compensation, and commercial general liability up to $2 million; local government added as additional insured; local government immunity for any claims arising out of operation of wireless facility or support structure.</td>
<td></td>
</tr>
<tr>
<td>Surety Bond</td>
<td>Permitted to provide for removal of abandoned or improperly maintain wireless facilities, or to recover costs and fees not paid by provider. May not exceed $200 per SWF or maximum cap of $10,000.</td>
<td>Permitted to provide for removal of abandoned or improperly maintain wireless facilities, or to recover costs and fees not paid by provider.</td>
<td></td>
</tr>
<tr>
<td>Preamble</td>
<td>Wireless services are necessary, access to rights of way in needed, uniform rates and fees will encourage deployment, rates and fees should be limited to cost. [No mention is made of the need to expand service to underserved areas, limit consumer costs, or enhance privacy protections.]</td>
<td>None</td>
<td></td>
</tr>
</tbody>
</table>

Updated based on bills filed as of January 21, 2019
February 19, 2019

Senator Delores G. Kelley, Chair  
Senate Finance Committee  
3 East Miller Senate Office Building  
11 Bladen Street  
Annapolis, MD 21401

Re: SB 713 Wireless Facilities – Permitting and Siting

Dear Chair Kelley and Committee Members:

During our meeting on February 19, 2019, the City Council unanimously voted to support SB 713. This legislation will provide a fair and necessary process for local governments to issue regulations and permits for the deployment of small cell infrastructure. It provides reasonable approval, insurance, and bonding requirements—limited authority that must remain at the local level. SB 713 also minimizes the possibility that the infrastructure will have negative aesthetic impacts on the community, while also establishing appropriate deadlines for approval. Additionally, the legislation creates a fund to help expand deployment in underserved areas.

On behalf of the City Council and our residents, I respectfully request your support for this legislation.

Sincerely,

Patrick L. Wojahn  
Mayor

cc: 21st District Delegation
Delegation Dereck E. Davis  
Chair, Economic Matters  
231 House Office Building  
6 Bladen Street  
Annapolis, MD 21401  

Re: House Bill 1020 Wireless Facilities – Permitting and Siting  

Dear Chair Davis and Committee Members:  

At our meeting on February 19, 2019, the City Council unanimously voted to support HB 1020. This legislation will provide a fair and necessary process for local governments to issue regulations and permits for the deployment of small cell infrastructure. It provides reasonable approval, insurance, and bonding requirements—limited authority that must remain at the local level. HB 1020 also minimizes the possibility that the infrastructure will have negative aesthetic impacts on the community, while also establishing appropriate deadlines for approval. Additionally, the legislation creates a fund to help expand deployment in underserved areas.

On behalf of the City Council and our residents, I respectfully request that you support this important legislation.

Sincerely,

Patrick L. Wojahn  
Mayor  

cc: 21st District Delegation
### CITY OF COLLEGE PARK, MARYLAND
### WORKSESSION AGENDA ITEM

<table>
<thead>
<tr>
<th>Prepared By:</th>
<th>Bill Gardiner</th>
<th>Assistant City Manager</th>
</tr>
</thead>
<tbody>
<tr>
<td>Meeting Date:</td>
<td>February 19, 2019</td>
<td></td>
</tr>
<tr>
<td>Presented By:</td>
<td>Bill Gardiner</td>
<td>Assistant City Manager</td>
</tr>
<tr>
<td>Proposed Consent Agenda:</td>
<td>Yes</td>
<td></td>
</tr>
</tbody>
</table>

**Originating Department:** Administration

**Issue Before Council:** Support for SB 787 / HB 1281 Transportation – Bikeways Network Program – Funding

**Strategic Plan Goal:** Quality Infrastructure

**Background/Justification:**

SB 787 (cross-filed with HB 1281) would increase funding for the Maryland Bikeways program. The Bikeways program is the main State funding source for local grants for bicycle and pedestrian infrastructure. It has been funded on a discretionary basis by MDOT but has not kept up with the demand for project funding. The Bikeways program is funding several projects in College Park, including the Campus Drive sidepath and the Rhode Island Avenue protected bike lanes.

The Governor’s proposed budget includes $3.7 million for the program in FY 2020. This bill would increase it to $7.7 million by FY 2025 (increase of $800,000 per year for 5 years). The funding level is a fraction of a percentage of the total transportation budget but would significantly expand the bike infrastructure network across the State.

The Senate Budget and Taxation Committee will hear the bill on March 5, 2019; The House Appropriations and the Environment and Transportation Committees will hear the bill on March 7, 2019.

**Fiscal Impact:**
The higher level of funding would likely result in opportunities for the City to receive additional funding for bikeway projects.

**Council Options:**
1. Authorize the Mayor to send a letter on behalf of the City Council to the respective Maryland House and Senate committees in support of SB 787 and HB 1281.
2. Decline to comment on these bills at this time.

**Staff Recommendation:**

#1

**Recommended Motion:**

_I move to authorize the Mayor to send a letter to the respective Maryland House and Senate Committees expressing the City’s support for SB 787 and HB 1281, which would increase State funding for the Maryland Bikeways program._

**Attachments:**

1. SB 787 Transportation – Bikeways Network Program – Funding
A BILL ENTITLED

AN ACT concerning

Transportation – Bikeways Network Program – Funding

FOR the purpose of codifying the Bikeways Network Program; specifying the purpose of the Program; requiring the Department of Transportation to establish application and eligibility criteria for the Program; requiring the Governor to provide in the State budget a certain appropriation for the Program; requiring that a certain amount of the appropriation be distributed for a certain purpose; and generally relating to the Bikeways Network Program.

BY adding to Article – Transportation
Section 2–608
Annotated Code of Maryland
(2015 Replacement Volume and 2018 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Transportation

2–608.

(A) IN THIS SECTION, “PROGRAM” MEANS THE BIKEWAYS NETWORK PROGRAM.

(B) THERE IS A BIKEWAYS NETWORK PROGRAM IN THE DEPARTMENT.

(C) THE PURPOSE OF THE PROGRAM IS TO PROVIDE GRANT SUPPORT FOR BICYCLE NETWORK DEVELOPMENT ACTIVITIES.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.
(D) The Department shall establish application and eligibility criteria for the Program.

(E) The Governor shall include in the annual State budget an appropriation from the Transportation Trust Fund for the operation of the Program of at least:

1. For fiscal year 2021, $4,500,000;
2. For fiscal year 2022, $5,300,000;
3. For fiscal year 2023, $6,100,000;
4. For fiscal year 2024, $6,900,000; and
5. For fiscal year 2025 and each fiscal year thereafter, $7,700,000.

(F) At least $100,000 of the appropriation required under subsection (E) of this section shall be distributed to the Maryland Association of Counties and the Maryland Municipal League to provide technical assistance to counties and municipalities with the drafting and submission of grant proposals.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019.
Appointments to Boards and Committees

### Advisory Planning Commission

<table>
<thead>
<tr>
<th>Appointee</th>
<th>Represents</th>
<th>Appointed by</th>
<th>Term Expires</th>
</tr>
</thead>
<tbody>
<tr>
<td>Larry Bleau 7/9/02</td>
<td>District 1</td>
<td>Mayor</td>
<td>02/22</td>
</tr>
<tr>
<td>Llatetra Brown Esters</td>
<td>District 2</td>
<td>Mayor</td>
<td>06/21</td>
</tr>
<tr>
<td>Christopher Gill 09/24/13</td>
<td>District 1</td>
<td>Mayor</td>
<td>10/19</td>
</tr>
<tr>
<td>James E. McFadden 2/14/99</td>
<td>District 3</td>
<td>Mayor</td>
<td>01/20</td>
</tr>
<tr>
<td>Ben Flamm 01/02/18</td>
<td>District 2</td>
<td>Mayor</td>
<td>08/21</td>
</tr>
<tr>
<td>Santosh Chelliah 01/02/18</td>
<td>District 4</td>
<td>Mayor</td>
<td>08/19</td>
</tr>
<tr>
<td>Stephanie Stullich 01/02/18</td>
<td>District 3</td>
<td>Mayor</td>
<td>02/22</td>
</tr>
</tbody>
</table>

City Code Chapter 15 Article IV: The APC shall be composed of 7 members appointed by the Mayor with the approval of Council, shall seek to give priority to the appointment of residents of the City and assure that there shall be representation from each of the City’s four Council districts. Vacancies shall be filled by the Mayor with the approval of the Council for the unexpired portion of the term. Terms are three years. The Chairperson is elected by the majority of the Commission. Members are compensated. Liaison: Planning.

### Airport Authority

<table>
<thead>
<tr>
<th>Appointee</th>
<th>Resides in</th>
<th>Appointed by</th>
<th>Term Expires</th>
</tr>
</thead>
<tbody>
<tr>
<td>James Garvin 11/9/04</td>
<td>District 3</td>
<td>M&amp;C</td>
<td>02/22</td>
</tr>
<tr>
<td>Jack Robson 5/11/04</td>
<td>District 3</td>
<td>M&amp;C</td>
<td>10/20</td>
</tr>
<tr>
<td>Anna Sandberg 2/26/85</td>
<td>District 3</td>
<td>M&amp;C</td>
<td>03/19</td>
</tr>
<tr>
<td>Gabriel Iriarte 1/10/06</td>
<td>District 3</td>
<td>M&amp;C</td>
<td>01/20</td>
</tr>
<tr>
<td>Christopher Dullig 6/12/07</td>
<td>District 2</td>
<td>M&amp;C</td>
<td>02/20</td>
</tr>
<tr>
<td>David Kolesar 04/28/15</td>
<td>District 1</td>
<td>M&amp;C</td>
<td>12/21</td>
</tr>
<tr>
<td>Dave Dorsch 08/11/15</td>
<td>District 3</td>
<td>M&amp;C</td>
<td>12/21</td>
</tr>
</tbody>
</table>

City Code Chapter 11 Article II: 7 members, must be residents and qualified voters of the City, appointed by Mayor and City Council, for three-year terms. Vacancies shall be filled by M&C for an unexpired portion of a term. Authority shall elect Chairperson from membership. Not a compensated committee. Liaison: City Clerk’s Office.

### Animal Welfare Committee

<table>
<thead>
<tr>
<th>Appointee</th>
<th>Resides in</th>
<th>Appointed by</th>
<th>Term Expires</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dave Turley 3/23/10</td>
<td>District 1</td>
<td>M&amp;C</td>
<td>04/19</td>
</tr>
</tbody>
</table>
Resolution 15-R-26, 10-R-20: Up to fifteen members appointed by the Mayor and Council for three-year terms. Not a compensated committee. Liaison: Public Services.

<table>
<thead>
<tr>
<th>Name</th>
<th>Type</th>
<th>District</th>
<th>Appointed by</th>
<th>Term Expires</th>
</tr>
</thead>
<tbody>
<tr>
<td>Patti Stange</td>
<td>Non resident</td>
<td>M&amp;C</td>
<td>04/21</td>
<td></td>
</tr>
<tr>
<td>Taimi Anderson</td>
<td>Non resident</td>
<td>M&amp;C</td>
<td>02/18</td>
<td></td>
</tr>
<tr>
<td>Suzie Bellamy</td>
<td>District 4</td>
<td>M&amp;C</td>
<td>04/21</td>
<td></td>
</tr>
<tr>
<td>Nick Brennan</td>
<td>District 2</td>
<td>M&amp;C</td>
<td>05/18</td>
<td></td>
</tr>
<tr>
<td>Kathy Rodeffer</td>
<td>Non resident</td>
<td>M&amp;C</td>
<td>11/18</td>
<td></td>
</tr>
</tbody>
</table>

City Charter C4-3: The Mayor and Council shall, not later than the first regular meeting in March of each year in which there is a general election, appoint and fix the compensation for five qualified voters as Supervisors of Elections, one of whom shall be appointed from the qualified voters of each of the four election districts and one of whom shall be appointed by the Mayor with the consent of the Council. The Mayor and Council shall designate one of the five Supervisors of Elections as the Chief of Elections. This is a compensated committee; compensation is based on a fiscal year. Per Council action (item 11-G-66) effective in March, 2013: In an election year all of the Board receives compensation. In a non-election year only the Chief Election Supervisor will be compensated. Chief of Supervisors: $480/fiscal year. Election Supervisors: $360/fiscal year. Liaison: City Clerk’s office.

<table>
<thead>
<tr>
<th>Appointee</th>
<th>Represents</th>
<th>Appointed by</th>
<th>Term Expires</th>
</tr>
</thead>
<tbody>
<tr>
<td>John Robson (Chief) 5/24/94</td>
<td>Mayoral appt</td>
<td>M&amp;C</td>
<td>03/19</td>
</tr>
<tr>
<td>Lisa Williams 10/23/18</td>
<td>District 1</td>
<td>M&amp;C</td>
<td>03/19</td>
</tr>
<tr>
<td>VACANT</td>
<td>District 2</td>
<td>M&amp;C</td>
<td>03/19</td>
</tr>
<tr>
<td>John Payne 04/25/17</td>
<td>District 3</td>
<td>M&amp;C</td>
<td>03/19</td>
</tr>
<tr>
<td>Maria Mackie 08/12/14</td>
<td>District 4</td>
<td>M&amp;C</td>
<td>03/19</td>
</tr>
</tbody>
</table>

Charter Review Commission

<table>
<thead>
<tr>
<th>Appointee</th>
<th>Represents</th>
<th>Appointed by</th>
<th>Term Expires</th>
</tr>
</thead>
<tbody>
<tr>
<td>John Krouse 12/11/18</td>
<td>District 1</td>
<td>Kabir</td>
<td>Members shall serve until the Commission’s findings are submitted to the Mayor and Council, expected no later than May 31, 2019.</td>
</tr>
<tr>
<td>Nathan Rickard 12/11/18</td>
<td>District 1</td>
<td>Kennedy</td>
<td></td>
</tr>
<tr>
<td>Brooks Boliek 12/11/18</td>
<td>District 2</td>
<td>Brennan</td>
<td></td>
</tr>
<tr>
<td>Cameron Thurston 12/11/18</td>
<td>District 2</td>
<td>Dennis</td>
<td></td>
</tr>
<tr>
<td>Ray Ranker 01/08/19</td>
<td>District 3</td>
<td>Day</td>
<td></td>
</tr>
<tr>
<td>Virdina Gibbs 12/11/18</td>
<td>District 3</td>
<td>Rigg</td>
<td></td>
</tr>
<tr>
<td>Normand Bernache 01/08/19</td>
<td>District 4</td>
<td>Kujawa</td>
<td></td>
</tr>
<tr>
<td>Peter King 12/11/18</td>
<td>District 4</td>
<td>Mitchell</td>
<td></td>
</tr>
<tr>
<td>Nora Eidelman 12/11/18</td>
<td>At-large</td>
<td>Mayor</td>
<td></td>
</tr>
<tr>
<td>Dan Alpert 12/11/18</td>
<td>At-large</td>
<td>Mayor</td>
<td></td>
</tr>
</tbody>
</table>

Established 11-20-2018 by Resolution 18-R-23. Members shall select a Chair and Vice Chair from among the appointed members. Not a compensated commission. Liaison: City Clerk
### College Park City-University Partnership

<table>
<thead>
<tr>
<th>Appointee</th>
<th>Represents</th>
<th>Appointed by</th>
<th>Term Expires</th>
</tr>
</thead>
<tbody>
<tr>
<td>Carlo Colella</td>
<td>Class A Director</td>
<td>UMD President</td>
<td>06/30/21</td>
</tr>
<tr>
<td>Edward Maginnis</td>
<td>Class A Director</td>
<td>UMD President</td>
<td>06/30/21</td>
</tr>
<tr>
<td>Ken Ulman</td>
<td>Class A Director</td>
<td>UMD President</td>
<td>06/30/19</td>
</tr>
<tr>
<td>Brian Darmody</td>
<td>Class A Director</td>
<td>UMD President</td>
<td>06/30/20</td>
</tr>
<tr>
<td>Patrick L. Wojahn (01/12/16)</td>
<td>Class B Director</td>
<td>M&amp;C</td>
<td>06/30/20</td>
</tr>
<tr>
<td>Maxine Gross</td>
<td>Class B Director</td>
<td>M&amp;C</td>
<td>06/30/20</td>
</tr>
<tr>
<td>Senator James Rosapepe</td>
<td>Class B Director</td>
<td>M&amp;C</td>
<td>06/30/19</td>
</tr>
<tr>
<td>Stephen Brayman</td>
<td>Class B Director</td>
<td>M&amp;C</td>
<td>06/30/20</td>
</tr>
<tr>
<td>David Iannucci (07/15/14)</td>
<td>Class C Director</td>
<td>City and University</td>
<td>06/30/20</td>
</tr>
<tr>
<td>Dr. Richard Wagner</td>
<td>Class C Director</td>
<td>City and University</td>
<td>06/30/19</td>
</tr>
</tbody>
</table>

The CPCUP is a 501(c)(3) corporation whose mission is to promote and support commercial revitalization, economic development and quality housing opportunities consistent with the interests of the City of College Park and the University of Maryland. The CPCUP is not a City committee but the City makes appointments to the Partnership. Class B Directors are appointed by the Mayor and City Council; Class C Directors are jointly appointed by the Mayor and City Council and the President of the University of Maryland.

### College Park Seniors Committee

<table>
<thead>
<tr>
<th>Appointee</th>
<th>Represents</th>
<th>Appointed by</th>
<th>Term Expires</th>
</tr>
</thead>
<tbody>
<tr>
<td>Janis Oppelt 8/8/06</td>
<td>City Councilmember</td>
<td>M&amp;C</td>
<td>01/19</td>
</tr>
<tr>
<td>Suchitra Balachandran 10/9/07</td>
<td>Resident, District 4</td>
<td>M&amp;C</td>
<td>01/20</td>
</tr>
<tr>
<td>Donna Weene 9/8/09</td>
<td>Resident, District 1</td>
<td>M&amp;C</td>
<td>01/19</td>
</tr>
</tbody>
</table>

Resolution 16-R-33 adopted December 13, 2016. Resolution 17-R-29 adopted November 28, 2017 increased membership. Membership: One City Councilmember, between four and nine additional members, with the goal of at least one resident per Council district. Two year terms. The Committee shall appoint a Chair and Vice Chair each with a term of one year from among the members of the committee. Not a compensated committee. Liaison: Youth, Family and Senior Services.

### Committee For A Better Environment

<table>
<thead>
<tr>
<th>Appointee</th>
<th>Resides in</th>
<th>Appointed by</th>
<th>Term Expires</th>
</tr>
</thead>
<tbody>
<tr>
<td>Janis Oppelt 8/8/06</td>
<td>District 1</td>
<td>M&amp;C</td>
<td>01/19</td>
</tr>
<tr>
<td>Suchitra Balachandran 10/9/07</td>
<td>District 4</td>
<td>M&amp;C</td>
<td>01/20</td>
</tr>
<tr>
<td>Donna Weene 9/8/09</td>
<td>District 1</td>
<td>M&amp;C</td>
<td>01/19</td>
</tr>
<tr>
<td>Appointee</td>
<td>Represents</td>
<td>Appointed by</td>
<td>Term Expires</td>
</tr>
<tr>
<td>---------------------------</td>
<td>------------</td>
<td>--------------</td>
<td>--------------</td>
</tr>
<tr>
<td>Alethea Ten Eyck-Sanders</td>
<td>District 3</td>
<td>M&amp;C</td>
<td>11/17</td>
</tr>
<tr>
<td>Melissa Day</td>
<td>District 3</td>
<td>M&amp;C</td>
<td>08/19</td>
</tr>
<tr>
<td>Carolyn Bernache</td>
<td>District 4</td>
<td>M&amp;C</td>
<td>01/19</td>
</tr>
<tr>
<td>Stacy Currie</td>
<td>UMCP</td>
<td>UMCP</td>
<td>01/21</td>
</tr>
<tr>
<td>Dawn Powers</td>
<td>District 2</td>
<td>M&amp;C</td>
<td>01/18</td>
</tr>
<tr>
<td>David Toledo</td>
<td>District 1</td>
<td>M&amp;C</td>
<td>04/18</td>
</tr>
<tr>
<td>Rose Greene Colby</td>
<td>District 3</td>
<td>M&amp;C</td>
<td>02/21</td>
</tr>
<tr>
<td>Daniel First</td>
<td>District 3</td>
<td>M&amp;C</td>
<td>04/19</td>
</tr>
<tr>
<td>Doris Ellis</td>
<td>District 4</td>
<td>M&amp;C</td>
<td>08/19</td>
</tr>
</tbody>
</table>

Resolutions 97-R-17, 99-R-4, 10-R-13, 15-R-25, and 17-R-09: At least 9 members who shall be appointed by the Mayor and Council: at least two from each Council District and one nominated by the University of Maryland. All except the UMCP appointee shall be City residents. Two year
terms. The Committee shall appoint the Chair and Vice-Chair of the Committee from among the members of the Committee. Not a compensated committee. Liaison: Youth and Family Services.

<table>
<thead>
<tr>
<th>Appointee</th>
<th>Represents</th>
<th>Appointed by</th>
<th>Term Expires</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nora Eidelman</td>
<td>District 1</td>
<td>Mayor</td>
<td>11/19</td>
</tr>
<tr>
<td>Joe Theis</td>
<td>District 2</td>
<td>Mayor</td>
<td>06/19</td>
</tr>
<tr>
<td>Rachel Gregory</td>
<td>District 3</td>
<td>Mayor</td>
<td>05/20</td>
</tr>
<tr>
<td>Gail Kushner</td>
<td>District 4</td>
<td>Mayor</td>
<td>05/20</td>
</tr>
<tr>
<td>Robert Thurston</td>
<td>At Large</td>
<td>Mayor</td>
<td>05/20</td>
</tr>
<tr>
<td>Alan C. Bradford</td>
<td>At-Large</td>
<td>Mayor</td>
<td>11/19</td>
</tr>
<tr>
<td>Frank Rose</td>
<td>At-Large</td>
<td>Mayor</td>
<td>05/20</td>
</tr>
</tbody>
</table>

City Code Chapter 38 Article II: Composed of seven members appointed by the Mayor and approved by the Council. Of the seven members, one shall be appointed from each of the City's four election districts and three from the City at large. 2 year terms. Commission members shall elect one member as Chair for a renewable one-year term. Commission members sign an Oath of Office. Not a compensated committee. Liaison: City Clerk’s office.

<table>
<thead>
<tr>
<th>Appointee</th>
<th>Represents</th>
<th>Appointed by</th>
<th>Term Expires</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bob Catlin</td>
<td>Mayor</td>
<td>05/01/19</td>
<td></td>
</tr>
<tr>
<td>James McFadden</td>
<td>Mayor</td>
<td>05/01/23</td>
<td></td>
</tr>
<tr>
<td>John Moore</td>
<td>Mayor</td>
<td>05/01/19</td>
<td></td>
</tr>
<tr>
<td>Arelis Perez</td>
<td>Mayor</td>
<td>05/01/20</td>
<td></td>
</tr>
<tr>
<td>Carl Patterson</td>
<td>Attick Towers resident</td>
<td>Mayor</td>
<td>05/01/22</td>
</tr>
</tbody>
</table>

The College Park Housing Authority was established in City Code Chapter 11 Article I, but it operates independently under Division II of the Housing and Community Development section of the Annotated Code of Maryland. The Housing Authority administers low income housing at Attick Towers. The Mayor appoints five commissioners to the Authority; each serves a five year term; appointments expire May 1. Mayor administers oath of office. One member is a resident of Attick Towers. The Authority selects a chairman from among its commissioners. The Housing Authority is funded through HUD and rent collection, administers their own budget, and has their own employees. The City supplements some of their services.

<table>
<thead>
<tr>
<th>Appointee</th>
<th>Represents</th>
<th>Appointed by</th>
<th>Term Expires</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lilla Sutton</td>
<td>District 2</td>
<td>M&amp;C</td>
<td>09/19</td>
</tr>
<tr>
<td>Dottie Chicquel</td>
<td>Non-resident</td>
<td>M&amp;C</td>
<td>09/19</td>
</tr>
<tr>
<td>Jordan Schakner</td>
<td>District 1</td>
<td>M&amp;C</td>
<td>10/20</td>
</tr>
<tr>
<td>Anita Wolley</td>
<td>District 2</td>
<td>M&amp;C</td>
<td>11/20</td>
</tr>
</tbody>
</table>

Resolution 16-R-11 adopted 06-14-2016. Purpose is to plan, organize and execute an annual event in honor of Dr. King. Between five and nine members, appointed by the Mayor and Council for three-year terms. The Committee shall appoint the Chair and Vice-Chair from among their membership annually. A quorum will consist of a majority of the appointed members. The Committee may work with partners such as the University of Maryland, the Maryland National Capital Park and Planning Commission.
local schools and faith communities, and others as appropriate, in planning the event. Liaison: Public Services.

### Noise Control Board

<table>
<thead>
<tr>
<th>Appointee</th>
<th>Represents</th>
<th>Appointed by</th>
<th>Term Expires</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mark Shroder 11/23/10</td>
<td>District 1</td>
<td>Council, for District 1</td>
<td>01/19</td>
</tr>
<tr>
<td>Harry Pitt, Jr. 9/26/95</td>
<td>District 2</td>
<td>Council, for District 2</td>
<td>04/20</td>
</tr>
<tr>
<td>Alan Stillwell 6/10/97</td>
<td>District 3</td>
<td>Council, for District 3</td>
<td>09/20</td>
</tr>
<tr>
<td>Suzie Bellamy</td>
<td>District 4</td>
<td>Council, for District 4</td>
<td>12/20</td>
</tr>
<tr>
<td>Adele Ellis 04/24/12</td>
<td>Mayoral Appt</td>
<td>Mayor</td>
<td>08/20</td>
</tr>
<tr>
<td>Larry Wenzel 3/9/99</td>
<td>Alternate</td>
<td>Council - At large</td>
<td>02/18</td>
</tr>
<tr>
<td>Aaron Springer 10/09/18</td>
<td>Alternate</td>
<td>Council – At large</td>
<td>10/22</td>
</tr>
</tbody>
</table>

City Code Chapter 138-3: The Noise Control Board shall consist of five members, four of whom shall be appointed by the Council members, one from each of the four election districts, and one of whom shall be appointed by the Mayor. In addition, there shall be two alternate members appointed at large by the City Council. The members of the Noise Control Board shall select from among themselves a Chairperson. Four year terms. This is a compensated committee. Liaison: Public Services.

### Recreation Board

<table>
<thead>
<tr>
<th>Appointee</th>
<th>Lives In</th>
<th>Appointed by</th>
<th>Term Expires</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sarah Araghi 7/14/09</td>
<td>District 1</td>
<td>M&amp;C</td>
<td>10/18</td>
</tr>
<tr>
<td>Barbara Pianowski 3/23/10</td>
<td>District 4</td>
<td>M&amp;C</td>
<td>11/20</td>
</tr>
<tr>
<td>Judith Oarr 05/14/13</td>
<td>District 4</td>
<td>M&amp;C</td>
<td>05/19</td>
</tr>
<tr>
<td>Bettina McCloud 1/11/11</td>
<td>District 1</td>
<td>M&amp;C</td>
<td>01/20</td>
</tr>
<tr>
<td>Christina Toy 01/09/18</td>
<td>District 1</td>
<td>M&amp;C</td>
<td>01/21</td>
</tr>
<tr>
<td>Jane Hopkins 1/23/18</td>
<td>District 4</td>
<td>M&amp;C</td>
<td>01/21</td>
</tr>
<tr>
<td>Janice Bernache 02/13/18</td>
<td>District 3</td>
<td>M&amp;C</td>
<td>02/21</td>
</tr>
<tr>
<td>Santosh Chelliah 10/09/18</td>
<td>District 4</td>
<td>M&amp;C</td>
<td>10/21</td>
</tr>
<tr>
<td>Darlene White 10/09/18</td>
<td>District 2</td>
<td>M&amp;C</td>
<td>10/21</td>
</tr>
</tbody>
</table>

City Code Chapter 15 Article II: Effective 2/2/16: 10 members appointed by the Mayor and Council for three-year terms with a goal of representation from each district. The Chairperson will be chosen from among and by the district appointees. Not a compensated committee. Additional participants include the University of Maryland liaison and the M-NCPPC liaison. Liaison: Public Services.

### Tree and Landscape Board

<table>
<thead>
<tr>
<th>Member</th>
<th>Represents</th>
<th>Appointed by</th>
<th>Term Expires</th>
</tr>
</thead>
<tbody>
<tr>
<td>Christine O’Brien 08/11/15</td>
<td>Citizen</td>
<td>M&amp;C</td>
<td>08/17</td>
</tr>
<tr>
<td>John Krouse</td>
<td>Citizen</td>
<td>M&amp;C</td>
<td>12/18</td>
</tr>
<tr>
<td>James Meyer 10/24/17</td>
<td>Citizen</td>
<td>M&amp;C</td>
<td>10/19</td>
</tr>
</tbody>
</table>
VACANT  Citizen  M&C
VACANT  Citizen  M&C
Janis Oppelt  CBE Chair Liaison
John Lea-Cox 1/13/98  City Forester  M&C  04/19
Brenda Alexander  Planning Director

City Code Chapter 179-5: The Board shall have 9 voting members: 5 residents appointed by M&C, the CBE Chair or designee, the City Forester or designee, the Planning Director or designee and the Public Works Director or designee. Two year terms. Members choose their own officers. Not a compensated committee. Liaison: City Clerk’s office.

<table>
<thead>
<tr>
<th>Appointee</th>
<th>Represents</th>
<th>Appointed by</th>
<th>Term Expires</th>
</tr>
</thead>
<tbody>
<tr>
<td>Joseph Ruth 11/7/01</td>
<td>VFW</td>
<td>M&amp;C</td>
<td>01/19</td>
</tr>
<tr>
<td>Blaine Davis 10/28/03</td>
<td>American Legion</td>
<td>M&amp;C</td>
<td>01/19</td>
</tr>
<tr>
<td>Rita Zito 11/7/01</td>
<td></td>
<td>M&amp;C</td>
<td>12/18</td>
</tr>
<tr>
<td>Doris Davis 10/28/03</td>
<td>M&amp;C</td>
<td>01/19</td>
<td></td>
</tr>
<tr>
<td>Arthur Eaton</td>
<td>M&amp;C</td>
<td>11/19</td>
<td></td>
</tr>
<tr>
<td>Seth Gomoljak 11/6/14</td>
<td>M&amp;C</td>
<td>11/17</td>
<td></td>
</tr>
<tr>
<td>Robert Green 01/09/18</td>
<td>M&amp;C</td>
<td>01/21</td>
<td></td>
</tr>
<tr>
<td>Mary Cook 02/12/19</td>
<td>M&amp;C</td>
<td>02/22</td>
<td></td>
</tr>
<tr>
<td>VACANT</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Resolution 15-R-27, 01-G-57: Board comprised of 9 to 13 members including at least one member from American Legion College Park Post 217 and one member from Veterans of Foreign Wars Phillips-Kleiner Post 5627. Appointed by Mayor and Council. Three year terms. Chair shall be elected each year by the members of the Committee. Not a compensated committee. Liaison: Public Works.
Future Agenda items
TO: Mayor, City Council, City Manager and Department Directors

FROM: Janeen S. Miller, City Clerk

DATE: February 15, 2019

RE: Future Agendas

The following items are tentatively placed on future agendas. This list has been prepared by the City Manager and me, and represents the current schedule for items that will appear on future agendas.

**FEBRUARY 26, 2019 REGULAR MEETING**

Presentation of Ceremonial $2,500 Public School Education Grant Checks to Cherokee Lane Elementary School (Brian Galbraith, Principal) and University Park Elementary School (Toi Davis, Principal)

Public Hearing and possible adoption of Ordinance 19-O-03 amending Chapter 34, Elections

Debrief of 2018 Farmers Markets and Discussion of 2019 Markets including Market Manager Contract

01-08-19: Discussion, and possible introduction, of legislation addressing recommendations regarding bulk trash pickups, per the SCS Engineers study discussed at the January 8 W/S - Robert Marsili, Director of Public Works (If introduced, the Public Hearing will be held on March 12, 2019)

01-08-19: Discussion, and possible introduction, of legislation addressing recommendations regarding an increase in certain City fees as discussed at the January 8 W/S - Gary Fields, Director of Finance (If introduced, the Public Hearing will be held on March 12, 2019)

**MARCH 5, 2019 WORKSESSION**

08-31-18: Presentation on the Youth and Family Services program – Peggy Higgins, Director of YFSS (30)

Annual Review/Renewal of Insurance Contracts – Jill Clements, Director of Human Resources (20)
12-04-18: Review of proposed changes to the noise ordinance resulting from December 4 Worksession discussion – Bob Ryan, Director of Public Services (15)

07-17-18: Discussion of possible consolidation of some National Night Out events in the future – request of Councilmember Brennan (15)

01-31-19: Boards and Committees: Next week’s appointment of the Board of Election Supervisors for the next two-year term

Discussion of legislation – Possible Special Session – Bill Gardiner, Assistant City Manager

1:40

MARCH 12, 2019 REGULAR MEETING

Public Hearing and possible adoption of Charter Resolution 19-CR-02, amending Section C4-3 of the City Charter to increase the number of Election Supervisors

MARCH 19, 2019 WORKSESSION

12-31-18: Discussion of downtown parking garage fencing – Robert Marsili, Director of Public Works (20)

Recommendations on grants and sponsorships policy (20) - Gary Fields, Director of Finance

Discussion of legislation – Possible Special Session – Bill Gardiner, Assistant City Manager

:50

MARCH 26, 2019 REGULAR MEETING

02-13-19: Annual economic development report – Ryan Chelton, Economic Development Coordinator

APRIL 2, 2019 WORKSESSION

Discussion of legislation – Possible Special Session – Bill Gardiner, Assistant City Manager

Comments on the M-NCPPC Budget – Bill Gardiner, Assistant City Manager

:30

APRIL 9, 2019 REGULAR MEETING

Lakeland STARs and College Park Scholars

APRIL 16, 2019 WORKSESSION
11-29-18: Presentation of City-wide Tree Canopy Assessment by Mike Galvin from SavATree - Brenda Alexander, Assistant Director of Public Works (30)

40

**ANNUAL ITEMS**

January, early: Discussion of Homestead Tax Credit Rate (currently at 0%) (must certify by March 25 to change rate)

January, after an election: Review and adoption of Council Rules and Procedures

IFC/PHA Annual meeting with Council (when is best?)

March: Annual Review/Renewal of Insurance Contracts

March: Annual farmers market debrief

March: Annual Economic Development Report

April and September: Comments on the M-NCPCC budget

October, first regular meeting: Proclamation for Indigenous Peoples’ Day

Early Fall: Annual presentation from SHA on projects in the City (schedule prior to CTP discussion)

Fall: Appointment of Annual Council Retreat subcommittee

November, first regular meeting: Proclamation for Small Business Saturday

December: Approval of Annual Retreat agenda

**MASTER LIST**

03-08-12: Trolley Trail negotiations – Suellen Ferguson, City Attorney

04-03-18: Subcommittee recommendations for student recognition program

2019 Quarterly Financial Presentations: January 29, April 23, August 13, October 22

01-02-19: Consideration of a request to amend the Declaration of Covenants for 4619 College Avenue to increase the occupancy limit – Suellen Ferguson, City Attorney

01-08-19: Follow-up discussion on possible City tax credit for certain populations in the City (senior citizens, retired military) as discussed at the January 8 W/S – Gary Fields, Director of Finance

01-23-19: Award of Design/Build Contract for College Park Woods Pool property

01-23-19: Approval of Business Recognition Program

01-23-19: Discussion of discharge of sump pump water runoff (Kabir)
08-14-18: Discussion of City-wide parking (45)

01-30-19: Follow-up discussion on the ad-hoc Committee-on-Committee recommendations and review of survey results - Scott Somers, City Manager and the Committee on Committees: Councilmembers Kennedy, Rigg, Brennan and Mitchell (45)

02-05-19: Council approval of any decisions relating to reducing the speed limit, removing traffic calming or removing stop signs on Calvert Road relating to Purple Line construction impacts

Discussion of a City rebate program for installation of residential security technology (30) - Bob Ryan, Director of Public Services

Ordinance authorizing the acquisition of 7415 Columbia Avenue Property