TUESDAY, MARCH 12, 2019  
CITY OF COLLEGE PARK  
COUNCIL CHAMBERS  
7:30 P.M.  
MAYOR AND COUNCIL REGULAR MEETING  
AGENDA

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

1. **MEDITATION**  
2. **PLEDGE OF ALLEGIANCE:** Led by Councilmember Dennis  
3. **ROLL CALL**  
4. **ANNOUNCEMENTS**  
5. **CITY MANAGER'S REPORT**  
6. **ACKNOWLEDGMENTS**  
7. **PROCLAMATIONS AND AWARDS:** Proclamation for Woman’s History Month  
8. **AMENDMENTS TO AND APPROVAL OF THE AGENDA**  
9. **PUBLIC COMMENT ON CONSENT AGENDA AND NON-AGENDA ITEMS** - Speakers are asked to provide their name and address for the record, and are given three minutes to address the Council.  
10. **PRESENTATIONS**  
11. **PUBLIC HEARINGS:**  


   **B.** Public Hearing on Ordinance 19-O-06, An Ordinance Of The Mayor And Council Of The City Of College Park, Amending Chapter 110 “Fees And Penalties”, By Repealing And Reenacting §110-1 “Fees And Interests” To Increase Fees For Animal Impound Redemption, Microchip Placement, Refuse Reinstatement, And For Vehicle Immobilization Release – Gary Fields, Director of Finance
12. **CONSENT AGENDA** - Note: Consent Agenda items are routine items of business that are collectively presented for approval through a single motion. A Councilmember may request that an item be pulled from the Consent Agenda and placed under Action Items for separate discussion and action.

19-G-43 Approval of a contract with Fireworks Extravaganza for 2019 fireworks display, with options to renew for 2020 – 2022, at $18,000 per year – Bob Ryan, Director of Public Services

19-G-47 Approval of a one-year Market Manager contract with Julie Beavers for $150 per market day

19-G-44 Approval of Minutes from the February 12, 2019 Regular Meeting, the February 19, 2019 Worksession and the February 19, 2019 Special Session

13. **ACTION ITEMS**

19-G-45 Annual Review/Renewal of Insurance Contracts – Jill Clements, Director of Human Resources


19-O-06 Adoption of Ordinance 19-O-06, An Ordinance Of The Mayor And Council Of The City Of College Park, Amending Chapter 110 “Fees And Penalties”, By Repealing And Reenacting §110-1 “Fees And Interests” To Increase Fees For Animal Impound Redemption, Microchip Placement, Refuse Reinstatement, And For Vehicle Immobilization Release

19-O-07 Discussion of, and possible introduction of, an ordinance on dumping fees – Suellen Ferguson, City Attorney

(If introduced, the Public Hearing would be March 26)

19-O-08 Discussion of an amendment to Small Cell Ordinance – Suellen Ferguson, City Attorney
19-G-46  Appointments to Boards and Committees

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

INFORMATION REPORT

1. Weekly Legislative Report -- Len Lucchi and Eddie Pounds, O’Malley, Miles, Nylen & Gilmore, P.A. – (There is a possibility that the Council could take action on time sensitive legislative matters.)

➢ This agenda is subject to change. For the most current information, please contact the City Clerk at 240-487-3501.

➢ Public Comment is taken during Regular Business meetings on the second and fourth Tuesdays of the month in one of the following ways. All speakers are requested to complete a card with their name and address for the record.
  o To comment about a topic not on the meeting agenda: Speakers are given three minutes to address the Council during “Public Comment on Non-Agenda Items” at the beginning of each Regular Meeting.
  o To comment on an agenda item during a Regular Business meeting: When an agenda item comes up for consideration by the Council, the Mayor will invite public comment prior to Council deliberation. Speakers are given three minutes to address the Council on that agenda item.

➢ In accordance with the Americans with Disabilities Act, if you need special assistance, please contact the City Clerk’s Office at 240-487-3501 and describe the assistance that is necessary.
Proclamation
PROCLAMATION
WOMEN’S HISTORY MONTH

WHEREAS, throughout our country’s history, extraordinary women have contributed to our society in countless ways. As today’s women and girls reach for new heights, they stand on the shoulders of all those who have come before and carry forward their legacy of proud achievement. This month, we celebrate pioneering women and their victories, and we continue working to build a society where our daughters have the same possibilities as our sons; and

WHEREAS, for too long, women were formally excluded from full participation in our society and our democracy. Because of the courage of many bold women who transcended preconceived expectations and proved they were capable of doing all that a man could do and more, advances were made, discoveries were revealed, barriers were broken, and progress triumphed; and

WHEREAS, courageous women have called not only for the absence of oppression, but for the presence of opportunity. They have demonstrated for justice and for jobs that promise equal pay for equal work, and for a right to be heard; and

WHEREAS, whether serving in elected positions across America, leading groundbreaking civil rights movements, venturing into unknown frontiers, or programming revolutionary technologies, generations of women have stirred new ideas and opened new doors; and

WHEREAS, while we have made great progress toward achieving gender equality, work remains to be done. Women still earn, on average, less for every dollar made than their male counterparts. And although the majority of our nation's college and graduate students are women, they are still underrepresented in science, technology, engineering, and mathematics; and

WHEREAS, when women succeed, we all succeed. With that in mind, we must all work together to forge a more equal society for all our daughters and granddaughters - one where a woman's potential is limited only by the size of her imagination; and

WHEREAS, during Women's History Month, we pay tribute to the wide range of remarkable women who prevailed over enormous barriers, paving the way for women of today to not only participate in but to lead and shape every facet of American life, in College Park, the State of Maryland, and around the United States.

NOW, THEREFORE, I, Patrick L. Wojahn, Mayor of the City of College Park, proclaim March 2019 as Women's History Month, and urge all of our residents, women and men alike, to pause and pay tribute to the remarkable women in your life.

PROCLAIMED THIS 12th DAY OF MARCH, 2019.

_______________________________________
Patrick L. Wojahn, Mayor
City of College Park, Maryland
PUBLIC HEARING
19-CR-02
**CITY OF COLLEGE PARK, MARYLAND**  
**REGULAR COUNCIL MEETING**

**AGENDA ITEM 19-CR-02**

**Prepared By:** Janeen S. Miller,  
City Clerk  
**Meeting Date:** March 12, 2019  
**Presented By:** Janeen S. Miller  
**Proposed Consent Agenda:** No

**Originating Department:** City Clerk for the Board of Election Supervisors


**Strategic Plan Goal:** Goal 6: Excellent Services

**Background/Justification:**
The Board of Election Supervisors met with the City Council at the February 5 Worksession to discuss several matters pertinent to the November election. The Board requested an increase in the number of Election Supervisors from 5 to 6, which requires a Charter Amendment. The City Council agreed and determined that the sixth Election Supervisor would be appointed by the Mayor, with consent from the Council, from among the qualified voters of the City. Charter Resolution 19-CR-02 was introduced on February 5 and the Public Hearing is scheduled for March 12.

**Fiscal Impact:**
The Board of Election Supervisors is a compensated committee. Adding an additional Supervisor to the Board will increase expense to the City of $720 in the next fiscal year.

**Council Options:**
#1: Adopt Charter Amendment 19-CR-02  
#2: Amend and then adopt Charter Amendment 19-CR-02  
#3: Do not adopt the Charter Amendment

**Staff Recommendation:**
#1

**Recommended Motion:**
N/A

**Attachments:**
Charter Amendment 19-CR-02  
Memo from Board of Election Supervisors
CHARTER RESOLUTION
OF THE MAYOR AND COUNCIL OF THE CITY OF COLLEGE PARK,
AMENDING ARTICLE IV, “VOTING AND ELECTIONS”, § C4-3,
“SUPERVISORS OF ELECTIONS”, TO INCREASE THE NUMBER OF
SUPERVISORS OF ELECTIONS TO SIX, AND TO MAKE PROVISION FOR
APPOINTMENT

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

WHEREAS, the Supervisors of Elections has reported to the Mayor and Council that in anticipation of the increase in the number of polling places, provisional voters and absentee voters, an additional Supervisor of Elections is needed; and

WHEREAS, the Mayor and Council have determined that it is in the public interest to amend Article IV, “Voting and Elections”, §C4-3, “Supervisors of Elections”, to increase the number of Supervisors of Elections from five to six, and to authorize the Mayor to appoint the additional Supervisor, with consent of the Council.

Section 1. NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of College Park that Article IV, “Voting and Elections”, §C4-3, “Supervisors of Elections” be repealed, re-enacted and amended to read as follows:

§ C4-3 Supervisors of Elections.

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] SIX qualified voters of said City, not holding any office thereunder, as Supervisors of Elections, who shall act as Judges of Elections at any elections held during the two years succeeding
their appointment and who shall perform such other duties as may be delegated to them under the College Park Code, one of whom shall be appointed from the qualified voters of each of the four election districts and [one] TWO of whom shall be appointed by the Mayor with the consent of the Council. Such Supervisors of Elections are hereby authorized to administer oaths to the Judges of Elections and voting machine operators in the performance of their duties. The Mayor and Council shall designate one of the [five] SIX Supervisors of Elections as the Chief of Elections.

Section 2. BE IT FURTHER RESOLVED by the Mayor and Council of the City of College Park that this Charter Resolution was introduced on the 5th day of February, 2019.

BE IT FURTHER RESOLVED by the Mayor and Council of the City of College Park that, upon formal introduction of this proposed Charter Resolution, which shall be by way of a motion duly seconded and without any further vote, the City Clerk shall distribute a copy to each Council member and shall maintain a reasonable number of copies in the office of the City Clerk and shall post at City Hall, to the official City website, to the City-maintained e-mail LISTSERV, and on the City cable channel, and if time permits, in any City newsletter, the proposed Charter Resolution or a fair summary thereof together with a notice setting out the time and place for a public hearing thereon and for its consideration by the Council.

The public hearing, hereby set for 7:30 P.M. on the 12th day of March, 2019, shall follow the publication by at least twenty-one (21) days, may be held separately or in connection with a regular or special Council meeting and may be adjourned from time to time. All persons interested shall have an opportunity to be heard.
After the hearing, the Council may adopt the proposed Charter Resolution with or without amendments or reject it. It is adopted this ______ day of ________________, 2019, and that the amendment to the Charter of the City of College Park, hereby proposed by this enactment, shall be and become effective upon the fiftieth (50th) day after its passage by the City unless petitioned to referendum in accordance with §4-304 of the Local Government Article, Annotated Code of Maryland within forty (40) days following its passage. A complete and exact copy of this Charter Resolution shall be posted in the City offices located at 4500 Knox Road, College Park, Maryland for forty (40) days following its passage by the Mayor and Council and a fair summary of the Charter Resolution shall be published in a newspaper having general circulation in the City not less than four (4) times, at weekly intervals, also within the forty (40) day period following its adoption by the City.

Section 3. BE IT FURTHER RESOLVED that, within ten (10) days after the Charter Resolution hereby enacted becomes effective, either as herein provided or following referendum, the City Manager for the City of College Park shall send separately, by mail, bearing a postmark from the United States Postal Service, to the Department of Legislative Services, one copy of the following information concerning the Charter Resolution: (i) the complete text of this Resolution; (ii) the date of referendum election, if any, held with respect thereto; (iii) the number of votes cast for and against this Resolution by the Council of the City of College Park or in the referendum; and (iv) the effective date of the Charter Resolution.

Section 4. BE IT FURTHER RESOLVED that the City Manager of the City of College Park be, and hereby is, specifically enjoined and instructed to carry out the provisions of Sections 2 and 3 as evidence of compliance herewith; and said City Manager
shall cause to be affixed to the minutes of this meeting (i) an appropriate Certificate of Publication of the newspaper in which the fair summary of the Charter Resolution shall have been published; and (ii) shall further cause to be completed and executed the Municipal Charter or Annexation Resolution Registration Form.

Section 5. BE IT FURTHER RESOLVED that if any provision of this Resolution or the Charter adopted by this Resolution, or the application thereof to any person or circumstance is held invalid for any reason, such invalidity shall not affect the other provisions or any other application of this Resolution or of the Charter which can be given effect without the invalid provisions or application, and to this end, all the provisions of this Resolution and of the Charter are hereby declared to be severable.

INTRODUCED by the Mayor and Council of the City of College Park at a regular meeting on the 5th day of February 2019.

ADOPTED by the Mayor and Council of the City of College Park at a regular meeting on the ________ day of ______________________ 2019.

EFFECTIVE the ________ day of ______________________, 2019.

ATTEST: 

CITY OF COLLEGE PARK,

_________________________  ________________________________
Janeen S. Miller, CMC, City Clerk  Patrick L. Wojahn, Mayor

APPROVED AS TO FORM 
AND LEGAL SUFFICIENCY:

_________________________
Suellen M. Ferguson, City Attorney
Notice of Public Hearing for Charter Resolution 19-CR-02

- Posted to City Bulletin Board on February 6, 2019
- Posted to City Website on February 6, 2019
- Posted on Cable Television Channel on February 6, 2019
- Sent to Constant Contact LISTSERV on February 6, 2019
- Advertised in the March 2019 Municipal Scene on March 1, 2019

ATTEST:

Janeen S. Miller, City Clerk
Notice of Public Hearing
Charter Amendment 19-CR-02
March 12, 2019
7:30 P.M.

College Park City Hall
4500 Knox Road
2nd Floor Council Chambers
College Park, Md 20740

Charter Resolution of the Mayor and Council of the City of College Park, Amending Article IV, “Voting and Elections”, §C4-3, “Supervisors of Elections”, to Increase the Number of Supervisors of Elections to Six, and to Make Provision for Appointment

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

All Public Hearings will be held in the 2nd floor Council Chambers at City Hall, 4500 Knox Road, College Park. Parking passes will be available from the front window. All interested parties will have the opportunity to be heard.

If you are unable to appear in person, you may submit written comment prior to the Public Hearing. In order to be received by the Council as part of the record, the comment must include the specific topic to which it relates and the full name and address of the person submitting the comment. Written comment should be submitted no later than 5:00 p.m. on the day of the hearing to cpmc@collegeparkmd.gov.

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

Notice of Public Hearing
March 12, 2019
7:30 P.M.

Charter Amendment 19-CR-02

Charter Resolution of the Mayor and Council of the City of College Park, Amending Article IV, “Voting and Elections”, §C4-3, “Supervisors of Elections”, to Increase the Number of Supervisors of Elections to Six, and to Make Provision for Appointment

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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.

Comment? Suggestions
Please email us at cpmc@collegeparkmd.gov
large capacity – 11 cubic feet with convenient 12"x16" offset, front access door.

SMARTLEAF® COMPOST AND WOOD MULCH
Compost is $28.00 per cubic yard and wood mulch is $12.00 per cubic yard. Deliveries may start toward the end of the month. For more information on compost click here, or wood mulch click here.

BIKE TO WORK DAY IS BACK!
On Friday, May 17, 2019, join new riders and veteran bicycle commuters in a celebration of biking as a fun, healthy way to get to work. Drop by the City Hall pit stop on your way to work for food, beverages, fun, and prizes!

Be sure to register early - the first 20,000 to sign up across the region will be guaranteed a free t-shirt. For more information and to register, please click here.

CITY TRIBUTE TO DR. KING PLAYING ON YOUR TV NOW!
The City’s 2019 Tribute to Rev. Dr. Martin Luther King, Jr. is playing now on the City’s cable channels.

Schedule on Verizon/FIOS Channel 25 or Comcast/Xfinity Channel 71 through April 4th:
- Sundays at 12 noon
- Mondays at 7:00 pm
- Tuesdays at 4:00 pm
- Wednesdays at 6:00 pm
- Thursdays at 4:00 pm
- Fridays at 4:00 pm
- Saturdays at 6:00 pm

Stream at any time via Youtube at https://youtu.be/OvCkpbazWaA.

PUBLIC NOTICES

NOTICE OF PUBLIC HEARING
March 12, 2019
7:30 p.m.

CHARTER AMENDMENT 19-CR-02

Increase the Number of Supervisors of Elections to Six, and to Make Provision for Appointment

ORDINANCE 19-CR-06
Ordnance of the Mayor and Council of the City of College Park, amending Chapter 110 “Fees and Penalties”, by repealing and re-enacting §110-1 “Fees and Interests” to increase fees for animal impound redemption, microchip placement, refuse reinstatement, and vehicle immobilization.

ORDINANCE 19-O-05
March 26, 2019
7:30 p.m.


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

All Public Hearings will be held in the 2nd floor Council Chambers at City Hall, 4500 Knox Road, College Park. Parking passes will be available from the front window. All interested parties will have the opportunity to be heard.

If you are unable to appear in person, you may submit written comment prior to the Public Hearing. In order to be received by the Council as part of the record, the comment must include the specific topic to which it relates and the full name and address of the person submitting the comment. Written comment should be submitted no later than 5:00 p.m. on the day of the hearing to cpmc@collegeparkmd.gov.
An Ordinance Amending Chapter 110 “Fees and Penalties
CITY OF COLLEGE PARK, MARYLAND
REGULAR COUNCIL MEETING AGENDA ITEM

AGENDA ITEM 19-O-06

Prepared By: Gary Fields, Director of Finance
Meeting Date: March 12, 2019
Presented By: Gary Fields, Director of Finance
Consent Agenda: No

Originating Department: Finance

Action Requested: Adoption of Ordinance 19-O-06 amending Chapter 110 “Fees and Penalties” to increase fees for Animal Impound Redemption, Microchip Placement, Refuse Reinstatement, and for Vehicle Immobilization Release

Strategic Plan Goal: Goal 6: Excellent Services

Background/Justification:
At the January 8, 2019 City Council Worksession the “Cost of Fees Study” was presented to the City Council. The purpose of the study was to determine if City fees for services are reasonable and appropriate, and recommend any changes where necessary to better offset and/or recoup costs associated with providing a service.

The report analyzed the costs associated with services for which the City has a fee or charge to the user of the service (customer). Those services are described in various chapters of the City Code. Chapter 110-1 of the City Code authorizes the fees that are charged for the service.

These services cover a broad spectrum of City operations, involving personnel from all City departments. A great deal of information was obtained, analyzed and summarized in this report. While a cost allocation is a relatively simple mathematical function, many factors and choices for the methodology of the different allocations required for the large number of services analyzed make the process somewhat complex and possibly confusing upon first reading/reviewing. The preface of the study and narrative report included provide more detail and description of these issues.

The study showed that all fees had a cost recovery rate less than 100%, meaning that the costs of providing the service are more than the fees charged, and are therefore subsidized, to some degree, by the General Fund. The cost recovery rates for the majority of fees ranged from 0% (no fees charged for a service – or 100% subsidized by the General Fund) to 41%. The remaining fees that had higher cost recovery rates, from 49% to 94% (such as alcoholic beverage licenses and occupancy permits), are justified as those are for services associated with “for-profit” businesses or activities.

Overall, our fees are reasonably set and are comparable with the surrounding jurisdictions. There are a few services that have very low cost recovery rates where we are recommending increases to cover the direct costs:

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Service Description</th>
<th>Current Fee</th>
<th>Recommended Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ch. 102 – Dogs/Animals</td>
<td>Impound Redemption fee</td>
<td>$25/$50</td>
<td>$50/$100</td>
</tr>
<tr>
<td></td>
<td>1st /2nd &amp; subsequent</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Microchip placement</td>
<td>$30</td>
<td>$50</td>
</tr>
<tr>
<td>Ch. 119 – Garbage/Rubbish</td>
<td>Reinstatement Fee</td>
<td>$50</td>
<td>$75</td>
</tr>
<tr>
<td>Ch. 184 – Vehicles &amp; Traffic</td>
<td>Immobilization fee</td>
<td>$35</td>
<td>$100</td>
</tr>
</tbody>
</table>
At the February 26, 2019 City Council meeting these fee increases were reviewed with City Council. Council approved the introduction of Ordinance 19-O-06 to amend certain fees set forth in Chapter 110-1 and scheduled a public hearing on March 12, 2019.

<table>
<thead>
<tr>
<th>Fiscal Impact:</th>
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<tbody>
<tr>
<td>If the recommended fees are approved, an estimated increase of $10,000 in fees would be received to reduce the General Fund subsidy for those services.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Council Options:</th>
</tr>
</thead>
<tbody>
<tr>
<td>#1 – Adopt the Ordinance 19-O-06 to implement the recommended fees.</td>
</tr>
<tr>
<td>#2 – Take no action</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Staff Recommendation:</th>
</tr>
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<tbody>
<tr>
<td>#1 – Adopt the Ordinance 19-O-06 to implement the recommended fees.</td>
</tr>
</tbody>
</table>

<table>
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<tr>
<th>Recommended Motion:</th>
</tr>
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<tbody>
<tr>
<td>I move to adopt Ordinance 19-O-06, An Ordinance of the Mayor and Council of the City of College Park, amending Chapter 110 “Fees and Penalties” by repealing and reenacting section 110-1 “Fees and Interests” to increase fees for Animal Impound Redemption, Microchip Placement, Refuse Reinstatement, and for Vehicle Immobilization Release</td>
</tr>
</tbody>
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<thead>
<tr>
<th>Attachments:</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Draft Ordinance 19-O-06</td>
</tr>
<tr>
<td>2. Summary of recommended changes</td>
</tr>
</tbody>
</table>
ORDINANCE
OF THE MAYOR AND COUNCIL OF THE CITY OF COLLEGE PARK, AMENDING
CHAPTER 110 “FEES AND PENALTIES”, BY REPEALING AND REENACTING §110-1 “FEES AND INTERESTS” TO INCREASE FEES FOR ANIMAL IMPOUND
REDEMPTION, MICROCHIP PLACEMENT, REFUSE REINSTATEMENT, AND
VEHICLE IMMOBILIZATION

WHEREAS, pursuant to §5-202 of the Local Government Article, Annotated Code of
Maryland, the City of College Park (hereinafter, the “City”) has the power to pass such ordinances
as it deems necessary to protect the health, safety and welfare of the citizens of the municipality
and to prevent and remove nuisances; and

WHEREAS, the City currently assesses fees to redeem dogs and other animals that have
been impounded, to microchip animals, to reinstate garbage, rubbish and refuse collection and to
release an immobilized vehicle; and

WHEREAS, fees have been established for services; and

WHEREAS, the Mayor and Council have determined that the costs of providing the
service are more than the fees charged, and it is in the public interest to approve an increase in
the fees for these services.

Section 1. NOW THEREFORE, BE IT ORDAINED AND ENACTED, by the Mayor
and Council of the City of College Park that Chapter 110 “Fees and Penalties”, §110-1, “Fees and
interests”, be and is hereby repealed and reenacted with amendments as follows:

§110-1 Fees and interests.

The following enumerations are the current fees, rates, charges and interests applicable in the City
of College Park:
<table>
<thead>
<tr>
<th>Chapter/Section</th>
<th>Description</th>
<th>Fee/Interest</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ch. 201, Dogs and Other Animals</td>
<td>Impoundment redemption fees:</td>
<td></td>
</tr>
<tr>
<td>§ 102-7C</td>
<td>Each impoundment</td>
<td>$2550</td>
</tr>
<tr>
<td></td>
<td>Second or subsequent impoundments</td>
<td>$50100</td>
</tr>
<tr>
<td>§ 102-16</td>
<td>Adoption and microchip fees</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Microchip placement</td>
<td>$3050</td>
</tr>
</tbody>
</table>

Ch. 119, Garbage, Rubbish and Refuse

| § 119-9 | Reinstatement fee | $5075 |

Ch. 184, Vehicles and Traffic
[Amended 5-22-2007 by Ord. No. 07-O-09]

| § 184-16D | Immobilization fee | $35100 |

Section 2. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that, upon formal introduction of this proposed Ordinance, which shall be by way of a motion duly seconded and without any further vote, the City Clerk shall distribute a copy to each Council member and shall maintain a reasonable number of copies in the office of the City Clerk and shall post at City Hall, to the official City website, to the City-
maintained e-mail LISTSERV, and on the City cable channel, and if time permits, in any City newsletter, the proposed ordinance or a fair summary thereof together with a notice setting out the time and place for a public hearing thereon and for its consideration by the Council.

The public hearing, hereby set for **7:30** P.M. on the **12th** day of **March**, 2019, shall follow the publication by at least seven (7) days, may be held separately or in connection with a regular or special Council meeting and may be adjourned from time to time. All persons interested shall have an opportunity to be heard.

After the hearing, the Council may adopt the proposed ordinance with or without amendments or reject it. This Ordinance shall become effective on **July 1, 2019** provided that, as soon as practicable after adoption, the City Clerk shall post a fair summary of the Ordinance and notice of its adoption at City Hall, to the official City website, to the City-maintained e-mail LISTSERV, on the City cable channel, and in any City newsletter.

**INTRODUCED** by the Mayor and Council of the City of College Park at a regular meeting on the **26th** day of **February** 2019.

**ADOPTED** by the Mayor and Council of the City of College Park at a regular meeting on the ______ day of __________________________ 2019.

**EFFECTIVE** the **1st** day of **July**, 2019.

**ATTEST:**

By: _____________________________

Janeen S. Miller, CMC, City Clerk

By: _____________________________

Patrick L. Wojahn, Mayor

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

________________________________

Suellen M. Ferguson, City Attorney
Notice of Public Hearing for Ordinance 19-O-06

- Posted to City Bulletin Board on March 1, 2019
- Posted to City Website on March 1, 2019
- Posted on Cable Television Channel on March 1, 2019
- Sent to Constant Contact LISTSERV on March 1, 2019
- Advertised in the March 2019 Municipal Scene on March 1, 2019

ATTEST:

Janeen S. Miller, City Clerk
NOTICE OF PUBLIC HEARING
ORDINANCE 19-O-06
March 12, 2019
7:30 P.M.

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

Ordinance of the Mayor and Council of the City of College Park, amending Chapter 110 “Fees and Penalties”, by repealing and reenacting §110-1 “Fees and Interests” to increase fees for animal impound redemption, microchip placement, refuse reinstatement, and vehicle immobilization.

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

All Public Hearings will be held in the 2nd floor Council Chambers at City Hall, 4500 Knox Road, College Park. Parking passes will be available from the front window. All interested parties will have the opportunity to be heard.

If you are unable to appear in person, you may submit written comment prior to the Public Hearing. In order to be received by the Council as part of the record, the comment must include the specific topic to which it relates and the full name and address of the person submitting the comment. Written comment should be submitted no later than 5:00 p.m. on the day of the hearing to cpmc@collegeparkmd.gov.

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

ORDINANCE 19-O-06
March 12, 2019
7:30 P.M.

Ordinance of the Mayor and Council of the City of College Park, amending Chapter 110 “Fees and Penalties”, by repealing and reenacting §110-1 “Fees and Interests” to increase fees for animal impound redemption, microchip placement, refuse reinstatement, and vehicle immobilization.

ORDINANCE 19-O-05
March 26, 2019
7:30 P.M.

Waste Carts"; and amending Chapter 110, "Fees and Penalties", by repealing and re-enacting §110-1, "Fees and Interests" and §110-2, "Penalties", to change how bulky trash is collected, to set fees for collection and fees for refuse, recycling and yard waste receptacles, and a penalty for violations, and to consolidate recycling provisions into Chapter 161.

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

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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.
"Announcements" continued from page 7...

large capacity – 11 cubic feet with convenient 12”x16” offset, front access door.

SMARTLEAF® COMPOST AND WOOD MULCH
Compost is $28.00 per cubic yard and wood mulch is $12.00 per cubic yard. Deliveries may start toward the end of the month. For more information on compost click here, or on wood mulch click here.

BIKE TO WORK DAY IS BACK!
On Friday, May 17, 2019, join new riders and veteran bicycle commuters in a celebration of biking as a fun, healthy way to get to work. Drop by the City Hall pit stop on your way to work for food, beverages, fun, and prizes!

Be sure to register early - the first 20,000 to sign up across the region will be guaranteed a free t-shirt. For more information and to register, please click here.

CITY TRIBUTE TO DR. KING PLAYING ON YOUR TV NOW!
The City’s 2019 Tribute to Rev. Dr. Martin Luther King, Jr. is playing now on the City’s cable channels.

Schedule on Verizon/FIOS Channel 25 or Comcast/Xfinity Channel 71 through April 4th:
- Sundays at 12 noon
- Mondays at 7:00 pm
- Tuesdays at 4:00 pm
- Wednesdays at 6:00 pm
- Thursdays at 4:00 pm
- Fridays at 4:00 pm
- Saturdays at 6:00 pm

Stream at any time via Youtube at https://youtu.be/OvCkpbazWaA.

PUBLIC NOTICES

NOTICE OF PUBLIC HEARING
March 12, 2019
7:30 p.m.

CHARTER AMENDMENT 19-CR-02
Charter Resolution of the Mayor and Council of the City of College Park, Amending Article IV, “Voting and Elections”, §C4-3, “Supervisors of Elections”, to Increase the Number of Supervisors of Elections to Six, and to Make Provision for Appointment

ORDINANCE 19-O-06
Ordinance of the Mayor and Council of the City of College Park, amending Chapter 110 “Fees and Penalties”, by repealing and re-enacting §110-1 “Fees and Interests” to increase fees for animal impound redemption, microchip placement, refuse reinstatement, and vehicle immobilization.

ORDINANCE 19-O-05
March 26, 2019
7:30 p.m.


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

All Public Hearings will be held in the 2nd floor Council Chambers at City Hall, 4500 Knox Road, College Park. Parking passes will be available from the front window. All interested parties will have the opportunity to be heard.

If you are unable to appear in person, you may submit written comment prior to the Public Hearing. In order to be received by the Council as part of the record, the comment must include the specific topic to which it relates and the full name and address of the person submitting the comment. Written comment should be submitted no later than 5:00 p.m. on the day of the hearing to cpmc@collegeparkmd.gov.

...continued on page 8
19-G-43
Approval of a contract with Fireworks Extravaganza
CITY OF COLLEGE PARK, MARYLAND
REGULAR COUNCIL MEETING

Agenda Item 19-G-43

Prepared By: R.W. Ryan, Public Services Director
Presented By: R.W. Ryan, Public Services Director
Meeting Date: 03/12/2019
Proposed Consent: Yes

<table>
<thead>
<tr>
<th>Originating Department:</th>
<th>Public Services</th>
</tr>
</thead>
<tbody>
<tr>
<td>Action Requested:</td>
<td>Approve Fireworks contract with Fireworks Extravaganza for 2019 at $18,000, with options to renew for 2020, 2021, 2022</td>
</tr>
<tr>
<td>Strategic Plan Goal:</td>
<td>#1 One College Park</td>
</tr>
</tbody>
</table>

**Background/Justification:**
The Fourth of July fireworks contract that the City had with Fireworks Extravaganza expired after the 2018 show. An RFP was issued for providing Fourth of July fireworks shows in 2019, 2020, 2021, and 2022. There were two proposals received in response to the RFP. Fireworks Extravaganza submitted a proposal to produce our Fourth of July fireworks show for $18,000 per year. This is a small increase from our last contract which was $17,510 per year. The other proposal received was for $19,000 per year.

The City, in partnership with the University of Maryland, produces an annual Fourth of July celebration which includes a concert and fireworks show. It is estimated that over 27,000 people watch the fireworks show from campus and the immediate surrounding area. The City has used Fireworks Extravaganza and their predecessor corporation, Fireworks Productions Inc., for nearly 25 years. Their productions have been professional and well-received by the viewing public. Staff recommends award of a new contract to Fireworks Extravaganza for 2019, with options to extend through 2022.

**Fiscal Impact:**
$18,000 for the first year and $18,000 per year for the each of the three additional option years from funds allocated for this event in the annual budget.

**Council Options:**
#1 Approve the award of contract to Fireworks Extravaganza for 2019 at a cost of $18,000, with options for 2020, 2021 and 2022
#2 Request additional information prior to award of contract
#3 Direct staff to take another direction

**Staff Recommendation:**
#1

**Recommended Motion:**
*I move that the City award a contract to Fireworks Extravaganza in substantially the form attached for one year with three option years, at $18,000.00/year, subject to review and approval by the City Attorney.*

**Attachments:**
1. Response to RFP and
2. Draft Fireworks Contract
January 23rd, 2019

ATTN: Director of Finance
Finance Department
City of College Park
4500 Knox Road
College Park, Maryland 20740

RE: “Firework Display, RFP CP-19-04, City of College Park, Maryland”

To Whom It May Concern:

Enclosed in this package you will find the response to RFP CP-19-04 for The City of College Park, Maryland’s – Firework Displays.

We look forward to continuing our long standing relationship with The City of College Park providing world class displays with unparalleled customer service.

Each year we work hard to make the next years display even better.

I know we can make your events special! I promise we will do our best.

Please do not hesitate to reach out to me with any questions or concerns.

I remain, at your service,

Kind Regards,

John Sagaria
President
Fireworks Extravaganza
800-765-BANG x713
206-202-1544 fax
City of College Park, Maryland

Request for Bid Proposals

*Fireworks Display*

RFP CP-19-04

Bid Documents

Issued by:

City of College Park, Maryland
Department of Public Services
4500 Knox Road
College Park, MD 20740-3390
Telephone: 240-487-3570
Fax: 301-220-1172
Email: bryan@collegeparkmd.gov

RFP Issue Date: January 7, 2019
Proposal Due Date: Friday, February 1, 2019, 2:00 p.m.
Bid Opening: Friday, February 1, 2019, 2:00 p.m.
City of College Park, Maryland
Request for Bid Proposals
Fireworks Display
RFP CP-19-04

1. ADVERTISEMENT

The City of College Park, Maryland, requests sealed bid proposals for providing the labor and materials for a fireworks display on July 4, 2019, with the option to extend the contract for up to three additional years. Bid proposals must be submitted in original only, on the specified forms, in a sealed envelope addressed to the Director of Finance, City of College Park, Maryland, marked “Fireworks Display, RFP CP-19-04, City of College Park, Maryland” and delivered to the Finance Department, City of College Park, 4500 Knox Road, College Park, Maryland 20740 before Friday, February 1, 2019 at 2:00 p.m. at which time they will be publicly opened and read.

Copies of the Contract Documents may be obtained at the Department of Finance, between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday.

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

The City of College Park reserves the right to accept or reject any and all bids in whole or in part, to waive any technicalities or formalities, and to exercise its sole discretion to best serve the interests of the City. The contact person for this project is Robert Ryan, Director of Public Services at email bryan@collegeparkmd.gov.
2. PREPARATION OF BIDS

The Bid Form and attachments are included in the Contract Documents for this project. Bids shall be submitted on the attached forms and shall be filled out in full, in ink or type and manually signed. If changes and erasures are made, such changes and erasures shall be clear and legible, and shall be initialed by the person signing the Bid Form. Proposals made on any other than the Bid Form will not be considered. Any changes not approved by the Project Manager in compliance with Paragraph 5 hereof will cause rejection of the proposal. Conditional proposals and proposals containing escalator clauses will not be accepted.

Each proposal must be enclosed in an opaque, sealed envelope marked, "Fireworks Display, Contract CP-19-04, City of College Park, Maryland". The bidder’s name must also be provided on the envelope, which may contain only one bid.

Documents to be submitted with Bid include:

1. Bid Sheet
2. Information Regarding the Bidder
3. Non-collusion Affidavit
4. Affidavit With Respect To Non-Conviction, Non-Suspension and False Pretenses
5. Contractor Qualification Questionnaire and References
6. Maryland State Fire Marshal’s License

Errors in preparation of the proposal will not relieve the Bidder from the terms thereof. Errors discovered after public opening cannot be corrected and the Bidder will be required to perform if the proposal is accepted.

Bidders are specifically warned against unbalancing their bids, as this will render them liable for rejection. All bids remain binding for 120 days after the bid opening.
Bidders, by submitting a bid, certify that they have thoroughly examined the requirements contained in the bid documents and are familiar with the City’s specifications. Modifications and alternate proposals for the services required may result in the rejection of the proposal. Bidders shall clearly and succinctly respond to the requirements of the request for proposals. Any proposals offered as alternates shall be clearly marked as such.

The Bidder will not discriminate against any employee or applicant for employment because of race, religion, sex, age, ethnicity, ancestry or national origin, physical or mental disability, color, marital status, sexual orientation, gender identity, genetic information, political affiliation or any other factors not related to the ability to perform the work.

All materials submitted in response to this Invitation for Bids will become the property of the City of College Park. The City agrees, to the extent permitted by law, to hold in confidence all material and information belonging to the bidder which it deems to contain confidential business or financial information.

A Bidder may submit only one proposal for the Contract. More than one proposal from an individual, firm or partnership, corporation or association under the same or different names will not be considered on any given Contract and will be considered grounds for disqualification and/or rejection of the proposals involved, unless prior approval has been given by the City.

3. INVITATIONS TO BID A COURTESY

This invitation to bid is sent as a courtesy to known potentially interested companies. The receipt of this invitation to bid from the City of College Park in no way implies that the recipient is a qualified bidder.

4. INTERPRETATIONS

All questions about the meanings or intent, discrepancies or omissions of the Contract Documents shall be submitted in writing to the Project Manager, Robert Ryan, Director, Department of Public Services.
on or before the January 18, 2019. Replies to these inquires shall be made in writing as addenda to the RFP on or before January 25, 2019. The written responses become part of the RFP and will be provided to each Bidder who has, to the City’s knowledge, received an RFP Package and will be posted on the City’s website at www.collegeparkmd.gov. It is the responsibility of the bidder to check these locations for any issued addenda, prior to submitting a bid.

5. CONTRACT TIME

The fireworks display shall be provided on July 4, 2019 and shall include at minimum the firework quantities as set out in the Fireworks Display Description, which is incorporated herein as Appendix A, or approved equivalent. The City shall have the option, at its discretion, to extend the contract for up to three additional years, to provide for fireworks displays, on July 4, 2020, July 4, 2021 and July 4, 2022. Option year requirements are contingent upon funding by the Mayor and Council.

6. SCOPE OF WORK

The successful Bidder shall supply all labor, equipment, and materials necessary to provide a fireworks display with substantially the same materials as set out in Appendix A of the Contract Documents at a consistently superior level as detailed in these specifications. All work shall be performed in a professional manner. Trained personnel using current, acceptable fireworks display practices shall perform all services hereunder.

The successful Bidder will:

A. Furnish and deliver to the City on July 4, 2019, a Fireworks display as detailed in the schedule of fireworks to be displayed, attached hereto as part of Appendix A. The contractor may substitute shells or other pyrotechnic devices with like items of equal or greater value in the event substitution is required. The Fireworks display shall last a minimum of thirty (30) minutes. All Fireworks shall be aerial, with no ground displays. The contractor is responsible for providing all labor to dig mortar holes, set up display pieces and finale racks and to dismantle, clean up and
collect debris, including unfired pyrotechnic devices, if any, resulting from the display, on the evening of the display. At the discretion of the City, this contract may be extended and the contractor will provide fireworks as required herein on July 4, 2020, and, at the discretion of the City, on July 4, 2021, and 2022.

B. Furnish sufficient trained personnel, including as least one (1) pyrotechnician, licensed by the State of Maryland, to present the display. The display shall be at least 1/2 electronically fired.

C. Ensure that the display area is kept clean during the Fireworks. Contractor shall be responsible for the clean up and policing of the display area on the night of the event, including, but not limited to, the removal of all unexploded Fireworks, removal of frames, sets and lumber and the refilling of holes.

D. If the location of the firing site, spectator's location, parking areas or structures are deemed unsuitable or unsafe under the current NFPA 1123 2000 distance requirements as determined by the University of Maryland or State Fire Marshal, the contractor may refuse to fire the display until such conditions are corrected. If such conditions are not corrected, the contractor may cancel the display without further liability to the City for such cancellation. In the event of such a discretionary cancellation, the City will have no monetary or other liability to the contractor.

E. An inventory of the Fireworks may be done by the City at the location of the show upon delivery, or other mutually agreeable site prior to the night of the display. The contractor will provide additional shells for the display if a shortage is found. The contractor shall be responsible for securing the storage of the Fireworks until the day of the show.

F. Set up the equipment and facilities required for the Fireworks.

G. Report to the City and the University of Maryland Fire Marshal problems with the operations or conditions of the display area.
H. Prepare and present the Fireworks display in a safe, professional and workmanlike manner.

I. The contractor may terminate the Fireworks display in the event persons, vehicles or animals enter the secured safety zone and security is unable or unwilling to remove them and enforce the safety regulations.

J. In the event of inclement weather, the display will be rescheduled to the following day, July 5 in each year, and the City will secure any necessary extensions to the permit(s).

K. No cancellation fee will be due if the local fire marshal having jurisdiction cancels due to NFPA or similar safety/security concerns.

7. MANAGEMENT AND INSPECTION

The City’s Director of Public Services, a designated City representative, or a University of Maryland Fire Marshal, will supervise and inspect the work and materials.

8. QUALIFICATIONS OF CONTRACTOR

The contractor shall perform all specified work using properly trained and skilled individuals supervised and directly employed by the contractor and in compliance with applicable law. Materials and equipment furnished by the contractor shall conform in strength, quality of materials, appearance, and workmanship to that which is usually provided by a commercial contractor in this trade.

The contractor and technicians shall be licensed and bonded in the State of Maryland. Contractor shall be capable of providing all services required in these specifications.

9. EQUIPMENT
Prior to approval of contract the Contractor must submit a list of the equipment they intend to use for these services to assure that it is sufficient to satisfy the provisions of the contract. The City’s Director of Public Services or a designated representative may inspect the contractor’s equipment during the contract term to ensure that it is safe and well maintained and in proper working condition according to the manufacture requirements.

10. **SAFETY AND CLEANLINESS**

Contractor shall provide for a safe environment at all times during all work. All vehicles, trailers, and equipment must be in proper working order.

11. **TRASH REMOVAL**

The contractor shall remove all debris at the end of each display. Debris shall be properly disposed of, off site, at the contractor’s expense.

12. **ON SITE SUPERVISOR/EMPLOYEE SUPERVISION**

The contractor shall provide at all times on-site a properly trained and experienced, English speaking, supervisor of the work, using their best skill and attention, and they shall be solely responsible for all methods, techniques, and procedures and for coordinating all portions of the work under this contract.

13. **DAMAGE TO PERSONS OR PROPERTY**

The contractor shall be responsible for initiating, maintaining, and supervising all safety precautions with the work. The contractor shall take all reasonable protection to prevent damage, injury, or loss to:

1. All employees on the job and any other persons who may be affected thereby.
2. All work and all materials.
3. Other property at the site or adjacent thereto.

The contractor shall give all notices and comply with all applicable laws, ordinances, rules, regulations, and orders of any public authority bearing on safety of persons and property and their protection from...
damage, injury, or loss. The contractor shall notify the city representative and promptly remedy all
damage or loss to property caused in whole or in part by the contractor.

The City representative will determine the degree of damage and extent of responsibility. The contractor
shall give all notices and comply with all laws, ordinances, rules, regulations, and lawful orders of any
public authority bearing on the performance of the work and shall promptly notify the City
representative if the specifications are at variance therewith.

14. BIDDER’S LICENSE

A copy of the bidder’s Maryland State Fire Marshal’s license shall accompany each bid, and each
annual permit application.

15. AWARD OF CONTRACT

In determining which proposal is best, the City will take into consideration the specifics of the proposal,
the bid price, and the experience, qualifications, references, responsibility and currently available
facilities of the Bidder to perform the work. The City reserves the right to reject any or all proposals, and
to exercise its sole discretion to best serve the interests of the City.

Except where the City exercised the right reserved herein to reject any or all proposals, each Contract
will be awarded on a per unit price or lump sum basis, as is in the best interest of the City of College
Park.

The City of College Park reserves the right to cancel the Award of the Contract at anytime prior to
execution of the Contract without liability on the part of the City.

16. EXECUTION OF THE CONTRACT

The Bidder to whom the Contract has been awarded must execute a Contract in substantially the form
attached within ten business days after the award and submit such other Documents as required by the

RFP-CP-19-04 fireworks 2019 final.doc
Contract Documents including insurance certificates. Failure by the Successful Bidder to execute the Contract and submit such other documents as required by the Contract Documents shall be just cause for annulment of the Award.

If the bidder to whom the award is made shall fail to execute the contract as herein provided, the award may be annulled and the contract awarded, at the discretion of the City, to the second lowest responsible bidder, and such bidder shall fulfill every stipulation embraced herein, as if he were the original party to whom the award was made, or the City of College Park may reject all of the bids, as its interest may require.

17. INSURANCE, CERTIFICATE, INDEMNIFICATION

The successful Bidder will be required to provide a Certificate of Insurance within ten (10) business days after the date of the award of the Contract and shall name the City, the University of Maryland and the State of Maryland as additional insureds on all polices except the workers compensation coverage and shall notify the City thirty (30) days prior to the cancellation/termination of any such insurance.

A. Commercial General Liability Insurance - Personal injury/property damage liability insurance with a combined single limit of $10,000,000 each occurrence/aggregate. The Commercial General Liability Insurance shall include completed operations and contractual liability coverage.

B. Automobile Liability Coverage - Automobile personal injury and property damage insurance with a combined single limit of $1,500,000.00 for each occurrence/aggregate.

C. Workers’ Compensation Insurance. - Successful bidder shall comply with the requirements and benefits established by the State of Maryland for the provision of Workers’ Compensation insurance.
The successful bidder will covenant to maintain insurance, in these amounts, which will insure all activities undertaken by Contractor on behalf of the City. Copies of the certificates of insurance and additional insured endorsements for all required coverage shall be furnished to the City within ten (10) days following the execution of this contract and prior to commencement of any work. The City shall receive 30 days prior notice of any amendment, reduction or elimination of the insurance coverage required herein.

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

The successful Bidder shall also furnish to the City a Certificate of Insurance and additional insured endorsement in like amounts for any approved sub-contractor prior to commencement of work in the City.

The required insurance may be in policy or policies of insurance, primary and excess, including the so-called umbrella or catastrophe form and must be placed with insurers rated “A-” or better by A.M. Best Company, Inc., provided any excess policy follows form for coverage. Coverage will be primary and noncontributory with any other insurance and self-insurance.

Any special hazards, such as blasting, shall be covered by a rider or riders to the Public Liability and/or Property Damage Insurance policy or policies to cover any special hazards which may develop in the course of the work with such companies and in such amounts as may be approved by the City.

The Successful Bidder shall indemnify and save harmless the City, its officers, officials, agents, servants, and employees, from all suits, actions, and damages or costs of every kind and description arising directly or indirectly out of the performance of the Contract, including attorneys’ fees, whether caused by actions or omissions on the part of the successful Bidder, its agents, servants and employees, or to other causes.
A rider or riders to the Public Liability and/or Property Damage Insurance policy or policies to cover any special hazards which may develop in the course of the work with such companies and in such amounts as may be approved by the City.

A Certificate of Insurance shall be provided to the City by the successful Bidder. The Certificate shall demonstrate that the successful Bidder has complied with the requirements of this section and be in a form acceptable to the City.

18. PROOF OF QUALIFICATIONS

Bidders must submit with the bid a Contractor Information and Experience form and must certify that it is not barred from participation in contract activities with any government.

Failure to submit proof of qualifications, as required, shall be sufficient cause to reject said bid. Bidders may be required to furnish additional information as proof of qualification subsequent to the opening of bids.

19. MODIFICATION OF BID DOCUMENTS

The right is reserved, as the interests of the City may require, to revise or amend the plans and specifications prior to the date set for opening bids and to postpone the date set for opening bids. Such revisions, amendments and/or postponements will be announced by addendum, which will be posted on the City’s website.

20. RECEIPT OF ADDENDA

The successful bidder will be required to provide a statement on the bid sheet confirming receipt of all addenda prior to submitting the bid.
21. REPRESENTATIONS BY BIDDER

In submitting a bid, the Bidder certifies that the Bidder:

a. Currently complies with the conditions of §69-6 "Equal Benefits" of the City Code, by providing equality of benefits between employees with spouses and/or dependents of spouses and employees with domestic partners and/or dependents of domestic partners, and/or between spouses of employees and/or dependents of spouses and domestic partners of employees and/or dependents of domestic partners; or

b. Will comply with the conditions of §69-6 at time of contract award; or

c. Is not required to comply with the conditions of §69-6 because of allowable exemption; and

d. Does not discriminate on the basis of age, race, color, creed, pregnancy, religion, national origin, ancestry, disability, marital status, sex, sexual orientation, gender identity, physical characteristic or other unlawful basis of discrimination.

22. REQUIRED PERMITS

City will make application for and have available at the display, all police, fire and other local, County or State permits required for the display site, and City shall have available at the site fire and/or other local emergency response personnel as required by the County and/or State.
CITY OF COLLEGE PARK, MARYLAND

Request for Proposals CP 19-04

Fireworks Display

BID PROPOSAL FORM (2 PAGES)

CITY OF COLLEGE PARK
Finance Office
4500 Knox Road
College Park, MD 20740

BID DUE DATE: February 1, 2019
TIME: 2:00 p.m.

Fireworks Extravaganza

(to be filled out by bidding company)

hereby submits the following proposal for the CP-19-04 Fireworks Display. Having carefully examined the Request for Bid Proposals, Instructions to Bidders, the General Provisions, Special Provisions, the Plans and Specifications, the proposed Contract and Addenda Numbered None Issued (complete if any addenda were issued, or enter “None”), and having received clarification on all items of conflict or upon which any doubt arose, and understanding that all unit prices bid will remain in effect throughout the term of the contract, whether completed at one time or in interrupted phases, the undersigned proposes to furnish all labor, equipment, materials, etc., required by the documents for the entire work, all in strict accordance with the contract documents, for the stipulated sum of:

Total Price (to include all permits)

Fireworks display 2019 $18,000.00

Fireworks display 2020 (Option year) $18,000.00
Fireworks display 2021 (Option year) $18,000.00

Fireworks display 2021 (Option year) $18,000.00

TOTAL

Total price stated in words and figures:

Seventy Two Thousand Dollars

(Written)

$ 72,000.00

(Figures)

SPECIAL TERMS AND CONDITIONS:

A. Failure to properly and completely fill in all blanks may be cause for rejection of this proposal.

B. It is understood that the proposal price will be firm for a time period of one hundred twenty (120) calendar days from the proposal opening date, and that, if the undersigned is notified of acceptance of this proposal within this time period, the Bidder shall execute a contract for the above stated compensation. The contract is a one-year contract that expires four months after notice to proceed. The City reserves the right to extend this contract for an additional amount of time, if necessary.

C. Accompanying the Proposal is a fully executed bid bond security in the amount of 5% of the total bid amount. Bid bonds, except those of the top three Bidders, will be returned after the related contract has been executed.

D. The prices shall be stated in both words and figures.
E. In submitting this bid, the Bidder certifies that the Bidder:
   a. Currently complies with the conditions of §69-6 "Equal Benefits" of the City Code, by providing equality of benefits between employees with spouses and/or dependents of spouses and employees with domestic partners and/or dependents of domestic partners, and/or between spouses of employees and/or dependents of spouses and domestic partners of employees and/or dependents of domestic partners; or
   b. Will comply with the conditions of §69-6 at time of contract award; or
   c. Is not required to comply with the conditions of §69-6 because of allowable exemption.

F. In submitting this bid, the Bidder certifies that the Bidder does not discriminate on the basis of age, race, color, creed, pregnancy, religion, national origin, ancestry, disability, marital status, sex, sexual orientation, gender identity, physical characteristic or other unlawful basis of discrimination.

Name of Bidder: Fireworks Extravaganza

Name of Individual Authorized to Bind the Bidder: John Sagarla - President

Signature:

Federal ID Number: 13-3512596

Date: January 23rd, 2019

8-NJ-003-51-0F-00310

Construction Firm License No.

Date Issued

TO BE SUBMITTED WITH BID

RFP CP-19-04
NON-COLLUSION AFFIDAVIT

The following affidavit is attached hereto and made a part thereof.

STATE OF New Jersey

CITY/COUNTY OF Bergen

John Sagaria being first duly sworn, deposes and say: That he/she (name of affiant)

is the President (Title)

of J&J Computing d/b/a Fireworks Extravaganza (Name of Corporation)

(or a partner of ______________________________________________________). (Name of Partnership)

The party making the foregoing Bid; that (he has not) (no officer of the said Corporation has) (no member of the said Partnership has) nor has any person, Firm or corporation acting on (his) (its) (their) behalf, agreed, conspired, connived or colluded to produce a deceptive show of competition in the compilation of the Bid being submitted herewith; and that (he) (the said Corporation) (the said Partnership) has not in any manner, directly or indirectly entered into any Agreement, participated in any Collusion to fix the Bid Price of the Bidder herein or any competitor, or otherwise taken any action in restraint of free competitive bidding in connection with the contract for which the within Bid is submitted; that in making this Affidavit, the Affiant represents that he/she has personal knowledge of the matters and facts herein stated. I HEREBY CERTIFY UNDER THE PENALTIES OF PERJURY THAT THE FOREGOING IS TRUE TO THE BEST OF MY KNOWLEDGE AND INFORMATION
To be signed by Bidder, if the Bidder is an Individual, or by a Partner, if the Bidder is a Partnership, or by a duly authorized Officer, if the Bidder is a Corporation.
I hereby affirm that:

(1) I am the President (Title) and duly authorized representative of J&J Computing d/b/a Fireworks Extravaganza (Name of Business Entity) whose address is 121 Gertrude Ave, Paramus, NJ 07653 and that I possess the legal authority to make this affidavit on behalf of myself and the firm for which I am acting.

(2) Except as described in Paragraph 7 below, neither I nor the Business Entity nor, to the best of my knowledge, any of its officers, directors, or partners or any of its employees directly involved in obtaining contracts with the State, or any county, bi-county or multi-county agency or subdivision of the State have been convicted, or in an official investigation or other proceeding admitted in writing or under oath, acts or omissions which constitute bribery, attempted bribery or conspiracy to bribe under the provisions of Criminal Law Article of the Annotated Code of Maryland or under the laws of any state or the federal government (conduct prior to July 1, 1977 is not required to be reported); and

(3) Except as described in Paragraph 7 below, neither I nor the Business Entity nor, to the best of my knowledge, any of its officers, directors, or partners or any of its employees directly involved in obtaining contracts with the State, or any county, bi-county or multi-county agency or subdivision of the State have been convicted under a State of federal law or statute of any offense enumerated in §16-208 of the State Finance and Procurement Article; and

(4) Except as described in Paragraph 7 below, neither I nor the Business Entity nor, to the best of my knowledge, any of its officers, directors, or partners or any of its employees directly involved in obtaining contracts with the State, or any county, bi-county or multi-county
agency or subdivision of the State have been found civilly liable under a State or federal antitrust statute as provided in §16-208 of the State Finance and Procurement Article.

(5) Except as described in Paragraph 7 below, neither I nor the Business Entity nor, to the best of my knowledge, any of its officers, directors, or partners or any of its employees who will provide, directly or indirectly, supplies, services, architectural services, construction related services, leases of real property, or construction have been debarred or suspended under this subtitle.

(6) Except as described in Paragraph 7 below, neither I nor the Business Entity nor, to the best of my knowledge, information and belief, any officer, director, partner, member or associate thereof; nor any of its employees directly involved in obtaining contracts with the Town, has been convicted of false pretenses, attempted false pretenses or conspiracy to commit false pretenses under the laws of any state or federal government, based upon acts committed after July 1, 1981.

(7) State “none” below or, as appropriate, list any suspension, debarment, conviction, plea or admission described in Paragraph 2 - 6 above, with the circumstances, date, court, official or administrative body, the individuals involved and their position with the firm, and the sentence or disposition, if any.

None

I acknowledge that this affidavit is to be furnished, where appropriate, to the City of College Park, Maryland, under Section 16-311 of the State of Maryland Finance and Procurement Article of the Annotated Code of Maryland. I acknowledge that, if the representations set forth in this affidavit are not true and correct, the City of College Park may terminate any contract awarded and take any other appropriate actions. I further acknowledge that I am executing this affidavit in compliance with Section 16-309 of the State Finance and Procurement Article of the Annotated Code of Maryland, which ordains that any person convicted of bribery (upon acts committed after July 1, 1977) in furtherance of obtaining a contract from the State or any subdivision of the State of Maryland shall be disqualified from entering into a contract with the Town. Finally, I certify that the bidder is registered and in good standing with the Maryland Department of Assessments and Taxation, if applicable.
I hereby certify that the bidder is properly registered to do business in the State of Maryland.

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

January 23rd, 2019

Date

Signature

Printed Name: John Sagaria

Title: President
TO BE SUBMITTED WITH BID

RFP CP-19-04

CONTRACTOR’S QUALIFICATION QUESTIONNAIRE

IMPORTANT

This questionnaire is intended as a basis for establishing the qualifications of bidders for undertaking this Project and working under the jurisdiction of the City of College Park, Maryland.

1. Name of Bidder: John Sagaria - President - J&J Computing d/b/a Fireworks Extravaganza
   (Individual/Firm/Corporation)

   Place of Business of Bidder: 121 Gertrude Ave, Paramus, NJ 07653

   Telephone Number: (800) 765-2264

   Email address of contact person: Jsagaria@fwextravaganza.com

2. Is the business incorporated?  
   Yes  
   No

   Non-Corporation Business

3. If response to item # 2 above is No, list the name and business and residence address of each individual having a ten percent (10%) or greater financial interest in the business.

<table>
<thead>
<tr>
<th>Name</th>
<th>Business address</th>
<th>Residence Address</th>
</tr>
</thead>
</table>

RFP-CP-19-04 fireworks 2019 final.doc
Corporate Business Entities - Please answer items 4 and 5.

4. List all officers of the corporation, their business address and the date on which they assumed their respective offices.

<table>
<thead>
<tr>
<th>Name</th>
<th>Office</th>
<th>Business Address</th>
<th>Date Office</th>
</tr>
</thead>
<tbody>
<tr>
<td>John Sagaria</td>
<td>President - Sole</td>
<td>174 Route 17 North; Suite 213</td>
<td>Assumed</td>
</tr>
<tr>
<td></td>
<td>officer</td>
<td>Rochelle Park, NJ 07662</td>
<td>1988</td>
</tr>
</tbody>
</table>

5. List the members of the current Board of Directors, and their business address.

<table>
<thead>
<tr>
<th>Name</th>
<th>Business Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>John Sagaria</td>
<td>174 Route 17 North; Suite 213</td>
</tr>
<tr>
<td></td>
<td>Rochelle Park, NJ 07662</td>
</tr>
</tbody>
</table>

6. Please provide information concerning work that you have done within the last five (5) years, including work that is similar to the Project and work for any Maryland governmental units or agencies, on the attached References form.

7. Bidders will answer the following questions: (The word “you” refers any individual, partnership, partner and/or corporation and its officers.)
a. Have you ever failed to complete any work awarded to you? _Yes_
   If yes, state where and why _______ Rain Dates used - New Jersey _______

b. Have you ever been affiliated with some other organization that failed to complete a contract?
   _No_
   If yes, state name of individual and reason therefore. ____ N/A ________

c. With what other businesses are you affiliated? _______ N/A _______

d. Please list all persons who will supervise the work under the Contract? _______
   John Sagaria - President; Brian Hollenback - Permit Director; Bryna Stankiewicz - Event Coordinator

e. Identify all personnel who will be employed to prosecute the work described in the Contract
   Documents and list their hourly rate.
   Lead Technician - 17.5% ______

f. Provide telephone number(s) for 24 hour a day emergency contact. _______
   John Sagaria - 201-575-5109 or 800-765-2264 ______
   Brian Hollenback - 410-967-8972 or 800-765-2264 ______


g. Identify all subcontractors, materialmen, and suppliers that you intend to use in performing the
   work under the Contract and specify the work each is expected to perform.
   No sub-contractors. All Fireworks Extravaganza employees and technicians _____

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h. Is your organization licensed and registered in the State of Maryland for the current year?

Yes

Dated this _______ day of ________, 2019.

________________________________________
Fireworks Extravaganza

Name of Bidder

By: ____________________________
John Sagaria
TO BE SUBMITTED WITH BID

RFP CP-19-04

REFERENCES

List up to six (6) projects--include the following information:

1. City of Gaithersburg - Fireworks Display

Name of Project

506 South Frederick Ave, Gaithersburg, MD 20877

Physical Address, including City and State

Denise Kayser, 31 South Summit Ave., Gaithersburg, MD 20877

Point of Contact, including address and phone number

23 Minute Display; Manual and Electronic Fired Display; 2.5" - 5"

Brief description of project

Percentage of work forces participating on project: ________________

Construction value: $28,500.00

2. Gambrills-Odenton Recreation Commission

Name of Project

950 Strawberry Lane, Odenton, MD 21113

Physical Address, including City and State

RFP-CP-19-04 fireworks 2019 final.doc
Mike Pozdol, 1306 Rome Court, Odenton, MD 21113; 301-674-5180

Point of Contact including address and phone number

Hand Fired - 20 Minutes - Cakes to 4" Shells. Providing for Gambrills-Odenton Recreation Commission

Brief description of project

Percentage of work forces participating on project: ____________________________

Construction value: $8,000.00

3. Town of Elkton

Name of Project

J. Evans Memorial Park, Elkton, MD 21921

Physical Address, including City and State

Michelle Henson; 100 Railroad Ave, Elkton, MD 21921

Point of Contact including address and phone number

20 Minutes; Hand Fired Display; 3" - 6" shells.

Brief description of project

Percentage of work forces participating on project: ____________________________

Construction value: $16,500.00
4. Town of Belair

Name of Project

501 Churchville Road, Belair, MD 21015

Physical Address, including City and State

Donald Stewart; 508 Rock Spring Road, Bel Air, MD 21015; 410-322-9342 - cell; 410-838-3535 - office

Point of Contact including address and phone number

20 minute display; Hand Fired; 2" - 3" Shells

------------------------------------------

Brief description of project

Percentage of work forces participating on project: ________________________

Construction value: $16,000.00
5. Middle River Fireworks of Baltimore County

Name of Project

Barge off of Wilson Point, Baltimore, MD 21220

Physical Address, including City and State

Brian Schneider; Marine Trade Association; 410-627-0781 - cell

Point of Contact including address and phone number

20 Minute Display - 2 1/2 inch - 8" Shells; Fired Electronically

---------------------------------

Brief description of project

Percentage of work forces participating on project: __________________________

Construction value: $17,500.00 ________________________

6. Haverstraw, New York

Name of Project

Bowline Park, Haverstraw, NY 10927

Physical Address, including City and State

Howard T Phillips, 845-429-2200 - office; 1 Rosman Road, Garnerville, NY 10923

Point of Contact including address and phone number

________________________________________

RFP-CP-19-04 fireworks 2019 final.doc
35 Minute Display; Electronically Fired; 2" - 10"

Brief description of project

Percentage of work forces participating on project: 

Construction value: $47,250.00
CONTRACTOR AGREEMENT

THIS CONTRACTOR'S AGREEMENT ("Agreement") is made this 29th day of 2019, by and between the CITY OF COLLEGE PARK ("City"), a municipal corporation of the State of Maryland, whose address is 4500 Knox Road, College Park, Maryland 20740 and Fireworks Extravaganza, (the "Contractor") whose address is 121 Gertrude Ave, Paramus, NJ 07652.

WHEREAS, Contractor desires as an independent contractor to provide a fireworks display on July 4, 2019, for the City of College Park, with options at the City’s discretion for up to three additional displays on July 4, 2020, July 4, 2021 and July 4, 2022; and

WHEREAS, the City desires the Contractor to provide such services.

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

1. **Appointment.** The City hereby engages Contractor, as an independent contractor and not as an agent or employee of the City, and Contractor hereby accepts from the City the right to furnish, deliver and display an exhibit of fireworks (the "Fireworks") on July 4, 2019. The Fireworks shall be provided as detailed in accordance with this Agreement and the additional contract documents listed below which are attached hereto as Attachment "1" and incorporated herein by reference:
   (1) Appendix A Fireworks Display Description;
   (2) Insurance Certificate and additional insured endorsement
   (3) Contractor bid documents and attachments
   (4) Required affidavits

   The display for July 4, 2019 shall include the firework quantities as set out in Appendix A. The City shall have the option to extend the contract for three additional years, to provide for fireworks displays, at the discretion of the City, on July 4, 2020. July 4, 2021 and July 4, 2022, on the terms and conditions as set out herein.

2. **Contractor's Responsibilities.** Contractor hereby agrees to:
   A. Furnish and deliver to the City on July 4, 2019 a Fireworks display as detailed in the schedule of fireworks attached hereto as Appendix A. Contractor reserves the right to
substitute shells or other pyrotechnic devices with like items of equal or greater value in the event substitution is required. The Fireworks display shall last a minimum of thirty (30) minutes. All Fireworks shall be aerial, with no ground displays. Contractor is responsible for providing all labor to dig mortar holes, set up display pieces and finale racks and to dismantle, clean up and collect debris, including unfired pyrotechnic devices, if any, resulting from the display on the evening of the display. At the City’s discretion, the Contractor will provide fireworks as described in Appendix A at the City’s discretion, on July 4, 2017 and July 4, 2018.

B. Furnish sufficient trained personnel, including at least one (1) pyrotechnician, licensed by the State of Maryland, to present the display. The display shall be at least 1/2 electronically fired.

C. Ensure that the display area is kept clean during the Fireworks. Contractor shall be responsible for the cleanup and policing of the display area on the night of the event, including, but not limited to, the removal of all unexploded Fireworks, removal of frames, sets and lumber and the refilling of holes.

D. If the location of the firing site, spectator's location, parking areas or structures are deemed unsuitable or unsafe under the current NFPA 1123 2010 distance requirements as determined by the University of Maryland or State Fire Marshal, Contractor may refuse to fire the display until such conditions are corrected. If such conditions are not corrected, Contractor may cancel the display without further liability to the City for such cancellation. In the event of such a discretionary cancellation, the City will have no monetary or other liability to Contractor.

E. An inventory of the Fireworks may be done by the City at Contractor's office or other mutually agreeable site prior to the night of the display. Contractor will provide additional shells for the display if a shortage is found. Contractor shall be responsible for securing the storage of the Fireworks until the day of the show.

F. Set up the equipment and facilities required for the Fireworks.

G. Report to the City and the University of Maryland Fire Marshal any problems with the operations or conditions of the display area.

H. Prepare and present the Fireworks display in a safe, professional and workmanlike manner.

I. The Contractor reserves the right to terminate the Fireworks display in the event persons, vehicles or animals enter the secured safety zone and security is unable or unwilling to
remove them and enforce the safety regulations.

3. **City Responsibilities.**
   
   A. The City agrees to provide a secure site, and to provide proper police/crowd security personnel to ensure adequate patrol of the site until Contractor advises that security is no longer necessary.
   
   B. City will make application for and have available at the display, all police, fire and other local, County or State permits required for the display site, and City shall have available at the site fire and/or other local emergency response personnel as required by the County and/or State.

4. **Mutual Responsibilities and Acknowledgements.**
   
   A. In the event of inclement weather, the display will be rescheduled to the following day, July 5, in each year, and the City will secure any necessary extensions to the permit(s). There will be a postponement fee of fifteen percent (15%) of the total contract price if the display has been delivered to the display site and set up for firing. If City notifies Contractor of a postponement prior to the display leaving the warehouse, the postponement fee will be five percent (5%) of the total contract price but no less than Two Hundred and Fifty Dollars ($250). In the event of a cancellation through no fault of the Contractor, there will be a cancellation fee of twenty-five percent (25%) of the total contract price for that year. No cancellation fee will be due if the local fire marshal having jurisdiction cancels due to NFPA or similar safety/security concerns.
   
   B. This Agreement will not be construed to create a partnership between the parties or persons mentioned herein.

5. **Fees to Contractor.** In consideration for the services performed hereunder, Contractor shall be paid the sum of $18,000.00 for the 2019 display, $18,000.00 for the 2020 display, $18,000.00 for the 2021 display, and $18,000.00 for the 2022 display. Amounts due are payable within ten (10) days following the display. Payment shall be made by check. No cash will be paid to any agent or employee of Contractor.
   
   A deposit of 50% of the total cost is required.

6. **Other Payments; Expenses; Taxes.** The City will not be responsible for any cost or expenses of operation of any kind associated with Contractor's provision of services pursuant to this Agreement except as set out herein. Contractor shall be entitled to no fees, bonuses, contingent
payments, or any other amount in connection with the services to be rendered hereunder except as set out herein. The parties hereto further agree that the City shall have no obligation to reimburse, pay directly or otherwise satisfy any expenses of the Contractor in connection with the performance of his obligations under this Agreement except as set out herein.

It is expressly understood and acknowledged by the parties hereto that the fees payable hereunder shall be paid in the gross amount, without reduction for any Federal or State withholding or other payroll taxes, or any other governmental taxes or charges. The parties hereto further recognize that Contractor is an independent contractor of the City and is therefore responsible for directly assuming and remitting any applicable Federal or State withholding taxes, estimated tax payments, Social Security payments, unemployment compensation payments, and any other fees, taxes, and expenses whatsoever. In the event that Contractor is deemed not to be an independent contractor by any local, state or federal governmental agency, Contractor agrees to indemnify and hold harmless the City for any and all fees, costs and expenses, including, but not limited to, attorneys fees incurred thereby.

7. **Insurance, Certificate.** Contractor will purchase and maintain during the entire term of this Agreement, comprehensive general liability insurance, automobile liability insurance and workers' compensation insurance with limits of not less than those set forth below. On each policy, Contractor will name the City of College Park and the University of Maryland and the State of Maryland as additional insureds for all policies with the exception of the workers compensation coverage and will provide an additional insured endorsement to the City. The Contractor will be required to provide a Certificate of Insurance and additional insured endorsement within ten (10) business days after the date of the award of the Contract and shall notify the City thirty (30) days prior to the cancellation/termination of any such insurance.

A. **Commercial General Liability Insurance** - Personal injury/property damage liability insurance with a combined single limit of $10,000,000.00 each occurrence/aggregate. The Commercial General Liability Insurance shall include completed operations and contractual liability coverage.

B. **Automobile Liability Coverage** - Automobile personal injury and property damage insurance with a combined single limit of $1,500,000.00 for each occurrence/aggregate.

C. **Workers’ Compensation Insurance** - The Contractor shall comply with the requirements and benefits established by the State of Maryland for the provision of Workers’ Compensation.
insurance.

Provision of any insurance required herein does not relieve Contractor of any of the responsibilities or obligations assumed by the Contractor in the contract awarded, or for which the Contractor may be liable by law or otherwise.

The Contractor covenants to maintain insurance, in these amounts, which will insure all activities undertaken by Contractor on behalf of the City. Copies of the certificates of insurance and additional insured endorsements for all required coverage shall be furnished to the City within ten (10) days following the execution of this Agreement and prior to commencement of any work. The City shall receive 30 days prior notice of any amendment, reduction or elimination of the insurance coverage required herein.

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

The Contractor shall also furnish to the City a Certificate of Insurance and additional insured endorsement in like amounts for any approved sub-contractor prior to commencement of work in the City.

The required insurance may be in policy or policies of insurance, primary and excess, including the so-called umbrella or catastrophe form and must be placed with insurers rated “A-” or better by A.M. Best Company, Inc., provided any excess policy follows form for coverage. Coverage will be primary and noncontributory with any other insurance and self-insurance.

Any special hazards, such as blasting, shall be covered by a rider or riders to the Public Liability and/or Property Damage Insurance policy or policies to cover any special hazards which may develop in the course of the work with such companies and in such amounts as may be approved by the City.
The Contractor shall indemnify and save harmless the City, its officers, officials, agents, servants, and employees, from all suits, actions, and damages or costs of every kind and description arising directly or indirectly out of the performance of the Contract, including attorneys fees, whether caused by actions or omissions on the part of the Contractor, its agents, servants and employees, or to other causes.

A rider or riders to the Public Liability and/or Property Damage Insurance policy or policies to cover any special hazards which may develop in the course of the work with such companies and in such amounts as may be approved by the City.

A Certificate of Insurance shall be provided to the City by the Contractor. The Certificate shall demonstrate that the Contractor has complied with the requirements of this section and be in a form acceptable to the City.

8. Indemnification. Contractor shall indemnify and hold the City, its officers, officials, agents, servants, and employees, harmless from and against all actions, liability, claims, suits, damages, risk of loss, costs or expenses of any kind which may be brought or made against the City or which the City must pay and incur by reason of or in any manner resulting from the negligence of Contractor or its agents or employees, or its negligent performance of or failure to perform any of the obligations under the terms of this Agreement, including reasonable attorneys' fees, howsoever arising or incurred, for damage to property or injury to or death of any person. Furthermore, under no circumstances shall the City be liable for any injury to Contractor, including any and all costs and expenses relating in any way to said injury, except where an injury to Contractor shall occur as a direct result of the sole negligence of the City or its agents or employees.

9. Liability. Neither the City nor Contractor assumes any liability for failure to fulfill the terms and conditions of this Agreement, provided such failure be due to fire, strike, accidents, war, government regulations, or other causes unavoidable and beyond their reasonable control.

10. Construction and Legal Effect. This Agreement constitutes the entire understanding between the parties relating to the relationship outlined herein and conclusively supersedes all prior
writings, negotiations or understandings, whether oral or written, with respect thereto. No modification or addition to this Agreement shall have any effect whatsoever unless set forth in writing and signed by both parties hereto.

11. **Non-Assignability.** This Agreement shall not be assignable or transferable by Contractor, whether by operation of law or in any other manner, without prior consent in writing from the City. In the event of insolvency of either party, this Agreement shall terminate immediately at the election of the other party.

12. **Relief.** In the event of a breach or a threatened breach by the Contractor of any provision of the Agreement, the Contractor recognizes the substantial and immediate harm that a breach or threatened breach will impose upon the City, and further recognizes that in such event monetary damages will be available to protect the City. Accordingly, in the event of a breach or threatened breach of this Agreement, Contractor consents to the City's entitlement to such ex parte, preliminary, interlocutory, temporary or permanent injunctive, or any other equitable relief, protecting and fully enforcing the City's rights hereunder and preventing the Contractor from further breaching any of his obligations set forth herein. Nothing herein shall be construed as prohibiting the City from pursuing any other remedies available to the City at law or in equity for such breach or threatened breach, including the recovery of damages from Contractor.

13. **Termination for Default.** Notwithstanding anything to the contrary herein, this Agreement may be terminated upon the failure of the Contractor to deliver work, supplies, materials or services in a timely manner, to correct defective work or materials, to act in good faith, to carry out the work in accordance with contract documents, or to carry out the work hereunder to the complete satisfaction of the City, each of which shall constitute a breach of this Agreement. In such event, the City may give notice to the Contractor to cease work until the cause for such order has been eliminated. Should the Contractor fail to correct such default within 24 hours after receipt of notification, the City may terminate this Agreement. This provision shall not limit the City in exercising any other rights or remedies it may have.

14. **Termination for Convenience.** The performance of work or delivery of services under this Agreement may be terminated in whole or in part at any time upon written notice when the City determines that such termination is in its best interest. Except as otherwise set out herein, the City will be liable only for labor, materials, goods, and services furnished prior to the effective date of such termination.
15. **Costs.** In the event of any breach or nonfulfillment of any term, covenant or provision of this Agreement, the breaching party shall be responsible for any and all costs and expenses, including reasonable attorneys' fees incurred on account of such breach.

16. **Enforcement Provisions.** The failure of the City or Contractor at any time to enforce any of the provisions of this Agreement, or any right with respect thereto will in no way be construed to be a waiver of such provisions or right, or in any way to affect the validity of this Agreement. The exercise by either party hereto of any rights under the terms or covenants herein shall not preclude or prejudice the exercising thereafter of the same or any other rights under this Agreement.

17. **Rights on Termination.** In the event of termination of this Agreement, no indemnity shall be paid by the City to Contractor for any reason whatsoever, including but not limited to: (i) loss of profits, (ii) good will, (iii) termination of employees of Contractor, if any, (iv) salaries of employees of Contractor, if any, or (iv) like expenses of any nature.

18. **Governing Law.** This Agreement shall be governed by the laws of the State of Maryland, excluding its conflict of law rules, as if this Agreement were made, and to be performed entirely within the State of Maryland.

19. **Severability.** If any term or provision of this Agreement shall be held invalid or unenforceable to any extent, the remainder of this Agreement shall not be affected thereby, and each term and provision of this Agreement shall be enforced to the fullest extent permitted by law.

20. **Set-Off.** In the event that Contractor shall owe an obligation of any type whatsoever to the City at any time during the term hereof or after termination of the relationship created hereunder, the City shall have the right to offset any amount so owed by the Contractor against any compensation due the Contractor from the City.

21. **Non Discrimination.**

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

   b. The Contractor certifies that it does not discriminate on the basis of race, religion, sex, age, ethnicity, ancestry or national origin, physical or mental disability, color, marital status,
sexual orientation, gender identity, genetic information, political affiliation or any other factors not related to the ability to perform the work.

22. **Equal Benefits.**

a. Consultant must comply with the applicable provisions of § 69-6 of the City Code. The Consultant shall provide the City Manager, or his/her designee, access to its records for the purpose of audits and/or investigations to ascertain compliance with these provisions.

b. Upon request, the Consultant shall provide evidence of compliance with the provisions of § 69-6 of the City Code upon each new bid, contract renewal, or when the City Manager has received a complaint or has reason to believe the Consultant may not be in compliance with the provisions of this section.

c. The failure of the Consultant to comply with § 69-6 of the City Code will be deemed to be a material breach of the covered contract.

**IN WITNESS WHEREOF,** the parties hereto have executed this Agreement under seal the day and year first above written.

**ATTEST:**

CITY OF COLLEGE PARK

By: ____________________________

Janeen S. Miller, CMC, City Clerk

Scott Somers, City Manager

**WITNESS:**

CONTRACTOR

By: ____________________________

Federal Identification Number: 13-3512596
APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Suellen M. Ferguson, City Attorney
Appendix A
Schedule of Fireworks to be Displayed

The display will last a minimum of 30-minutes with no multi-shot aerial (cakes) included in the program.

The productions shall be equal to or better than the following:

PRINCIPPIA OR OPENING BARRAGE
116 SHELLS

The production will begin with two or three loud salutes to make any adjustments necessary for wind conditions and to get the crowd's attention. The Principia will begin with comets shells shooting upward across an approximate 100 to 150-foot front accompanied by loud aerial salutes. Then a multi-colored aerial barrage of star shells and more salutes will complete the Principia to conclude with an eight-inch shell. This opening presentation will last approximately one minute.

STAR SHELL BARRAGE:
- 2.5" through 3" shells 100 shells
- 4" aerial star shells 6 shells
- 5" aerial star shells 5 shells
- 6" aerial star shells 4 shells
- 8" aerial star shells 1 shell

MAIN AERIAL SHELL PRODUCTION PORTION:
This part of the production will be performed at a pace to keep the full attention of the audience. Insure a shell in the air every 2-to-4 seconds and often more when firing flights of shells and using multi-break fancy shells. All shells used will be top quality imported or American made shells with as many extra-fancy, multi-effect or multi-break shells as available.

3" AERIAL SHELLS
350 SHELLS
Should include red, green, silver, gold, blue, purple and white peonies and chrysanthemums, strobies, spiders, crackling, coconuts, willows, extra fancy color-changing shells, extra fancy multi-break specialty shells, thunder/artillery shells, stickless rockets, whistle shells, extra fancy ruby, emerald, purple, sunflower, white, aquamarine, silver and fancy oriental and special effect star shells and "flighted" together to burst simultaneously in the sky.

4" AERIAL SHELLS
216 SHELLS
Should include spiders, red, green, silver, purple, yellow, and blue peonies and chrysanthemums, rings, stars, hearts, butterflies, Saturn shells, transformation shells, crackerballs, snowballs, willows, dahlias, Kamuro shells, diadem and brocade shells, extra fancy multi-break shells, extra fancy color-changing peonies in assorted colors, extra fancy color-changing chrysanthemums in assorted colors, red, green, silver, blue, gold, purple, white and variegated fancy American and imported color shells and fancy strobe crossette shells.
5" AERIAL SHELLS
160 SHELLS
Should include fancy assorted peonies and chrysanthemum shells in six colors and variegated, transformation shells, willow shells, Kamuro shells, gold and silver palm tree shells, brocade crown shells, double and triple rings, star, heart, and butterfly shaped shells, hourglass and shamrock shells, cascade shells, extra fancy American multi-break shells with up to 9 breaks, coconut shells, strobe shells, exploding serpent shells, emerald, ruby and purple to silver and gold crackling American extra fancy shells, extra fancy color-changing American and oriental peonies and chrysanthemums, dahlia, American exploding serpent shells, and extra-fancy oriental special effect shells.

6" AERIAL SHELLS
88 SHELLS
Should include red, green, silver, gold, blue, purple and white peonies and chrysanthemums, strobes, spiders, crackling, coconuts, willows, extra fancy color-changing shells, extra fancy multi-break specialty shells, thunder/artillery shells, glitter palms, serpents, tiger tails, hammer, whistle shells, extra fancy ruby, emerald, purple, sunflower, white aquamarine, silver and fancy oriental and American special effect star shells.

8" AERIAL SHELLS
27 SHELLS
Should include red, green, silver, gold, blue, purple and white peonies and chrysanthemums, strobes, spiders, crackling, coconuts, willows, extra fancy color-changing shells, extra fancy multi-break specialty shells, thunder/artillery shells, glitter palms, serpents, tiger tails, hammer, whistle shells, extra fancy ruby, emerald, purple, sunflower, white aquamarine, silver and fancy oriental and American special effect star shells.

TOTAL MAIN BODY
841 SHELLS

THE GRAND FINALE
504 SHELLS
• 440 shells
• 30 shells
• 20 shells
• 12 shells
• 2 shells

TOTAL PROGRAM:
1,461 SHELLS
(116 + 841 + 504)
January 29th, 2019

City of College Park
4601-A Calvert Road,
College Park, MD 20740

Dear Mr. Ryan:

Per your request, Fireworks Extravaganza is pleased to submit the following bid for your consideration for your 2019 City of College Park – Fireworks Display

Date of the Fireworks Display:
- July 4th, 2019
- July 4th, 2020 - Optional
- July 4th, 2021 - Optional
- July 4th, 2022 - Optional

Rain Date:
- July 5th, 2019
- July 5th, 2020 - Optional
- July 5th, 2021 - Optional
- July 5th, 2022 - Optional

Site Location:
City of College Park
164 Presidents Drive,
College Park, MD 20742

FE Proposal Price
- $18,000.00 /Year
- $72,000.00 /Total Proposal Cost

Display Duration
- 30 minutes
Your designed "Fireworks Extravaganza's" will include the following:

- Five million dollar ($5,000,000.00) per occurrence, insurance coverage, which offers you the most secure and extensive coverage available in the industry.

- Five million dollar ($5,000,000.00) Hazmat liability coverage, required by the US Department of Transportation.

- Show will be crafted by John Sagaria, President of FE.

- Show will be fired using the industries leading electronic firing system, FireOne, which will fire each cue within 1/100th of a seconds accuracy

- All transportation and delivery costs.

- All DOT Permits needed for delivery

- Workers' Compensation Insurance & Automobile Insurance

- Licensed & Trained Pyrotechnic Display Crew with a vast knowledge base and experience in the Pyrotechnics Industry.

- All application submission, tracking, receiving and notifications required by the Authority Having Jurisdiction(s).

- Pre & Post display site inspections.

- Generation of Site Plan & Distance Table.

- Permit Processing and Procurement (Sponsor Pays any actual fees)

- The widest available range of top-quality designer aerial shells and effects from around the world including extra-fancy pattern shells, Smiley Faces, Titanium Salutes, Mixed Color Peony, Nishiki Kamuro, Brocade Crowns, Mixed Color Crossettes, Mixed Color Chrysanthemum, Gold Coconut, Purple Coconut, Whistles, Flowers & Much More!

- A skillfully designed production that will vary in intensity and effects to deliver the maximum crowd appeal the display will last 30 minutes. Many effects used are exclusively designed & manufactured for Fireworks Extravaganza.
PRINCIPIA, OR OPENING BARRAGE

The Principia will then begin with our exclusive gleaming red, gold, silver and whistle effects shooting upward and fanned across the sky accompanied by loud aerial salutes and a canopy of Gold Komara Shells.

The Opening barrage will contain:

- 2.5" through 3" Aerial Shells: 100 Shells
- 4" Aerial Shells: 6 Shells
- 5" Aerial Shells: 5 Shells
- 6" Aerial Shells: 4 Shells
- 8" Aerial Shells: 1 Shell

MAIN BODY

The Main Body Consists of 2 1/2” – 8” Shells, each individually placed. The Main Body will be comprised of a vast assortment of aerial effects. Some of the effects are as follows:


The Main Body will contain:

- 3" Aerial Shells: 350 Shells
- 4" Aerial Shells: 216 Shells
- 5" Aerial Shells: 160 Shells
- 6" Aerial Shells: 88 Shells
- 8" Aerial Shells: 27 Shells
THE GRAND FINALE

The final grand finale, is the final segment of this display. Designed to fully encapsulate the energy from the Principia & Body of the display, the grand finale will consist of a wide variety of designer fireworks display shells from Yung Feng and other leading manufacturers in the industry. The end of the display will seem to end with barrage of salute shells; moments later a curtain of Brocade Crowns trickling down from the sky will bring a final roar from the crowd! Some of these effects are as listed below:


There will be a “False Finale” followed by a pause of 20 seconds that will surprise and delight when the real finale starts. Doing the Finale in this way conveys emotion & excitement, creating a sense of false finale followed by a final barrage of shells will surely bring an amazing close to the displays. Comparing to a “random finale” of just various shells. This will be an ending not to be forgotten.

The Grand Finale will include:

- 2.5” through 3” Aerial Shells: 330 Shells
- 4” Aerial Shells: 30 Shells
- 5” Aerial Shells: 20 Shells
- 6” Aerial Shells: 12 Shells
- 8” Aerial Shells: 2 Shells

MATERIALS TO BE USED AND QUANTITIES

Thousands of effects will be used in your display. If needed we can explain how FE’s list of materials will differ greatly from any other proposal you may receive.

We are one of the fastest growing fireworks companies in the country. We consider our safety record second to none and are extremely proud of our work. We work 365 days a year to make the day of your event spectacular.

As you may be aware, Fireworks Extravaganza supplies custom fireworks displays to many communities in the Mid-Atlantic region. We produce and design hundreds and hundreds of displays per year. We are small enough to be able to offer close custom services and large enough to have the resources to safely produce the display. Please make sure to look at our website for references and a list of our clients.
Fireworks Extravaganza has won various awards all over the world for the displays we have choreographed and executed. First Place 2017 Liuyang International Fireworks Competition, First Place 2009 Hannover Germany World Fireworks Competition, Ridgewood NJ Best Show of NJ (12 years running), Pyrotechnics Guild International - Best show 2013, 2015 & 2016 as well as Soca Monarch in Trinidad, West Indies.

The piece of paper you are holding in your hand is really worthless. Anyone can make promises on paper. We hope to continue our long standing relationship by providing superior customer service and a display that goes unparalleled to any other offerings.

Some of the shows we perform are below and you can call any one of them:

Rockland Boulders, NY; Town of Haverstraw, NY; Staten Island Borough President, NY; Village of Ridgewood, NJ; Hillsborough Township, NJ; City of Peekskill, NY; Rocking Horse Ranch, NY; Town of Newburgh, NY; Town of Southeast, NY; Village of Greenwood Lake, NY; Lake Mohawk Country Club, NY; Town of Clarkstown, NY; Town of Wallkill, NY; Town of Kent, NY; Village of Sleepy Hollow, NY; Town of Plattekill, NY; Town of Chester, NY; Town of Fallsburg, NY; Village of Catskill, NY; Town of Middletown, NY; Village of Spring Valley, NY; Borough of Park Ridge, NY; Ringwood Recreation, NJ; Brick Township, NJ; Indo American Festivals, NY & NJ; Bear Mountain State Park, NY; Town of Belair, MD; University of Maryland College Park, MD; Defenders Day Celebration, MD; City of Hagerstown, MD; Town of Elkton, MD; Fullerton Fireworks, MD; Salisbury Traditions, Inc, MD; Town of Cecilton, MD; City of Gaithersburg, MD; Aberdeen Ironbirds – Ripken Stadium, MD; Ocean Downs Racetrack, MD; Town of Boonsboro, MD; River Valley Ranch; MD; City of Chesapeake City, MD; City of Brunswick, MD; Snow Hill, MD; Calvert County Parks & Recreation, MD; City of Lebanon, PA; Upper Darby Township, PA; Mason Dixon Fair, PA; Crozet Community Association, VA; Farmington Country Club, VA; Fairfax County Park, VA; Town of Middletown, DE & Town of Smyrna, DE.

We look forward to performing your “Fireworks Extravaganza” and we are honored for the chance to work with you. If you have any 713.

Kindest Regards,

[Signature]

John Sagaria
President
Fireworks Extravaganza
jsagaria@fwextravaganza.com
City of College Park
July 4th
Fireworks Displays

Show Logistic Staff Allocation

The following individuals will be tasked with seeing your production through; from conception to completion. Rest assured at any time you may depend on any of these individuals to ensure your needs are met.

John Sagaria - President
With 25 Years Pyrotechnic Experience including two world championships 1st place awards in Hanover, Germany & Liuyang, China, John Sagaria – President of Fireworks Extravaganza will hand select the product to be used for your display, coupled with project oversight as a whole.

Brian Hollenback – Permit Director, Event Coordinator
Permit Director and Event Coordinator with Fireworks Extravaganza; all aspects of site logistics, display preparation including but not limited to, Permit Tracking, Crew Logistics, Project Oversight and Client Relations. With a vast understanding of the regulatory codes surrounding the pyrotechnic industry, rest assured all required documents and permits will be in line with all regulatory measures stipulated at a Local, State and Federal levels.

Bryna Stankiewicz – Client Relations – Project Oversight
Administrative Coordinator for Fireworks Extravaganza, Bryna Stankiewicz is directly involved with client relations, from contractual agreement until show completion. Bryna will ensure all clients requests and needs are not only met, but exceeded.
19-G-47

Approval of a one-year Market Manager contract
**CITY OF COLLEGE PARK, MARYLAND**  
**REGULAR COUNCIL MEETING**

**AGENDA ITEM 19-G-47**

**Prepared By:** Ryan Chelton,  
Economic Development Coordinator  
**Meeting Date:** 3/12/19

**Presented By:** Ryan Chelton,  
Economic Development Coordinator  
**Consent Agenda:** Yes

<table>
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<tr>
<th><strong>Originating Department:</strong></th>
<th>Department of Planning, Community &amp; Economic Development</th>
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<tbody>
<tr>
<td><strong>Action Requested:</strong></td>
<td>Approval of a one-year Farmers Market Manager contract</td>
</tr>
<tr>
<td><strong>Strategic Plan Goal:</strong></td>
<td>Goal 1: One College Park</td>
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**Background/Justification:**
Julie Beavers has successfully served as Market Manager for the Downtown and Hollywood Farmers Markets for the past six years. Her contract is expiring, and she has stated her desire to return in the role for the 2019 season.

**Fiscal Impact:**
A new contract for the Market Manager would extend Ms. Beavers tenure for one year at a rate of $150 per market day and an hourly rate of $25.00 for additional work and would be reflected in the FY20 budget.

**Council Options:**
1. Approve the Market Manager contract for one year at the rates proposed.  
2. Cancel the Market Manager contract.  
3. Utilize a different way for managing the farmers markets.

**Staff Recommendation:**

1. **Recommended Motion:**
   I move to approve a one-year contract in substantially the form attached with Julie Beavers to manage the Downtown and Hollywood farmers markets at a rate of $150 per market day and an hourly rate of $25.00 for additional work performed.

**Attachments:**
1. 2019 Market Manager Contract
CITY OF COLLEGE PARK, MARYLAND  
Contractor Agreement

THIS CONTRACTOR AGREEMENT (the “Agreement”) is effective the 1st day of April, 2019, by and between the CITY OF COLLEGE PARK (the “City”), a municipal corporation of the State of Maryland, whose address is 4500 Knox Road, College Park, Maryland 20740 and Julie Beavers, hereinafter referred to as “Contractor,” whose address is

WHEREAS, Contractor desires to act for the City as an independent contractor to act as market master and to manage the Downtown College Park Farmers Market and the Hollywood Farmers Market, including on-site in-season operation; and

WHEREAS, the City desires that Contractor provide such services.

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

1. **Appointment.** The City hereby engages Contractor, as an independent contractor, to act as market master and to manage the Downtown College Park Farmers Market (“DCPFM”) and the Hollywood Farmers Market (“HFM”), including on-site in-season operation, as more particularly described in the Request for Proposals CP-14-02, Farmers Market Manager, attached hereto and incorporated herein by this reference, and Contractor hereby accepts such work, subject to the terms and provisions of this Agreement.

2. **Scope of Services.** Pursuant to the Agreement, the Contractor agrees to furnish all the material and perform all of the work in compliance with the requirements and standards contained in the Contract Documents, as defined herein. All work shall be performed in accordance with the standards in the industry. The following Contractor services are included as part of this Agreement:

   - **On-Site Market Management for DCPF M**
     - Manage on-site and personally attend the weekly markets, which run from early April to late November, opening at 10:00a.m. and closing at 2:00p.m. each Sunday to include set up and break down, vendor placement and management, security, parking, removal of trash, litter, and recycling. Approximately 31 market days per season.
     - Manage an information tent at the weekly market.
     - To the extent possible ensure compliance by the market and by all vendors with all applicable government rules and regulations, as well as the market’s operational guidelines; during market operation, resolve on-site vendor and customer issues; and coordinate with the City to resolve any ongoing issues. The final authority to retain or discharge market vendors lies with the City.
• Prepare and communicate monthly reports to the City detailing participation numbers, customer suggestions and complaints, and any other information requested by City staff.
• Coordinate events on the market day including cooking demonstrations, contests, music performances, and games. Arrangements for these events will be made prior to the market day by City staff.
• Meet with City staff as necessary.

On-Site Market Management for HFM

• Manage on-site and personally attend the weekly markets, which run from early April to late November, opening at 8:00a.m. and closing at Noon each Saturday (HFM) to include set up and break down, vendor placement and management, security, parking, removal of trash, litter, and recycling. Approximately 33 market days per season.
• Manage an information tent at the weekly market.
• To the extent possible ensure compliance by the market and by all vendors with all applicable government rules and regulations, as well as the market’s operational guidelines; during market operation, resolve on-site vendor and customer issues; and coordinate with the HFM Board to resolve any ongoing issues. The final authority to retain or discharge market vendors lies with the HFM Board of Directors.
• Prepare and communicate monthly reports to City staff and the HFM Board detailing participation numbers, customer suggestions and complaints, and any other information requested by City staff and the HFM Board.
• Coordinate events on the market day including cooking demonstrations, contests, music performances, and games. Arrangements for these events will be made prior to the market day by the HFM Board.
• Meet with City staff and the HFM Board as necessary.

3. **Contract Term.** The initial contract term is April 1, 2019 through March 31, 2020. All work shall be performed pursuant to the project schedule submitted by the Contractor. It is understood by the parties hereto that time is of the essence in the completion of the services under this Agreement. Paragraph 7 herein shall survive termination of the Agreement.

3. **Contract Price.** The City agrees to pay the Contractor, as consideration for the Contractor’s satisfactory performance of all obligations under this Agreement, as follows:

<table>
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<tr>
<th>Description</th>
<th>Amount</th>
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<tr>
<td>Flat fee for each market day</td>
<td>$150.00</td>
</tr>
<tr>
<td>Hourly charge for meetings with City staff a/or Board</td>
<td>$25.00 per hour</td>
</tr>
</tbody>
</table>

The contract price shall include all incidental costs, including, but not limited to, travel, printing, copying, binding, telephone, drawings, diagrams and photographs. Invoices for payment of services may be submitted on a monthly basis or as otherwise agreed by the parties and must be accompanied by a statement of work performed and any other documentation required by the City. Invoices will be paid after approval by the Planning Director and Director of Finance.

Additional services related to this project but not included in the scope of work shall be provided by the Contractor on an as-needed basis as directed by the City in writing. Such services
shall be billed to the City at the hourly rates established by the parties. Except as noted herein, in no event shall the amount billed by the Contractor exceed that amount attributed to the work completed as of the date of the bill.

5. Contract Documents. This Agreement and the following enumerated documents, which are incorporated by reference as if fully set forth herein, form the contract and are termed the Contract Documents:
   - Request for Qualifications Submission
   - Bid Proposal Form
   - Request for Qualifications CP-14-02 and attachments thereto
   - Information Regarding the Bidder
   - Required affidavits and certifications
   - Insurance Certificate

6. Other Payments; Expenses; Taxes. The City will not be responsible for any cost or expenses of operation of any kind associated with Contractor’s provision of services pursuant to this Agreement, except as set out herein. Contractor shall be entitled to no fees, bonuses, contingent payments, or any other amount in connection with the services to be rendered hereunder except as set out herein. The parties hereto further agree that the City shall have no obligation to reimburse, pay directly or otherwise satisfy any expenses of the Contractor in connection with the performance of his obligations under this Agreement.

   It is expressly understood and acknowledged by the parties hereto that the fees payable hereunder shall be paid in the gross amount, without reduction for any Federal or State withholding or other payroll taxes, or any other governmental taxes or charges. The parties hereto further recognize that Contractor, as an independent Contractor of the City, is responsible for directly assuming and remitting any applicable Federal or State withholding taxes, estimated tax payments, Social Security payments, unemployment compensation payments, and any other fees, taxes, and expenses whatsoever. In the event that Contractor is deemed not to be an independent Contractor by any local, state or federal governmental agency, Contractor agrees to indemnify and hold harmless the City for any and all fees, costs and expenses, including, but not limited to, attorneys’ fees incurred thereby.

7. Insurance. Contractor will purchase and maintain during the entire term of this Agreement, comprehensive general liability insurance, and workers’ compensation insurance with limits of not less than those set forth below. The City has agreed to pay the costs of the required insurance, as part of the contract price.

   A. Comprehensive General Liability Insurance
      (1) Personal injury liability insurance with a limit of $1,000,000 each occurrence/aggregate;
      (2) Property damage liability insurance with limits of $500,000 each occurrence/aggregate.
      All insurance shall include completed operations and contractual liability coverage.

   B. Automobile Liability Coverage. Automobile fleet insurance $1,000,000 for each occurrence/aggregate; property damage - $500,000 for each occurrence/aggregate.)
C. **Workers’ Compensation Insurance.** Contractor shall comply with the requirements of Maryland workers’ compensation insurance if applicable. The City will deduct a predetermined percentage of each payment to any Contractor who has failed to provide a Certificate of Insurance for workers’ compensation, in order to defray coverage costs of the City. This percentage is subject to change. The Contractor will be provided notification of any change. All corporations are required to provide workers’ compensation certificates of insurance.

Contractor covenants to maintain insurance, in these amounts, which will insure all activities undertaken by Contractor on behalf of the City under this Agreement and will name the City as an insured under such policy, except on any workers’ compensation policy, and will provide an additional insured endorsement. Copies of the certificates of insurance and additional insured endorsements for all required coverage shall be furnished to the City prior to beginning work.

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

8. **Indemnification.** The Contractor shall indemnify and save harmless the City, its officers, employees and agents, from all suits, actions and damages or costs of every kind and description, including attorneys’ fees, arising directly or indirectly out of the performance of the contract, whether caused by the negligent or intentional act or omission on the part of the Contractor, its agents, servants, employees and sub-contractors.

9. **Licenses, Permits, Applicable Laws.** Contractor will be responsible for obtaining any and all licenses pertaining to performance of work under the Agreement. All services and materials provided by Contractor shall conform to all applicable laws and regulations.

10. **Materials and Standard of Work.** All work performed and material provided pursuant to this Agreement shall be in conformance with standards and specifications applicable in the industry. All work shall be performed in a neat and workmanlike manner by trained and experienced personnel. Defective or unsuitable materials or workmanship shall be rejected and shall be made good by the Contractor at Contractor’s expense, notwithstanding that such deficiencies have been previously accepted or were due to no fault of the Contractor.

11. **Subcontracting.** The Contractor may not subcontract any work required under this Agreement without the consent of the City. If the Contractor wishes to subcontract any of the said work, it must provide subcontractor names, addresses, and telephone numbers and a description of the work to be subcontracted. The Contractor is not relieved of primary responsibility for full and complete performance of any work delegated to the subcontractor. There shall be no contractual relationship between the City and the subcontractor.
12. **Accurate Information.** The Contractor certifies that all information provided in response to the Request for Proposals or other requests for information is true and correct. Any false or misleading information is grounds for the City to reject the bid and terminate this contract.

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

14. **Construction and Legal Effect.** This Agreement, including all Contract Documents, constitutes the entire understanding between the parties. No modification or addition to this Agreement shall have any effect unless made in writing and signed by both parties hereto.

15. **No Assignment.** This Agreement shall not be assigned or transferred by Contractor, whether by operation of law or in any other manner, without prior consent in writing from the City. In the event of insolvency of either party, this Agreement shall terminate immediately at the election of the other party.

16. **Relief.** The Contractor recognizes the substantial and immediate harm that a breach or threatened breach of this Agreement will impose upon the City, and further recognizes that, in such event, monetary damages may be available to the City. Accordingly, in the event of a breach or threatened breach of this Agreement, Contractor consents to the City’s entitlement to seek ex parte, preliminary, interlocutory, temporary or permanent injunctive, or any other equitable relief, protecting and fully enforcing the City’s rights hereunder and preventing the Contractor from further breaching any of its obligations set forth herein. Nothing herein shall be construed as prohibiting the City from pursuing any other remedies available to the City at law or in equity for such breach or threatened breach, including the recovery of damages from Contractor.

17. **Termination for Default.** Notwithstanding anything to the contrary herein, this Agreement may be terminated upon the failure of the Contractor to deliver work, supplies, materials or services in a timely manner, to correct defective work or materials, to act in good faith, or to carry out the work in accordance with contract documents, each of which shall constitute a breach of this Agreement. In such event, the City may give notice to the Contractor to cease work until the cause for such order has been eliminated. Should the Contractor fail to correct such default within 24 hours after receipt of notification, the City may terminate this Agreement. This provision shall not limit the City in exercising any other rights or remedies it may have.

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

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

City:
20. **Costs.** In the event of any breach or failure by a party to fulfill any term, covenant or provision of this Agreement, the breaching party shall be responsible for any and all costs and expenses, including reasonable attorneys’ fees, incurred on account of such breach.

21. **Enforcement Provisions.** The failure of the City or Contractor, at any time, to enforce any of the provisions of this Agreement, or any right with respect thereto, will in no way be construed to be a waiver of such provisions or right, or in any way to affect the validity of this Agreement. The exercise by either party of any rights under this Agreement shall not preclude or prejudice the subsequent exercise of the same or any other rights under this Agreement.

22. **Governing Law.** This Agreement shall be governed by the laws of the State of Maryland, excluding its conflict of law rules, as if this Agreement were made and to be performed entirely within the State of Maryland.

23. **Severability.** If any term or provision of this Agreement shall be held invalid or unenforceable to any extent, the remainder of this Agreement shall not be affected thereby, and each term and provision of this Agreement shall be enforced to the fullest extent permitted by law.

24. **Set-Off.** In the event that Contractor shall owe an obligation of any type whatsoever to the City at any time during the term hereof or after termination of the relationship created hereunder, the City shall have the right to offset any amount so owed by the Contractor against any compensation due the Contractor from the City.

25. **Damage Claims.** The Contractor shall make no claim for extra monetary compensation for delays, whether ordered by the City or not, caused by delays in funding, governmental approvals, private or public companies’ actions, inclement weather, site conditions, or from any cause whatsoever.

**IN WITNESS WHEREOF,** the parties hereto have executed this Agreement under seal the day and year first above written.
ATTEST: 

Janeen S. Miller, CMC, City Clerk

WITNESS:

CONTRACTOR

Printed Name: Julie Beavers

APPROVED AS TO LEGAL SUFFICIENCY:

Suellen M. Ferguson
City Attorney
19-G-44
Approval of Minutes
MINUTES
Regular Meeting of the College Park City Council
Tuesday, February 12, 2019
Council Chambers
7:30 p.m. – 9:32 p.m.

PRESENT: Mayor Wojahn; Councilmembers Kabir, Kennedy, Brennan, Dennis, Day, Rigg, Kujawa and Mitchell.

ABSENT: None.

ALSO PRESENT: Bill Gardiner, Assistant/Acting City Manager; Janeen S. Miller, City Clerk; Suellen Ferguson, City Attorney; Bob Ryan, Director of Public Services; Gary Fields, Director of Finance; Peggy Higgins, Director of Youth, Family and Senior Services; Alex Tobin, Student Liaison.

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

ANNOUNCEMENTS:
Councilmember Kabir announced the next North College Park Community Association Meeting.

Councilmember Kennedy announced the Parents Night Out event on Friday.

Councilmember Brennan announced that Ms. McClellan and Ms. Hakes are the new Co-Chairs of the Seniors Committee. He discussed the services provided to City seniors through the Neighbors Helping Neighbors program. (301-222-3434 or coordinator@nhn-cp.org)

Councilmember Rigg announced that St. Andrews Church will be hosting Warm Nights week.

Councilmember Mitchell announced a Prince George’s County Public Schools meeting at Buck Lodge Middle School about the Adelphi area middle school relief plan.

CITY MANAGER’S REPORT: Mr. Gardiner announced the second Public Forum hosted by the Charter Review Commission is on March 11 at Davis Hall. He reviewed items in the Weekly Bulletin and said Good Neighbor Day will be held on April 13.

AMENDMENTS TO AND APPROVAL OF THE AGENDA: The agenda was approved without amendment (Rigg/Brennan) 8-0.

PUBLIC COMMENT ON CONSENT AGENDA AND NON-AGENDA ITEMS:
Jamie Lark, President, Prince George's County Citizens’ Police Academy Alumni Association, resident: Announced the upcoming session of the Citizens Police Academy and urged participation.

Oscar Gregory, resident: Encouraged anyone to attend the Citizens’ Police Academy.

PRESENTATIONS:
A. Mayor Wojahn was joined by Education Advisory Committee member David Toledo in presenting a ceremonial $2,500 Public School Education Grant Check to Ms. Lori Colding of Hyattsville Middle School.
B. Miss College Park 2018-2019, Daja Benton, reviewed the highlights of her year as Miss College Park.

C. Quarterly Financial Presentation: Gary Fields, Director of Finance, presented the quarterly financial presentation to the Council (copy attached).

PUBLIC HEARINGS:
A. Public Hearing on Charter Amendment 19-CR-01, An amendment to §C6-3 of the City Charter to authorize the Mayor and Council to meet in closed session to discuss cybersecurity under certain circumstances

Ms. Ferguson said the purpose of this Charter Amendment is to conform our Charter to state law by adopting an additional provision to allow the Mayor and Council to meet in a closed session.

There was no public testimony, and Mayor Wojahn closed the public hearing.

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

19-G-21 Award of contract to Criswell Chevrolet in Gaithersburg, MD to purchase two (2) dump trucks with snow equipment packages to replace fleet vehicles #338 and #339 for a total amount of $220,862.66 to be funded from CIP #925061

19-G-22 Approval of Minutes: January 6, 2019 Council Retreat; January 8, 2019 Worksession; January 8, 2019 Special Session; and January 15, 2019 Regular Meeting

19-G-28 Award of FY ’19 community services grants as follows: $2,500 to Embry Center for Family Life for BOOST program; $2,500 to National Museum of Language for Summer Camp; $1,500 to Holy Redeemer Church for Safe Haven, for a total of $6,500.

19-R-03 Authorization for the City to participate annually in the National Mayor’s Challenge for Water Conservation

The Consent Agenda was adopted with a vote of 8-0.

ACTION ITEMS:
19-G-23 Annual report for renewal of County liquor licenses held by businesses in the City, and approval of a letter from the City Manager to the BOLC

Mr. Ryan referred to the staff report and said staff has not identified any concerns with City establishments that would cause the City to oppose the renewal of any of the 39 liquor licenses. Staff will return to Council with respect to Hard Times Café, Taqueria Habanero and La Tao Hot Pot. Staff recommends approval of the attached letter in support of all of the licenses.
A motion was made by Councilmember Kennedy and seconded by Councilmember Day to recommend to the Board of License Commissioners that liquor licenses issued within the City limits of College Park be renewed for the following year and to authorize the City Manager to send a letter to the BOLC to that effect.

There were no comments from the audience or the Council.

The motion passed 8-0.

19-G-24 Award of contract to Greenplay, LLC for either: a) comprehensive needs assessment of recreation/activities, program space, and transportation for City seniors city-wide; or b) comprehensive needs assessment of recreational activities, program space for the community at-large to include assessment of transportation for City seniors

Ms. Higgins reviewed the staff report. This is a follow-up to Council’s November Worksession request for pricing for a comprehensive recreational needs assessment for both the seniors program and for the community as a whole. Two proposals are provided for review. The Seniors needs assessment is $34,999 and the community-wide assessment is $44,999. Either of the studies could be funded by the grant to the City under the M-NCPPC contract. Council asked about the different scopes of work in each proposal and the project timeline. The scope will include the already existing resources, program space and transportation resources. They will conduct a focus group in Spanish. The timeline is six months from commencement depending on how quickly we respond to their questions. Ms. Ferguson said the contract is not completed yet; they are reviewing the proposal.

A motion was made by Councilmember Brennan and seconded by Councilmember Kabir to approve a contract with GreenPlay, LLC for $44,999, pending approval by the city attorney, for a comprehensive community and senior recreation needs assessment to include an assessment of transportation resources for city seniors.

Councilmember Brennan believes this is a well-timed and thoughtful plan that blends well with the work of the Seniors Committee.

There were no comments from the audience.

Mayor Wojahn asked if the transportation assessment is primarily for recreation purposes or is it a broader assessment of City transportation. He referred to the Aging-In-Place survey where seniors expressed transportation needs. Ms. Higgins said they are prepared to do a broader transportation assessment for seniors beyond their recreational needs.

Councilmember Rigg discussed the City of Greenbelt’s Parks and Recreation program and the associated cost and said this is a good first step to provide the information we need if we want to move in that direction.

The motion passed 8-0.
19-G-25 Award of contract for Construction Manager for City Hall project

Mr. Gardiner said the City Hall project involves a new City Hall, UMD office space, retail and a public plaza on this current City Hall site and includes the Route 1 frontage. Last year the City hired Redgate as the development project manager and Design Collective as the architect. Katie Hearn is here tonight from Redgate. The next step is to hire a construction management firm. In December the RFP was issued to solicit proposals for pre-construction and construction management services using a process called “construction management at-risk” which will protect us by providing a guaranteed maximum price. We received three strong proposals from well-regarded firms between $3.9 - $4.8M. We invited two teams to interview with the project team. We received best and final offers from Davis and Gilbane. The consensus of the team was to select Davis. References were checked by Katie Hearn and we are recommending to the Council that the contract be awarded to Davis.

Ms. Hearn added this is a contract in two parts. The $3,043,540 contract with Davis that Council would approve tonight includes $115,000 in pre-construction fees (Part 1) awarded immediately to help guide design through the pricing phase. The balance of the fee is general conditions through the entire term of the contract plus their fee (profit) for the entire term of the contract. At the end of this preconstruction phase, we have the option to amend the contract and bring them on for the balance of construction, or to terminate the contract and go in another direction. This does not include the cost of the work, only their management and their profit.

Councilmember Kabir asked if this is for only the City’s portion, or the entire building. Ms. Hearn said it is for the entire building. It will be split with the University. Ms. Hearn said the estimate for the entire project at this time is $30.5M. That includes the entire building, but only a cold dark shell for the retail space, not the tenant fit-out. She added that the references were overwhelmingly positive.

A motion was made by Councilmember Brennan and seconded by Councilmember Day to approve the selection of James G. Davis Construction Corporation to be the Construction Manager at Risk for the City Hall project and to authorize the City Manager to sign the contract in substantially the form attached and upon review and approval of the City Attorney.

Councilmember Brennan asked when we would know more about the proportional calculation between the City and University. Ms. Ferguson said the basics of this were spelled out in the term sheet already approved, and that the appraisals are being done now. Councilmember Brennan asked about a contractor leveraging their position on other projects in the City and noted that we need to be aware of the relationships.

The motion passed 8-0.
Adoption of Charter Resolution 19-CR-01, A Charter Resolution Of The Mayor And Council Of The City Of College Park, Amending Article VI, “Meetings”, § C6-3, “Closed Sessions”, To Authorize The Mayor And Council To Meet In Closed Session To Discuss Cybersecurity Under Certain Circumstances.

Mayor Wojahn said that due to the public hearing earlier this evening, no additional public comment would be taken at this time.

A motion was made by Councilmember Brennan and seconded by Councilmember Kennedy to adopt Charter Resolution 19-CR-01, A Charter Resolution Of The Mayor And Council Of The City Of College Park, Amending Article VI, “Meetings”, § C6-3, “Closed Sessions”, To Authorize The Mayor And Council To Meet In Closed Session To Discuss Cybersecurity Under Certain Circumstances.

Councilmember Brennan noted that cybersecurity is an issue of growing concern for small municipalities and it is important for the Council to be able to discuss these emerging problems.

Councilmember Day is pleased to see the City adopting this amendment because matters such as these should not be discussed in public session.

Mayor Wojahn reminded everyone to pay attention to the emails that come from our IT department.

The motion passed 8-0.

Motion to approve the Supervisors of Elections recommendations for early voting and the addition of a third poll at Stamp Student Union

Ms. Miller said this is a follow up to last week’s Worksession with the Board of Election Supervisors. The City Code says the polls shall be designated by the Supervisors of Elections with approval of the Mayor and Council, and shall remain open from 7 a.m. to 8 p.m. Council is being asked to approve the polling locations and to show different hours for Early Voting. We anticipate using City Hall, Davis Hall and Stamp Student Union as the polling places, but in the event that City Hall is not available, possibly due to the timing of our move, we will return to Council to designate an alternative location. Early Voting will be held at the College Park Community Center on Sunday October 27 from 10 a.m. to 6 p.m.

Councilmember Mitchell asked if the vote tonight would be permanent. Ms. Miller said the Council would approve polling locations and hours each election year.

A motion was made by Councilmember Kennedy and seconded by Councilmember Rigg to approve Stamp Student Union, Davis Hall and City Hall as polling locations on Election Day, and to approve Early Voting at the College Park Community Center on Sunday, October 27 from 10 a.m. to 6 p.m. If City Hall is not available as a polling location on Election Day, an alternative location will be designated.
Councilmember Kennedy said we want to expand voting rights and access to as many people as possible, and that it is good governance to support the recommendations of our Board of Election Supervisors.

**Comments from the audience:**

**Oscar Gregory, resident:** Opposed to the voting center at Stamp but supports no excuse absentee voting for students.

**Samantha Gray, SGA Civic and Government Affairs committee, non-resident:** Supports the poll at Stamp.

**Julia Dickinson, UMD student, resident:** Supports the poll at Stamp.

**Tino Fragale, President, MaryPIRG Students, non-resident:** Supports the poll at Stamp.

Councilmember Brennan said we want all eligible voters to participate in our elections. Whether you are a landowner is not a litmus test. He asked how we will monitor and provide feedback on the success of these voter outreach measures. Ms. Miller said we can count voter turnout and turnout at each poll, but we can’t parse how many voters are students. She added that other municipalities have reported that early voting has not increased overall turnout but is a convenience measure. He thought it would be a good gesture if SGA could work with us to help eliminate the parking fee on campus.

Councilmember Kennedy also encouraged a measurement for success of the Stamp poll.

Councilmember Dennis asked about BOES activities regarding voter registration and publicity. Ms. Miller said the Board is not involved in voter registration activities; municipalities may opt-in to same-day voter registration, but it is not required. The Board is interested in pursuing same-day voter registration in the future, but not this year when we are exploring other new initiatives. She added that staff will work with our Communications Coordinator on voter outreach.

Mr. Tobin said the SGA supports this policy and that the Stamp poll is not just for student voters.

Councilmember Rigg said that we should be putting voting centers where the voters are and that students are residents of our City too. Voter turnout is low.

Councilmember Day repeated that students are residents of our City and that any eligible voter should have the opportunity to vote and this is an important step toward creating participation in the election process.

Councilmember Kabir supports the idea of voting centers. He said residents are nervous about the Stamp poll because they are not sure if it will serve the purpose of increasing voter turnout. He would like to know how many students actually vote. He will abstain from voting.

Mr. Tobin said he has requested student voter participation data from the state.
Mayor Wojahn said it is a minimal amount to pay - $60 – for parking at the University. The University is providing the room at Stamp and the pollworker parking for free. This is a matter of equity. A lot of people come to Stamp Union which is exactly why it should be a polling place; we should put our polling places where the people are. Greenbelt, with a smaller population, has five polls.

Roll Call Vote:
Aye: Kennedy, Brennan, Dennis, Rigg, Day, Kujawa
Nay: None
Abstain: Kabir, Mitchell

Ms. Mitchell abstained because there is a lack of information and Council’s priority should be on increasing engagement of citizens instead of adding another polling place.

The motion passed 6-0-2.

19-O-03 Discussion, and possible introduction, of an Ordinance to amend City Code Chapter 34, Elections, to allow for early voting in the November 2019 election

Ms. Miller said this ordinance would remove the reference to the polling hours and locations from the City Code and allow them instead to be set by the Council through a general motion.

A motion was made by Councilmember Rigg and seconded by Councilmember Dennis to introduce Ordinance 19-O-03, amending Chapter 34, Elections, §34-5, “Polling Places; Hours of Voting” to make provision for early voting and to change the manner in which poll hours and locations are set.

Mayor Wojahn said the Public Hearing will be held on February 26, 2019 at 7:30 p.m. in the Council Chambers of City Hall.

19-G-27 Appointments to Boards and Committees

A motion was made by Councilmember Rigg and seconded by Councilmember Day to reappoint Larry Bleau and Stephanie Stullich to the Advisory Planning Commission and James Garvin to the Airport Authority; and to appoint Alexa Bely and Caroline Wick to the Committee for a Better Environment, Andy Miller to the Complete Count Committee, Rose Colby to the Education Advisory Committee and Mary Cook to the Veterans Memorial Committee. The motion passed 8-0.

A motion was made by Councilmember Brennan and seconded by Councilmember Day to appoint Jim Nealis and John Payne to the Complete Count Committee. The motion passed 8-0.

COMMENTS:
Mr. Tobin reported on the meeting of the Student Advisory Committee.
ADJOURN: A motion was made by Councilmember Mitchell and seconded by Councilmember Brennan to adjourn the meeting, and with a vote of 8-0, Mayor Wojahn adjourned the meeting at 9:32 p.m.

Janeen S. Miller, CMC Date
City Clerk Approved
PRESENT: Mayor Wojahn; Councilmembers Kabir, Kennedy, Brennan, Dennis, Day, Rigg, Kujawa, and Mitchell.

ABSENT: None.

ALSO PRESENT: Scott Somers, City Manager; Bill Gardiner, Assistant City Manager; Janeen Miller, City Clerk; Suellen Ferguson, City Attorney; Bob Ryan, Director of Public Services; Gary Fields, Director of Finance; Alex Tobin, Student Liaison.

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

CITY MANAGER’S REPORT: Mr. Somers discussed upcoming utility work on US 1 that will result in lane closures, refuse/recycling delays due to Monday’s holiday, and early closures due to tomorrow’s snow forecast.

AMENDMENT TO/APPROVAL OF THE AGENDA: A motion was made by Councilmember Brennan and seconded by Councilmember Dennis to remove item #4. The motion carried 8-0. The agenda was approved as amended (Brennan/Rigg) 8-0.

DISCUSSION ITEMS:

1. Presentation on Western Gateway Project: Christian Cerria from Gilbane, Siva Venkataramani and Matt Bender from Torti Gallas & Partners, Tom Haller, attorney and Ed Maginnis, UMD, presented on the Gilbane Western Gateway development.

Mr. Cerria said they are interested in annexation into the City and have reached out to local community groups. There are access challenges with the assembled 17-acre property that is ¼ mile from a Purple Line stop. They anticipate a mixed-use development with 81 Townhomes, 300 subsidized apartments for graduate student housing, and small-scale retail on the campus-side of the development. They will create a new east-west access road. There will be a surplus of parking.

Mr. Haller said they are coming to the City early in the process to get feedback. They propose an MOU to discuss the framework for moving forward with an annexation agreement. They will need legislative amendments, then will go through Preliminary Plan of Subdivision and Detailed Site Plan. Next will be annexation into the City, then the development applications. It will take several months. In response to a question, Mr. Haller said there will be no connection to Windsor Lane. Council expressed an interest in pursuing connectivity in a manner that the community agrees with.

Regarding the annexation: if an agreement is reached and this property is annexed into the City, we would provide them with services. The townhouses are fee-simple and the City
would receive property taxes. We will have to determine which Council district the development is in.

2. **Property Use Agreement for Hard Times Café**: This is for a change of corporate owners; no change to the operations. The original owner, Mr. Swint, is retiring, so this store is returning to corporate ownership. We have updated the earlier agreement which was a recorded Declaration of Covenants to the more current Property Use Agreement. Mr. Kelly is in agreement with the City’s conditions. 35% alcohol to food ratio. Council is asked to act in Special Session because the BOLC hearing is next week. See Special Session minutes for the approval.

3. **Discussion of financing options for City Hall and other capital projects** – **Guests: Joe Mason and Jennifer Diercksen, Davenport & Company, Financial Advisors**: Mr. Mason and Ms. Diercksen reviewed their report. Their recommendation is a public issuance of a General Obligation (GO) bond. They reviewed the 20 year vs. 30 year options. This is a good time to move forward and lock in a lower interest rate. Council wants to know how much of the annual payment is interest in the 20 year and 30 year projections. This will be a bond on the open market and the City will receive a bond rating, estimated to be AA. Council asked how the garage financing was done – that was a private bond sale with SunTrust bank that was subsequently refinanced. Council asked how much debt service is left. Other large capital projects might be included in the bond to help them move forward – more detail on this will be provided when this returns to Council. Bonds typically remain outstanding for 10 years before refunding. Return next week with approval to pursue the public sale of a GO bond for City Hall financing and possible financing of other projects.

4. **Discussion of new bike share / scooter program**: Removed from agenda.

5. **Approval of lease agreement for 8400 Baltimore Avenue for relocation of City Hall staff and offices during construction of the new City Hall**: Mr. Somers said demolition and construction of the new City Hall will begin in early 2020, so we will need to be out of City Hall four months prior. He reviewed the various options that have been explored for relocation of City Staff. There is enough space available at 8400 Baltimore Avenue adjacent to the space currently occupied by Public Services. We would need about 4,200 square feet which will be a tight-but-workable accommodation. Planning would go into the Public Services side. The University is offering us the space at $19/sq. ft. and a build-out credit of $80,000. We believe the space at 8400 is the best option and that being co-located with Public Services is best for customer service.

Councilmember Kabir asked why the space at Davis Hall is not an option. Mr. Somers said the space is on the second floor through a narrow stairwell and is not ADA compliant. It is a smaller space (1100 square feet) that would require a lot of renovations (HVAC, windows, lighting). We may use that space for storage in the future.

Council meetings will be held at Davis Hall when we move out of City Hall. Mayor Wojahn asked if there is any opportunity to get additional meeting space at 8400. Mr. Somers said if they have additional space they would probably be able to rent it for a price.
Approval on consent next week.

6. **MOU with SHA for pedestrian lights on US 1 from College Avenue to MD 193:** Mr. Gardiner reviewed the staff report. Last year we were told we should consider installing pedestrian lights as part of the US 1 rebuild. SHA has a program where they pay 100% for the underground portion and split the cost with the municipality for the above-ground portion. In the past, the City has installed pedestrian lights as parcels have redeveloped, which has led to an inconsistent streetscape. The draft MOU is for more lights (155) than we would need (134) so the price will be less than shown; still, it is an expensive project. The bid opening is March 7 and will determine the actual cost to the City and SHA. SHA has a policy where the City has to sign the MOU before they open the bids. He reviewed the payment options in the staff report. Mr. Somers added that this is an expensive endeavor but it is a way to avoid a piecemeal approach and will get it done all at once rather than waiting for each property to develop and could help encourage revitalization. This is also an opportunity to get SHA to help offset the cost.

There were questions about the locations of the new lights; some seem to be places where we already have lights. Mr. Somers said we would not replace the lights in front of Varsity or University View, but would replace some of the other lights that were previously installed that aren’t up to the specifications we want. Ms. Ferguson said this MOU isn’t final yet.

Councilmember Brennan is hoping for an integrated approach between the pedestrian lights and the streetlights. He wants a comprehensive look at cleaning up the streetscape, i.e. placement of poles and signage that are integrated.

Councilmember Dennis asked about the timeline. Bid opening is March 7; SHA expects to have a firm under contract and provide the notice to proceed in May; from College Avenue to Lakeland Road is a 2 year project, then from Lakeland to 193 is another four years.

There was discussion about which properties could redevelop in the future that could provide reimbursement to the City. Ms. Ferguson said that developers have to install pedestrian lights as part of the Sector Plan, so if the City has already done it, we will ask to be repaid. Several properties that could be redeveloped were identified.

Councilmember Rigg supports the idea of fast-tracking pedestrian lights for the enhanced walkability in this area.

General consensus to move forward, pending the actual cost which is to be determined after the bids are opened. Return March 12.

7. **Discussion of legislation:** *See Special Session minutes.*

8. **Appointments to Boards and Committees** – Lisa Fischer to VMC pending application, Diane Ligon to BOES, Robert Thurston to Senior Committee pending application, Oscar Gregory to CBE, Alan Hew to CBE.
9. Requests for/Status of Future Agenda items:
   • Mayor Wojahn wants to add a discussion of enhanced language access. Brennan/Kennedy. 8-0.
   • Councilmember Rigg wants to discuss a potential tax credit for flood insurance. Rigg/Brennan. Discussion. Explore the feasibility and advise in an information report before scheduling a W/S. 7-1 (Kennedy opposed).
   • Greater use of the Duvall Field concession stand. Kabir/Mitchell. Staff can explore; Worksession not needed.

10. Mayor and Councilmember Comments: Impending snow; County’s Capital Improvement Plan meeting; County Board of Election data; If I Were Mayor visits.

ADJOURN: A motion was made by Councilmember Brennan and seconded by Councilmember Day to adjourn the Worksession, and with a vote of 8-0, Mayor Wojahn adjourned the Worksession at 10:01 p.m.

__________________________________________
Janeen S. Miller Date
City Clerk Approved
PRESENT: Mayor Wojahn; Councilmembers Kabir, Kennedy, Brennan, Dennis, Day, Rigg, Kujawa, and Mitchell.

ABSENT: None.

ALSO PRESENT: Scott Somers, City Manager; Bill Gardiner, Assistant City Manager; Janeen Miller, City Clerk; Suellen Ferguson, City Attorney; Bob Ryan, Director of Public Services; Gary Fields, Director of Finance; Alex Tobin, Student Liaison.

At 8:11 p.m., a motion was made by Councilmember Kujawa and seconded by Councilmember Kennedy to enter into a Special Session to consider approval of the Property Use Agreement for Hard Times Café. The possibility of the Special Session was noted on the Worksession Agenda. With a vote of 8-0, Council entered into Special Session.

19-G-30 Property Use Agreement for Hard Times Café:

Mr. Ryan said this is for a change of corporate owners of Hard Times Café; there is no change to the operations. The original owner, Mr. Swint, is retiring, so this store is returning to corporate ownership. The earlier agreement - a recorded Declaration of Covenants – has been updated to the more current Property Use Agreement. Mr. Kelly is in agreement with the City’s conditions. 35% alcohol to food ratio. Council is asked to act in Special Session because the BOLC hearing is next week.

A motion was made by Councilmember Kujawa and seconded by Councilmember Mitchell to support the application of Capital City Chili, Inc. t/a Hard Times Café for a transfer of a Class B, Beer Wine and Liquor License, subject to the applicant entering into a Property Use Agreement in substantially the form attached; to authorize the City Manager to sign the PUA and a letter of support; and to authorize staff to testify before the BOLC to present the City’s position.

There were no comments from the audience or the Council.

The motion passed 8-0.

A motion was made by Councilmember Rigg and seconded by Councilmember Day to adjourn from Special Session, and with a vote of 8-0, the Special Session was adjourned at 8:12 p.m.
A motion was made by Councilmember Kennedy and seconded by Councilmember Brennan to enter into a Special Session to consider time-sensitive matters of legislation. With a vote of 8-0, Council entered into Special Session at 9:36 p.m.

19-G-31  Support for HB 553 / SB 324 Political Subdivisions – Legal Notice Requirements – Posting on Websites

A motion was made by Councilmember Rigg and seconded by Councilmember Brennan to send a letter in support of this legislation. The motion passed 8-0.

19-G-32  Support for HB 885 Transportation - Vision Zero - Establishment

A motion was made by Councilmember Rigg and seconded by Councilmember Day to send a letter in support of this legislation. The motion passed 8-0.

19-G-33  Opposition to HB 654 / SB 937 Wireless Facilities – Installation and Regulation

A motion was made by Councilmember Rigg and seconded by Councilmember Brennan to send a letter in opposition of this legislation. The motion passed 8-0.

19-G-34  Support for SB 713 / HB 1020 Wireless Facilities – Permitting and Siting

A motion was made by Councilmember Rigg and seconded by Councilmember Brennan to send a letter in support of this legislation. The motion passed 8-0.

19-G-35  Support for HB 1281 / SB 787 Transportation-Bikeways Network Program-Funding

Mayor Wojahn recused himself because he is working this bill in his day job; Mayor Pro Tem Dennis presided.

A motion was made by Councilmember Kennedy and seconded by Councilmember Kabir to send a letter in support of this legislation. The motion passed 8-0.

A motion was made by Councilmember Brennan and seconded by Councilmember Day to adjourn the Special Session. With a vote of 8-0, Mayor Pro Tem Dennis adjourned the Special Session at 9:40 p.m.

____________________________________
Janeen S. Miller          Date
City Clerk              Approved
19-G-45
Annual
Review/Renewal of
Insurance Contracts
CITY OF COLLEGE PARK, MARYLAND
REGULAR COUNCIL MEETING

AGENDA ITEM 19-G-45

Prepared By: Jill Clements,
Director of Human Resources

Meeting Date: March 12, 2019

Presented By: Jill Clements,
Director of Human Resources

Consent Agenda: No

Originating Department: Human Resources

Action Requested: Award renewal contracts for employees’ health and dental insurance coverages, worker’s compensation, and the City’s general liability insurances for FY2020 for a total budgeted cost of $1,848,027

Strategic Plan Goal: Goal 6 - Excellent Services

Background/Justification:
The City provides insured benefits to our full-time and part-time employees working 20 or more hours per week. Each year the cost of these benefits increases, and we work with insurance brokers to assure that we are getting a good value for the price. For fiscal year 2020, the City recommends renewing all contracts without significant changes to the plans.

The health insurance plan is self-insured through a cooperative arrangement with the Local Government Insurance Trust (LGIT) and benefits are administered through Cigna. The increase to premiums from FY2019 to FY2020 will be 6.9%. The total cost in FY2020 will be approximately $1,611,549. The actual amount will fluctuate based on each employee’s enrollment choices. Employees pay approximately 20% of the total cost, leaving a budgeted cost of $1,289,239.

The City offers eligible employees the choice between two dental plans. Exact premium increases will not be available until May and our broker advises us to increase the total budget by a minimum of 5%. Based on current enrollment, the budgeted expense will be $62,995, an approximate increase of $3,000.

Workers Compensation is insured by Chesapeake Employers Insurance Company. The total cost of coverage for FY2020 is expected to be $338,167, which is an increase of nearly $105,000. The increase is due to several factors, including a $200,000 increase in police payroll coupled with an 8% increase in the rate per thousand for police; and a very high claims year in 2017-18. The premium is not final until the policy is audited at the end of each policy year. It is important to note that Chesapeake Employers Insurance has included a 24% discount on this year’s rates because, although we had a bad year for claims, they “know that we have an outstanding attitude toward safety.”

The City’s various liability policies are all insured by the Local Government Insurance Trust (LGIT) or its partners and include general liability, auto, public officials’ liability, police liability, property damage, boiler and machinery, pollution legal liability, crime bond, cyber coverage, Metro underpass coverage, and flood and earth movement coverage. Next year’s expense will decrease by just over $6,000 for an expected total cost of $157,626.

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### Council Options:
- **#1:** Approve the renewal of contracts for health, dental, workers’ compensation, and liability insurances.
- **#2:** Direct staff to proceed differently.
- **#3:** Table the issue and reconsider at a future date. Note: This would have a substantial negative impact on the budget process and the City’s ability to provide insured benefits to our employees in FY2020.

### Staff Recommendation:
- **#1**

### Recommended Motion:
*I move that the Mayor and Council award the contracts for health, dental, workers’ compensation, and property and liability insurances for FY2020 as presented.*

### Attachments:
None
19-CR-02
Adoption of Charter Resolution 19-CR-02
### CITY OF COLLEGE PARK, MARYLAND
### REGULAR COUNCIL MEETING

**AGENDA ITEM 19-CR-02**

**Prepared By:** Janeen S. Miller, City Clerk  
**Meeting Date:** March 12, 2019  
**Presented By:** Janeen S. Miller  
**Proposed Consent Agenda:** No

<table>
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<th>Originating Department:</th>
<th>City Clerk for the Board of Election Supervisors</th>
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<tr>
<td><strong>Strategic Plan Goal:</strong></td>
<td>Goal 6: Excellent Services</td>
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**Background/Justification:**
The Board of Election Supervisors met with the City Council at the February 5 Worksession to discuss several matters pertinent to the November election. The Board requested an increase in the number of Election Supervisors from 5 to 6, which requires a Charter Amendment. The City Council agreed and determined that the sixth Election Supervisor would be appointed by the Mayor, with consent from the Council, from among the qualified voters of the City. Charter Resolution 19-CR-02 was introduced on February 5 and the Public Hearing is scheduled for March 12.

**Fiscal Impact:**
The Board of Election Supervisors is a compensated committee. Adding an additional Supervisor to the Board will increase expense to the City of $720 in the next fiscal year.

**Council Options:**
#1: Adopt Charter Amendment 19-CR-02  
#2: Amend and then adopt Charter Amendment 19-CR-02  
#3: Do not adopt the Charter Amendment

**StaffRecommendation:**
#1

**Recommended Motion:**
N/A

**Attachments:**
Charter Amendment 19-CR-02  
Memo from Board of Election Supervisors
CHARTER RESOLUTION
OF THE MAYOR AND COUNCIL OF THE CITY OF COLLEGE PARK,
AMENDING ARTICLE IV, “VOTING AND ELECTIONS”, § C4-3,
“SUPERVISORS OF ELECTIONS”, TO INCREASE THE NUMBER OF
SUPERVISORS OF ELECTIONS TO SIX, AND TO MAKE PROVISION FOR
APPOINTMENT

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

WHEREAS, the Supervisors of Elections has reported to the Mayor and Council that in anticipation of the increase in the number of polling places, provisional voters and absentee voters, an additional Supervisor of Elections is needed; and

WHEREAS, the Mayor and Council have determined that it is in the public interest to amend Article IV, “Voting and Elections”, §C4-3, “Supervisors of Elections”, to increase the number of Supervisors of Elections from five to six, and to authorize the Mayor to appoint the additional Supervisor, with consent of the Council.

Section 1. NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of College Park that Article IV, “Voting and Elections”, §C4-3, “Supervisors of Elections” be repealed, re-enacted and amended to read as follows:

§ C4-3 Supervisors of Elections.

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] SIX qualified voters of said City, not holding any office thereunder, as Supervisors of Elections, who shall act as Judges of Elections at any elections held during the two years succeeding
their appointment and who shall perform such other duties as may be delegated to them under the College Park Code, one of whom shall be appointed from the qualified voters of each of the four election districts and [one] TWO of whom shall be appointed by the Mayor with the consent of the Council. Such Supervisors of Elections are hereby authorized to administer oaths to the Judges of Elections and voting machine operators in the performance of their duties. The Mayor and Council shall designate one of the [five] SIX Supervisors of Elections as the Chief of Elections.

Section 2. BE IT FURTHER RESOLVED by the Mayor and Council of the City of College Park that this Charter Resolution was introduced on the _5th_ day of _February_ , 2019.

BE IT FURTHER RESOLVED by the Mayor and Council of the City of College Park that, upon formal introduction of this proposed Charter Resolution, which shall be by way of a motion duly seconded and without any further vote, the City Clerk shall distribute a copy to each Council member and shall maintain a reasonable number of copies in the office of the City Clerk and shall post at City Hall, to the official City website, to the City-maintained e-mail LISTSERV, and on the City cable channel, and if time permits, in any City newsletter, the proposed Charter Resolution or a fair summary thereof together with a notice setting out the time and place for a public hearing thereon and for its consideration by the Council.

The public hearing, hereby set for _7:30_ P.M. on the _12th_ day of _March_ , 2019, shall follow the publication by at least twenty-one (21) days, may be held separately or in connection with a regular or special Council meeting and may be adjourned from time to time. All persons interested shall have an opportunity to be heard.
After the hearing, the Council may adopt the proposed Charter Resolution with or without amendments or reject it. It is adopted this _____ day of ______________, 2019, and that the amendment to the Charter of the City of College Park, hereby proposed by this enactment, shall be and become effective upon the fiftieth (50th) day after its passage by the City unless petitioned to referendum in accordance with §4-304 of the Local Government Article, Annotated Code of Maryland within forty (40) days following its passage. A complete and exact copy of this Charter Resolution shall be posted in the City offices located at 4500 Knox Road, College Park, Maryland for forty (40) days following its passage by the Mayor and Council and a fair summary of the Charter Resolution shall be published in a newspaper having general circulation in the City not less than four (4) times, at weekly intervals, also within the forty (40) day period following its adoption by the City.

Section 3. BE IT FURTHER RESOLVED that, within ten (10) days after the Charter Resolution hereby enacted becomes effective, either as herein provided or following referendum, the City Manager for the City of College Park shall send separately, by mail, bearing a postmark from the United States Postal Service, to the Department of Legislative Services, one copy of the following information concerning the Charter Resolution: (i) the complete text of this Resolution; (ii) the date of referendum election, if any, held with respect thereto; (iii) the number of votes cast for and against this Resolution by the Council of the City of College Park or in the referendum; and (iv) the effective date of the Charter Resolution.

Section 4. BE IT FURTHER RESOLVED that the City Manager of the City of College Park be, and hereby is, specifically enjoined and instructed to carry out the provisions of Sections 2 and 3 as evidence of compliance herewith; and said City Manager
shall cause to be affixed to the minutes of this meeting (i) an appropriate Certificate of Publication of the newspaper in which the fair summary of the Charter Resolution shall have been published; and (ii) shall further cause to be completed and executed the Municipal Charter or Annexation Resolution Registration Form.

Section 5. BE IT FURTHER RESOLVED that if any provision of this Resolution or the Charter adopted by this Resolution, or the application thereof to any person or circumstance is held invalid for any reason, such invalidity shall not affect the other provisions or any other application of this Resolution or of the Charter which can be given effect without the invalid provisions or application, and to this end, all the provisions of this Resolution and of the Charter are hereby declared to be severable.

INTRODUCED by the Mayor and Council of the City of College Park at a regular meeting on the 5th day of February 2019.

ADOPTED by the Mayor and Council of the City of College Park at a regular meeting on the ________ day of _____________________ 2019.

EFFECTIVE the ________ day of _____________________, 2019.

ATTEST: _____________________________________________
Janeen S. Miller, CMC, City Clerk

CITY OF COLLEGE PARK,

By _________________________________
Patrick L. Wojahn, Mayor

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

_________________
Suellen M. Ferguson, City Attorney
TO: Mayor and Council
FROM: Jack Robson, Chief Election Supervisor
SUBJECT: Increase in Number of Election Supervisors
DATE: 29 January 2019

At our meeting on January 17th the Election Supervisors discussed the implementation of our plan to allow any City-registered voter to vote at any City polling location. As the Mayor and Council are aware, it is our intent to establish a new location on the UMD campus at the Stamp Student Union. Thus, we will have three polling places within the City at which any voter from any District may vote.

Under the City Charter (§ C4-3) there are five Supervisors, one appointed from each District and one appointed by the Mayor. This has worked well with two polling locations. Each location had two Districts. On Election Day we typically assigned the Supervisors to the poll in the District from which they were appointed. This provided at least two Supervisors at each poll. The Chief, who could be from any District would travel from poll to poll as required.

The addition of the third polling location will require altering this practice as we can no longer have two Supervisors at each poll. We feel that two Supervisors should be available at each poll. Having only one at one of the polls would be a problem in the case of sickness or other unavoidable absence. It would impact intra-day operation of the poll, as well as the opening and closing of the poll.

I recommend that the Mayor and Council amend the Charter to increase the number of Supervisors to six. One Supervisor would be appointed from each District, as is the current practice. The Mayor would appoint two Supervisors, each of whom would have to be from a different District. The Mayor and Council would designate a Chief of Elections from the six, as is currently provided for by the Charter.
Adoption of Ordinance 19-O-06
Prepared By: Gary Fields, Director of Finance
Meeting Date: March 12, 2019
Presented By: Gary Fields, Director of Finance
Consent Agenda: No

Originating Department: Finance

Action Requested: Adoption of Ordinance 19-O-06 amending Chapter 110 “Fees and Penalties” to increase fees for Animal Impound Redemption, Microchip Placement, Refuse Reinstatement, and for Vehicle Immobilization Release

Strategic Plan Goal: Goal 6: Excellent Services

Background/Justification:
At the January 8, 2019 City Council Worksession the “Cost of Fees Study” was presented to the City Council. The purpose of the study was to determine if City fees for services are reasonable and appropriate, and recommend any changes where necessary to better offset and/or recoup costs associated with providing a service.

The report analyzed the costs associated with services for which the City has a fee or charge to the user of the service (customer). Those services are described in various chapters of the City Code. Chapter 110-1 of the City Code authorizes the fees that are charged for the service.

These services cover a broad spectrum of City operations, involving personnel from all City departments. A great deal of information was obtained, analyzed and summarized in this report. While a cost allocation is a relatively simple mathematical function, many factors and choices for the methodology of the different allocations required for the large number of services analyzed make the process somewhat complex and possibly confusing upon first reading/reviewing. The preface of the study and narrative report included provide more detail and description of these issues.

The study showed that all fees had a cost recovery rate less than 100%, meaning that the costs of providing the service are more than the fees charged, and are therefore subsidized, to some degree, by the General Fund. The cost recovery rates for the majority of fees ranged from 0% (no fees charged for a service – or 100% subsidized by the General Fund) to 41%. The remaining fees that had higher cost recovery rates, from 49% to 94% (such as alcoholic beverage licenses and occupancy permits), are justified as those are for services associated with “for-profit” businesses or activities.

Overall, our fees are reasonably set and are comparable with the surrounding jurisdictions. There are a few services that have very low cost recovery rates where we are recommending increases to cover the direct costs:

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Service</th>
<th>Current Fee</th>
<th>Recommended Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ch. 102 – Dogs/Animals</td>
<td>Impound Redemption fee 1st/2nd &amp; subsequent</td>
<td>$25/$50</td>
<td>$50/$100</td>
</tr>
<tr>
<td></td>
<td>Microchip placement</td>
<td>$30</td>
<td>$50</td>
</tr>
<tr>
<td>Ch. 119 – Garbage/Rubbish</td>
<td>Reinstatement Fee</td>
<td>$50</td>
<td>$75</td>
</tr>
<tr>
<td>Ch. 184 – Vehicles &amp; Traffic</td>
<td>Immobilization fee</td>
<td>$35</td>
<td>$100</td>
</tr>
</tbody>
</table>
At the February 26, 2019 City Council meeting these fee increases were reviewed with City Council. Council approved the introduction of Ordinance 19-O-06 to amend certain fees set forth in Chapter 110-1 and scheduled a public hearing on March 12, 2019.

**Fiscal Impact:**
If the recommended fees are approved, an estimated increase of $10,000 in fees would be received to reduce the General Fund subsidy for those services.

**Council Options:**
#1 – Adopt the Ordinance 19-O-06 to implement the recommended fees.
#2 – Take no action

**Staff Recommendation:**
#1 – Adopt the Ordinance 19-O-06 to implement the recommended fees.

**Recommended Motion:**
*I move to adopt Ordinance 19-O-06, An Ordinance of the Mayor and Council of the City of College Park, amending Chapter 110 “Fees and Penalties” by repealing and reenacting section 110-1 “Fees and Interests” to increase fees for Animal Impound Redemption, Microchip Placement, Refuse Reinstatement, and for Vehicle Immobilization Release*

**Attachments:**
1. Draft Ordinance 19-O-06
2. Summary of recommended changes
ORDINANCE
OF THE MAYOR AND COUNCIL OF THE CITY OF COLLEGE PARK, AMENDING
CHAPTER 110 “FEES AND PENALTIES”, BY REPEALING AND REENACTING §110-
1 “FEES AND INTERESTS” TO INCREASE FEES FOR ANIMAL IMPOUND
REDEMPTION, MICROCHIP PLACEMENT, REFUSE REINSTATEMENT, AND
VEHICLE IMMOBILIZATION

WHEREAS, pursuant to §5-202 of the Local Government Article, Annotated Code of
Maryland, the City of College Park (hereinafter, the “City”) has the power to pass such ordinances
as it deems necessary to protect the health, safety and welfare of the citizens of the municipality
and to prevent and remove nuisances; and

WHEREAS, the City currently assesses fees to redeem dogs and other animals that have
been impounded, to microchip animals, to reinstate garbage, rubbish and refuse collection and to
release an immobilized vehicle; and

WHEREAS, fees have been established for services; and

WHEREAS, the Mayor and Council have determined that the costs of providing the
service are more than the fees charged, and it is in the public interest to approve an increase in
the fees for these services.

Section 1. NOW THEREFORE, BE IT ORDAINED AND ENACTED, by the Mayor
and Council of the City of College Park that Chapter 110 “Fees and Penalties”, §110-1, “Fees and
interests”, be and is hereby repealed and reenacted with amendments as follows:

§110-1 Fees and interests.

The following enumerations are the current fees, rates, charges and interests applicable in the City
of College Park:
<table>
<thead>
<tr>
<th>Chapter/Section</th>
<th>Description</th>
<th>Fee/Interest</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ch. 201, Dogs and Other Animals</td>
<td>* * * * * * * * *</td>
<td></td>
</tr>
<tr>
<td>§ 102-7C Impoundment redemption fees:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Each impoundment</td>
<td>§[25]50</td>
<td></td>
</tr>
<tr>
<td>Second or subsequent impoundments</td>
<td>§[50]100</td>
<td></td>
</tr>
<tr>
<td>§ 102-16 Adoption and microchip fees</td>
<td></td>
<td></td>
</tr>
<tr>
<td>* * * * * * * * Microchip placement</td>
<td>§[30]50</td>
<td></td>
</tr>
<tr>
<td>Ch. 119, Garbage, Rubbish and Refuse</td>
<td></td>
<td></td>
</tr>
<tr>
<td>§ 119-9 Reinstatement fee</td>
<td>§[50]75</td>
<td></td>
</tr>
<tr>
<td>Ch. 184, Vehicles and Traffic</td>
<td>* * * * *</td>
<td></td>
</tr>
<tr>
<td>[Amended 5-22-2007 by Ord. No. 07-O-09]</td>
<td></td>
<td></td>
</tr>
<tr>
<td>§ 184-16D Immobilization fee</td>
<td>§[35]100</td>
<td></td>
</tr>
</tbody>
</table>

**Section 2.** BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that, upon formal introduction of this proposed Ordinance, which shall be by way of a motion duly seconded and without any further vote, the City Clerk shall distribute a copy to each Council member and shall maintain a reasonable number of copies in the office of the City Clerk and shall post at City Hall, to the official City website, to the City-
maintained e-mail LISTSERV, and on the City cable channel, and if time permits, in any City newsletter, the proposed ordinance or a fair summary thereof together with a notice setting out the time and place for a public hearing thereon and for its consideration by the Council.

The public hearing, hereby set for _7:30_ P.M. on the _12th_ day of _March_, 2019, shall follow the publication by at least seven (7) days, may be held separately or in connection with a regular or special Council meeting and may be adjourned from time to time. All persons interested shall have an opportunity to be heard.

After the hearing, the Council may adopt the proposed ordinance with or without amendments or reject it. This Ordinance shall become effective on _July 1, 2019_ provided that, as soon as practicable after adoption, the City Clerk shall post a fair summary of the Ordinance and notice of its adoption at City Hall, to the official City website, to the City-maintained e-mail LISTSERV, on the City cable channel, and in any City newsletter.

**INTRODUCED** by the Mayor and Council of the City of College Park at a regular meeting on the _26th_ day of _February_ 2019.

**ADOPTED** by the Mayor and Council of the City of College Park at a regular meeting on the ______ day of ___________________________ 2019.

**EFFECTIVE** the _1st_ day of _July_, 2019.

**ATTEST:**

By: _____________________________

Janeen S. Miller, CMC, City Clerk

By: _____________________________

Patrick L. Wojahn, Mayor

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

______________________________

Suellen M. Ferguson, City Attorney
<table>
<thead>
<tr>
<th><strong>Recommendations:</strong></th>
<th>Cost Recovery Rate</th>
<th>Current Fee</th>
<th>As-is</th>
<th>Proposed/Projected</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1. Ch. 11 - Authorities</strong>&lt;br&gt;For Businesses in the Downtown CP Management Authority (DCPMA)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Business License - Retail</td>
<td>$0.10/s/f</td>
<td>annual</td>
<td>8.0%</td>
<td>34.8%</td>
</tr>
<tr>
<td>Min/Max</td>
<td>$150-$750</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>2. Ch. 87 - Building Construct.</strong>&lt;br&gt;Public Services Dept. Permit - up to/over $25,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Small proj.</td>
<td>$25</td>
<td></td>
<td>10.4%</td>
<td>20.7%</td>
</tr>
<tr>
<td>Large proj.</td>
<td>$75</td>
<td></td>
<td>15.1%</td>
<td>30.1%</td>
</tr>
<tr>
<td><strong>3. Ch. 102 - Dogs/Animals</strong>&lt;br&gt;Impound Redemption fee 1st/2nd &amp; subsequent</td>
<td>$25/$50</td>
<td></td>
<td>15.8%</td>
<td>31.6%</td>
</tr>
<tr>
<td>Microchip placement</td>
<td>$30</td>
<td></td>
<td>17.9%</td>
<td>29.9%</td>
</tr>
<tr>
<td><strong>4. Ch. 119 - Garbage, Rubbish</strong>&lt;br&gt;Reinstatement fee</td>
<td>$50</td>
<td></td>
<td>41.0%</td>
<td>61.5%</td>
</tr>
<tr>
<td><strong>5. Ch. 151 - Permit Parking</strong>&lt;br&gt;Permit issuance &amp; renewal/replace.</td>
<td>$10/$5</td>
<td></td>
<td>26.9%</td>
<td>53.9%</td>
</tr>
<tr>
<td>Visitor</td>
<td>$1</td>
<td></td>
<td>6.0%</td>
<td>30.2%</td>
</tr>
<tr>
<td><strong>6. Ch. 184 - Vehicles &amp; Traffic</strong>&lt;br&gt;Immobilization fee per 4 min.</td>
<td>$35</td>
<td></td>
<td>4.2%</td>
<td>6.7%</td>
</tr>
<tr>
<td>Parking meter fees 75 cents per hr.</td>
<td>$0.05</td>
<td></td>
<td>91.0%</td>
<td>99.3%</td>
</tr>
<tr>
<td><strong>7. Other Fees/charges not part of Chapter 110</strong>&lt;br&gt;Animal licenses</td>
<td></td>
<td></td>
<td>6.7%</td>
<td>33.2%</td>
</tr>
<tr>
<td>Notary resident</td>
<td>$0</td>
<td></td>
<td>0.0%</td>
<td>23.4%</td>
</tr>
<tr>
<td>Notary non-resident</td>
<td>$4</td>
<td></td>
<td>51.8%</td>
<td>70.2%</td>
</tr>
</tbody>
</table>

**Recommended fee increases**
19-O-07
Discussion of, and possible introduction of, an ordinance on dumping fees
CITY OF COLLEGE PARK, MARYLAND  
REGULAR COUNCIL MEETING  

AGENDA ITEM 19-O-07  

Prepared By: Scott Somers,  
City Manager  
Presented By: Scott Somers,  
City Manager  

Meeting Date: March 12, 2019  
Consent Agenda: No  

<table>
<thead>
<tr>
<th>Originating Department:</th>
<th>Administration</th>
</tr>
</thead>
<tbody>
<tr>
<td>Action Requested:</td>
<td>Discussion, and possible introduction, of an ordinance increasing illegal dumping fines.</td>
</tr>
<tr>
<td>Strategic Plan Goal:</td>
<td>Goal 6: Excellent Services</td>
</tr>
</tbody>
</table>

**Background/Justification:**

As a companion item to the discussion and possible ordinance adoption concerning bulk trash, special trash and recycling, staff recommends consideration be given to increasing penalties for violation of §132-3, “Littering prohibited”, which prohibits illegal dumping. Litter is defined as all rubbish, waste material, refuse, garbage, trash, debris, dead animals or other discarded materials or property of every kind and description.

Section 110-2 identifies the fines for littering as follows:

<table>
<thead>
<tr>
<th>Violation</th>
<th>Fine</th>
</tr>
</thead>
<tbody>
<tr>
<td>Initial Violation</td>
<td>$50</td>
</tr>
<tr>
<td>Subsequent Violation in 6 months</td>
<td>$100</td>
</tr>
<tr>
<td>Violation of remainder of Article II:</td>
<td></td>
</tr>
<tr>
<td>Initial Violation</td>
<td>$100</td>
</tr>
<tr>
<td>Subsequent Violation in 12 months</td>
<td>$200</td>
</tr>
</tbody>
</table>

State law allows the City to increase its fines to a maximum $1,000 per violation. In order to create a greater disincentive to littering, staff recommends the Council consider increasing the fine for the initial and each subsequent violation to the maximum allowed of $1,000 per occurrence.

Once and if fine amounts are increased, staff anticipates posting signage such as “No Dumping, Maximum Penalty $1,000 Fine” and “Warning, This Property is Under Video Surveillance. No Dumping. Violators Will Be Prosecuted” in areas prone to illegal dumping along with necessary surveillance equipment.

If introduced, the public hearing for Ordinance 19-O-07 could be scheduled for March 26, 2019. After further review of Chapter 132, additions to this draft Ordinance may be provided to Mayor and Council at the beginning of next week for their consideration.

**Fiscal Impact:**

Costs associated with ordinance adoption requirements are anticipated.

**Council Options:**

1. Introduce Ordinance 19-O-07 increasing the fine of the initial and each subsequent violation to $1,000.
2. Introduce Ordinance 19-O-07 increasing the fine of the initial violation to $500 and each subsequent violation to $1,000.
3. Introduce Ordinance 19-O-07 increasing the fines to alternative amounts.
4. Take no action at this time.

**Staff Recommendation:**

Option #1
Recommended Motion:
I move to introduce Ordinance 19-O-07, An Ordinance of the Mayor and Council of the City of College Park, amending Chapter 110 “Fees and Penalties”, Section 110-2 “Penalties,” and Chapter 132, Litter and Graffiti, Article II, Littering, Section 132-3, to increase the fine for the initial and each subsequent violation to $1,000.

Attachments:
1. Draft Ordinance 19-O-07
DRAFT ORDINANCE
OF THE MAYOR AND COUNCIL OF THE CITY OF COLLEGE PARK,
AMENDING CHAPTER 132, “LITTER AND GRAFFITI”, BY REPEALING AND RE-
ENACTING ARTICLE II, “LITTERING”, §132-8, “VIOLATIONS AND PENALTIES”;
AND CHAPTER 110, “FEES AND PENALTIES”, BY REPEALING AND RE-
ENACTING §110-2, “PENALTIES”, TO INCREASE THE PENALTY FOR FIRST
AND SUBSEQUENT VIOLATION OF §132-3, “LITTERING”

WHEREAS, §5-202 of the Local Government Article of the Annotated Code of
Maryland provides that the Mayor and Council of the City of College Park have the authority to
pass such ordinances as it deems necessary to preserve peace and good order, and to protect the
health, comfort and convenience of the residents of the municipality; and

WHEREAS, the City Charter, Article VII, “Powers and Duties of Mayor and
Council”, §C7-9, “Refuse collection and disposal service”, authorizes the Mayor and
Council to pass such ordinances as may be necessary to provide for the establishment and
maintenance of a refuse collection and disposal service; and

WHEREAS, the Mayor and Council adopted Chapter 32, “Litter and Graffitti”, to
protect the public health, and established penalties in Chapter 110, “Fees and Penalties”
for violation of the Chapter; and

WHEREAS, the Mayor and Council determined that it is in the public interest to
amend Chapters 132 and 110, in conjunction with the revision of the City’s waste and
recycling collection provisions, to increase the penalties for illegal dumping.

Section 1. NOW THEREFORE, BE IT ORDAINED AND ENACTED, by the
Mayor and Council of the City of College Park that
that Chapter 110 “Fees and Penalties”, §110-2, “Penalties” be and is hereby repealed and reenacted with amendments to read as follows:

§110-2 Penalties.

The following enumerations are the current fees, rates, charges and interests applicable in the City of College Park:

<table>
<thead>
<tr>
<th>Chapter/Section</th>
<th>Violation</th>
<th>Penalty</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ch. 132 Litter and Graffiti Article II Littering §132-3</td>
<td>Initial violation</td>
<td>{[$50] $1,000}</td>
</tr>
<tr>
<td></td>
<td>Subsequent violation [in 6 months]</td>
<td>{[$100] $1,000}</td>
</tr>
</tbody>
</table>

Section 2. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that Chapter 1132 “Litter and Graffiti”, Article II, “Litter”, §132-8, “Violations and penalties”, be and it is hereby repealed, reenacted and amended to read as follows:

§132-8 Violations and penalties.

A. – C. * * * *

D. Violations of § 132-3 shall also constitute a municipal infraction, subjecting the violator to a fine as set forth in Chapter 110, Fees and Penalties. [Subsequent violations within any six-month period shall carry a fine as set forth in Chapter 110, Fees and Penalties. No additional notice of violation is required prior to issuance of a municipal infraction.]

E. - G.
Section 3. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that, upon formal introduction of this proposed Ordinance, which shall be by way of a motion duly seconded and without any further vote, the City Clerk shall distribute a copy to each Council member and shall maintain a reasonable number of copies in the office of the City Clerk and shall post at City Hall, to the official City website, to the City-maintained e-mail LISTSERV, and on the City cable channel, and if time permits, in any City newsletter, the proposed ordinance or a fair summary thereof together with a notice setting out the time and place for a public hearing thereon and for its consideration by the Council.

The public hearing, hereby set for _____ P.M. on the ______ day of _______________, 2019, shall follow the publication by at least seven (7) days, may be held separately or in connection with a regular or special Council meeting and may be adjourned from time to time. All persons interested shall have an opportunity to be heard.

After the hearing, the Council may adopt the proposed ordinance with or without amendments or reject it. This Ordinance shall become effective on _________________, 2019 provided that, as soon as practicable after adoption, the City Clerk shall post a fair summary of the Ordinance and notice of its adoption at City Hall, to the official City website, to the City-maintained e-mail LISTSERV, on the City cable channel, and in any City newsletter.

If any section, subsection, provision, sentence, clause, phrase or word of this Ordinance is for any reason held to be illegal or otherwise invalid by any court of competent jurisdiction, such invalidity shall be severable, and shall not affect or impair any remaining section, subsection, provision, sentence, clause, phrase or word included within this
Ordinance, it being the intent of the City that the remainder of the Ordinance shall be and shall remain in full force and effect, valid and enforceable.

INTRODUCED by the Mayor and Council of the City of College Park, Maryland at a regular meeting on the _____ day of __________ 2019.

ADOPTED by the Mayor and Council of the City of College Park at a regular meeting on the _____ day of _______________________ 2019.

EFFECTIVE the ____ day of ________________________, 2019.

ATTEST:

CITY OF COLLEGE PARK

By: _____________________________ By: _____________________________
    Janeen S. Miller, CMC, City Clerk                   Patrick L. Wojahn, Mayor

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Suellen M. Ferguson, City Attorney
Discussion of an amendment to Small Cell Ordinance

Material will be provided over the weekend by the City Attorney.
**AGENDA ITEM NUMBER 19-O-08**

**Prepared By:** Suellen M. Ferguson  
City Attorney  
**Presented By:** Suellen M. Ferguson  
City Attorney  
**Meeting Date:** March 12, 2019  
**Consent Agenda:** No

**Originating Department:** Public Works Department

**Action Requested:** Introduction of An Ordinance Of The Mayor And Council Of The City Of College Park To Amend Chapter 172, “Streets And Sidewalks” And Chapter 110, “Fees and Penalties: To Regulate Deployment And Installation Of Wireless Facilities And Support Structures In The City Rights-Of-Way

**Strategic Plan Goal:** Goal 4: Quality Infrastructure

**Background/Justification:**
In January, the Mayor and Council approved Ordinance 18-O-10, which adopted Chapter 172, Streets, Sidewalks and Rights-of-Way, Article II, “Wireless Telecommunications Facilities In Public Rights-Of-Way”. Based on further understanding of the placement of small wireless facilities in the rights-of-way as regulated by the FCC, and the operational challenges that accompany this, several amendments to the Article are recommended. Specifically, the amendment:

1. Adds a definition
2. Allows the City to hold a public hearing with respect to the proposed installation of wireless facilities
3. Sets additional standards for installation
4. Sets standards for identification and maintenance
5. Prevents spooling or coiling of cables on poles
6. Requires additional information to be submitted as part of the application
7. Sets a consideration deadline for applications not otherwise set by federal law
8. Adds a fee provision

**Fiscal Impact:**
No fiscal impact.

**Council Options:**
1. Introduce the ordinance
2. Amend and introduce the ordinance
3. Do nothing.

**Staff Recommendation:**
Option #1

**Recommended Motion:** I move to introduce an Ordinance Of The Mayor And Council Of The City Of College Park To Amend Chapter 172, “Streets And Sidewalks” And Chapter 110, “Fees and Penalties: To add a definition allows the City to hold a public hearing with respect to the proposed installation of wireless facilities set additional standards for installation set standards for identification and maintenance, prevent spooling or coiling of cables on poles, require additional information to be submitted as part of the application, set a consideration deadline for applications not otherwise set by federal law and add a fee provision.

**Attachments:**
1. Redlined Ordinance for review and possible introduction.
ORDINANCE
OF THE MAYOR AND COUNCIL OF THE CITY OF COLLEGE PARK,
AMENDING CITY CODE CHAPTER 172, “STREETS AND SIDEWALKS”
ARTICLE II, “WIRELESS TELECOMMUNICATIONS FACILITIES IN
PUBLIC RIGHTS-OF-WAY” BY REPEALING AND RE-ENACTING §172-7,
“SCOPE”, §172-8 “DEFINITIONS”, §172-9 “GENERAL STANDARDS FOR
WIRELESS TELECOMMUNICATIONS FACILITIES IN THE RIGHTS-OF-
WAY”, § 172-10 “APPLICATION SUBMISSION REQUIREMENTS”,
AND AMENDING CHAPTER 110, “FEES AND PENALTIES”, §110-1, “FEES AND
INTERESTS”, TO ADD A DEFINITION ALLOWS THE CITY TO HOLD A PUBLIC
HEARING WITH RESPECT TO THE PROPOSED INSTALLATION OF
WIRELESS FACILITIES SET ADDITIONAL STANDARDS FOR INSTALLATION
SET STANDARDS FOR IDENTIFICATION AND MAINTENANCE, PREVENT
SPOOLING OR COILING OF CABLES ON POLES, REQUIRE ADDITIONAL
INFORMATION TO BE SUBMITTED AS PART OF THE APPLICATION, SET A
CONSIDERATION DEADLINE FOR APPLICATIONS NOT OTHERWISE SET BY
FEDERAL LAW AND ADD A FEE PROVISION

WHEREAS, §5-202 of the Local Government Article of the Annotated Code of
Maryland provides that the Mayor and Council of the City of College Park have the authority to
pass such ordinances as it deems necessary to preserve peace and good order, and to protect the
health, comfort and convenience of the residents of the municipality; and

WHEREAS, the City Charter, Article XI, “Public Ways, Sidewalks and Special
Assessments”, §§11-2 and 11-3, authorize the City to control its rights of way and make
provision for construction in the rights of way; and

WHEREAS, the Mayor and Council have adopted Chapter 172, “Streets and
Sidewalks” Article II, “Wireless Telecommunications Facilities in Public Rights-of-
Way” to regulate placement of small wireless telecommunications facilities in City rights
of way; and

CAPS: Indicate matter added to existing law.
[Brackets]: Indicate matter deleted from law.
Asterisks ***: Indicate matter remaining unchanged in existing law but not set forth in Ordinance
CAPS: Indicate matter added in amendment
[Brackets]: Indicate matter deleted in amendment
WHEREAS, the Mayor and Council determined that it is in the public interest to revise Chapter 172, “Streets and Sidewalks” Article II, “Wireless Telecommunications Facilities in Public Rights-of-Way” that is consistent with federal and state law.

Section 1. NOW THEREFORE, BE IT ORDAINED AND ENACTED, by the Mayor and Council of the City of College Park, Maryland that Chapter 172, “Streets and Sidewalks” Article II, §172-7, “Scope”, be and it is hereby repealed, re-enacted and amended to read as follows:

§172-7 SCOPE.

A. In general. A SMALL WIRELESS FACILITY MAY BE LOCATED IN CITY RIGHTS-OF-WAY SUBJECT TO THE PROVISIONS OF THIS ARTICLE. Unless exempted, every person who desires to place a small wireless telecommunications facility in City rights-of-way, to include deployment of personal wireless service infrastructure, or modify an existing wireless telecommunications facility, including without limitation for the:

1. Collocation of a small wireless facility;
2. Attachment of a small wireless facility to a pole owned by an authority;
3. Installation of a pole;
4. Modification of a small wireless facility or a pole;

must obtain a wireless placement permit authorizing the placement or modification.

B. Exemptions. * * * *
C. Other applicable requirements. In addition to the wireless telecommunications permit required herein, the placement of a wireless telecommunications facility in the public-rights of way requires the persons who will own or control those facilities to obtain the franchises, license agreements and permits required by applicable law, and to comply with applicable law, including, but not limited to, applicable law governing radio frequency (RF) emissions. Nothing in this chapter precludes the City from applying its generally applicable health, safety, and welfare regulations when granting consent for a small [المتعدد] WIRELESS facility or wireless support structure in the City's right of way.

D. Public use.

Section 2. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park Maryland that Chapter 172 “Streets and Sidewalks”, Article II, §172-8, “Definitions”, be and it is hereby enacted to read as follows:

§172-8 Definitions.

Terms used in this article shall have the following meanings:

A. – T.

U. WIRELESS SUPPORT STRUCTURE. A POLE, SUCH AS A MONOPOLE, EITHER GUYED OR SELF-SUPPORTING, STREET LIGHT POLE, TRAFFIC SIGNAL POLE, OR UTILITY POLE CAPABLE OF SUPPORTING A SMALL WIRELESS TELECOMMUNICATIONS FACILITY.

Section 3. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park Maryland that Chapter 172 “Streets and Sidewalks”,

3
Article II, §172-9, “General Standards for Wireless Telecommunications Facilities in the Rights-of-Way” be and it is hereby repealed, re-enacted and amended to read as follows:

§172-9 GENERAL STANDARDS FOR WIRELESS TELECOMMUNICATIONS FACILITIES IN THE RIGHTS-OF-WAY.

A. - B. * * * *

C. Standards. Wireless telecommunications facilities AND WIRELESS SUPPORT STRUCTURES shall be installed and modified, AND THE USE OF A PUBLIC RIGHT-OF-WAY OR THE ATTACHMENT OF WIRELESS FACILITIES TO PUBLIC ASSETS BY A WIRELESS PROVIDER SHALL BE ACCOMPLISHED, in a manner that:

(1) Minimizes risks to public safety, avoids placement of aboveground facilities in underground areas, avoids installation of new support structures or equipment cabinets in the public rights of way, and maximizes use of existing structures and poles, avoids placement in residential areas when commercial areas are reasonably available, and otherwise maintains the integrity and character of the neighborhoods and corridors in which the facilities are located;

(2) Ensures that installations are subject to periodic review to minimize the intrusion on the rights of way; and

(3) Ensures that the City bears no risk or liability as a result of the installations, and that such use does not inconvenience the public, OBSTRUCT OR HINDER TRAVEL OR PUBLIC SAFETY ON THE RIGHT OF WAY OR THE LEGAL USE OF THE RIGHT-OF-WAY OR PUBLIC ASSETS BY OTHERS, interfere
with the primary uses of the public rights of way, or hinder the ability of the City or other government agencies to improve, modify, relocate, abandon or vacate the public rights of way or any portion thereof, or to cause the improvement, modification, relocation, vacation or abandonment of facilities in the rights of way.

(4) Ensures that location of facilities on existing poles or structures is within the tolerance of those poles or structures.

(5) UNLESS OTHERWISE APPROVED BY THE CITY, ANY TELECOMMUNICATIONS FACILITY MAY BE LOCATED NO CLOSER THAN: (I) TWO (2) FEET FROM ANY CURB, SIDEWALK, OR OTHER IMPROVEMENT WITHIN THE RIGHTS-OF-WAY; AND (II) FIVE (5) FEET FROM ANY DRIVEWAY APRON, AND BE OTHERWISE LOCATED TO AVOID INTERFERENCE WITH PEDESTRIAN AND MOTORIST SIGHTLINES AND USE.

(6) SMALL CELL FACILITIES SHALL BE INSTALLED AT LEAST EIGHT (8) FEET ABOVE THE GROUND. IF A SMALL WIRELESS FACILITY ATTACHMENT IS PROJECTING TOWARD THE STREET, FOR THE SAFETY AND PROTECTION OF THE PUBLIC AND VEHICULAR TRAFFIC, THE CITY MAY REQUIRE THE ATTACHMENT TO BE INSTALLED NO LESS THAN SIXTEEN (16) FEET ABOVE THE GROUND.

B. Concealment. Permits for wireless telecommunications facilities shall
incorporate specific concealment elements to minimize visual impacts, and design requirements ensuring compliance with all standards for noise emissions. Unless it is determined that another design is less intrusive, or placement is required under applicable law:

(1) Antennas located at the top of support structures shall be incorporated into the structure, or placed within shrouds of a size such that the antenna appears to be part of the support structure;

(2) Antennas placed elsewhere on a support structure shall be integrated into the structure, or be designed and placed to minimize visual impacts.

(3) Radio units or equipment cabinets holding radio units and mounted on a utility pole shall be placed as high as possible on a support structure, located to avoid interfering with, or creating any hazard to, any other use of the public rights of way, and located on one side of the utility pole. Unless the radio units or equipment cabinets can be concealed by appropriate traffic signage, radio units or equipment cabinets mounted below the communications space on utility poles shall be designed so that the largest dimension is vertical, and the width is such that the radio units or equipment cabinets are minimally visible from the opposite side of the support structure on which they are placed.

(4) Wiring and cabling shall be neat and concealed within or flush to the support structure, ensuring concealment of these components to the greatest extent possible. TO REDUCE CLUTTER AND DETER
VANDALISM, EXCESS FIBER OPTIC OR COAXIAL CABLES FOR SMALL CELL FACILITIES SHALL NOT BE SPOOLED, COILED OR OTHERWISE STORED ON THE POLE EXCEPT WITHIN THE APPROVED ENCLOSURE SUCH AS A CAGE OR CABINET

(5) Ground-mounted equipment associated with a wireless telecommunications facility shall be permitted only where consistent with the portion of the corridor in which it is to be placed, and may be required to be underground, located in alleys or otherwise shielded. In no event may ground-mounted equipment interfere with pedestrian or vehicular traffic.

(6) No permit shall be issued or effective unless it is shown that the wireless telecommunications facility will comply with Federal Communication Commission ("FCC") regulations governing radio frequency ("RF") emissions. Every wireless facility shall at all times comply with applicable FCC regulations governing rf emissions, and failure to comply therewith shall be a treated as a material violation of the terms of any permit or lease.

(7) No towers shall be permitted in the public rights of way, and no wireless telecommunications facilities shall be permitted above-ground in underground areas; provided that the City may permit placements where all elements of the wireless telecommunications facility are concealed and the facility does not appear to a casual observer to be a wireless telecommunications facility.

(8) No permit shall issue except to wireless service providers with immediate plans (for use of the proposed wireless telecommunications facility; or
wireless infrastructure providers with contracts with wireless service providers which require the service provider immediately to use the proposed wireless telecommunications facility.

(9) Unless appropriately placed, and concealed, so that the size of the facility cannot be increased except with the discretionary approval of the City, no wireless telecommunications facility is permitted in rights-of-way in alleys.

(10) No wireless telecommunications facility is permitted in any local historic district without the approval of the Prince George’s County Historic Preservation Commission.

(11) ALL WIRELESS TELECOMMUNICATIONS FACILITIES, WIRELESS SUPPORT STRUCTURES AND WIRELESS INFRASTRUCTURE SHALL BE APPROPRIATELY LABELED WITH IDENTIFICATION AND CONTACT INFORMATION, AND SHALL BE PROPERLY MAINTAINED AND KEPT FREE OF GRAFFITI.

Section 4. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park Maryland that Chapter 172, “Streets and Sidewalks”, Article II, §172-10, “Application submission requirements” be and it is hereby repealed, re-enacted and amended to read as follows:

§ 172-10 APPLICATION SUBMISSION REQUIREMENTS AND FINAL INSPECTION.

   A. * * * *

   B. Content. An application must contain:
(1) the name of the applicant, its telephone number and contact information, and if the applicant is a wireless infrastructure provider, the name and contact information for the wireless service provider that will be using the wireless telecommunications facility;

(2) a complete description of the proposed wireless telecommunications facility and the work that will be required to install or modify it, including but not limited to detail regarding proposed excavations, if any; A PRE-CONSTRUCTION SURVEY; A PROPOSED SCHEDULE FOR COMPLETION, CERTIFIED BY A LICENSED PROFESSIONAL ENGINEER; A CERTIFICATION BY A RADIO FREQUENCY ENGINEER THAT THE TELECOMMUNICATIONS FACILITY WILL COMPLY WITH THE RADIOFREQUENCY RADIATION EMISSION STANDARDS ADOPTED BY THE FEDERAL COMMUNICATIONS COMMISSION; detailed site plans showing the location of the wireless telecommunications facility, and specifications for each element of the wireless telecommunications facility, clearly describing the site and all structures and facilities at the site before and after installation or modification; and a description of the distance to the nearest residential dwelling unit and any contributing historical structure
within 500 feet of the facility. Before and after 360 degree photo simulations must be provided. The electronic version of an application must be in a standard format that can be easily uploaded on a web page for review by the public.

(3) –(6) * * * *

(7) A copy of any pole or structure attachment agreement must be provided, as well as sufficient information to determine that the installation can be supported by and does not exceed the tolerances of the pole or structure AND SPECIFICATIONS FOR EACH ELEMENT OF THE WIRELESS TELECOMMUNICATIONS FACILITY, CLEARLY DESCRIBING THE SITE AND ALL STRUCTURES AND FACILITIES AT THE SITE BEFORE AND AFTER INSTALLATION OR MODIFICATION; A STRUCTURAL REPORT PERFORMED BY A DULY LICENSED ENGINEER EVIDENCING THAT THE POLE, TOWER OR SUPPORT STRUCTURE CAN ADEQUATELY SUPPORT THE COLLOCATION (OR THAT THE POLE, TOWER, OR SUPPORT STRUCTURE WILL BE MODIFIED TO MEET STRUCTURAL REQUIREMENTS) IN ACCORDANCE WITH APPLICABLE CODES:

a. Payment of any required fees.

b. Before a permit is issued, concurrent agreement to any required
franchise, ACCESS or license agreement must be provided.

(8) Fees. Applicant must provide an application fee, and shall be required to pay all costs reasonably incurred by city in reviewing the application, including costs incurred in retaining outside consultants. Applicant shall also pay an access fee. Fees shall be reviewed periodically, and raised or lowered based on costs the city expects to incur.

(9) PUBLIC HEARING. THE CITY MAY ELECT TO PROVIDE PUBLIC NOTICE OF AN APPLICATION AND HOLD A PUBLIC HEARING PRIOR TO THE APPROVAL OF AN APPLICATION. IF THE CITY 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.

(10) OPERATION DATE. AS PART OF THE PERMIT PROCESS, THE CITY MAY REQUIRE A WIRELESS FACILITY TO BE FULLY OPERATIONAL WITHIN A SPECIFIED PERIOD AFTER THE DATE THE LAST OR FINAL PERMIT IS ISSUED, UNLESS THE TOWN AND THE APPLICANT AGREE TO EXTEND THE PERIOD.

(11) * * * *

(12) PROCESSING OF APPLICATIONS. FOR SMALL WIRELESS FACILITIES, PERSONAL WIRELESS FACILITIES, AS THOSE TERMS ARE DEFINED UNDER FEDERAL LAW, AND ELIGIBLE FACILITIES REQUESTS, AS THAT TERM IS DEFINED UNDER FEDERAL LAW, APPLICATIONS WILL BE PROCESSED IN CONFORMITY WITH STATE.
LOCAL AND FEDERAL LAW, AS AMENDED. CURRENTLY, THE FCC HAS REQUIRED THAT SUCH APPLICATIONS BE PROCESSED WITHIN 60 DAYS OF RECEIPT OF A COMPLETED APPLICATION FOR FACILITIES THAT WILL BE COLLOCATED ON PREEXISTING STRUCTURES, AND 90 DAYS FOR NEW CONSTRUCTION. IN THE ABSENCE OF FEDERAL LAW OR REGULATION, AN APPLICATION THAT IS DEEMED COMPLETE BY THE CITY SHALL BE APPROVED OR DISAPPROVED WITHIN 180 DAYS AFTER THE RECEIPT OF THE COMPLETE APPLICATION.

Section 5.

BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that Chapter 110 “Fees and Penalties”, §110-1, “Fees and interest” be and is hereby repealed and reenacted with amendments to read as follows:

§110-1 Fees and interests.

The following enumerations are the current fees, rates, charges and interests applicable in the City of College Park:

<table>
<thead>
<tr>
<th>Chapter/Section</th>
<th>Description</th>
<th>Fee/Interest</th>
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<tbody>
<tr>
<td>172-10(C)</td>
<td>APPLICATION FEE</td>
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</table>

$500 for up to five small wireless facilities, with an additional $100 for each small wireless facility over five, or $1,000 for non-recurring fees for a new pole, not a collocation intended to
support one or more small wireless facilities. ACTUAL COST TO REVIEW APPLICATIONS, IF IN EXCESS OF SET FEES.

Access fee - $270 per small wireless facility per year

* * *

Section 13. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that, upon formal introduction of this proposed Ordinance, which shall be by way of a motion duly seconded and without any further vote, the City Clerk shall distribute a copy to each Council member and shall maintain a reasonable number of copies in the office of the City Clerk and shall post at City Hall, to the official City website, to the City-maintained e-mail LISTSERV, and on the City cable channel, and if time permits, in any City newsletter, the proposed ordinance or a fair summary thereof together with a notice setting out the time and place for a public hearing thereon and for its consideration by the Council.

The public hearing, hereby set for _____ P.M. on the ______ day of ______________, 2019, shall follow the publication by at least seven (7) days, may be held separately or in connection with a regular or special Council meeting and may be adjourned from time to time. All persons interested shall have an opportunity to be heard.

After the hearing, the Council may adopt the proposed ordinance with or without amendments or reject it. This Ordinance shall become effective on ________________, 2019 provided that, as soon as practicable after adoption, the City Clerk shall post a fair summary of the Ordinance and notice of its adoption at City Hall, to the official City website, to the City-maintained e-mail LISTSERV, on the City cable channel, and in any City newsletter.
If any section, subsection, provision, sentence, clause, phrase or word of this Ordinance is for any reason held to be illegal or otherwise invalid by any court of competent jurisdiction, such invalidity shall be severable, and shall not affect or impair any remaining section, subsection, provision, sentence, clause, phrase or word included within this Ordinance, it being the intent of the City that the remainder of the Ordinance shall be and shall remain in full force and effect, valid and enforceable.

**INTRODUCED** by the Mayor and Council of the City of College Park, Maryland at a regular meeting on the ____ day of _________ 2019.

**ADOPTED** by the Mayor and Council of the City of College Park, Maryland at a regular meeting on the ____ day of ________________________, 2019.

**EFFECTIVE** the ____ day of ________________________, 2019.

**ATTEST:**

CITY OF COLLEGE PARK

By: ________________                By: ________________

Janeen S. Miller, CMC, City Clerk

Patrick L. Wojahn, Mayor

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

Suellen M. Ferguson, City Attorney
19-G-46
Appointments to Boards and Committees
Appointment of the Board of Election Supervisors for the next two-year term:

I. Appoint the Supervisors:

   Mayor:          John Robson
   District 1:     Lisa Williams
   District 2:     Diane Ligon
   District 3:     John Payne
   District 4:     Maria Mackie

II. Designate the Chief: _________________

III. Set the compensation:

   $720 per fiscal year for each supervisor and $960 per fiscal year for the Chief
   Supervisor, each to be compensated for the full two year term.

Additional Appointments:

- Councilmember Rigg: Appoint Andrea McNamara and Pablo Regis de Oliveira to the
  Committee for a Better Environment.
Memorandum

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

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

DATE: March 8, 2019

RE: Weekly Report

Here is a list of pertinent issues:

<table>
<thead>
<tr>
<th>Bill Number</th>
<th>Description of Bill</th>
</tr>
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<tbody>
<tr>
<td>HB 10</td>
<td>Del. Carr (D18)</td>
</tr>
<tr>
<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. Bill received an unfavorable report and has been withdrawn.</strong></td>
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</tbody>
</table>
| HB 34 (SB 331) | Del. Carr (D18)  
Sen. Kramer (D19) | 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. **The**
<table>
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<tbody>
<tr>
<td>HB 82 (SB 116)</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. <em>The House bill was heard by the House Environment and Transportation Committee on February 7th.</em> House Bill passed Third Reader (121-19) and is now on First Reader with the Senate Environment and Transportation Committee. The Senate bill was heard on Feb. 27th by the Senate Finance Committee.</td>
</tr>
<tr>
<td>HB 102 (SB 442)</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. <em>The House bill was heard on February 7th by the House Environment and Transportation Committee.</em> The Senate bill was heard on Feb. 27th by the Senate Finance Committee.</td>
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<tr>
<td>HB 108 (SB 291)</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 <em>The House bill was heard on February 7th by the House Environment and Transportation Committee.</em> The Senate bill was heard on February 13th by the Senate Judicial Proceedings Committee.</td>
</tr>
<tr>
<td>HB 109 (SB 285)</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. <em>House bill was heard on Feb. 6th by the House Environment and Transportation Committee.</em> House Bill was special ordered until today, March 8th. The Senate bill was heard on Feb. 12th by the Senate Education, Health and Environmental Affairs Committee and has passed Second Reader with amendments.</td>
</tr>
<tr>
<td>HB 150 (SB 174)</td>
<td>Administration More Opportunities for Marylanders Act of 2019 – This bill extends to 2030 the termination date of the Program; alters the maximum aggregate</td>
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<tr>
<td>Bill Number</td>
<td>Description of Bill</td>
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<tr>
<td><strong>Credit amounts of initial tax credit certificates the Department of Commerce may issue from the More Jobs for Marylanders Tax Credit Reserve Fund in a fiscal year; alters the calculation the Governor shall use for appropriating funds to the More Jobs for Marylanders Tax Credit Reserve Fund. The House bill was heard on March 6th by the House Ways and Means Committee. The Senate bill was heard on February 27th by the Senate Budget and Taxation Committee.</strong></td>
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</table>

**HB 155 (SB 164) Administration** 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. The House bill was heard on February 28th by the House Appropriations Committee. The Senate bill was heard on February 27th by the Senate Budget and Taxation Committee. Bill is supported by the Maryland Municipal League. |

**HB 183 County Delegation** 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. Bill was heard by the House Ways and Means Committee on February 5th. Bill passed Third Reader (140-0) and is now on First Reader with the Senate Budget and Taxation Committee. |

**HB 185 (SB 352) County Delegation/ Sen. Rosapepe (D21)** 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. House bill was heard February 18th in House Economic Matters Committee. Senate bill was heard February 22nd in Senate Education, Health and Environmental Affairs Committee. |

**HB 186 County Delegation** 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...
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<tr>
<td><strong>HB 188</strong></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. Bill was heard by the House Ways and Means Committee on February 5th. Bill passed Third Reader 139-0) and is now on First Reader with the Senate Budget and Taxation Committee.</td>
</tr>
<tr>
<td><strong>HB 189</strong></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. Bill was heard on February 18th by the House Economic Matters Committee.</td>
</tr>
<tr>
<td><strong>HB 209</strong></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). Bill was heard on February 14th by the House Environment and Transportation Committee.</td>
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<tr>
<td><strong>HB 220</strong></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. Bill was heard on February 19th by the House Environment &amp; Transportation Committee.</td>
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<tr>
<td><strong>HB 223</strong></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. Bill was heard by the House Ways and Means Committee on February 5th. Bill passed Third Reader (139-0)</td>
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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. Bill was heard February 18th by the House Economic Matters Committee.
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<tr>
<th>Bill Number</th>
<th>Description of Bill</th>
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<tbody>
<tr>
<td>HB 225</td>
<td>County Delegation</td>
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<td></td>
<td>Prince George’s County – School Facilities Surcharge – Exemptions – Transit Oriented Development – Workforce Housing – (PG 415-19) – Bill alters the exemptions from the Prince George’s County school facilities surcharge to include mixed retirement development or elderly housing, single-family attached dwelling units located in a certain Transforming Neighborhood Initiative area, and certain multi-family housing located within a certain distance of a Metro Station or a Purple Line station. <strong>Bill will be heard on March 12th by the House Environment and Transportation Committee.</strong></td>
</tr>
<tr>
<td>HB 227</td>
<td>County Delegation</td>
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<td></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>
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<tr>
<td>HB 235 (SB 175)</td>
<td>Administration</td>
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<td>Economic Development – Maryland Technology Infrastructure Program – This Administration bill establishes the Maryland Technology Infrastructure Program, Authority, and Fund (MTIF) in the Maryland Technology Development Corporation (TEDCO). The authority’s purpose is to provide advice to and consult with TEDCO in connection with the administration of the program. MTIF must be used to cover the program’s costs; subject to available funding and on the recommendation of the authority, TEDCO must award capital and operating financial assistance from MTIF to public or private entities in the State for specified purposes. <strong>House Bill was heard on March 6th by the House Ways and Means Committee.</strong> The Senate Bill was heard on February 12th by the Senate Finance Committee.</td>
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<tr>
<td>HB 272 (SB 234)</td>
<td>Del. Lafferty (D42A) Sen. Young (D3)</td>
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<td></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.</strong> The House bill passed Third Reader (122-17) and is now on First Reader with the Senate Education, Health and Environmental Affairs Committee. The Senate bill was heard on February 12th by the Senate Education, Health and Environmental Affairs Committee.</td>
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<td>Bill Number</td>
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<td>Senate bill passed Third Reader (47-0) and is now on First Reader on House Environment and Transportation Committee. Supported with amendment by the Maryland Municipal League.</td>
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<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. Bill passed Third Reader (98-41) and is now on First Reader with the Senate Education, Health and Environmental Affairs 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>
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<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>
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<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</td>
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<td><strong>HB 413</strong></td>
<td>Public Information Act – Personnel and Investigatory Records – Formal Complaints Against Public Employees - 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. Bill is opposed by the Maryland Municipal League.</strong></td>
</tr>
<tr>
<td><strong>HB 428 (SB 269)</strong></td>
<td>Comprehensive Flood Management Grant Program – Awards for Flood Damage and Mandatory Funding – 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 was heard on February 19th by the House Environment and Transportation Committee. The Senate bill was heard on March 6th by the Senate Budget and Taxation Committee. Supported by the Maryland Municipal League.</strong></td>
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<tr>
<td><strong>HB 472</strong></td>
<td>Constitutional Amendment – Environmental Rights – 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 was heard by the House Environment and Transportation Committee on February 20th where it received an Unfavorable Report. Bill was opposed by the Maryland Municipal League.</strong></td>
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<td>HB 474</td>
<td>Joint Use of Utility and Telecommunications Infrastructure – 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 entities; and requires the Commission to adopt certain regulations. <strong>Bill was heard on February 21st by the House Economic Matters Committee.</strong> Bill is supported with amendment by the Maryland Municipal League.</td>
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<tr>
<td>HB 515</td>
<td>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. <strong>Bill was heard on February 26th by the House Environment and Transportation Committee.</strong> Bill is supported with amendment by the Maryland Municipal League.</td>
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<tr>
<td>HB 553 (SB 324)</td>
<td>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. <strong>The House bill was 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.</strong></td>
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<tr>
<td>HB 557 (SB 509)</td>
<td>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. <strong>The House bill was heard on February 19th by the House Ways and Means Committee. The Senate bill was heard on February 20th by the Senate Budget and Taxation Committee. Supported by the Maryland Municipal League.</strong></td>
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<tr>
<td>HB 560</td>
<td>Transportation - State Highway Administration - Traffic Calming Devices – This bill requires the State Highway Administration to develop certain</td>
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Bill Number | Description of Bill
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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 was heard on February 21st by the House Environment and Transportation Committee. Bill is supported with amendment by the Maryland Municipal League.**

**HB 645**  
*Del. Lisante (D34A)*  
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. **Bill was heard on February 19th by the House Appropriations Committee. Bill has passed Second Reader. Bill is supported by the Maryland Municipal League.**

**HB 654 (SB 937)**  
*Del. D. E. Davis (D25)*  
*Sen. Klausmeier (D8)*  
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. **The House bill was heard on February 21st by the House Economic Matters Committee. Opposed by the Maryland Municipal League.**

**HB 679 (SB 872)**  
*Speaker and Del. Jones (D10)*  
*President and Sen. Klausmeier (D8)*  
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 "employee" for the purposes of certain laws governing discrimination in employment. **House bill was heard on February 19th by the House Appropriations Committee. Supported with amendment by the Maryland Municipal League.**

**HB 703 (SB 505)**  
*Del. Lafferty (42A)*  
*Sen. Elfreth (D30)*  
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
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<td>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 was heard on February 22nd by the House Environment and Transportation Committee.</strong> House bill has passed Second Reader with amendments. The Senate bill was heard on February 27th by the Senate Education, Health and Environmental Affairs Committee. Opposed by the Maryland Municipal League.</td>
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<td>HB 717</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 was heard on March 5th by the House Judiciary Committee.</strong> Supported with amendment by the Maryland Municipal League.</td>
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<tr>
<td>HB 765 (SB 914)</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 was heard on February 28th by the House Environment and Transportation Committee.</strong> The Senate bill is currently with the Senate Rules Committee.</td>
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<tr>
<td>HB 776</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 was heard on February 28th by the House Environment and Transportation Committee.</strong> Bill is opposed by the Maryland Municipal League.</td>
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<td><strong>HB 858</strong></td>
<td>Del. M. Fisher (D27C) 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 was heard on February 26th by the House Ways and Means Committee.</strong> Opposed by the Maryland Municipal League.</td>
</tr>
<tr>
<td><strong>HB 859</strong></td>
<td>Del. Al Carr (D18) Maryland-National Capital Park and Planning Commission – Mandatory Referral Review – This bill requires certain actions to be subject to review by M-NCPPC and clarifies that each action may require separate reviews by the Commission and generally relates to mandatory referral review. <strong>The bill is on First Reader with the House Environment and Transportation Committee.</strong></td>
</tr>
<tr>
<td><strong>HB 885</strong></td>
<td>Del. Palakovitch Carr (D17) Transportation - Vision Zero – Establishment – This bill establishes the Vision Zero program. The purpose of the program is for planning and developing a State highway system that has zero vehicle-related deaths or serious injuries. <strong>Bill was heard on February 28th by the House Environment and Transportation Committee.</strong></td>
</tr>
<tr>
<td><strong>HB 1020 (SB 713)</strong></td>
<td>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 rights-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. <strong>House bill was heard on February 21st by the House Economic Matters Committee. The Senate bill was heard on February 26th by the Senate Finance Committee.</strong></td>
</tr>
<tr>
<td><strong>HB 1162 (SB 656)</strong></td>
<td>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 &quot;small commercial project&quot; 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. <strong>The House bill will be heard on today, March 8th, by the House Ways and Means Committee. The Senate bill was heard on March 5th by the Senate Budget and Taxation Committee.Supported by the Maryland Municipal League.</strong></td>
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<td>HB 1163 (SB 795)</td>
<td><strong>Income and Property Taxes – Qualified Maryland Opportunity Zone Investments</strong> – 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. <strong>The House bill was heard on today, March 8th, by the House Ways and Means Committee. The Senate bill was also heard today, March 8th, by the Senate Budget and Taxation Committee. Supported with amendment by the Maryland Municipal League.</strong></td>
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<td>Del. Sydnor (D44B)</td>
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<td>Sen. Hayes (D40)</td>
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<td>HB 1281 (SB 787)</td>
<td><strong>Transportation - Bikeways Network Program – Funding</strong> – 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. <strong>The House bill was heard on March 5th by the House Appropriations Committee and the hearing scheduled by the House Environment and Transportation Committee was cancelled. The Senate bill was heard on March 5th by the Senate Budget and Taxation Committee. Supported by the Maryland Municipal League.</strong></td>
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<tr>
<td>Del. Lierman (D46)</td>
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<tr>
<td>Sen. Rosapepe (D21)</td>
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<td>SB 3 (HB 117)</td>
<td><strong>Maryland Smart Growth Investment Fund</strong> – 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. <strong>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.</strong></td>
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<tr>
<td>Sen. Rosapepe (D21)</td>
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<td>Del. Lafferty (D42A)</td>
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<td>SB 32</td>
<td><strong>Election Law – Early Voting Centers – Reduced Days of Operation</strong> – 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</td>
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<td>Sen. Benson (D24)</td>
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Bill Number | Description of Bill
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**Bill Number** | **Description of Bill**
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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. Bill is on First Reader with the House Environmental & Transportation Committee.**

SB 122 (HB 160)
*Sen. Guzzone (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 passed Third Reader (44-0) and is now on First Reader with the House Ways and Means Committee, where the bill will be heard on March 19th. 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 13th. 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 was 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 13th by the Senate Budget and Taxation Committee.** The House bill was heard by the House Environment and Transportation Committee on February 26th and the hearing before the House Appropriations Committee was cancelled.