



TUESDAY, MARCH 13, 2018
CITY OF COLLEGE PARK
COUNCIL CHAMBERS

7:30 P.M.
MAYOR AND COUNCIL REGULAR MEETING
AGENDA

(There will be a Closed Session after the Regular Meeting)

COLLEGE PARK MISSION STATEMENT

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

1. **MEDITATION**
2. **PLEDGE OF ALLEGIANCE:** Led by Councilmember Kabir
3. **ROLL CALL**
4. **ANNOUNCEMENTS**
5. **CITY MANAGER'S REPORT**
6. **ACKNOWLEDGMENTS**
7. **PROCLAMATIONS AND AWARDS**
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:**
 - A. Presentation from Prince George's County School Board representatives Lupi Grady and Dinora Hernandez on the School CIP
11. **PUBLIC HEARINGS**
 - A. Public Hearing on Ordinance 18-O-02, amending Chapters 144 Occupancy Permits and 110 Fees and Penalties, to authorize biennial inspection of dwelling units in certain hotels and apartments buildings, and to set a fee
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.

- 18-G-37 Approval of a Contractor Agreement, in a form to be provided by the City Attorney, between the City of College Park and Julie Beavers for Market Manager services for the period April 1, 2018 to March 31, 2019 for the Downtown College Park and Hollywood Farmers Markets. Motion By:
To:
Second:
Aye:
Nay:
Other:
- 18-G-38 Approval of a letter in opposition to HB 1767/SB1188 – Wireless Facilities – Permitting and Siting
- 18-G-45 Approval to purchase two landscape dump trucks – Robert Marsili, Acting Director of Public Works
- 18-G-39 Approval of a letter in support of CB-4-2018 - Public Campaign Financing bill
- 18-G-40 Approval of Minutes from the February 20, 2018 Special Session and the February 27, 2018 Regular Meeting

13. ACTION ITEMS

- 18-O-02 Adoption of Ordinance 18-O-02, an Ordinance of the Mayor and Council of the City of College Park amending Chapters 144 Occupancy Permits and 110 Fees and Penalties, to authorize biennial inspection of dwelling units in certain hotels and apartments buildings, and to set a fee Motion By:
To: Adopt
Second:
Aye: Nay:
Other:
- 18-G-41 Approval of an Agreement of Sale to purchase of 7411 and 7409 Baltimore Avenue, College Park, MD, for the City Hall project – Scott Somers, City Manager Motion By:
To:
Second:
Aye: Nay:
Other:
- 18-G-43 Approval of program guidelines for Chain Link Fence Removal Incentive Program Motion By:
To:
Second:
Aye: Nay:
Other:
- 18-G-48 Approval of a letter to Governor Hogan requesting that Census Tracts 8070 and 8072 be included in Maryland’s request to designate federal Opportunity Zones in Maryland Motion By:
To:
Second:
Aye: Nay:
Other:

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

CLOSED SESSION

Pursuant to §C6-3 of the College Park City Charter, the Mayor and Council are providing notice that they may meet in Closed Session at the conclusion of the meeting to consider a matter that concerns the proposal for a business or industrial organization to locate in Prince George's County; to consult with Counsel on a legal matter; and to discuss a negotiation strategy

INFORMATION REPORT

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

PUBLIC HEARING

18-0-02
Frequency of
Rental
Inspections

ORDINANCE
OF THE MAYOR AND COUNCIL OF THE CITY OF COLLEGE PARK, MARYLAND,
AMENDING CHAPTER 144 “OCCUPANCY PERMITS”, BY REPEALING AND
REENACTING §144-6 “INSPECTIONS” AND CHAPTER 110, “FEES AND
PENALTIES”, §110-1, “FEES AND INTEREST” TO AUTHORIZE BIENNIAL
INSPECTION OF DWELLING UNITS IN CERTAIN HOTELS AND APARTMENT
BUILDINGS AND TO SET A FEE

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 Mayor and Council have adopted a requirement, set out in Chapter 144 of the City Code, that all residential properties in the City must annually obtain an occupancy permit and related property inspection, to ensure the health and safety of the residents of the City; and

WHEREAS, the Mayor and Council have determined that it is appropriate to adopt an inspection process that allows the dwelling units in certain current code compliant hotels and apartment buildings consistently under unitary management and maintenance to be inspected once every two years, and to reduce the application fee charged for these buildings.

WHEREAS, the Mayor and Council have determined that it is in the public interest to incorporate these changes in Chapters 144 and 110.

Section 1. NOW THEREFORE, BE IT ORDAINED AND ENACTED, by the Mayor and Council of the City of College Park that Chapter 144 “Occupancy Permits”, §144-6, “Inspections” be and is hereby repealed and reenacted with amendments to read as follows:

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

§144-6. Inspections; fees.

A. EXCEPT AS PROVIDED IN §144-6(B), [T]he Public Services Department shall inspect each such unit at least once each year. [~~and more often where a substantiated complaint of violation has occurred or the Director has probable cause to believe that a violation is occurring on such property.~~]

B. FOR APARTMENT AND HOTEL BUILDINGS, A BIENNIAL INSPECTION OF ONE HALF OF THE INDIVIDUAL DWELLING UNITS MAY BE AUTHORIZED AT THE DISCRETION OF THE PUBLIC SERVICES DIRECTOR, SO THAT ALL DWELLING UNITS ARE INSPECTED AT LEAST ONCE IN TWO YEARS. TO QUALIFY FOR BIENNIAL INSPECTION, THE FOLLOWING IS REQUIRED FOR THE PROPERTY AS A WHOLE:

COMPLIANCE WITH THE MOST CURRENT EDITIONS OF FIRE AND BUILDING CODES;

INSTALLATION OF COMPLETE LIFE SAFETY SYSTEMS INCLUDING SPRINKLERS, FIRE AND SMOKE ALARM SYSTEMS AND EMERGENCY LIGHTING;

MAINTENANCE OF ALL LIFE SAFETY SYSTEMS BY THIRD PARTY PROVIDERS WITH ANNUAL CERTIFICATION OF SYSTEM MAINTENANCE AND FUNCTIONALITY PROVIDED TO THE CITY;

A HISTORY OF ONGOING CITY CODE COMPLIANCE;

UNIFIED, ON-SITE MANAGEMENT AND MAINTENANCE;

PERIODIC FIRE EVACUATION DRILLS CONDUCTED AND MONITORED BY A QUALIFIED THIRD PARTY IN APARTMENT BUILDINGS.

ANNUAL CITY INSPECTION OF PUBLIC SPACES, TO INCLUDE WITHOUT LIMITATION, HALLWAYS, EXITS, AND COMMON AREAS; BUILDING AND LIFE SAFETY SYSTEMS; AND ALL MECHANICAL AND EQUIPMENT SPACES, INCLUDING WITHOUT LIMITATION BOILER AND FURNACE ROOMS, TELECOMMUNICATION ROOMS, AND ELECTRICAL EQUIPMENT ROOMS, WOULD CONTINUE TO BE REQUIRED. IN THE EVENT OF A SIGNIFICANT CODE VIOLATION, OR IF UNITARY MANAGEMENT OF THE PROPERTY SHOULD CEASE, THE PROPERTY MAY BE REQUIRED TO UNDERGO FULL ANNUAL INSPECTION.

C. UNITS MAY BE INSPECTED MORE OFTEN THAN REQUIRED HEREIN WHERE A SUBSTANTIATED COMPLAINT OF VIOLATION HAS OCCURRED OR THE DIRECTOR HAS PROBABLE CAUSE TO BELIEVE THAT A VIOLATION IS OCCURRING ON SUCH PROPERTY.

[B] D. For the purpose of the occupancy permit application fee and any other fee schedules, said units shall be categorized and said fees shall be set forth in Chapter 110, Fees and Penalties.

Section 2. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and

Council of the City of College Park that Chapter 110 “Fees and Penalties”, §110-1, “Fees and interests” 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:

| Chapter/Section | Description | Fee/Interest |
|-----------------------------------|-----------------------------|---------------------|
| Ch. 144, Occupancy Permits | | |
| §144-6[B] D | Rental dwelling units * * * | |
| | BIENNIAL INSPECTION UNITS | 75% OF |
| | | STANDARD FEE |
| | * * * * | |

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 7:30 P.M. on the 13th day of March, 2018, 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 _____, 2018 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, Maryland at a regular meeting on the 27th day of February, 2018.

ADOPTED by the Mayor and Council of the City of College Park, Maryland at a regular meeting on the ____ day of _____ 2018.

EFFECTIVE the ____ day of _____, 2018.

ATTEST:

CITY OF COLLEGE PARK

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 18-O-02

- Posted on City Bulletin Board on March 1, 2018
- Posted to City Website on February 28, 2018
- Posted on Cable Television Channel on March 1, 2018
- Sent to Constant Contact LISTSERV on March 1, 2018
- Published in the Municipal Scene March 1, 2018

Attest:

A handwritten signature in cursive script that reads "Janeen S. Miller". The signature is written in black ink and has a long, sweeping tail that extends to the right.

Janeen S. Miller, City Clerk



**NOTICE OF PUBLIC HEARING
ORDINANCE 18-O-02
MARCH 13, 2018
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, Maryland, Amending Chapter 144 "Occupancy Permits", by Repealing and Reenacting §144-6 "Inspections" and Chapter 110, "Fees and Penalties", §110-1, "Fees and Interest" to Authorize Biennial Inspection of Dwelling Units in Certain Hotels and Apartment Buildings and to Set a Fee.

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.

18-G-37

Farmers Market Contractor Agreement

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

AGENDA ITEM 18-G-37



Prepared By: Ryan Chelton,
Economic Development Coordinator

Meeting Date: 3/13/18

Presented By: Ryan Chelton,
Economic Development Coordinator

Consent Agenda: Yes

Originating Department: Department of Planning, Community & Economic Development

Action Requested: Award of Farmers Market Manager contract

Strategic Plan Goal: Goal 1: One College Park

Background/Justification:

Julie Beavers has successfully served as Market Manager for the Downtown and Hollywood Farmers Markets for the past four years. Her contract is expiring and she has stated her desire to return in the role for the 2018 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 FY19 budget.

Council Options:

1. Extend the Market Manager contract for an additional 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 support a 1 year contract, in a form to be approved by the City Attorney, 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:

None.

18-G-38

HB 1767

SB 1188

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



AGENDA ITEM 18-G-38

Prepared By: Bill Gardiner
Assistant City Manager

Meeting Date: March 13, 2018

Presented By: Bill Gardiner
Assistant City Manager

Consent Agenda: Yes

Originating Department: Administration

Action Requested: Mayor and Council approval of letters stating the City Council's opposition to SB 1188 and HB 1767, legislation that would restrict local governments' rights to review and approve the installation of certain antennas in the public right of way, and impose other regulations on local government related to wireless facilities.

Strategic Plan Goal: Goal 4: Quality Infrastructure

Background/Justification:

SB 1188 and HB 1767 would create regulations on local governments and restrict a local government's control over its rights-of-way. One intent of the legislation is to facilitate the deployment of wireless and broadband networks, in part by creating "by right" access to local rights of way and by creating uniform fees and permitting processes Statewide.

However, federal law already regulates certain aspects of wireless or small cell networks, and local governments may not deny the deployment of such networks. However, local governments are permitted to pass local laws that establish terms for siting, fees, aesthetics, and related issues. SB 1188 significantly removes local regulation of telecommunication siting—50-foot poles and equipment boxes would be permitted.

Please see the attached information provided by MML.

Fiscal Impact:

None for FY18. If the legislation is enacted, the City's ability to charge fees for access to the City's ROW would be restricted.

Council Options:

- #1. Approve the letter.
- #2. Amend and approve the amended letter.
- #3. Do not approve a letter.

Staff Recommendation:

#1

Recommended Motion:

I move that Council approve letters to the Senate Finance Committee and the relevant House committee stating the City's opposition to SB 1188 and HB 1767.

Attachments:

- 1-SB 1188 Wireless Facilities – Permitting and Siting
- 2-"Small Cell / DAS Infrastructure Siting Bill" created by MML
- 3-(Letter to be provided next week)

SENATE BILL 1188

C5, L6

8lr3694
CF 8lr3713

By: **Senator Middleton**

Introduced and read first time: February 21, 2018

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Wireless Facilities – Permitting and Siting**

3 FOR the purpose of prohibiting a local government from entering into certain types of
4 exclusive agreements under certain circumstances; authorizing a local government
5 to impose certain rates and fees for certain purposes under certain circumstances;
6 authorizing a wireless provider to collocate certain wireless facilities and poles in
7 certain places under certain circumstances; providing that certain uses of land are
8 permitted uses as of right and are not subject to local zoning review or approval;
9 setting height limitations on certain poles and small wireless facilities under certain
10 circumstances; requiring a local government to authorize a wireless provider to take
11 certain actions; authorizing a local government to prohibit a wireless provider from
12 taking certain actions; authorizing a local government to require a wireless provider
13 to use certain design or concealment measures when collocating wireless service
14 facilities in certain areas; requiring a local government to be neutral and
15 nondiscriminatory in the administration and regulation of uses and users of certain
16 rights-of-way; authorizing a local government to require certain wireless providers
17 to take certain actions under certain circumstances; setting forth certain permitting
18 processes for the collocation of certain wireless facilities and installation,
19 maintenance, operation, and removal of poles and structures in certain areas under
20 certain circumstances; prohibiting a local government from instituting a moratorium
21 on the receipt of, the processing of applications for, or the issuance of certain permits;
22 prohibiting a local government from requiring a permit for certain activities;
23 prohibiting a local government from requiring an applicant for a certain permit to
24 provide certain information; setting forth certain limits on the requirements a local
25 government may impose for the purposes of issuing a certain permit; prohibiting a
26 certain person from entering into a certain exclusive agreement under certain
27 circumstances; requiring a local government to provide a good faith estimate for and
28 complete certain make-ready work within certain time periods; limiting the amount
29 of certain make-ready work that a certain person may require; providing for fees for
30 certain make-ready work; prohibiting a certain fee or rate from including certain
31 costs and expenses; setting certain fees and rates; providing that the District Court

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 shall have jurisdiction over certain disputes; requiring the District Court to
 2 adjudicate certain cases within a certain time period; providing that a certain person
 3 may charge a certain annual rate for the use of a pole during the period of a certain
 4 dispute; prohibiting a local government from requiring a wireless provider to
 5 indemnify and hold harmless the local government and its officers and employees
 6 except under certain circumstances; authorizing a local government to require a
 7 wireless provider to carry certain insurance and provide proof of insurance at a
 8 certain time under certain circumstances; authorizing a local government to adopt
 9 certain surety bonding requirements for a certain purpose up to a certain amount;
 10 authorizing a local government to enact a local law to implement certain
 11 requirements; providing that certain provisions shall prevail over a local law under
 12 certain circumstances; prohibiting a local government from having authority over
 13 certain aspects of a small wireless facility except to ensure compliance with certain
 14 codes; requiring a local government to evaluate a certain structure classification
 15 under a certain code; providing that certain provisions do not authorize the State or
 16 a local government to require wireless facility deployment or regulate wireless
 17 services; providing that a certain law may not be construed or interpreted to
 18 authorize any person to provide certain services without complying with certain laws
 19 or to impose any new requirements on cable providers for a certain purpose;
 20 providing for the application of certain provisions of this Act; defining certain terms;
 21 and generally relating to the permitting and siting of wireless facilities and
 22 associated poles.

23 BY adding to

24 Article – Local Government

25 Section 1–1501 through 1–1511 to be under the new subtitle “Subtitle 15. Wireless
 26 Facilities”

27 Annotated Code of Maryland

28 (2013 Volume and 2017 Supplement)

29 Preamble

30 WHEREAS, Encouraging the deployment of small wireless facilities and other
 31 next-generation wireless and broadband network facilities will attract new investment in
 32 wireless infrastructure technology that supports enhanced network and next-generation
 33 smart cities and other solutions and is a matter of statewide concern and interest; and

34 WHEREAS, Wireless and broadband products and services are a significant and
 35 continually growing part of the State’s economy and, accordingly, encouraging the
 36 development of strong and robust wireless and broadband communications networks
 37 throughout the State is integral to the State’s economic competitiveness; and

38 WHEREAS, Rapid deployment of small wireless facilities will serve numerous
 39 important statewide goals of meeting growing consumer demand for wireless data,
 40 including increasing competitive options for communications services available to the
 41 State’s residents, promoting the ability of the State’s citizens to communicate with other
 42 citizens and with their State and local governments and promoting public safety; and

1 WHEREAS, Small wireless facilities, including facilities commonly referred to as
 2 small cells and distributed antenna systems, often may be deployed most effectively in
 3 rights-of-way; and

4 WHEREAS, To meet the key objectives of this Act, wireless providers must have
 5 access to rights-of-way and the ability to attach infrastructure in rights-of-way to increase
 6 the density of their networks and provide next-generation wireless services; and

7 WHEREAS, Uniform rates and fees for the permitting and deployment of small
 8 wireless facilities in rights-of-way and on local government owned infrastructure,
 9 including poles, throughout the State are reasonable and will encourage the development
 10 of robust next-generation wireless and broadband networks for the benefit of people
 11 throughout the State; and

12 WHEREAS, The rates and fees provided for in this Act are fair and reasonable when
 13 viewed from the perspective of the State's citizens and the State's interest in encouraging
 14 investment in wireless infrastructure and having robust, reliable, and technologically
 15 advanced wireless and broadband networks, and reflect a balancing of the interests of the
 16 wireless providers deploying new facilities and the interests of the State and local
 17 governments in recovering their costs of managing access to rights-of-way and the
 18 attachment space provided on public infrastructure and receiving the fair value of the
 19 rights-of-way; now, therefore,

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

22 **Article – Local Government**

23 **SUBTITLE 15. WIRELESS FACILITIES.**

24 **1-1501.**

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

27 (B) (1) “BASE STATION” MEANS A WIRELESS FACILITY OR A WIRELESS
 28 SUPPORT STRUCTURE OR POLE THAT SUPPORTS A WIRELESS FACILITY.

29 (2) “BASE STATION” DOES NOT INCLUDE A TOWER, AS DEFINED IN 47
 30 C.F.R. § 1.40001(B)(9), OR ANY WIRELESS FACILITY ASSOCIATED WITH A TOWER.

31 (C) “COLLOCATE” MEANS TO INSTALL, MOUNT, MAINTAIN, MODIFY,
 32 OPERATE, OR REPLACE A WIRELESS FACILITY ON OR ADJACENT TO A WIRELESS
 33 SUPPORT STRUCTURE OR POLE.

1 **(D) “DECORATIVE POLE” MEANS A LOCAL GOVERNMENT POLE THAT IS**
2 **SPECIALLY DESIGNED AND PLACED FOR AESTHETIC PURPOSES AND ON WHICH NO**
3 **ATTACHMENTS ARE PLACED OR ALLOWED TO BE PLACED ACCORDING TO**
4 **NONDISCRIMINATORY LOCAL LAWS, OTHER THAN:**

5 **(1) A SMALL WIRELESS FACILITY;**

6 **(2) SPECIALLY DESIGNED INFORMATIONAL OR DIRECTIONAL**
7 **SIGNAGE; OR**

8 **(3) A TEMPORARY HOLIDAY OR SPECIAL EVENT ATTACHMENT.**

9 **(E) “LOCAL GOVERNMENT” MEANS A COUNTY OR A MUNICIPAL**
10 **CORPORATION.**

11 **(F) “LOCAL GOVERNMENT POLE” MEANS A POLE THAT IS OWNED,**
12 **MANAGED, OR OPERATED BY OR ON BEHALF OF A LOCAL GOVERNMENT.**

13 **(G) “LOCAL GOVERNMENT WIRELESS SUPPORT STRUCTURE” MEANS A**
14 **WIRELESS SUPPORT STRUCTURE THAT IS OWNED, MANAGED, OR OPERATED BY OR**
15 **ON BEHALF OF A LOCAL GOVERNMENT.**

16 **(H) “MICRO WIRELESS FACILITY” MEANS A SMALL WIRELESS FACILITY**
17 **THAT:**

18 **(1) IS NOT LARGER THAN 24 INCHES LONG, 15 INCHES WIDE, AND 12**
19 **INCHES HIGH; AND**

20 **(2) HAS AN EXTERIOR ANTENNA, IF ANY, NOT MORE THAN 11 INCHES**
21 **LONG.**

22 **(I) “SMALL WIRELESS FACILITY” MEANS A WIRELESS FACILITY OF A SIZE**
23 **ACCOMMODATING:**

24 **(1) ANY ANTENNA WITHIN AN ENCLOSURE OF NOT MORE THAN 6**
25 **CUBIC FEET IN VOLUME; AND**

26 **(2) ALL OTHER WIRELESS EQUIPMENT ASSOCIATED WITH THE**
27 **FACILITY, WHETHER GROUND-MOUNTED OR POLE-MOUNTED, THAT IS**
28 **CUMULATIVELY NOT MORE THAN 28 CUBIC FEET IN VOLUME, NOT INCLUDING ANY**
29 **ASSOCIATED ANCILLARY EQUIPMENT SUCH AS ELECTRIC METERS, CONCEALMENT**
30 **ELEMENTS, TELECOMMUNICATIONS DEMARCATION BOXES, GROUNDING**
31 **EQUIPMENT, POWER TRANSFER SWITCHES, CUT-OFF SWITCHES, OR VERTICAL**

1 CABLE RUNS FOR POWER CONNECTIONS OR OTHER SERVICES.

2 (J) "SUBSTANTIAL MODIFICATION" MEANS:

3 (1) A MODIFICATION OR EQUIPMENT REPLACEMENT TO AN EXISTING
4 WIRELESS SUPPORT STRUCTURE OR BASE STATION THAT WILL SUBSTANTIALLY
5 ALTER THE PHYSICAL DIMENSIONS OF THE STRUCTURE OR STATION UNDER THE
6 OBJECTIVE STANDARD FOR SUBSTANTIAL CHANGE ADOPTED BY THE FEDERAL
7 COMMUNICATIONS COMMISSION UNDER 47 C.F.R. § 1.40001; OR

8 (2) A MODIFICATION OF EQUIPMENT COMPOUND BOUNDARIES IN
9 EXCESS OF THE SITE DIMENSIONS SPECIFIED IN SECTION III.B OF 47 C.F.R., PART
10 1, APPENDIX C.

11 (K) (1) "WIRELESS FACILITY" MEANS EQUIPMENT AT A FIXED LOCATION
12 THAT ENABLES WIRELESS COMMUNICATIONS BETWEEN USER EQUIPMENT AND A
13 COMMUNICATIONS NETWORK.

14 (2) "WIRELESS FACILITY" INCLUDES:

15 (I) EQUIPMENT ASSOCIATED WITH WIRELESS
16 COMMUNICATIONS; AND

17 (II) ANY RADIO TRANSCEIVER, ANTENNA, COAXIAL OR
18 FIBER-OPTIC CABLE, REGULAR OR BACKUP POWER SUPPLY, AND COMPARABLE
19 EQUIPMENT, REGARDLESS OF TECHNOLOGICAL CONFIGURATION.

20 (3) "WIRELESS FACILITY" DOES NOT INCLUDE:

21 (I) THE STRUCTURE OR IMPROVEMENTS ON, UNDER, OR
22 WITHIN WHICH THE EQUIPMENT IS LOCATED; OR

23 (II) COAXIAL OR FIBER-OPTIC CABLE THAT IS:

24 1. LOCATED BETWEEN WIRELESS STRUCTURES OR
25 UTILITY POLES; OR

26 2. NOT OTHERWISE IMMEDIATELY ADJACENT TO OR
27 DIRECTLY ASSOCIATED WITH A PARTICULAR ANTENNA.

28 (L) (1) "WIRELESS INFRASTRUCTURE PROVIDER" MEANS A PERSON
29 THAT BUILDS OR INSTALLS WIRELESS COMMUNICATIONS TRANSMISSION
30 EQUIPMENT, A WIRELESS FACILITY, OR A WIRELESS SUPPORT STRUCTURE.

1 **(2) “WIRELESS INFRASTRUCTURE PROVIDER” DOES NOT INCLUDE A**
 2 **WIRELESS PROVIDER.**

3 **(M) “WIRELESS PROVIDER” MEANS A PERSON THAT PROVIDES TO THE**
 4 **PUBLIC ANY SERVICES THAT USE WIRELESS FACILITIES.**

5 **(N) (1) “WIRELESS SUPPORT STRUCTURE” MEANS A STRUCTURE THAT IS**
 6 **DESIGNED TO SUPPORT OR BE CAPABLE OF SUPPORTING WIRELESS FACILITIES.**

7 **(2) “WIRELESS SUPPORT STRUCTURE” DOES NOT INCLUDE:**

8 **(I) A POLE; OR**

9 **(II) A STRUCTURE DESIGNED SOLELY FOR THE COLLOCATION**
 10 **OF SMALL WIRELESS FACILITIES.**

11 **1-1502.**

12 **THIS SUBTITLE MAY NOT BE CONSTRUED OR INTERPRETED TO:**

13 **(1) AUTHORIZE ANY PERSON TO PROVIDE SERVICES THAT ARE**
 14 **REGULATED UNDER 47 U.S.C. §§ 521 THROUGH 573 WITHOUT COMPLYING WITH ALL**
 15 **LAWS APPLICABLE TO THOSE SERVICES AND PROVIDERS; OR**

16 **(2) IMPOSE ANY NEW REQUIREMENTS ON CABLE PROVIDERS FOR THE**
 17 **PROVISION OF CABLE SERVICE IN THE STATE.**

18 **1-1503.**

19 **(A) THIS SECTION APPLIES ONLY TO THE DEPLOYMENT OF SMALL**
 20 **WIRELESS FACILITIES AND ASSOCIATED POLES IN A RIGHT-OF-WAY.**

21 **(B) A LOCAL GOVERNMENT MAY NOT ENTER INTO AN EXCLUSIVE**
 22 **AGREEMENT WITH ANY PERSON FOR THE USE OF A RIGHT-OF-WAY FOR:**

23 **(1) THE COLLOCATION OF SMALL WIRELESS FACILITIES; OR**

24 **(2) THE INSTALLATION, OPERATION, MARKETING, MODIFICATION,**
 25 **MAINTENANCE, OR REPLACEMENT OF POLES ASSOCIATED WITH A SMALL WIRELESS**
 26 **FACILITY.**

27 **(C) IF A LOCAL GOVERNMENT IMPOSES A RATE OR FEE FOR THE USE OF A**

1 RIGHT-OF-WAY FOR UTILITY PURPOSES, THE LOCAL GOVERNMENT MAY IMPOSE A
2 RATE OR FEE FOR THE USE OF A RIGHT-OF-WAY IN ACCORDANCE WITH THIS
3 SECTION.

4 (D) (1) IN ACCORDANCE WITH THIS SECTION, A WIRELESS PROVIDER MAY
5 COLLOCATE SMALL WIRELESS FACILITIES AND INSTALL, OPERATE, MODIFY,
6 MAINTAIN, AND REPLACE POLES ALONG, ACROSS, ON, AND UNDER A RIGHT-OF-WAY.

7 (2) A WIRELESS PROVIDER SHALL INSTALL AND MAINTAIN SMALL
8 WIRELESS FACILITIES AND POLES IN A RIGHT-OF-WAY IN A MANNER THAT DOES NOT
9 OBSTRUCT OR HINDER:

10 (I) THE USUAL TRAVEL OR PUBLIC SAFETY ON THE
11 RIGHT-OF-WAY; OR

12 (II) THE LEGAL USE OF THE RIGHT-OF-WAY BY OTHERS.

13 (3) THE COLLOCATION OF SMALL WIRELESS FACILITIES AND THE
14 INSTALLATION, OPERATION, MODIFICATION, MAINTENANCE, AND REPLACEMENT OF
15 POLES ASSOCIATED WITH SMALL WIRELESS FACILITIES UNDER THIS SECTION IS A
16 PERMITTED USE AS OF RIGHT AND IS NOT SUBJECT TO LOCAL ZONING REVIEW OR
17 APPROVAL.

18 (E) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A
19 NEW OR MODIFIED POLE INSTALLED UNDER THIS SECTION MAY NOT EXCEED THE
20 GREATER OF:

21 (I) 10 FEET IN HEIGHT ABOVE THE TALLEST EXISTING POLE IN
22 PLACE AS OF OCTOBER 1, 2018, THAT IS LOCATED WITHIN 500 FEET OF THE NEW OR
23 MODIFIED POLE IN THE SAME RIGHT-OF-WAY; OR

24 (II) 50 FEET IN HEIGHT ABOVE GROUND LEVEL.

25 (2) IN ACCORDANCE WITH LOCAL ZONING LAWS, A LOCAL
26 GOVERNMENT MAY AUTHORIZE THE INSTALLATION OF A NEW OR MODIFIED POLE
27 THAT EXCEEDS THE HEIGHT LIMITS SET IN PARAGRAPH (1) OF THIS SUBSECTION.

28 (3) UNLESS OTHERWISE AUTHORIZED BY A LOCAL GOVERNMENT, A
29 SMALL WIRELESS FACILITY UNDER THIS SECTION MAY NOT EXTEND HIGHER THAN
30 THE HIGHER OF:

31 (I) 10 FEET ABOVE THE HEIGHT OF THE POLE IF THE SMALL
32 WIRELESS FACILITY IS INSTALLED ON AN EXISTING POLE IN PLACE ON OCTOBER 1,

1 **2018; OR**

2 **(II) 50 FEET ABOVE THE GROUND.**

3 **(F) A LOCAL GOVERNMENT SHALL AUTHORIZE A WIRELESS PROVIDER TO**
4 **REPLACE A DECORATIVE POLE WHEN NECESSARY TO COLLOCATE A SMALL**
5 **WIRELESS FACILITY IF THE REPLACEMENT POLE REASONABLY CONFORMS TO THE**
6 **DESIGN AESTHETICS OF THE DECORATIVE POLE BEING REPLACED.**

7 **(G) A LOCAL GOVERNMENT MAY PROHIBIT A WIRELESS PROVIDER FROM**
8 **INSTALLING A STRUCTURE IN A RIGHT-OF-WAY LOCATED IN AN AREA DESIGNATED**
9 **SOLELY FOR UNDERGROUND CABLE AND UTILITY FACILITIES IF:**

10 **(1) THE LOCAL GOVERNMENT REQUIRES ALL CABLE AND UTILITY**
11 **FACILITIES OTHER THAN THOSE OWNED BY THE LOCAL GOVERNMENT TO BE PLACED**
12 **UNDERGROUND BY A SPECIFIC DATE AT LEAST 3 MONTHS PRECEDING THE**
13 **APPLICATION OF A WIRELESS PROVIDER TO INSTALL A STRUCTURE;**

14 **(2) THE LOCAL GOVERNMENT DOES NOT PROHIBIT THE**
15 **REPLACEMENT OF POLES OWNED BY THE LOCAL GOVERNMENT IN THE DESIGNATED**
16 **AREA; AND**

17 **(3) THE LOCAL GOVERNMENT PROVIDES FOR A NONDISCRIMINATORY**
18 **WAIVER PROCESS FOR THE PLACEMENT OF A NEW POLE TO SUPPORT A SMALL**
19 **WIRELESS FACILITY IN THE DESIGNATED AREA.**

20 **(H) (1) EXCEPT AS OTHERWISE PROVIDED BY LAW, A LOCAL**
21 **GOVERNMENT MAY REQUIRE A WIRELESS PROVIDER TO USE TECHNICALLY**
22 **FEASIBLE, NONDISCRIMINATORY, AND TECHNOLOGICALLY NEUTRAL DESIGN OR**
23 **CONCEALMENT MEASURES WHEN COLLOCATING WIRELESS SERVICE FACILITIES IN**
24 **A DESIGNATED HISTORIC DISTRICT.**

25 **(2) THE DESIGN OR CONCEALMENT MEASURES MAY NOT:**

26 **(I) HAVE THE EFFECT OF PROHIBITING ANY WIRELESS**
27 **PROVIDER'S TECHNOLOGY; OR**

28 **(II) BE CONSIDERED A PART OF THE SMALL WIRELESS FACILITY**
29 **FOR PURPOSES OF THE SIZE RESTRICTIONS FOR SMALL WIRELESS FACILITIES.**

30 **(I) A LOCAL GOVERNMENT SHALL BE NEUTRAL AND NONDISCRIMINATORY**
31 **IN THE EXERCISE OF ITS ADMINISTRATION AND REGULATION OF THE USES AND**
32 **USERS OF RIGHTS-OF-WAY IN ITS JURISDICTION.**

1 **(J) A LOCAL GOVERNMENT MAY REQUIRE A WIRELESS PROVIDER TO:**

2 **(1) REPAIR ANY DAMAGE TO THE RIGHT-OF-WAY OR ANY FACILITIES**
3 **IN THE RIGHT-OF-WAY DIRECTLY CAUSED BY THE ACTIVITIES OF THE WIRELESS**
4 **PROVIDER; AND**

5 **(2) RETURN THE RIGHT-OF-WAY TO THE CONDITION THAT EXISTED**
6 **BEFORE ANY DAMAGE WAS INCURRED IN ACCORDANCE WITH THE NEUTRAL,**
7 **REASONABLE REQUIREMENTS AND SPECIFICATIONS OF THE LOCAL GOVERNMENT.**

8 **1-1504.**

9 **(A) THIS SECTION APPLIES TO:**

10 **(1) THE COLLOCATION OF SMALL WIRELESS FACILITIES AND THE**
11 **INSTALLATION, MODIFICATION, AND REPLACEMENT OF POLES IN A RIGHT-OF-WAY;**
12 **AND**

13 **(2) THE COLLOCATION OF SMALL WIRELESS FACILITIES OUTSIDE A**
14 **RIGHT-OF-WAY ON PROPERTY NOT ZONED EXCLUSIVELY FOR SINGLE FAMILY**
15 **RESIDENTIAL USE.**

16 **(B) EXCEPT AS PROVIDED IN THIS SUBTITLE, A LOCAL GOVERNMENT MAY**
17 **NOT PROHIBIT, REGULATE, OR IMPOSE A RATE OR FEE FOR THE COLLOCATION OF**
18 **SMALL WIRELESS FACILITIES.**

19 **(C) THE COLLOCATION OF SMALL WIRELESS FACILITIES UNDER THIS**
20 **SECTION IS NOT SUBJECT TO LOCAL ZONING REVIEW AND APPROVAL IF THE**
21 **FACILITIES ARE COLLOCATED:**

22 **(1) IN A RIGHT-OF-WAY; OR**

23 **(2) OUTSIDE A RIGHT-OF-WAY ON PROPERTY NOT ZONED**
24 **EXCLUSIVELY FOR SINGLE FAMILY RESIDENTIAL USE.**

25 **(D) IF A PERMIT IS NOT EXCLUSIVELY APPLIED TO WIRELESS FACILITIES, A**
26 **LOCAL GOVERNMENT MAY REQUIRE A PERSON TO OBTAIN A PERMIT TO COLLOCATE**
27 **A SMALL WIRELESS FACILITY OR INSTALL A NEW, MODIFIED, OR REPLACEMENT**
28 **POLE ASSOCIATED WITH THE SMALL WIRELESS FACILITY.**

29 **(E) A LOCAL GOVERNMENT MAY NOT REQUIRE AN APPLICANT FOR A**
30 **PERMIT UNDER THIS SECTION TO:**

1 **(1) PERFORM SERVICES OR PROVIDE GOODS UNRELATED TO THE**
2 **PERMIT, INCLUDING RESERVING FIBER, CONDUIT, OR POLE SPACE FOR THE LOCAL**
3 **GOVERNMENT;**

4 **(2) PROVIDE INFORMATION IN ADDITION TO THAT REQUIRED OF**
5 **COMMUNICATIONS SERVICES PROVIDERS OTHER THAN WIRELESS PROVIDERS;**

6 **(3) PLACE SMALL WIRELESS FACILITIES ON A SPECIFIC POLE OR**
7 **CATEGORY OF POLES OR PLACE MULTIPLE ANTENNA SYSTEMS ON A SINGLE POLE;**
8 **OR**

9 **(4) PLACE SMALL WIRELESS FACILITIES A CERTAIN MINIMUM**
10 **DISTANCE APART IN ORDER TO LIMIT THE PLACEMENT OF SMALL WIRELESS**
11 **FACILITIES.**

12 **(F) A LOCAL GOVERNMENT MAY REQUIRE AN APPLICANT FOR A PERMIT TO**
13 **INCLUDE CONSTRUCTION AND ENGINEERING DRAWINGS AND INFORMATION**
14 **DEMONSTRATING THAT THE SMALL WIRELESS FACILITY OR ASSOCIATED POLE:**

15 **(1) WILL NOT MATERIALLY INTERFERE WITH:**

16 **(I) THE SAFE OPERATION OF TRAFFIC CONTROL EQUIPMENT;**

17 **(II) SIGHT LINES OR CLEAR ZONES FOR TRANSPORTATION OR**
18 **PEDESTRIANS; OR**

19 **(III) COMPLIANCE WITH THE FEDERAL AMERICANS WITH**
20 **DISABILITIES ACT OR SIMILAR FEDERAL OR STATE LAWS REGARDING PEDESTRIAN**
21 **ACCESS OR MOVEMENT; AND**

22 **(2) SHALL COMPLY WITH:**

23 **(I) ANY LOCAL REQUIREMENTS FOR THE REASONABLE AND**
24 **NONDISCRIMINATORY SPACING OF GROUND-MOUNTED EQUIPMENT AND NEW**
25 **POLES SO LONG AS THE SPACING REQUIREMENTS DO NOT PREVENT A WIRELESS**
26 **PROVIDER FROM SERVING ANY LOCATION; AND**

27 **(II) APPLICABLE LOCAL BUILDING, FIRE, ELECTRICAL,**
28 **PLUMBING, AND MECHANICAL CODES.**

29 **(G) A LOCAL GOVERNMENT MAY REQUIRE AN APPLICANT FOR A PERMIT TO**
30 **ATTEST THAT THE SMALL WIRELESS FACILITY FOR WHICH A PERMIT IS APPLIED**

1 WILL BE OPERATIONAL FOR USE BY A WIRELESS PROVIDER WITHIN 1 YEAR AFTER
2 THE DATE THE PERMIT IS ISSUED, UNLESS:

3 (1) THE LOCAL GOVERNMENT AND THE APPLICANT AGREE TO
4 EXTEND THE PERIOD; OR

5 (2) A DELAY IS CAUSED BY A LACK OF COMMERCIAL POWER OR
6 COMMUNICATIONS TRANSPORT FACILITIES TO THE AREA WHERE THE SMALL
7 WIRELESS FACILITY IS TO BE COLLOCATED.

8 (H) (1) WITHIN 10 DAYS AFTER RECEIVING THE APPLICATION FOR A
9 PERMIT, THE LOCAL GOVERNMENT SHALL VERIFY THAT THE APPLICATION IS
10 COMPLETE.

11 (2) IF THE APPLICATION IS NOT COMPLETE, THE LOCAL
12 GOVERNMENT SHALL NOTIFY THE APPLICANT IN WRITING IDENTIFYING THE PARTS
13 OF THE APPLICATION THAT ARE INCOMPLETE.

14 (3) (I) WITHIN 60 DAYS AFTER RECEIVING A COMPLETE
15 APPLICATION, THE LOCAL GOVERNMENT SHALL EITHER APPROVE OR DENY THE
16 PERMIT.

17 (II) IF A LOCAL GOVERNMENT FAILS TO ACT ON A COMPLETE
18 PERMIT APPLICATION WITHIN 60 DAYS AFTER RECEIPT OF THE COMPLETE
19 APPLICATION, THE PERMIT SHALL BE DEEMED TO BE APPROVED.

20 (4) (I) IF A LOCAL GOVERNMENT DENIES A PERMIT, THE LOCAL
21 GOVERNMENT SHALL NOTIFY THE APPLICANT IN WRITING OF THE BASIS FOR THE
22 DENIAL, INCLUDING ANY DOCUMENTATION REGARDING THE DENIAL.

23 (II) AN APPLICANT SHALL HAVE 30 DAYS AFTER RECEIVING A
24 DENIAL OF A PERMIT TO REVISE THE APPLICATION TO CURE THE DEFICIENCIES
25 NOTED BY THE LOCAL GOVERNMENT FOR THE DENIAL.

26 (III) A LOCAL GOVERNMENT MAY NOT CHARGE AN ADDITIONAL
27 APPLICATION FEE FOR A REVISED APPLICATION RECEIVED WITHIN 30 DAYS AFTER
28 A DENIAL OF THE ORIGINAL APPLICATION.

29 (IV) WITHIN 30 DAYS AFTER RECEIVING A REVISED
30 APPLICATION, A LOCAL GOVERNMENT SHALL APPROVE OR DENY THE PERMIT.

31 (5) (I) AN APPLICANT MAY FILE A CONSOLIDATED APPLICATION
32 FOR ALL SMALL WIRELESS FACILITIES TO BE COLLOCATED WITHIN THE

1 JURISDICTION OF A LOCAL GOVERNMENT.

2 (II) IF AN APPLICANT FILES A CONSOLIDATED APPLICATION
3 AND A LOCAL GOVERNMENT DENIES THE COLLOCATION OF ONE OR MORE OF THE
4 SMALL WIRELESS FACILITIES IDENTIFIED IN THE APPLICATION, THAT DENIAL MAY
5 NOT DELAY THE PROCESSING OF THE PERMITTING OF ANY OTHER SMALL WIRELESS
6 FACILITY IDENTIFIED IN THE CONSOLIDATED APPLICATION.

7 (I) A LOCAL GOVERNMENT MAY DENY AN APPLICATION FOR A PERMIT TO
8 COLLOCATE A SMALL WIRELESS FACILITY OR FOR THE INSTALLATION,
9 MODIFICATION, OR REPLACEMENT OF A POLE ONLY IF THE SUBJECT OF THE
10 APPLICATION:

11 (1) MATERIALLY INTERFERES WITH THE SAFE OPERATION OF
12 TRAFFIC CONTROL EQUIPMENT;

13 (2) MATERIALLY INTERFERES WITH SIGHT LINES OR CLEAR ZONES
14 FOR TRANSPORTATION OR PEDESTRIANS;

15 (3) MATERIALLY INTERFERES WITH COMPLIANCE WITH THE
16 FEDERAL AMERICANS WITH DISABILITIES ACT OR SIMILAR FEDERAL OR STATE
17 LAWS REGARDING PEDESTRIAN ACCESS OR MOVEMENT;

18 (4) FAILS TO COMPLY WITH A LOCAL LAW REGARDING THE
19 REASONABLE AND NONDISCRIMINATORY SPACING OF GROUND-MOUNTED
20 EQUIPMENT AND NEW POLES AS LONG AS THE SPACING REQUIREMENTS DO NOT
21 PREVENT A WIRELESS PROVIDER FROM SERVING ANY LOCATION; OR

22 (5) FAILS TO COMPLY WITH ANY APPLICABLE LOCAL BUILDING, FIRE,
23 ELECTRICAL, PLUMBING, OR MECHANICAL CODE.

24 (J) SUBJECT TO APPLICABLE RELOCATION REQUIREMENTS AND THE
25 APPLICANT'S RIGHT TO TERMINATE AT ANY TIME, A PERMIT AUTHORIZES THE
26 APPLICANT TO INSTALL OR COLLOCATE AND OPERATE AND MAINTAIN THE SMALL
27 WIRELESS FACILITIES AND ANY ASSOCIATED POLE COVERED BY THE PERMIT FOR A
28 PERIOD OF NOT LESS THAN 10 YEARS, WITH AN OPTION OF RENEWAL AT THE
29 APPLICANT'S DISCRETION.

30 (K) A LOCAL GOVERNMENT MAY NOT INSTITUTE A MORATORIUM ON:

31 (1) THE RECEIPT AND PROCESSING OF APPLICATIONS FOR A PERMIT
32 UNDER THIS SECTION; OR

1 **(2) THE ISSUANCE OF PERMITS OR OTHER APPROVALS UNDER THIS**
2 **SECTION.**

3 **(L) (1) A LOCAL GOVERNMENT MAY NOT REQUIRE A PERMIT UNDER THIS**
4 **SECTION FOR:**

5 **(I) ROUTINE MAINTENANCE;**

6 **(II) THE REPLACEMENT OF SMALL WIRELESS FACILITIES WITH**
7 **SMALL WIRELESS FACILITIES THAT ARE SUBSTANTIALLY SIMILAR TO OR NOT**
8 **LARGER THAN THE FACILITIES BEING REPLACED; OR**

9 **(III) THE COLLOCATION OF MICRO WIRELESS FACILITIES THAT**
10 **ARE STRUNG ON CABLES BETWEEN EXISTING POLES IN COMPLIANCE WITH THE**
11 **NATIONAL ELECTRICAL SAFETY CODE.**

12 **(2) (I) A LOCAL GOVERNMENT MAY REQUIRE A PERMIT TO WORK**
13 **WITHIN A RIGHT-OF-WAY FOR THE ACTIVITIES LISTED IN PARAGRAPH (1) OF THIS**
14 **SUBSECTION.**

15 **(II) A PERMIT REQUIRED UNDER THIS PARAGRAPH SHALL**
16 **COMPLY WITH THE REQUIREMENTS OF THIS SECTION.**

17 **1-1505.**

18 **(A) THIS SECTION APPLIES TO THE FOLLOWING WORK CONDUCTED**
19 **OUTSIDE A RIGHT-OF-WAY IN AN AREA THAT IS ZONED EXCLUSIVELY FOR SINGLE**
20 **FAMILY RESIDENTIAL USE:**

21 **(1) THE COLLOCATION OF WIRELESS FACILITIES;**

22 **(2) THE INSTALLATION, MODIFICATION, OR REPLACEMENT OF**
23 **WIRELESS SUPPORT STRUCTURES OR POLES; AND**

24 **(3) SUBSTANTIAL MODIFICATIONS.**

25 **(B) IF THE PERMIT IS NOT EXCLUSIVELY REQUIRED FOR WIRELESS**
26 **FACILITIES, A LOCAL GOVERNMENT MAY REQUIRE A PERSON TO OBTAIN A PERMIT**
27 **UNDER THIS SECTION TO:**

28 **(1) COLLOCATE A WIRELESS FACILITY;**

29 **(2) INSTALL A NEW, MODIFIED, OR REPLACEMENT WIRELESS**

1 SUPPORT STRUCTURE OR POLE ASSOCIATED WITH A WIRELESS FACILITY; OR

2 (3) PERFORM A SUBSTANTIAL MODIFICATION.

3 (C) A COLLOCATION OR REPLACEMENT OF WIRELESS FACILITIES,
4 WIRELESS SUPPORT STRUCTURES, OR POLES THAT DOES NOT CONSTITUTE A
5 SUBSTANTIAL MODIFICATION IS A PERMITTED USE AS OF RIGHT AND IS NOT
6 SUBJECT TO ZONING REVIEW OR APPROVAL.

7 (D) A LOCAL GOVERNMENT MAY NOT CONSIDER OR REQUIRE AN APPLICANT
8 FOR A PERMIT TO PROVIDE INFORMATION ABOUT THE APPLICANT'S BUSINESS
9 DECISIONS WITH RESPECT TO THE TYPE OF, LOCATION OF, OR NEED FOR THE POLE,
10 WIRELESS SUPPORT STRUCTURE, OR WIRELESS FACILITIES.

11 (E) FOR THE PURPOSES OF ISSUING A PERMIT:

12 (1) ANY REQUIREMENTS OF THE LOCAL GOVERNMENT REGARDING
13 THE APPEARANCE OF FACILITIES, INCLUDING THOSE RELATING TO MATERIALS
14 USED OR ARRANGING, SCREENING, OR LANDSCAPING MUST BE REASONABLE; AND

15 (2) ANY SETBACK OR FALL ZONE REQUIREMENTS MUST BE
16 SUBSTANTIALLY SIMILAR TO THOSE REQUIREMENTS THE LOCAL GOVERNMENT
17 IMPOSES ON OTHER TYPES OF COMMERCIAL STRUCTURES OF A SIMILAR HEIGHT.

18 (F) (1) WITHIN 30 DAYS AFTER RECEIVING AN APPLICATION FOR A
19 PERMIT, THE LOCAL GOVERNMENT SHALL VERIFY THAT THE APPLICATION IS
20 COMPLETE.

21 (2) IF THE APPLICATION IS NOT COMPLETE, THE LOCAL
22 GOVERNMENT SHALL NOTIFY THE APPLICANT IN WRITING IDENTIFYING THE PARTS
23 OF THE APPLICATION THAT ARE INCOMPLETE.

24 (3) (I) THE LOCAL GOVERNMENT SHALL EITHER APPROVE OR
25 DENY THE PERMIT:

26 1. WITHIN 150 DAYS AFTER THE RECEIPT OF A
27 COMPLETE APPLICATION FOR A NEW WIRELESS SUPPORT STRUCTURE; AND

28 2. WITHIN 90 DAYS AFTER THE RECEIPT OF A COMPLETE
29 APPLICATION FOR:

30 A. THE INSTALLATION, MODIFICATION, OR
31 REPLACEMENT OF POLES OR WIRELESS FACILITIES; OR

1 **B. A SUBSTANTIAL MODIFICATION OF EXISTING**
2 **FACILITIES.**

3 **(II) IF A LOCAL GOVERNMENT FAILS TO ACT ON A COMPLETE**
4 **PERMIT APPLICATION WITHIN THE TIME PERIODS SET FORTH IN SUBPARAGRAPH (I)**
5 **OF THIS PARAGRAPH, THE PERMIT SHALL BE DEEMED TO BE APPROVED.**

6 **(4) (I) A LOCAL GOVERNMENT MAY DENY AN APPLICATION FOR A**
7 **PERMIT UNDER THIS SECTION ONLY IF THERE IS A REASONABLE,**
8 **NONDISCRIMINATORY BASIS FOR THE DENIAL SUPPORTED BY SUBSTANTIAL**
9 **EVIDENCE CONTAINED IN THE WRITTEN RECORD.**

10 **(II) IF A LOCAL GOVERNMENT DENIES A PERMIT, THE LOCAL**
11 **GOVERNMENT SHALL NOTIFY THE APPLICANT IN WRITING OF THE BASIS FOR THE**
12 **DENIAL, INCLUDING ANY DOCUMENTATION REGARDING THE DENIAL.**

13 **(G) A LOCAL GOVERNMENT MAY NOT INSTITUTE A MORATORIUM ON:**

14 **(1) THE RECEIPT AND PROCESSING OF APPLICATIONS FOR A PERMIT**
15 **UNDER THIS SECTION; OR**

16 **(2) THE ISSUANCE OF PERMITS OR OTHER APPROVALS UNDER THIS**
17 **SECTION.**

18 **(H) A LOCAL GOVERNMENT MAY REQUIRE AN APPLICANT FOR A PERMIT TO**
19 **BEGIN CONSTRUCTION OF THE APPROVED STRUCTURE OR FACILITY WITHIN 2**
20 **YEARS AFTER ISSUANCE OF THE PERMIT AND TO DILIGENTLY PURSUE THE PROJECT**
21 **TO COMPLETION UNLESS:**

22 **(1) THE LOCAL GOVERNMENT AND THE APPLICANT AGREE TO**
23 **EXTEND THE PERIOD; OR**

24 **(2) THE DELAY IS CAUSED BY A LACK OF COMMERCIAL POWER OR**
25 **COMMUNICATIONS TRANSPORT FACILITIES TO THE AREA WHERE THE SMALL**
26 **WIRELESS FACILITIES ARE TO BE COLLOCATED.**

27 **(I) A LOCAL GOVERNMENT MAY REQUIRE A WIRELESS PROVIDER TO:**

28 **(1) REPAIR ANY DAMAGE TO THE RIGHT-OF-WAY OR ANY FACILITIES**
29 **IN A RIGHT-OF-WAY DIRECTLY CAUSED BY THE ACTIVITIES OF THE WIRELESS**
30 **PROVIDER; AND**

1 **(2) RETURN A RIGHT-OF-WAY TO THE CONDITION THAT EXISTED**
2 **BEFORE ANY DAMAGE WAS INCURRED IN ACCORDANCE WITH THE NEUTRAL,**
3 **REASONABLE REQUIREMENTS AND SPECIFICATIONS OF THE LOCAL GOVERNMENT.**

4 **1-1506.**

5 **(A) THIS SECTION APPLIES ONLY TO THE COLLOCATION OF WIRELESS**
6 **FACILITIES ON LOCAL GOVERNMENT POLES AND LOCAL GOVERNMENT WIRELESS**
7 **SUPPORT STRUCTURES THAT ARE LOCATED:**

8 **(1) ON PROPERTY OWNED BY THE LOCAL GOVERNMENT; AND**

9 **(2) OUTSIDE A RIGHT-OF-WAY.**

10 **(B) A LOCAL GOVERNMENT SHALL AUTHORIZE A PERSON THAT OBTAINS A**
11 **PERMIT UNDER § 1-1504 OF THIS SUBTITLE TO COLLOCATE SMALL WIRELESS**
12 **FACILITIES ON LOCAL GOVERNMENT POLES THAT DO NOT EXCEED 50 FEET IN**
13 **HEIGHT ABOVE THE GROUND.**

14 **(C) (1) IF A LOCAL GOVERNMENT AUTHORIZES THE USE OF LOCAL**
15 **GOVERNMENT POLES AND LOCAL GOVERNMENT WIRELESS SUPPORT STRUCTURES**
16 **THAT EXCEED 50 FEET IN HEIGHT ABOVE THE GROUND FOR ANY COMMERCIAL**
17 **PROJECTS OR USES, THE LOCAL GOVERNMENT SHALL AUTHORIZE THE**
18 **COLLOCATION OF SMALL WIRELESS FACILITIES ON THOSE POLES AND WIRELESS**
19 **SUPPORT STRUCTURES TO THE SAME EXTENT THAT THE COMMERCIAL PROJECTS**
20 **OR USES ARE AUTHORIZED.**

21 **(2) A LOCAL GOVERNMENT MAY IMPOSE A RATE, FEE, OR TERM OF**
22 **USE FOR POLES AND WIRELESS SUPPORT STRUCTURES UNDER PARAGRAPH (1) OF**
23 **THIS SUBSECTION IF THE RATE, FEE, OR TERM IS REASONABLE AND**
24 **NONDISCRIMINATORY, TAKING INTO ACCOUNT RELEVANT FACTS INCLUDING:**

25 **(I) ALTERNATIVE FINANCING OR SERVICE REMUNERATION;**

26 **(II) THE CHARACTERISTICS OF THE PROPOSED EQUIPMENT OR**
27 **INSTALLATION;**

28 **(III) STRUCTURAL LIMITATIONS OF THE EQUIPMENT OR THE**
29 **POLE OR WIRELESS SUPPORT STRUCTURE; AND**

30 **(IV) OTHER COMMERCIAL OR UNIQUE FEATURES OR**
31 **COMPONENTS OF THE EQUIPMENT USED.**

1 (D) A LOCAL GOVERNMENT MAY NOT ENTER INTO AN EXCLUSIVE
2 AGREEMENT WITH A WIRELESS PROVIDER CONCERNING LOCAL GOVERNMENT
3 POLES THAT EXCEED 50 FEET IN HEIGHT OR LOCAL GOVERNMENT WIRELESS
4 SUPPORT STRUCTURES UNLESS THE AGREEMENT REQUIRES THE WIRELESS
5 PROVIDER, ON REASONABLE AND NONDISCRIMINATORY RATES AND TERMS:

6 (1) TO PROVIDE SERVICE USING A SHARED NETWORK OF WIRELESS
7 FACILITIES THAT THE WIRELESS PROVIDER MAKES AVAILABLE FOR ACCESS BY
8 OTHER WIRELESS PROVIDERS; OR

9 (2) TO ALLOW OTHER WIRELESS PROVIDERS TO COLLOCATE SMALL
10 WIRELESS FACILITIES.

11 1-1507.

12 (A) IN THIS SECTION, "MAKE-READY WORK" MEANS ANY REARRANGEMENT
13 OF EXISTING POLE ATTACHMENTS OR POLE REPLACEMENTS THAT MUST BE
14 COMPLETED BEFORE A PERSON COLLOCATES NEW WIRELESS FACILITIES ON A POLE
15 IN ORDER TO ENSURE THE PROPER SPACING OF EQUIPMENT AND COMPLIANCE WITH
16 APPLICABLE SAFETY AND ELECTRICAL CODES.

17 (B) THIS SECTION APPLIES TO ACTIVITIES OF A WIRELESS PROVIDER IN A
18 RIGHT-OF-WAY.

19 (C) A PERSON THAT OWNS, MANAGES, OR CONTROLS LOCAL GOVERNMENT
20 POLES IN A RIGHT-OF-WAY MAY NOT ENTER INTO AN EXCLUSIVE AGREEMENT WITH
21 ANY PERSON FOR THE RIGHT TO ATTACH EQUIPMENT TO THE LOCAL GOVERNMENT
22 POLES.

23 (D) A LOCAL GOVERNMENT SHALL AUTHORIZE THE COLLOCATION OF
24 SMALL WIRELESS FACILITIES ON LOCAL GOVERNMENT POLES IN ACCORDANCE WITH
25 § 1-1504 OF THIS SUBTITLE.

26 (E) THE RATE TO COLLOCATE WIRELESS FACILITIES ON LOCAL
27 GOVERNMENT POLES SHALL BE:

28 (1) NONDISCRIMINATORY REGARDLESS OF THE SERVICES PROVIDED
29 BY THE PERSON PERFORMING THE COLLOCATION; AND

30 (2) AS PROVIDED UNDER § 1-1508 OF THIS SUBTITLE.

31 (F) (1) ALL RATES, FEES, AND TERMS AND CONDITIONS FOR
32 MAKE-READY WORK ON A LOCAL GOVERNMENT POLE SHALL BE

1 NONDISCRIMINATORY, COMPETITIVELY NEUTRAL, AND COMMERCIALY
2 REASONABLE.

3 (2) WITHIN 60 DAYS AFTER RECEIVING A COMPLETE APPLICATION
4 FOR A PERMIT IN ACCORDANCE WITH § 1-1504(D) OF THIS SUBTITLE, A LOCAL
5 GOVERNMENT SHALL PROVIDE A GOOD FAITH ESTIMATE FOR ANY MAKE-READY
6 WORK, INCLUDING POLE REPLACEMENT, IF NECESSARY.

7 (3) WITHIN 60 DAYS AFTER AN APPLICANT RECEIVES A GOOD FAITH
8 ESTIMATE UNDER PARAGRAPH (2) OF THIS SUBSECTION, A LOCAL GOVERNMENT
9 SHALL COMPLETE ALL NECESSARY MAKE-READY WORK, INCLUDING REPLACEMENT
10 OF A LOCAL GOVERNMENT POLE IF THE LOCAL GOVERNMENT DEMONSTRATES THAT
11 THE COLLOCATION WILL RENDER THE POLE STRUCTURALLY UNSOUND.

12 (4) A PERSON OWNING, MANAGING, OR CONTROLLING A LOCAL
13 GOVERNMENT POLE MAY NOT REQUIRE MORE MAKE-READY WORK THAN IS
14 REQUIRED TO SATISFY ANY APPLICABLE CODES OR INDUSTRY STANDARDS.

15 (5) A FEE FOR MAKE-READY WORK MAY NOT:

16 (I) INCLUDE COSTS RELATED TO PREEXISTING OR PRIOR
17 DAMAGE OR NONCOMPLIANCE;

18 (II) EXCEED ACTUAL COSTS OR THE AMOUNT CHARGED TO ANY
19 OTHER CABLE, INFORMATION SERVICES, OR TELECOMMUNICATIONS PROVIDER FOR
20 SIMILAR WORK; OR

21 (III) INCLUDE ANY CONSULTANT FEES OR EXPENSES.

22 1-1508.

23 (A) A LOCAL GOVERNMENT MAY NOT REQUIRE A WIRELESS PROVIDER TO
24 PAY ANY RATE, FEE, OR OTHER COMPENSATION TO THE LOCAL GOVERNMENT OR
25 ANY OTHER PERSON EXCEPT AS AUTHORIZED BY THIS SUBTITLE FOR:

26 (1) THE RIGHT TO USE OR OCCUPY A RIGHT-OF-WAY;

27 (2) THE COLLOCATION OF SMALL WIRELESS FACILITIES ON POLES IN
28 A RIGHT-OF-WAY; OR

29 (3) THE INSTALLATION, MAINTENANCE, MODIFICATION, OPERATION,
30 OR REPLACEMENT OF POLES IN A RIGHT-OF-WAY.

1 **(B) (1) A LOCAL GOVERNMENT MAY CHARGE A FEE FOR A PERMIT ISSUED**
2 **UNDER THIS SUBTITLE ONLY IF:**

3 **(I) THE FEE IS THE SAME AS THAT REQUIRED FOR SIMILAR**
4 **TYPES OF COMMERCIAL DEVELOPMENT OR CONSTRUCTION IN THE LOCAL**
5 **GOVERNMENT’S JURISDICTION; AND**

6 **(II) THE COSTS TO BE RECOVERED BY THE APPLICATION FEE**
7 **ARE NOT ALSO RECOVERED BY EXISTING FEES, RATES, LICENSES, OR TAXES PAID BY**
8 **THE APPLICANT.**

9 **(2) A FEE FOR A PERMIT ISSUED UNDER THIS SUBTITLE MAY NOT**
10 **INCLUDE:**

11 **(I) TRAVEL EXPENSES INCURRED BY A THIRD PARTY IN ITS**
12 **REVIEW OF THE APPLICATION; OR**

13 **(II) DIRECT PAYMENT OR REIMBURSEMENT OF THIRD-PARTY**
14 **RATES OR FEES CHARGED ON A CONTINGENCY BASIS OR A RESULT-BASED**
15 **ARRANGEMENT.**

16 **(C) A FEE FOR A PERMIT ISSUED UNDER THIS SUBTITLE FOR:**

17 **(1) A COLLOCATION OF WIRELESS FACILITIES SHALL BE LIMITED TO**
18 **THE COST OF GRANTING A BUILDING PERMIT FOR SIMILAR TYPES OF COMMERCIAL**
19 **DEVELOPMENT OR CONSTRUCTION WITHIN THE LOCAL GOVERNMENT’S**
20 **JURISDICTION;**

21 **(2) THE COLLOCATION OF SMALL WIRELESS FACILITIES ON AN**
22 **EXISTING OR REPLACEMENT LOCAL GOVERNMENT POLE MAY NOT EXCEED \$100**
23 **EACH FOR THE FIRST FIVE SMALL WIRELESS FACILITIES ON THE SAME APPLICATION**
24 **AND \$50 EACH FOR EACH SUBSEQUENT SMALL WIRELESS FACILITY ON THE SAME**
25 **APPLICATION;**

26 **(3) THE INSTALLATION, MODIFICATION, OR REPLACEMENT OF A POLE**
27 **AND THE COLLOCATION OF AN ASSOCIATED SMALL WIRELESS FACILITY THAT ARE**
28 **PERMITTED USES AS OF RIGHT UNDER § 1-1503 OF THIS SUBTITLE MAY NOT EXCEED**
29 **\$250 PER POLE FOR ACCESS TO THE RIGHT-OF-WAY; AND**

30 **(4) THE INSTALLATION, MODIFICATION, OR REPLACEMENT OF A NEW**
31 **WIRELESS SUPPORT STRUCTURE, A SUBSTANTIAL MODIFICATION, OR A NEW POLE**
32 **ASSOCIATED WITH A SMALL WIRELESS FACILITY THAT IS NOT A PERMITTED USE AS**
33 **OF RIGHT UNDER § 1-1503 OF THIS SUBTITLE MAY NOT EXCEED \$1,000.**

1 (D) A RATE FOR THE OCCUPANCY OF A RIGHT-OF-WAY MAY NOT EXCEED
2 \$20 PER YEAR FOR EACH SMALL WIRELESS FACILITY.

3 (E) A RATE FOR THE COLLOCATION OF A SMALL WIRELESS FACILITY
4 ATTACHED TO A LOCAL GOVERNMENT POLE SHALL BE SET AT \$20 PER YEAR FOR
5 EACH SMALL WIRELESS FACILITY CONNECTED TO A LOCAL GOVERNMENT POLE.

6 1-1509.

7 (A) THE DISTRICT COURT SHALL HAVE JURISDICTION OVER ANY DISPUTE
8 ARISING UNDER THIS SUBTITLE.

9 (B) THE DISTRICT COURT SHALL ADJUDICATE A CASE ARISING FROM A
10 DISPUTE UNDER THIS SUBTITLE WITHIN 180 DAYS AFTER THE COMPLAINT OR
11 PETITION IS FILED.

12 (C) IF THERE IS A DISPUTE CONCERNING THE RATE FOR COLLOCATION OF
13 SMALL WIRELESS FACILITIES ON LOCAL GOVERNMENT POLES, UNTIL THE MATTER
14 IS RESOLVED BY THE DISTRICT COURT, THE PERSON OWNING OR CONTROLLING
15 THE POLE MAY CHARGE AN ANNUAL RATE NOT EXCEEDING \$20, TO BE ADJUSTED ON
16 FINAL RESOLUTION OF THE DISPUTE.

17 1-1510.

18 (A) A LOCAL GOVERNMENT MAY NOT REQUIRE A WIRELESS PROVIDER TO
19 INDEMNIFY AND HOLD HARMLESS THE LOCAL GOVERNMENT AND ITS OFFICERS AND
20 EMPLOYEES AGAINST ANY LOSS, DAMAGE, OR LIABILITY, EXCEPT WHEN A COURT OF
21 COMPETENT JURISDICTION HAS FOUND THAT THE LOSS, DAMAGE, OR LIABILITY
22 WAS DIRECTLY CAUSED BY THE NEGLIGENCE OF THE WIRELESS PROVIDER WHEN
23 INSTALLING, REPAIRING, OR MAINTAINING SMALL WIRELESS FACILITIES AND
24 ASSOCIATED POLES.

25 (B) (1) A LOCAL GOVERNMENT MAY REQUIRE A WIRELESS PROVIDER TO
26 CARRY INSURANCE TO COVER ANY LOSS, DAMAGE, OR LIABILITY CAUSED BY A
27 WIRELESS PROVIDER WHEN INSTALLING, REPAIRING, OR MAINTAINING SMALL
28 WIRELESS FACILITIES AND ASSOCIATED POLES ONLY IF:

29 (I) THE LOCAL GOVERNMENT IMPOSES SIMILAR
30 REQUIREMENTS ON OTHER USERS OF A RIGHT-OF-WAY; AND

31 (II) THE INSURANCE REQUIREMENTS ARE REASONABLE AND
32 NONDISCRIMINATORY.

1 **(2) A LOCAL GOVERNMENT MAY NOT REQUIRE THE INSURANCE**
2 **COVERAGE OF A WIRELESS PROVIDER TO NAME THE LOCAL GOVERNMENT, ITS**
3 **OFFICIALS, OR EMPLOYEES AS ADDITIONAL INSUREDS.**

4 **(3) IF A LOCAL GOVERNMENT REQUIRES A WIRELESS PROVIDER TO**
5 **CARRY INSURANCE UNDER THIS SUBSECTION, THE LOCAL GOVERNMENT MAY**
6 **REQUIRE A WIRELESS PROVIDER TO PROVIDE PROOF OF INSURANCE BEFORE THE**
7 **EFFECTIVE DATE OF A PERMIT ISSUED UNDER THIS SUBTITLE.**

8 **(C) (1) A LOCAL GOVERNMENT MAY ADOPT, THROUGH LOCAL LAW,**
9 **SURETY BONDING REQUIREMENTS FOR WIRELESS PROVIDERS COLLOCATING SMALL**
10 **WIRELESS FACILITIES ONLY IF THE LOCAL GOVERNMENT IMPOSES SIMILAR SURETY**
11 **BONDING REQUIREMENTS ON OTHER PERSONS USING A RIGHT-OF-WAY.**

12 **(2) THE PURPOSE OF A SURETY BOND REQUIRED UNDER PARAGRAPH**
13 **(1) OF THIS SUBSECTION SHALL BE TO:**

14 **(I) PROVIDE FOR THE REMOVAL OF ABANDONED OR**
15 **IMPROPERLY MAINTAINED SMALL WIRELESS FACILITIES, INCLUDING THOSE THAT**
16 **THE LOCAL GOVERNMENT DETERMINES NEED TO BE REMOVED TO PROTECT PUBLIC**
17 **HEALTH, SAFETY, OR WELFARE AND RESTORE THE RIGHT-OF-WAY; OR**

18 **(II) RECOUP RATES OR FEES THAT HAVE NOT BEEN PAID BY A**
19 **WIRELESS PROVIDER IN MORE THAN 12 MONTHS, AS LONG AS THE LOCAL**
20 **GOVERNMENT HAS GIVEN REASONABLE NOTICE TO THE WIRELESS PROVIDER AND**
21 **THE OPPORTUNITY TO PAY THE RATES OR FEES OUTSTANDING.**

22 **(3) SURETY BONDING REQUIREMENTS UNDER THIS SUBSECTION MAY**
23 **NOT EXCEED \$200 FOR EACH SMALL WIRELESS FACILITY, UP TO A MAXIMUM**
24 **AMOUNT OF \$10,000 FOR ALL SMALL WIRELESS FACILITIES OWNED BY A WIRELESS**
25 **PROVIDER IN THE JURISDICTION.**

26 **1-1511.**

27 **(A) (1) A LOCAL GOVERNMENT MAY ENACT A LOCAL LAW TO CARRY OUT**
28 **THE REQUIREMENTS OF THIS SUBTITLE.**

29 **(2) IF A LOCAL GOVERNMENT DOES NOT ENACT A LOCAL LAW TO**
30 **CARRY OUT THE REQUIREMENTS OF THIS SUBTITLE, A WIRELESS PROVIDER MAY**
31 **INSTALL AND OPERATE SMALL WIRELESS FACILITIES AND POLES IN ACCORDANCE**
32 **WITH THIS SUBTITLE.**

1 **(B) TO THE EXTENT THAT THIS SUBTITLE CONFLICTS WITH A LOCAL LAW**
2 **THAT APPLIES TO SMALL WIRELESS FACILITIES AND ASSOCIATED POLES, THIS**
3 **SUBTITLE SHALL PREVAIL OVER THE LOCAL LAW.**

4 **(C) (1) EXCEPT TO ENSURE COMPLIANCE WITH APPLICABLE BUILDING,**
5 **ELECTRICAL, PLUMBING, OR MECHANICAL CODES, A LOCAL GOVERNMENT DOES**
6 **NOT HAVE ANY AUTHORITY OVER THE DESIGN, ENGINEERING, CONSTRUCTION,**
7 **INSTALLATION, OR OPERATION OF A SMALL WIRELESS FACILITY THAT IS NOT**
8 **LOCATED ON PROPERTY OWNED OR CONTROLLED BY THE LOCAL GOVERNMENT.**

9 **(2) A LOCAL GOVERNMENT SHALL EVALUATE THE STRUCTURE**
10 **CLASSIFICATION FOR WIRELESS SUPPORT STRUCTURES UNDER THE LATEST**
11 **VERSION OF ANSI/TIA-222.**

12 **(D) NOTHING IN THIS SUBTITLE AUTHORIZES THE STATE OR A LOCAL**
13 **GOVERNMENT TO:**

14 **(1) REQUIRE WIRELESS FACILITY DEPLOYMENT; OR**

15 **(2) REGULATE WIRELESS SERVICES.**

16 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**
17 **October 1, 2018.**

Small Cell / DAS Infrastructure Siting Bill

Senate Bill 1188 / House Bill 1767

Hearing on March 20 in Senate Finance Committee

Contact committee members NOW to tell them you OPPOSE SB 1188

1. The bill seeks to solve a problem that does not exist

- Currently, federal law mandates applications for small cells be processed in a certain period of time and precludes local governments from denying deployment of small cells.
- HOWEVER, local governments ARE authorized to pass ordinances or enter agreements that set out terms for alternative sites, fees, and aesthetics, among other conditions.
- Over a dozen municipalities in Maryland either have already completed ordinances/agreements or are working toward completion, with more to come.
- Today small cell facilities exist all over the State and more are being installed each day.
- They will continue to be deployed regardless of whether this legislation exists.

2. The bill hinders public safety

- The bill all but eliminates local regulation of telecommunication siting; regulations that ensure these installations will be safe.
- Whether a pole can handle the weight of all the new equipment, whether the boxes are securely attached to the pole, and whether their electrical connections comply with safety codes are all questions that need to be answered, but this legislation gives local governments limited rights and opportunity to ensure that they are resolved.

3. The bill permits 50-foot poles and 28 cubic feet of equipment

- That is about five stories high with equipment about the size of a refrigerator.
- The technology requires that these devices be clustered together in order to provide coverage; distance between poles is measured in feet, not miles.

4. The bill undermines citizen preferences in siting decisions

- This infrastructure affects the feel and visual imagery of the neighborhood.
- The bill undermines local government ability to engage in meaningful negotiations over siting decisions and curtails the need for industry to respond to resident concerns.
- If you have areas with underground utilities, this bill would have a major effect, as the bill allows for new poles to be erected.

5. The bill subsidizes a for-profit industry at public expense

- Permit fees to enter local rights-of-way are required to be related to administrative costs.
- This bill establishes additional restrictions on permit fees that in many cases would result in not even covering administrative costs to issue the permit.

18-G-45

Landscape
Dump
Trucks

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

AGENDA ITEM 18-G-45



Prepared By: Brenda Alexander,
Public Works Assistant Director

Meeting Date: March 13, 2018

Presented By: Robert Marsili,
Interim Public Works Director
Brenda Alexander,
Public Works Assistant Director

Consent Agenda: Yes

Originating Department: Public Works

Action Requested: Award a contract for the purchase and replacement of two (2) vehicles assigned to the landscape maintenance crew

Strategic Plan Goal: Goal 6: Excellent Services

Background/Justification:

Vehicle #306, a 1990 GMC dump truck, was scheduled for replacement in FY16 and was sold in December 2017. This open body dump truck was used by the landscape crew to haul bulk materials to the work sites and debris back to DPW. Vehicle #045, a 2001 pickup truck, was also scheduled for replacement in FY16. This truck was recently taken out of service due to deterioration of the frame. This vehicle was assigned to the landscape team and used by the Park's crew.

Two new vehicles are needed to transport the landscape crew, required materials and equipment to assigned work locations.

The Vehicle Replacement Program, CIP #925061, includes funding for the purchase of two new fleet vehicles to replace the two vehicles that are no longer in service.

Montgomery County Maryland awarded a competitively bid Vehicle & Equipment Acquisition contract #1065341 to Criswell Chevrolet in Gaithersburg, MD for the purchase of various types of fleet vehicles.

The Director of Public Works, as the Fleet Administrator, recommends purchasing the following to replace the two vehicles removed from service and scheduled for replacement:

Two (2) 2019 Chevrolet 5500HD Diesel, model #CT53043, 2-wheel drive, crew cab & chassis: \$52,991.92 each.

Two (2) Truck Body Package & options: \$23,429.00 each.

(Packages and Options include: TruckCraft TC-503 aluminum landscape dump body with a 9 cubic yard capacity; TruckCraft TC-600 Space-Pak aluminum storage compartment, mounted behind cab; and required strobe lights, bed tarp, trailer hitch & plug, electric brake controller, back-up warning device & mud flaps.)

Fiscal Impact:

The cost to purchase two (2) Chevrolet, 2019 Chevrolet 5500HD Diesel, model CT53043 crew cab & chassis with the TruckCraft TC-503 and TC-600 body package & options is \$152,841.84. Funding for the purchase of these 2 replacement vehicles is included in the Vehicle Replacement Program in the CIP #925061.

Council Options:

#1: Award a contract to Criswell Chevrolet in the amount of \$152,841.84 for the purchase two (2) landscape style dump body vehicles with necessary packages and options to replace two (2) vehicles no longer in service.

#2: Award a contract to Criswell Chevrolet in the amount of \$76,420.92 to purchase one (1) landscape style dump body vehicle with necessary package and options.
#3: Elect not to award a contract for necessary replacement vehicles.

Staff Recommendation:

Option #1

Recommended Motion:

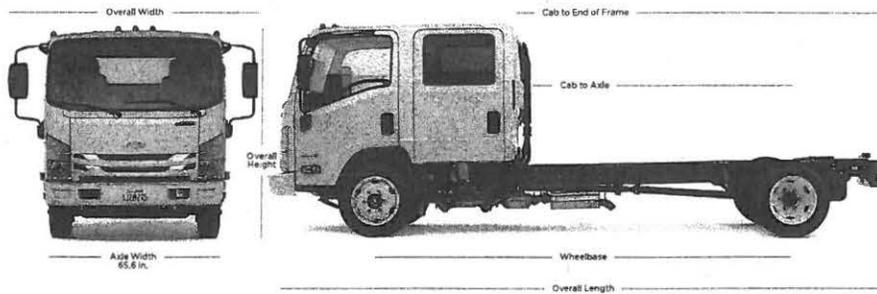
I move to award a contract to Criswell Chevrolet in the amount of \$152,841.84 for the purchase of two (2) landscape style dump body vehicles with necessary packages and options to replace two (2) vehicles no longer in service.

Attachments:

Picture of Chevrolet 5500 HD crew cab chassis

Picture of TruckCraft TC-503 aluminum landscape body

Diagram of TruckCraft TC-600 Space-Pak aluminum storage compartment

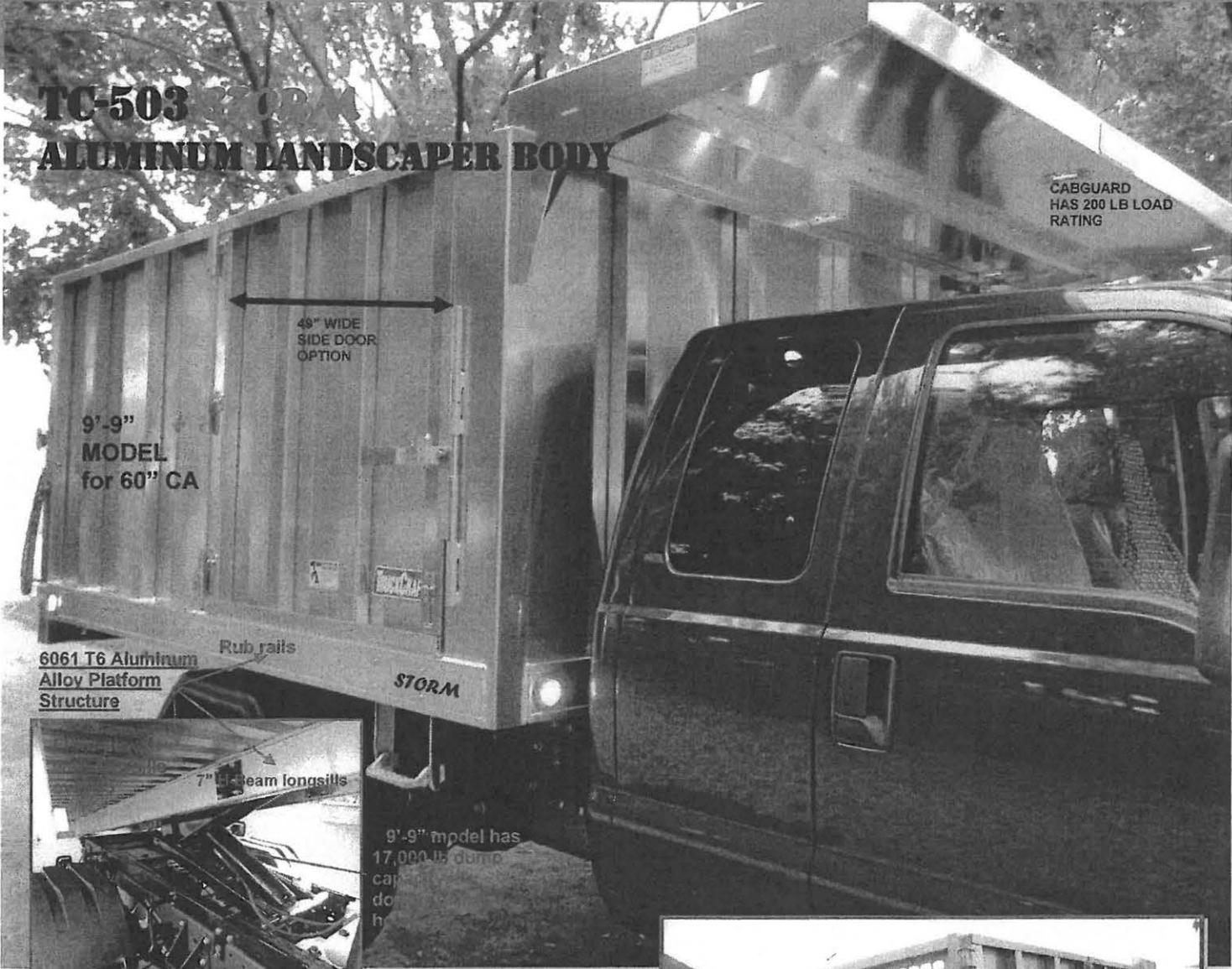


Crew Cab

| MODEL | 3500 | 3500HD | 4500 | 4500HD | 4500XD | 5500HD | 5500XD |
|-----------------------------------|-------------|--------|-------------|-------------|-------------|---------------|--------|
| OVERALL WIDTH (in.) | 81 | N/A | 81 | 81 | 81 | 81 | N/A |
| OVERALL HEIGHT (in.) | 90 | N/A | 91 | 91 | 92 | 92 | N/A |
| CAB TO END OF FRAME (in.) | 131.6/157.6 | N/A | 131.6/157.6 | 131.6/157.6 | 131.6/157.6 | 131.6/157.6 | N/A |
| CAB TO AXLE (in.) | 88.5-114.5 | N/A | 88.5-114.5 | 88.5-114.5 | 88.5-114.5 | 88.5-114.5 | N/A |
| WHEELBASE (in.) | 150.0/176.0 | N/A | 150.0/176.0 | 150.0/176.0 | 150.0/176.0 | 150.0/176.0 | N/A |
| OVERALL LENGTH (in.) | 241.5/267.5 | N/A | 241.5/267.5 | 241.5/267.5 | 241.5/267.5 | 241.5/267.5 | N/A |
| PAYLOAD RANGE ² (lbs.) | 6,264-6,308 | N/A | 8,442-8,503 | 7,766-7,832 | 8,840-8,905 | 10,680-10,748 | N/A |
| GVWR ¹ (lbs.) | 12,000 | N/A | 14,500 | 14,500 | 16,000 | 17,950 | N/A |
| GCWR ¹ (lbs.) | 18,000 | N/A | 20,500 | 20,500 | 22,000 | 23,950 | N/A |
| GAWR: FRONT (lbs.) | 4,860 | N/A | 6,630 | 5,360 | 6,630 | 6,830 | N/A |
| GAWR: REAR (lbs.) | 8,840 | N/A | 11,020 | 9,880 | 11,020 | 12,980 | N/A |

TRUCKCRAFT

TC-503 STORM ALUMINUM LANDSCAPER BODY



CABGUARD
HAS 200 LB LOAD
RATING

48" WIDE
SIDE DOOR
OPTION

9'-9"
MODEL
for 60" CA

6061 T6 Aluminum
Alloy Platform
Structure

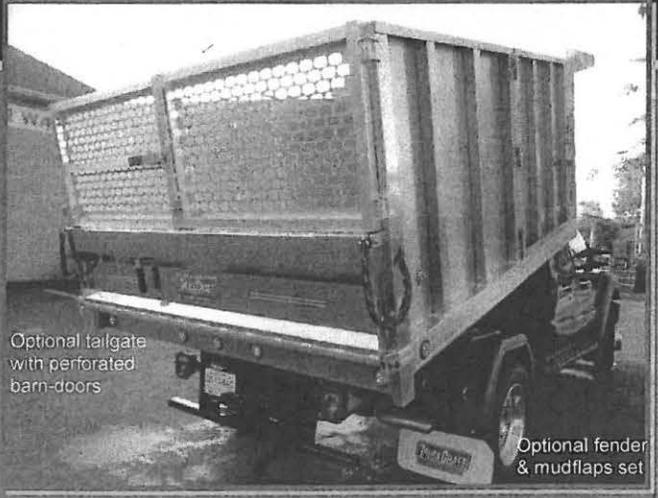
Rub rails

STORM



7" I-beam longsills

9'-9" model has
17,000 lb dump
capacity
door
h



Optional tailgate
with perforated
barn-doors

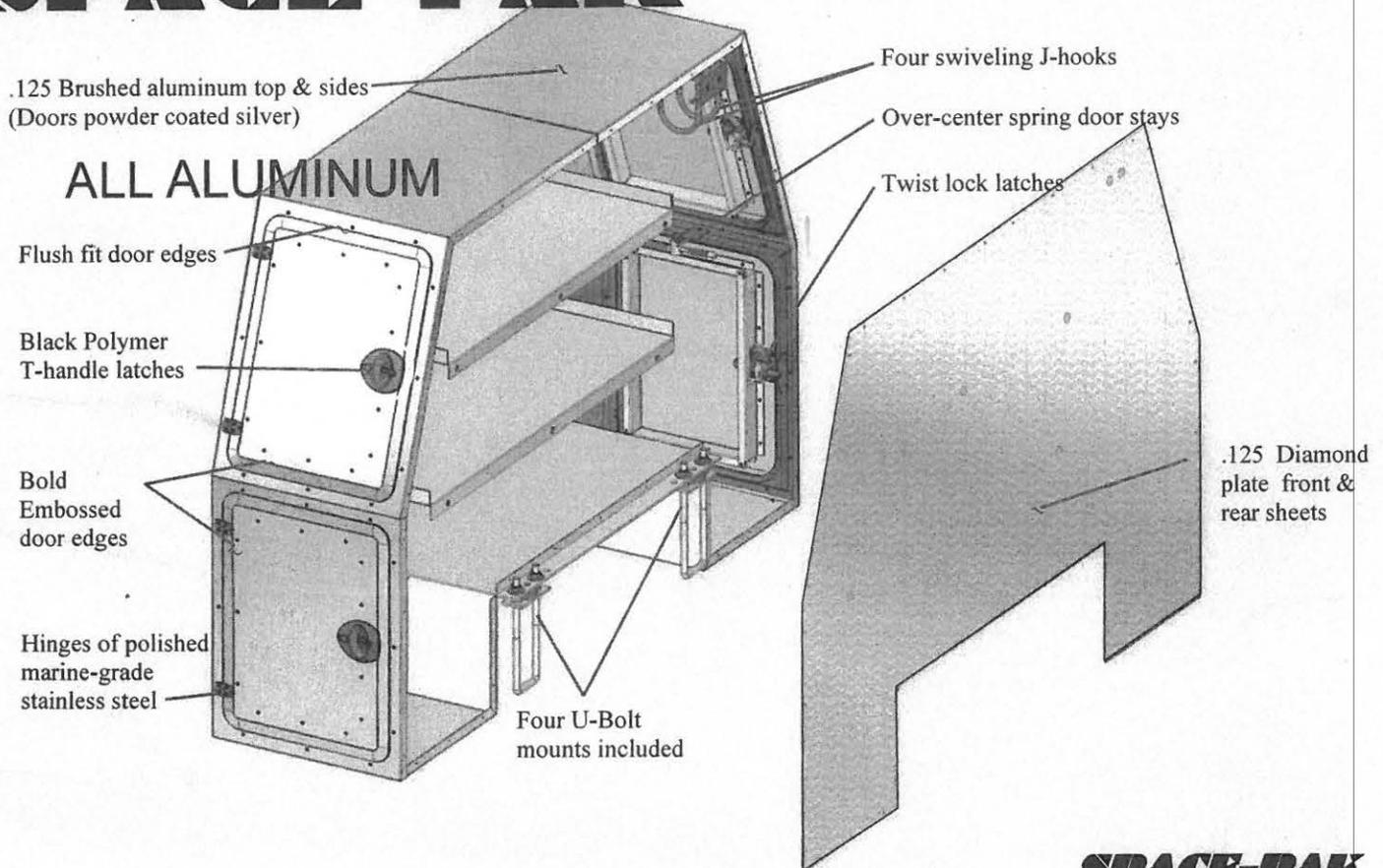
Optional fender
& mudflaps set

- TC-503 STORM AVAILABLE 9'-9" or 11'-5"
- Avail with 48" or 50" sides, with or without front side door
- Dump capacity - 11'-5" - 16,500 lbs; 9'-9" - 17,000 lbs (NTEA C1 C hoist)
- Floor made of 3/16" thk high strength 6061 T6 alloy aluminum
- Weight—11'-5" w/50" sides -1,913 lbs; 9'-9" w/50" sides -1,655 lbs
- Capacity—11'-5" w/ 50" sides—12.8 cu yd; 9'-9" w/50" sides—11.3 cu yd
- Double acting hoist; 60° dump angle; all hardware 304 stainless
- Sides & stiffeners of .125" thk 6052 H32 alum with stiffeners on 20" ctrs
- All corners of formed 6052 H32 alum, .188" (3/16") thick
- American-made Bucher™ hydraulic unit powered by truck electrical system
- Tailgate with coal-chute & perforated barn-doors available
- Unit ships pre-assembled & wired, includes mounting plates & hardware
- All doors have tie backs
- Optional cabguard with tie-downs & 200 lb load capacity available
- Body includes pre-installed marker lights & loomed wiring harness
- Steel subframe painted & pre-assembled to body
- Standard two-week TruckCraft delivery
- Two year factory warranty

TRUCKCRAFT

TC-600 SPACE-PAK

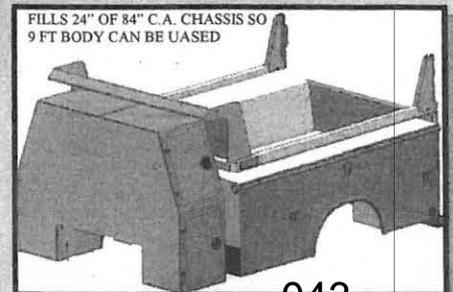
STORAGE COMPARTMENT



AVAIL IN 4-DOOR FLAT-BOTTOM MODEL SIMILAR TO ABOVE, OR 2 -DOOR (24D X 84W X 46H)

SPACE-PAK
by TruckCraft of course

- Technologically advanced, bonded & riveted construction prevents distortion & fatigue cracks
- 100% Aluminum with stainless and polymer hardware for custom look and lasting durability
- 56 Cu ft of secure storage space (24D X 84W X 60H); 2-Door flat-bottom model 50 Cu ft (24D X 84W X 46H)
- Flush-fit, embossed doors for security and bold appearance (26"H x 18.5"W clear door openings)
- Automotive bulb-type rubber door seal with radiused corners for water resistant seal
- Powder-coat doors, brush-finish sides & top, bright diamond plate frt and bk pnls
- Exclusive *Watershed* door frame diverts water entry even at bottom of sloped doors
- Full .125" thick aluminum sheet construction, wt 265 lbs; 2-door model wt 220 lbs
- Polished marine type stainless steel hinges for security & durability
- Over-center spring door stays
- Premium black polymer twist-lock T-handles for firm lock and seal
- Two removable cross compartment shelves for long objects or oversized items
- Four heavy duty, swiveling hanger hooks



TC-600 **SPACE-PAK** & TC-300 **COMBO**

18-G-39

CB-4-2018



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

AGENDA ITEM 18-G-39

Prepared By: Bill Gardiner
Assistant City Manager

Meeting Date: March 13, 2018

Presented By: Bill Gardiner
Assistant City Manager

Consent Agenda: Yes

Originating Department: Administration

Action Requested: Approval of letter stating the City Council's support for CB-04-2018, County legislation that would authorize a public campaign finance system for the election of County Executive and County Council, and regulate certain campaign finance activity of candidates who accept public campaign financing.

Strategic Plan Goal: Goal 5 - Effective Leadership

Background/Justification:

This County legislation is designed to increase small donor participation in the County Council and County Executive elections by providing a public financing match for candidates who agree to certain conditions and demonstrate a certain level of community support for their campaign. Certified participating candidates cannot accept contributions in excess of \$150 from individual donors (\$12,000 combined and \$6,000 individual cap for contributions from certain family members). Certified participating candidates cannot accept contributions from organizations, corporations, political parties, or labor unions. The total public contribution to a candidate for an election cycle is as follows: \$1 million for County Executive candidates; \$250,000 for at-large Council candidates; \$75,000 for District candidates.

Montgomery County and Howard County have established similar programs.

Fiscal Impact:

None

Council Options:

- #1. Approve the letter.
- #2. Amend and approve the amended letter.
- #3. Do not approve a letter.

Staff Recommendation:

Recommended Motion:

I move that Council approve the attached letters stating the City's support for CB-04-2018.

Attachments:

- 1-CB-04-2018
- 2-Document from "The Fair Elections Maryland Coalition"
- 3-Letter to the County Council stating the City's support for CB-04-2018

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2018 Legislative Session

Bill No. CB-4-2018

Chapter No. _____

Proposed and Presented by Council Members Lehman, Franklin, Patterson and Taveras

Introduced by _____

Co-Sponsors _____

Date of Introduction _____

BILL

1 AN ACT concerning

2 Public Campaign Financing

3 For the purpose of establishing a Fair Election Fund to provide public campaign financing for a
4 candidate for a County elective office; regulating certain campaign finance activity of a
5 candidate for County elective office who voluntarily accepts public campaign financing;
6 authorizing the Maryland State Board of Elections to administer and enforce the public campaign
7 financing system; and providing for penalties for violations of the public campaign financing
8 system.

9 BY adding:

10 SUBTITLE 10. FINANCE AND TAXATION.

11 Sections 10-317, 10-318, 10-319, 10-320, 10-321, 10-
12 322, 10-323, 10-324, 10-325, 10-326, and 10-327,

13 The Prince George's County Code
14 (2015 Edition; 2016 Supplement).

15 WHEREAS, the Fair Election Fund system is intended to promote and encourage broader
16 access to elected office in Prince George's County and to prevent large donations from having
17 undue influence in government; and

18 WHEREAS, the Fair Election Fund system is intended to enable citizens of Prince
19 George's County to run for office on the strength of their ideas, supported by small donations
20 from ordinary people and matching funds from the Fair Election Fund.

21 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,

Maryland, that Sections 10-317, 10-318, 10-319, 10-320, 10-321, 10-322, 10-323, 10-324, 10-325, 10-326, and 10-327 of the Prince George's County Code be and the same are hereby added:

SUBTITLE 10. FINANCE AND TAXATION.

DIVISION 25. FAIR ELECTION FUND.

Sec. 10-317. Definitions.

(a) The words defined in this Section shall have the meanings set forth below whenever they appear in this Division unless the context in which they are used clearly requires a different meaning or a different definition is prescribed for a particular provision.

(1) **Applicant candidate** means a candidate who is seeking to be a certified candidate in a primary or general election.

(2) **Campaign finance entity** means a political committee established pursuant to the Annotated Code of Maryland, Election Law Article, Title 1, Subtitle 1.

(3) **Certified candidate** means a candidate who is certified as eligible for public campaign financing from the Fund.

(4) **Citizen funded campaign account** means a campaign finance account into which eligible contributions will be received and from which money may be spent in accordance with this Division.

(5) **Commission** means the Fair Election Fund Commission.

(6) **Contested election** means any election, including a special election, in which there are more candidates for office than the number who can be elected to that office.

(7) **Contribution** means the same as defined in the Annotated Code of Maryland, Election Law Article, Title 1, Subtitle 1.

(8) **County Board** means the Prince George's County Board of Elections.

(9) **County resident** means a natural person who resides in Prince George's County.

(10) **Director** means the Director of Finance or the Director's designee.

(11) **Election cycle** means the same as defined in the Annotated Code of Maryland, Election Law Article, Title 1, Subtitle 1.

(12) **Eligible contribution** means an aggregate donation in a 4-year election cycle from an individual, including an individual who does not reside in the County, that does not exceed the contribution limit set in this Division.

(13) **Fund** means the Fair Election Fund.

1 (14) **Participating candidate** means a certified candidate who has received a public
2 contribution from the Fund during the current election cycle.

3 (15) **Public contribution** means money disbursed from the Fund to a certified
4 candidate.

5 (16) **Qualifying contribution** means an eligible contribution in support of an applicant
6 candidate that is:

7 (A) made by a County resident;

8 (B) made after the beginning of the qualifying period, but no later than the next
9 general election; and

10 (C) acknowledged by a receipt.

11 (17) **Qualifying period** means:

12 (A) the time beginning on January 1 following the last election for the office the
13 candidate seeks and ending 45 days before the date of the primary election; or

14 (B) for a special election, the time that the County Council shall set by Council
15 resolution.

16 (18) **Slate** means the same as defined in the Annotated Code of Maryland, Elections
17 Law Article, Title 1, Subtitle 1.

18 (19) **State Board** means the Maryland State Board of Elections.

19 **Sec. 10-318. Public Election Fund established.**

20 (a) The Director shall establish a Citizen’s Election Fund as a special non-lapsing fund.

21 (b) The Fund consists of:

22 (1) two percent (2%) of revenue from the County’s fees and charges pursuant to
23 Section 2-253.63;

24 (2) money appropriated to the Fund;

25 (3) any unspent money remaining in a certified candidates’ citizen funded campaign
26 account after the candidate is no longer a candidate;

27 (4) any public contribution returned to the Fund;

28 (5) any donations made to the Fund;

29 (6) any fines collected pursuant to Section 10-327 of this Division; and

30 (7) any earnings on money in the Fund.

31 **Sec. 10-319. Collecting qualifying contributions.**

1 (a) Before raising any contribution governed by this Division, an applicant candidate shall:

2 (1) file notice of intent with the State Board in the manner that the State Board

3 requires; and

4 (2) establish a citizen funded campaign account.

5 (b) Contribution limits.

6 (1) Except as otherwise provided in Subsection (b)(2), an applicant candidate shall
 7 not accept:

8 (A) eligible contributions of more than One Hundred Fifty Dollars (\$150) in the
 9 aggregate during an election cycle;

10 (B) or a loan.

11 (2) An applicant candidate may accept up to Twelve Thousand Dollars (\$12,000) in
 12 contributions or loans consisting of a combined total of not more than Six Thousand Dollars
 13 (\$6,000) from each of the following family members:

14 (A) the applicant candidate;

15 (B) a child who is at least eighteen (18) years old;

16 (C) a spouse;

17 (D) a parent; or

18 (E) a sibling.

19 (c) Consumer Price Index adjustment.

20 (1) The contribution limit specified in Subsection (b)(1) shall be adjusted for the next
 21 election cycle on July 1, 2022, and July 1 of each subsequent fourth year by the increase in the
 22 Consumer Price Index for the previous four (4) calendar years, rounded up to the next Ten
 23 Dollars (\$10).

24 (2) The Director shall publish this amount not later than the January 1 after an
 25 adjustment is made.

26 **Sec. 10-320. Requirements for certification.**

27 (a) Application for certification.

28 (1) An applicant candidate shall apply to the State Board for certification.

29 (2) The State Board may only accept an application during the qualifying period.

30 (3) An application shall be submitted in the form that the State Board requires.

31 (4) Subject to Subsection (a)(6), an applicant candidate may submit only one

1 application for certification for any election.

2 (5) An applicant candidate shall include with the application all documentation
3 required by the State or, in the absence of State requirements, the following:

4 (A) a declaration from the applicant candidate agreeing to follow the
5 requirements governing the use of a public contribution;

6 (B) a campaign finance report that contains the information that the State Board
7 requires for a campaign finance report and that includes, but is not limited to:

8 (i) a list of each qualifying contribution received;

9 (ii) a list of each expenditure made by the candidate during the qualifying
10 period;

11 (iii) a copy of the receipt associated with each contribution that identifies
12 the contributor’s name and residential address; and

13 (iv) a copy of the receipt associated with each expenditure; and

14 (C) a certificate of candidacy for County Executive or County Council.

15 (b) To qualify as a certified candidate:

16 (1) a candidate for Executive shall collect from County residents at least:

17 (A) Five Hundred (500) qualifying contributions; and

18 (B) an aggregate total of Forty Thousand Dollars (\$40,000);

19 (2) a candidate for At-Large Council Member shall collect from County residents at
20 least:

21 (A) Two Hundred Fifty (250) qualifying contributions; and

22 (B) an aggregate total of Fifteen Thousand Dollars (\$15,000); and

23 (3) a candidate for District Council Member shall collect from County residents at
24 least:

25 (A) One Hundred Fifty (150) qualifying contributions; and

26 (B) an aggregate total of Seven Thousand Five Hundred Dollars (\$7,500).

27 (c) Contributions.

28 (A) An applicant candidate shall deposit all contributions received into the candidate’s
29 citizen funded campaign account.

30 (B) An applicant candidate shall deliver to the State Board a copy of a receipt for each
31 qualifying contribution that identifies the contributor’s name and residential address and that is

1 signed by the contributor directly or by a digital signature using a method approved by the State
 2 Board.

3 **Sec. 10-321. Board determination.**

4 (a) Within ten (10) days after the State Board receives a complete application for
 5 certification, the State Board shall certify an applicant candidate who qualifies for certification.

6 (b) The decision by the State Board whether to certify a candidate is final.

7 (c) If the State Board certifies a candidate, the State Board shall so notify the Director.
 8 After notification, the Director shall disburse a public contribution to the candidate's citizen
 9 funded campaign account.

10 **Sec. 10-322. Distribution of public contribution.**

11 (a) In General.

12 (1) The Director shall distribute a public contribution from an election only during:

13 (A) the time beginning 365 days before the primary election for the office the
 14 candidate seeks and ending 15 days after the general election; or

15 (B) the time that the County Council sets by resolution for a special election.

16 (2) A certified candidate may continue to collect qualifying contributions and receive
 17 a matching public contribution up to a primary or general election.

18 (3) For purposes of this Subsection, whether an election is contested shall be
 19 determined on the first Tuesday in August preceding the election. The Director shall not
 20 disburse a public contribution to a certified candidate in an election in which the candidate is the
 21 sole individual who has filed a certificate of candidacy for that office; however, a certified
 22 candidate may collect contributions during an uncontested election.

23 (b) Receipts; deposits.

24 (1) To receive a public contribution, a participating candidate shall submit a receipt to
 25 the State Board for each qualifying contribution.

26 (2) The receipt shall identify the contributor's name and residential address.

27 (3) The Director shall deposit the appropriate public contribution into a participating
 28 candidate's citizen funded campaign account within three (3) business days after the State Board
 29 authorizes the public contribution.

30 (c) Contributions of less than \$1. An individual contribution of less than One Dollar (\$1)
 31 may be considered under Section 10-320 of this Division but shall not be considered when

1 calculating the public contribution under this Section.

2 (d) Amount of distribution.

3 (1) for a certified participating candidate for County Executive, the matching dollars
 4 shall equal:

5 (A) Seven Dollars (\$7) for each dollar of a qualifying contribution received for
 6 the first Twenty-Five Dollars (\$25) of each qualifying contribution;

7 (B) Five Dollars (\$5) for each dollar of a qualifying contribution received for the
 8 next Fifty Dollars (\$50) of each qualifying contribution; and

9 (C) Two Dollars (\$2) for each dollar of a qualifying contribution received for the
 10 next Seventy-Five Dollars (\$75) of each qualifying contribution.

11 (2) for a certified candidate for County Council, the matching dollars shall equal:

12 (A) Seven Dollars (\$7) for each dollar of a qualifying contribution received for
 13 the first Twenty-Five Dollars (\$25) of each qualifying contribution;

14 (B) Five Dollars (\$5) for each dollar of a qualifying contribution received for the
 15 next Fifty Dollars (\$50) of each qualifying contribution; and

16 (C) Two Dollars (\$2) for each dollar of a qualifying contribution received for the
 17 next Seventy-Five Dollars (\$75) of each qualifying contribution.

18 (3) The total public contribution payable to a certified candidate for the election
 19 cycle, including the primary or a general election, shall not exceed:

20 (A) One Million Dollars (\$1,000,000) for a candidate for County Executive;

21 (B) Two Hundred Fifty Thousand Dollars (\$250,000) for a candidate for At-
 22 Large Council Member; and

23 (C) Seventy-Five Thousand Dollars (\$75,000) for a candidate for District
 24 Council Member.

25 (e) The Director shall not distribute a public contribution based on:

26 (1) a contribution from the candidate or the candidate's spouse; or

27 (2) an in-kind contribution of property, goods, or services.

28 (f) Fund insufficiency. If the Director determines that the total amount available for
 29 distribution in the Fund is insufficient to meet the allocations required by this Section, the
 30 Director shall reduce each public contribution by the same percentage.

31 (g) Disbursements after primary election. Within three (3) business days after the County

1 Board certifies the results of the primary election, the State Board shall authorize the Director to
 2 continue to disburse the appropriate public contribution for the general election to each
 3 participating candidate who is certified to be on the ballot for the general election.

4 (h) Return of unspent funds. Within thirty (30) days after the County Board certifies the
 5 results of the primary election, a participating candidate who is not certified to be on the ballot
 6 for the general election shall return to the Fund any unspent money in the candidate's citizen
 7 funded campaign account. On or before December 31, after the general election, a participating
 8 candidate shall return to the Fund any unspent money in the candidate's citizen funded campaign
 9 account.

10 (i) Candidates nominated by petition or by non-principal political parties.

11 (1) "Principal Political Parties" has the meaning stated in the Annotated Code of
 12 Maryland, Elections Law Article, Section 1-101.

13 (2) A certified candidate nominated by petition or by a party that is not a principal
 14 political party may receive a public contribution for the general election if the candidate's
 15 nomination is certified by the County Board.

16 (3) A certified candidate under this Subsection shall qualify 45 days before the date
 17 of the general election.

18 (j) Review of small donor financing by the Citizen's Commission.

19 (1) In general. After each regularly scheduled general election for office, the Fair
 20 Election Fund Commission shall conduct a comprehensive review of the Small Dollar financing
 21 program under this Division, including

22 (i) the maximum and minimum dollar amounts of qualified small dollar
 23 contributions;

24 (ii) the number and value of qualified small dollar contributions a candidate
 25 is required to obtain to be eligible for certification as a participating candidate;

26 (iii) the maximum amount of payments a candidate may receive under this
 27 title;

28 (iv) the overall satisfaction of participating candidates and the public with
 29 the program; and

30 (v) such other matters relating to financing of campaigns as the Fair Election
 31 Fund Commission determines are appropriate.

1 (2) Criteria for review. In conducting the review under this Subsection, the Fair
2 Election Fund Commission shall consider the following:

3 (i) Qualified small dollar contributions. The Fair Election Fund Commission
4 shall consider whether the number and dollar amounts of qualified small dollar contributions
5 required strikes an appropriate balance regarding the importance of voter involvement, the need
6 to assure adequate incentives for participating, and fiscal responsibility, taking into consideration
7 the number of primary and general election participating candidates, the electoral performance of
8 those candidates, program cost, and any other information the Fair Election Fund Commission
9 determines is appropriate.

10 (ii) Review of payment levels. The Fair Election Fund Commission shall
11 consider whether the totality of the amount of funds allowed to be raised by participating
12 candidates (including through qualified small dollar contributions) and payments under this title
13 are sufficient for voters in the County to learn about the candidates to cast an informed vote,
14 taking into account the historic amount of spending by winning candidates, media costs, primary
15 election dates, and any other information the Fair Election Fund Commission determines is
16 appropriate.

17 (3) Recommendations for adjustments of amounts. Based on the review conducted under
18 this Subsection, the Fair Election Fund Commission may recommend to the County Council
19 adjustments of the following amounts:

20 (i) The number and value of qualified small dollar contributions a candidate
21 is required to obtain to be eligible for certification as a participating candidate.

22 (ii) The maximum amount of payments that may be received under this
23 Division.

24 (4) The Director shall publish these amounts not later than the January 1 after an
25 adjustment is made.

26 **Sec. 10-323. Use of public contribution.**

27 (a) In General.

28 (1) A participating candidate may only make expenditures from the citizen funded
29 campaign account registered with the State Board for expenses incurred for the election.

30 (2) A participating candidate shall not pay in advance for goods and services to be
31 used after certification with non-qualifying contributions received before applying for

1 certification.

2 (3) The Director may provide for further limitations for use of public contributions
3 through regulation.

4 (4) (A) Except as provided in paragraph (B) of this Subsection, the Director shall
5 reduce the public contribution to a participating candidate's citizen funded campaign account by
6 the total amount of all expenditures made after the end of the previous election cycle from the
7 candidate's non-participating campaign account.

8 (B) Expenditures made with contributions received prior to the end of the
9 previous election cycle towards debts accrued before the end of the previous election cycle shall
10 not reduce the public contribution to a participating candidate's citizen funded campaign
11 account.

12 (b) Allegations of impermissible act. A complaint alleging an impermissible receipt or use
13 of funds by a participating candidate shall be filed with the Commission.

14 (c) Access to records. On request of the Commission, a participating candidate shall
15 provide the Commission with reasonable access to the financial records of the candidate's citizen
16 funded campaign account.

17 **Sec. 10-324. Withdrawal.**

18 (a) A participating candidate may withdraw from participation if the candidate files a
19 statement of withdrawal with the State Board and Commission in the form that the State Board
20 requires and:

21 (1) terminates candidacy to withdraw from the election completely; or

22 (2) withdraws prior to receiving any public contribution.

23 (b) Termination of candidacy. A participating candidate who withdraws under Subsection
24 (a)(1) shall repay to the Fund the full amount of any public contribution received, plus interest
25 accruing from the date of withdrawal at the same rate as the current bank prime loan rate
26 reported by the Board of Governors of the Federal Reserve System.

27 (c) Personal loans. A candidate who withdraws under this Section shall repay the Fund
28 under Subsection (b) before repaying any personal loans to the candidate's campaign.

29 (d) Personal liability. If the funds remaining in the candidate's citizen funded campaign
30 account at the time of withdrawal are insufficient to repay the Fund under Subsection (b) of this
31 Section, the candidate shall be personally liable for repayment.

1 (e) Reduced repayment. The Commission may reduce any repayment under Subsection
 2 (b) of this Section for a participating candidate who must withdraw for health reasons or other
 3 cause not within the candidate's control and may consider personal financial hardship.

4 **Sec. 10-325. Applicant and participating candidate restrictions.**

5 An applicant candidate or a participating candidate shall not:

6 (a) accept a private contribution from any group or organization, including a political
 7 action committee, a corporation, a labor organization, or a State or local central committee of a
 8 political party;

9 (b) accept private contributions from an individual in an aggregate greater than One
 10 Hundred Fifty Dollars (\$150) during an election cycle, or the maximum amount of an eligible
 11 contribution, as adjusted by Section 10-319(c);

12 (c) after filing a notice of intent with the State Board to seek public financing, pay for any
 13 campaign expense with any campaign finance account other than the candidates' citizen funded
 14 campaign account;

15 (d) be a member of a slate in any election in which the candidate receives a public
 16 contribution;

17 (e) accept a loan from anyone other than the candidate or the candidate's spouse, parent or
 18 sibling;

19 (f) transfer money:

20 (1) to the candidate's citizen funded campaign account from any other campaign
 21 finance entity established for the candidate; or

22 (2) from the candidate's citizen funded campaign account to any other campaign
 23 finance entity; or

24 (g) coordinate expenses except with another participating candidate if the expenses are
 25 shared equally among the coordinating candidates.

26 **Sec. 10-326. Fair Election Fund Commission.**

27 (a) The Fair Election Fund Commission consists of seven (7) members. The County
 28 Council shall nominate five (5) members of the Commission, ensuring that the nominees reflect
 29 political and geographic diversity. At least one (1) member shall represent an organization
 30 focused on government reform. The County Executive shall nominate two (2) members of the
 31 Commission. Each nominee shall be confirmed by the County Council.

1 (b) Each member of the Commission shall be a resident of the County.

2 (c) Qualifications.

3 (1) Each member of the Commission shall be a resident of the County.

4 (2) A member of the Commission shall not be a candidate for public office during the
5 previous, current, or next election cycle.

6 (3) A member shall not be a lobbyist registered with the County.

7 (4) A member shall not be the Chair or Treasurer for an open campaign account.

8 (5) A member shall be a registered voter.

9 (d) Term; vacancies.

10 (1) The term of a member of the Commission is four (4) years and begins on May 1.
11 The term of a member of the Commission nominated by the County Executive begins during the
12 first year of a County Council term. The term of a member of the Commission nominated by a
13 member of the County Council begins during the third year of a County Council term.

14 (2) A vacancy shall be filled in the same manner as the original appointment and for
15 the unexpired term.

16 (3) Notwithstanding paragraph (1) of this Subsection, to create staggered terms, the
17 terms of the initial members of the Commission who are nominated by a member of the County
18 Council shall be six (6) years and shall begin on May 1, 2019.

19 (e) Officers. The Commission shall elect a Chairperson and Vice Chairperson from
20 among its members.

21 (f) Compensation; expenses. A member of the Commission shall not receive
22 compensation for service on the Commission except reasonable and necessary expenses as may
23 be provided in the budget.

24 (g) Duties.

25 (1) The Commission shall issue a report to the Council on or before March 1 of each
26 year estimating the funds necessary to implement the public campaign finance system and
27 recommending an appropriation to the Public Election Fund for the following fiscal year.

28 (2) Except as otherwise specified, the Commission shall administer this Division.

29 (3) The Commission shall meet:

30 (A) at least once every ninety (90) days during the twelve (12) months preceding
31 a primary election; and

1 (B) at least twice a year otherwise.

2 (h) Staff. The Office of Finance shall provide staff support for the Commission to:

3 (1) work with the State Board of Elections to administer the system; and

4 (2) provide information about the system to candidates and the public.

5 **Sec. 10-327. Penalties.**

6 Any violation of this Division is a civil violation and shall be subject to a fine of Five
 7 Hundred Dollars (\$500) for each violation. A fine may be paid by the campaign but only if all
 8 public contributions have been repaid to the Fund. Otherwise, the candidate or officer found to
 9 be responsible for the violation is personally liable for the fine.

10 SECTION 2. BE IT FURTHER ENACTED that the Commission shall, in consultation
 11 with the Prince George’s County Board of Elections, conduct an analysis prior to July 1, 2021, of
 12 the voting and donor patterns in Montgomery County’s 2014 and 2018 elections. The analysis
 13 shall review by census bloc the impact of Montgomery County’s small donor program on voting
 14 and donor patterns by race, gender, income level, and nationality. The analysis shall be used to
 15 inform recommendations from the Commission to the Prince George’s County Council and
 16 County Executive on the rules and regulations governing the program, for the 2022 election and
 17 beyond. The Commission may partner with a non-profit to complete the analysis. After the
 18 2022 election, the Commission shall also conduct a similar analysis for Prince George’s County.

19 SECTION 3. BE IT FURTHER ENACTED that the County web site includes a
 20 mechanism to accept donations to the Fair Election Fund. The mechanism shall be prominently
 21 located on each appropriate County web page.

22 SECTION 4. BE IT FURTHER ENACTED that the provisions of this Act are hereby
 23 declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph,
 24 sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of
 25 competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining
 26 words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this
 27 Act, since the same would have been enacted without the incorporation in this Act of any such
 28 invalid or unconstitutional word, phrase, clause, sentence, paragraph, subparagraph, subsection,
 29 or section.

30

1 SECTION 5. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45)
2 calendar days after it becomes law.

Adopted this _____ day of _____, 2018.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Dannielle M. Glaros
Chairwoman

ATTEST:

Redis C. Floyd
Clerk of the Council

APPROVED:

DATE: _____ BY: _____
Rushern L. Baker, III
County Executive

KEY:

Underscoring indicates language added to existing law.

[Brackets] indicate language deleted from existing law.

Asterisks *** indicate intervening existing Code provisions that remain unchanged.

Fair Elections for Prince George's County

To Ensure a Government by the People



Our democracy is based on the premise that our government works for everyone, regardless of wealth. Too often, large campaign contributions determine who can run for and win office, and what priorities our government tackles. Candidates shouldn't have to spend their time courting wealthy and corporate special interests when they should be getting to know the people they wish to represent.

Fair Elections in Prince George's County will allow candidates to run free of big money and ensure our elected officials are accountable to their constituents, not wealthy special interests. Fair Elections empowers candidates to run for office on the strength of their ideas and support from their communities, instead of on access to large and corporate donors. Bringing this program to Prince George's County will build a more accessible and accountable local government.

How It Works

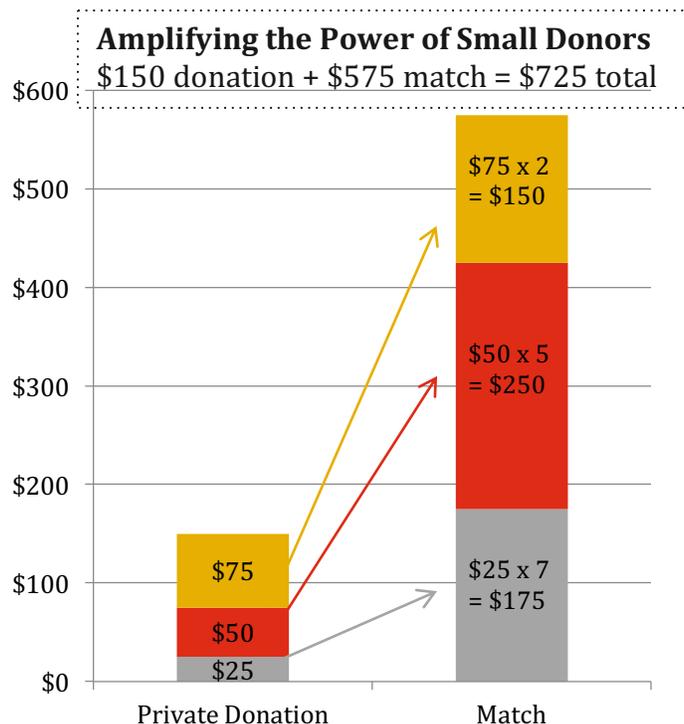
- ✓ Candidates agree to only accept small contributions from everyday residents.
- ✓ Once candidates prove they have significant community support, the small donations to their campaigns are amplified with matching funds through the Fair Elections Fund.
- ✓ Only contributions from county residents are matched, and the smallest contributions are matched at the highest rate.
- ✓ Participating candidates remain true and accountable to their citizen base while able to effectively compete against candidates taking large checks, including from special interests.

To qualify, candidates for County Council must:

- Demonstrate community support by raising \$7,500 from at least 150 residents.
- Take NO more than \$150 from each donor.
- Take NO donations from special interest groups such as corporations or PACs.

The chart on the right shows how a \$150 donation from a Prince George's County resident to a County Executive candidate would be amplified with the small donor match.

- The first \$25 is matched 7 to 1.
- The next \$50 is matched 5 to 1.
- The next \$75 is matched 2 to 1.



Breaking Down the Barriers to Running for Office

Candidates from all backgrounds should be able to run for office based on the strength of their ideas and support from the community, not access to wealth or donors. Money is a significant barrier, taking away opportunity for talented leaders from our community, particularly women and people of color, to run for and win office. In order to elect the best people and build a representative government, we need to address the barriers that prevent ordinary Americans from running for office by giving candidates from all backgrounds the opportunity to run, regardless of their access to wealth.

Encouraging Civic Participation

By providing matching funds for small contributions from Prince George's County residents, community members without deep pockets are able to have their voices heard in the political process and candidates are encouraged to seek broad support in the community. This can help rebuild faith in our democracy and increase participation in local elections.

Investing in Democracy

Fair Elections is a worthwhile investment in our democracy and the integrity of our elections. The program is estimated to cost \$2 per taxpayer per year and is a tiny fraction of a percent of a county's operating budget. That's a small price to pay to help ensure that politicians are using our tax dollars to address the most important unmet needs in Prince George's County and are accountable to their constituents alone, not special interests. Just like we pay for poll workers and voting machines, this is a critical investment in the health of our democracy.

Maryland is a Leader in Advancing Fair Elections

Momentum is growing for Fair Elections programs. In 2014, Montgomery County became the first county in the state to establish a small donor matching program for county council and executive elections. In the summer of 2017, the Howard County Council established a similar small donor program that candidates can utilize for the 2022 election. At the gubernatorial level, both Governor Hogan and Democratic candidate Heather Mizeur, outsiders to the political establishment, used a public funding program for their campaigns in 2014. Nearby, in Washington, DC the Council recently unanimously voted to establish a Fair Elections program for the District. And, Maryland Congressman John Sarbanes has introduced a similar measure, the Government by the People Act, to establish a Fair Elections program for congressional elections.

The Fair Elections Maryland Coalition

The Fair Elections Maryland Coalition was founded to establish small donor campaign finance programs for local and state elections in Maryland. The coalition includes more than 45 labor, social justice, good government, and environmental organizations across the state.

March 14, 2018

The Honorable Dannielle Glaros, Chair
Prince George's County Council
County Administration Building
14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772-3050

Dear Chair Glaros and Council Members:

The College Park City Council voted to support CB-4-2018, legislation that will authorize a public campaign financing system for the election of the County Executive and County Council members. We support the goal to increase small donor participation in these campaigns, and the restrictions on contributions if a candidate participates in the program.

We all know that campaigns can be expensive, and that at a minimum money is perceived to have an outsized influence in elections. We hope that the passage of CB-4-2018 will address these concerns in the County.

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

Sincerely,

Patrick L. Wojahn
Mayor

Cc: The Honorable Rushern Baker, County Executive

18-G-40

Minutes

MINUTES
Special Session of the College Park City Council
Tuesday, February 20, 2018
Council Chambers
10:46 p.m.

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; Yvette Allen, Assistant City Clerk; Suellen Ferguson, City Attorney; Bob Ryan, Director of Public Services.

During a regularly scheduled Worksession of the College Park City Council, a motion was made by Councilmember Kabir and seconded by Councilmember Day to enter into a Special Session to consider a time-sensitive matter of state legislation. The possibility of the Special Session was advertised on the Worksession agenda. The motion carried 8 – 0 – 0 and the Council entered into Special Session at 10:46 p.m.

ACTION ITEM

18-G-46 Letter of support for HB 672 Vehicle Laws – Intersections, Prohibited Acts

A motion was made by Councilmember Kabir and seconded by Councilmember Rigg to approve a letter in support of HB672, Vehicle Laws – Intersections, Prohibited Acts.

Councilmember Kabir stated that this bill will be heard by the House Committee Environment and Transportation at 1:00 pm on February 22, 2018. This bill will prohibit cars from entering intersections against certain traffic signals, if the vehicle is unable to safely and completely proceed through the intersection.

Comments from the audience:

Mary Cook, 4715 Kiernan Road: Is in favor of this bill. There are traffic issues at the intersection of Cherry Hill and Route 1. Not sure how this bill will be enforced, but is in support.

Oscar Gregory, 9253 Limestone Place: Is not in support of HB672, we already have laws in place that do not allow people to block intersections. The vicinity of Baltimore Avenue between Cherry Hill Road and the beltway is very congested and we need to find the underlying cause of the traffic congestion.

The motion passed 8 – 0 – 0.

18-G-47 Letters of support for Fiscal Year 2019 funding of the Community Legacy, Neighborhood Business Works, Strategic Demolition Fund, and Project CORE.

A motion was made by Councilmember Day and seconded by Councilmember Brennan to approve a letter in support for FY 2019 funding in the state budget for Community Legacy, Neighborhood Business Works, Strategic Demolition Fund, and Project CORE programs.

The motion passed 8 – 0 – 0.

ADJOURN: A motion was made by Councilmember Dennis and seconded by Councilmember Day to exit the Special Session and with a vote of 8 – 0 – 0, Mayor Wojahn adjourned the Special Session at 10:52 p.m.

Yvette Allen, CMC
Assistant City Clerk

Date
Approved

MINUTES
Regular Meeting of the College Park City Council
Tuesday, February 27, 2018
Council Chambers
7:30 p.m. – 10:59 p.m.

PRESENT: Mayor Wojahn; Councilmembers Kabir, Kennedy, Brennan, Dennis, Day (arrived at 8:10 p.m.), 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; Peggy Higgins, Director of Youth, Family and Senior Services; Jill Clements, Director of Human Resources; Steve Halpern, City Engineer; Chris Keosian, Student Liaison; Julianne Heberlein, Deputy Student Liaison.

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

ANNOUNCEMENTS:

Councilmember Kabir discussed the community meeting on the study of Rhode Island Avenue bike lanes, and said a new bulletin board has been installed at Duvall Field.

Councilmember Brennan thanked everyone for their help at last Saturday's Clean-Up event.

Councilmember Dennis announced the Coffee Club at Jason's Deli.

Councilmember Rigg discussed the community meeting on the Campus Drive Green Streets project; there will be another meeting to address resident concerns. Dog stations have been installed along the Trolley Trail. Calvert Hills Civic Association will meet on March 7.

CITY MANAGER'S REPORT: Mr. Somers announced Brunch with the Bunny, the Spring Egg Hunt, and mentioned the items in the red folder.

PROCLAMATIONS: Mayor Wojahn read the Proclamation in recognition of Rare Disease Day

AMENDMENTS TO AND APPROVAL OF THE AGENDA: A motion was made by Councilmember Kennedy and seconded by Councilmember Rigg to remove "Appointments to Boards and Committees" from the agenda until the "Committee on Committees" has reported back to the Council. The motion carried 4-3-0 (Kabir, Dennis and Mitchell opposed). The amended agenda was approved (Brennan/Rigg) 7-0-0.

PUBLIC COMMENT ON CONSENT AND NON-AGENDA ITEMS:

Mary Cook, 4705 Kiernan Road: How many votes are needed to adopt a Charter Amendment tonight? The response was that state law requires five votes which is a majority of the legislative body.

Dave Dorsch, 4607 Calvert Road: The City should open the passageway between Rhode Island Avenue and Campus Drive to help Old Town residents get out of the neighborhood.

Jack Robson, Chief, Board of Election Supervisors: He is surprised that the bill on “no-excuse absentee voting” was not on our lobbyist’s report. It was heard in the House today and passed unanimously, but is not yet out of the Senate Committee. If it passes, the City will lose the ability to decide this matter for ourselves. He was surprised to see the fiscal impact stated as zero, because it would have an impact on City finances.

PRESENTATIONS: Mayor Wojahn and Education Advisory Committee Co-Chair Charlene Mahoney presented a City Public School Education Grant Greenbelt Middle School Assistant Principal Dr. Keys.

PUBLIC HEARINGS:

A. Public Hearing on proposal for Permit Parking on Potomac Avenue.

Bob Ryan provided an overview. The resident petition did not meet the City’s criteria so Council is considering the implementation of residential restricted permit parking for a portion of Potomac Avenue.

Robert Hunter, 8311 Potomac: He would like to see permit parking extend the whole block to Berwyn Road. It is only a problem during the school year.

Harry Pitt, 8200 Potomac: It would have been hard to get signatures from 60% of the entire street. He agrees with 7 days/week.

[Councilmember Day arrived.]

Eric Justh, 8207 Potomac: Supports. The hours are a moving target; start with less restrictions.

Lori Simpson, 8207 Potomac: Supports. The problem is worse when school is in session.

B. Public Hearing on proposal for Permit Parking on Tecumseh Street.

Bob Ryan provided an overview. This block is across from The Enclave student housing and next to The Oasis Condominiums.

Thomas Pinello, 4707 Tecumseh, #204: Opposed, doesn’t see the need. He lives in the condos and parks on the street and never has a problem finding a space.

Jennifer Pinello, 4707 Tecumseh, #204: Opposed, doesn’t see the need. Has not seen residents of The Enclave parking there. There are plenty of spaces.

Yufan Guan, 4709 Tecumseh, #201: No need to have permit parking; there has never been a problem.

Christine Dollymore, 4710 Tecumseh: People from The Enclave park up and down Tecumseh, sometimes blocking her driveway. Some people park and walk across the street to the Shuttle. It is worse when they have parties.

John Dollymore, 4710 Tecumseh: He supports 24/7 permit parking. He is shocked at how different his experience is from the condo residents.

Dan Blasberg, 8800 Rhode Island: It is hard to navigate Tecumseh in the evenings because of parking on both sides of the street. He believes Branchille VFD is concerned about this as well.

C. Public Hearing on Petition Request for Traffic Calming in the 5100-5200 blocks of Mineola Road.

Mr. Halpern reviewed the results of the traffic study. The traffic and speed warrants were not met. Nothing would preclude the installation of a speed hump.

There was no one to testify at this public hearing.

D. Public Hearing on 18-CR-01, Proposed Charter Amendments.

Ms. Ferguson gave an overview: This most recent version of the Charter Amendment returns the Charter to what was understood to be the governance of the City for decades. [Tonight's version is different from an earlier version that was reviewed last week, per Council direction at last week's Worksession.] It removes the invalid provision in §C6-2 requiring a supermajority vote for charter amendments. It defines the term legislative body, which is used in state code, but which our charter did not define. There are two instances in state law that tell us how an enactment must be made: 1) Charter Amendments require "a majority of the legislative body;" 2) Transferring funds from one major appropriation to another requires "two-thirds of the legislative body." Other than those circumstances that are dictated by state law, this Council determines who may vote and in what circumstances. The Charter currently uses the words "elected officials" instead of "legislative body" so this change defines "legislative body" where the state determines a favorable vote. This retains the provision that the Mayor votes only to break a tie, and on the hiring/firing of the City Manager. This proposed amendment does not give the Mayor any additional voting rights; the existing voting rights are just stated in a different way. It defines the legislative body as the Mayor and Council, with the Mayor having limited voting rights. State law says that a Charter Amendment must be adopted by "a majority of the individuals elected to the legislative body."

Councilmember Kabir asked if there was a conflict with state law and said some residents don't want to see the Mayor voting on Charter Amendments.

Ms. Ferguson said the majority of the City's legislative body is five. It doesn't say how you reach that five. If there is a tie, the Mayor can vote to break the tie, bringing the number of affirmative votes to five. Mayor Wojahn added there is nothing in the independent attorney's

opinion or in the proposed Charter Amendment that says if the Mayor becomes a member of the legislative body, he gets to vote in all cases.

Councilmember Rigg asked about the term “Mayor and Council” in our charter. Ms. Ferguson said the current charter refers to “Mayor and Council” repeatedly and described this as a hybrid charter where the Mayor has traditionally voted to break ties. The question about “legislative body” refers only to state-level requirements.

Ms. Ferguson re-stated that the Mayor is a member of the legislative body with limited voting rights and can only vote on a Charter Amendment if there is a tie.

Councilmember Rigg clarified that if there was a 4-4 vote on a Charter Amendment, the Mayor could vote to break that tie. If there were 4 votes in favor and 3 opposed, the Mayor would not get to vote, and the Charter Amendment would not pass. He sees this as a structural flaw in the Charter Amendment before us tonight, which he is in favor of fixing, because four could vote in favor, but the legislation would not pass.

The Mayor invited public comment:

Suchitra Balachandran, 9320 St. Andrews: This is confusing and it does look like you are making a change when you introduce the term “legislative body.” It should be made more clear that in the case of a Charter Amendment the Mayor only casts a tie vote.

Maria Mackie, 9242 St. Andrews: This is very unclear, so if the intent was to clarify, it does not. A lay person should be able to understand it.

Mary King, 3413 Duke: Doesn't think that the Mayor should be able to vote on an assessment. The only Charter change that is necessary is to delete the supermajority requirement.

Dan Blasberg, 8800 Rhode Island: He thinks that the state does not limit the City to just a majority on Charter Amendments. Someone should send a letter to the Office of the Attorney General for an opinion. Have a citizens committee rewrite the Charter.

Mary Cook, 4705 Kiernan Road: The crux of the problem is the term “legislative body.” She does not believe the Mayor is part of the legislative body and she prefers a different term. Define whatever terms are used. Just remove the supermajority requirement now. Have a citizens committee review then put it to referendum.

Oscar Gregory, 9723 Limestone Place: This would position the Mayor to exert undue influence on legislation and give him unparalleled authority to create law and run meetings. This is a back door attempt to give him additional voting rights by deleting “only in the case of a tie vote” and adding “unless otherwise provided by law.”

Seth Gomaljak, 9705 Wichita: He agrees with everything Mary Cook said. It is important to have referendums when we change stuff.

Ms. Ferguson reminded everyone of a previous Attorney General opinion stating that a supermajority requirement on Charter Amendments is not allowed. In addition the City received the same opinion last year.

There being no further public comment, the public hearing was declared closed.

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

18-G-30 Minutes of the February 6, 2018 Worksession and the February 13, 2018 Regular Meeting

18-G-29 Vehicle Replacement of Animal Control Van

The motion passed 7-0-0 (Councilmember Day away from the dais).

ACTION ITEMS:

18-G-33 Council Action Regarding Petition Request for Traffic Calming in the 5100-5200 blocks of Mineola Road

A motion was made by Councilmember Kennedy and seconded by Councilmember Kabir to approve the installation of speed humps in the 5100-5200 blocks of Mineola Road and authorize the City Engineer to site and install them at his discretion.

There were no comments from the Council.

The motion passed 8 – 0 – 0.

18-G-31 Council Action regarding proposal for Permit Parking on Potomac Avenue

A motion was made by Councilmember Brennan and seconded by Councilmember Dennis, having determined that it is in the best interest of the City, to establish a residential restricted permit parking zone from 8200 to and including 8309 Potomac Avenue from Monday through Friday, 7 a.m. to 7 p.m., and Saturday and Sunday, 12 a.m. to 6 a.m., effective once the signs are installed.

Councilmember Brennan added that this is not an exact science and it can be modified to something more strict if needed in the future. He hopes to develop a more comprehensive neighborhood plan with the community in the future.

The motion passed 8 – 0 – 0.

18-G-32 Council Action regarding proposal for Permit Parking on Tecumseh Street

A motion was made by Councilmember Brennan and seconded by Councilmember Dennis, since such action is reasonably necessary to enhance and maintain the quality of life and peace and good order by reducing noise, traffic hazards and congestion, litter and trash, caused by the entry of outside traffic into this zone, to implement a residential permit parking zone in the 4700 block of Tecumseh, from Monday through Friday, 7 a.m. to 7 p.m., and Saturday and Sunday, 12 a.m. to 6 a.m., effective once the signs are installed.

There were no comments from the Council.

The motion passed 8-0-0.

18-CR-01 Council Action on 18-CR-01, A Charter Resolution Of The Mayor And Council Of The City Of College Park, To Repeal And Re-Enact City Of College Park Charter Sections, Thereby Amending § C2–1 Corporate Limits, § C3-1 Elected City Officers, § C3-3 Oath Of Office, §C3-4 Compensation, § C3-6 Vacancies, § C3-7 Assumption Of Duties, § C4-4 Other Election Officials, § C6-1 General Provisions, § C6-2 Quorum, § C7-9 Refuse Collection And Disposal Service, § C8-2 Passage, § C9-2, Bonds, § C9-3 City Manager, § C10-3 City Council Action On Budget, § C10-4, Form Of Budget Appropriation And Revenue Ordinance, § C10-5, Amendments To Budget After Adoption, § C10-8 Submission Of Capital Improvement Program; Contents, § C11-4, Special Assessments, § C11-5 Special Taxing Districts, § C13-3 Establishment Of Agency, And § C13-4 Initiation Of Project, To Repeal A Super Majority Requirement For Amendment Of The Charter, To Clarify That The Mayor And Council Are The Legislative Body Of The City And That The Legislative Powers Of The City Are Exercised By The Mayor And Council, To Clarify Quorum And Voting Requirements, To Clarify The Voting Rights Of The Mayor, And To Make Conforming Changes.

A motion was made by Councilmember Day and seconded by Councilmember Rigg to adopt Charter Resolution 18-CR-01 as introduced on February 13.

An amendment was proposed by Councilmember Kujawa and seconded by Councilmember Dennis to amend the motion by making changes only to § C6-2 of the Charter, to read as follows: “§ C6-2 Quorum and voting requirements. A quorum shall be constituted of five members of the City Council and the presiding officer. An affirmative vote of five elected officials shall be required to amend the charter or alter an assessment. An affirmative vote of six elected officials shall be required to transfer funds between major budget items. Unless otherwise required by law, all other actions of the City Council require a majority vote of the elected officials present at the meeting. A Council member acting as the presiding officer in the absence of the Mayor may also be counted as part of the Council quorum and may vote as a Council member. The Mayor and Council shall make provision by ordinance or rule for quorum requirements during an emergency.” No other portions of the Charter would be amended at this time.

Councilmember Kujawa said this addresses the current legal issue of supermajority vs. simple majority, but removes the reference to legislative body at this time.

Comments from the audience on the amendment:
Suchitra Balachandran, 9320 St. Andrews: Supports the amendment.

Mary Cook, 4705 Kiernan Road: Supports the amendment.

Oscar Gregory, 9723 Limestone Place: Disappointed that C6-2 is still being changed. Remove the clause that says “Unless otherwise required herein.”

Dan Blasberg, 8800 Rhode Island: He is aware of the prior OAG’s opinion, but there has been a change in Section 304. Table this until we get an updated opinion.

Mary King, 3413 Duke: This is happening very fast. She hopes the change is from a supermajority to a simple majority.

Councilmember Rigg said he will not support the amendment because it has not had enough legal review, strips out other provisions in C6-2, and comes at the last minute.

Councilmember Kujawa said the attorney did review the language.

Ms. Ferguson said she responded to the Councilmember’s request to do the minimal amount required in this one section but has not looked at everything else.

Councilmember Kabir supports the amendment. We are going slow. This makes our charter compliant with the state law for now and we can address the other matters later. We need to get the residents involved.

Councilmember Kennedy said this is a legal matter and does not think a residents committee is the way to go. She asked why we are taking this slow.

Councilmember Mitchell said this is a conservative approach. We need to be clear on the difference between legislative body and elected body. This will make us compliant with state law.

Councilmember Dennis said a straw poll was taken to present the charter amendment in the form that it is tonight. He seconded the amendment because there still seem to be questions about the definition of legislative body.

Councilmember Day said we should be taking small steps, not big ones. We may end up right back where we are now, but by taking small steps we will end up clarifying things.

Councilmember Brennan is willing to slow things down but only if there is new information to be discovered. Otherwise it is a waste of time and resources. After all the time we have spent deliberating, what is it that we still need to clarify?

Councilmember Rigg said at the last minute we are being asked to adopt an amendment that is different than the legal advice we have received. He appreciates that there is resident confusion, but he doesn't think this amendment is the way forward.

Councilmember Kennedy is not sure what the questions are and is not clear of the way forward.

Councilmember Day said we can get other people to review this but he does not want it to last indefinitely. He doesn't want to run into this without looking at every option for input. It is an important issue – let's take our time to do it right.

Councilmember Brennan said this late amendment is not in the spirit of transparency and asked how much money had been spent on outside Counsel. He asked about the proposed next steps and the timeline.

Councilmember Kabir said this is not really anything new – it just changes one section and we have looked at this before. When you make important changes you should go slow. Residents are not comfortable with the term legislative body and about the Mayor's role in it. He thinks we should get residents involved.

A motion was made by Councilmember Mitchell to cut off debate and call the question. The motion failed for lack of a second.

Discussion continued.

Councilmember Mitchell restated her motion to cut off debate and call the question.

The City Attorney said the motion requires a second and requires a 2/3 vote.

Councilmember Kujawa seconded.

Roll Call Vote on the motion to cut off debate and call the question:

Yes: Kabir, Dennis, Day, Kujawa, Mitchell

No: Kennedy, Rigg, Brennan

The motion to end debate failed 5-3 because it did not meet the 2/3 requirement.

Discussion continued about the way forward. Mr. Somers said we can schedule this item on next week's Worksession for further discussion.

Vote on the amendment:

Yes: Kabir, Brennan, Dennis, Day, Kujawa, Mitchell

No: Kennedy, Rigg

Amendment passed 6-2-0.

Vote on the main motion as amended:

Yes: Kabir, Kennedy, Brennan, Dennis, Day, Kujawa, Mitchell

No: Rigg

The main motion as amended passed 7-1-0.

18-O-02 Introduction of an ordinance changing the frequency of certain residential inspections

Mr. Somers provided an overview: The purpose is to redirect some City resources to other code enforcement issues while at the same time preserving the health and safety of the community by allowing the inspections of certain large multi-family units every-other-year, while single family rentals continue to occur every year. The public areas of those multi-family units will continue to be inspected annually.

A motion was made by Councilmember Day and seconded by Councilmember Kabir to introduce Ordinance 18-O-02, an ordinance changing the frequency of certain residential rental inspections to allow for a reduction in the frequency of inspections of certain areas of certain residential occupancies that meet certain health and safety criteria, from annual to biennial.

Mayor Wojahn announced that the Public Hearing will be held on March 13, 2018 at 7:30 p.m.

18-G-34 Approval of a letter in support of SB 966 RISE Zones – Expansion and Income Tax Credit

Mr. Gardiner gave an overview: This bill will provide state income tax incentives for eligible business that locate and increase the revenue in RISE Zones across the state, including the RISE Zone in College Park. The original incentives that were approved were local real property taxes. This legislation has the state stepping up to provide state incentives. We believe that the impact on the City will be fairly minor.

A motion was made by Councilmember Day and seconded by Councilmember Dennis to approve a letter stating the City's support for SB 966 and authorize the Mayor and/or staff to state the City's position during hearings.

There were no comments from the audience.

The motion passed 8 – 0 – 0.

18-G-35 Approval of letters in support of HB 1646 and SB 1036 Criminal Procedure – Firearms – Transfer

Mayor Wojahn said this closes a loophole so that people who are convicted of domestic violence must give up any guns that they have.

A motion was made by Councilmember Kennedy and seconded by Councilmember Mitchell to approve letters to the General Assembly in support of HB 1646 and SB 1036.

Kathy Flamm, 8507 Potomac: Thank you for supporting this critical legislation

Dan Blasberg, 8800 Rhode Island Avenue: This actually doesn't close a loophole – people convicted of domestic violence are prohibited at federal and state level from purchasing and owning a firearm. Judicial Watch in Montgomery County found that judges who sentenced people for domestic violence did not advise them that they were required to give up their firearms. This bill requires officials to notify convicted individuals they have to give up their firearms and provides avenues for them to do that. He is conflicted about the bill because someone in violation could be charged under federal law. He does support the letter.

The motion passed 8 – 0 – 0.

MAYOR AND COUNCIL REPORTS AND COMMENTS:

Councilmember Brennan commented on the passing of Mrs. Helen Barnes, a long-time College Park resident who played a large role in the Aging in Place Task Force. Mayor Wojahn added that her service will be March 17 at St. Andrews Episcopal Church.

ADJOURN: A motion was made by Councilmember Brennan and seconded by Councilmember Dennis to adjourn the Regular Meeting. There will not be a closed session tonight. The motion passed 8-0-0 and Mayor Wojahn adjourned the meeting 10:59 p.m.

Janeen S. Miller, CMC
City Clerk

Date
Approved

18-0-02

Frequency of Rental Inspections



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

Agenda Item 18-O-02

Prepared By: R. W. Ryan
Public Services Director

Meeting Date: March 13, 2018

Presented By: Scott Somers, City Manager
R.W. Ryan, Public Services Director

Proposed Consent Agenda: No

Originating Department: City Manager
Public Services Department

Issue Before Council: Hold a Public Hearing and adopt Ordinance 18-O-02, amending Chapter 144 – Occupancy Permits and 110 – Fees and Penalties, to authorize biennial inspection of dwelling units in certain hotels and apartments buildings, and to set a fee.

Strategic Plan Goal: Goal 6: Excellent Services

Background/Justification:

The Council began a discussion about the frequency of rental property inspections and possible resource reallocation at its May 2, 2017 Worksession and continued this discussion at the Worksession on November 21, 2017. Ordinance 18-O-02 was introduced on February 27, 2018.

The purpose of this City Manager initiative is to reallocate some Code Enforcement staff time to provide for an increase in exterior property maintenance inspections and to gain increased compliance.

Council discussion included a schedule of certain building features which would minimize life safety risks, and be used to qualify buildings for a reduced frequency of dwelling unit inspections.

The proposed building features of qualified structures include:

- Compliance with the most current editions of fire and building codes;
- Installation of complete life safety systems including sprinklers, fire and smoke alarm systems and emergency lighting;
- Maintenance of all life safety systems by third party providers with annual certification of system maintenance and functionality provided to the City;
- A history of ongoing City Code compliance;
- Unified, on-site management and maintenance; and
- Periodic fire evacuation drills conducted and monitored by a qualified third party in apartment buildings.

Council discussion also included the potential fiscal impact of reduced permit fees should the inspection frequency be reduced. In general, the annual permit application fee is not an inspection fee. There are also costs to the City of responding to complaints, conducting inspections and reinspections, processing applications and issuing permits. The costs to maintain an effective code enforcement staff to investigate complaints for permitted building deficiencies, sanitation, noise, exterior property maintenance, etc. was also considered.

Staff strongly recommends that all commercial as well as public spaces of all residential buildings be inspected annually in addition to the proposed plan of inspecting at least half of all apartments and hotel rooms in qualifying buildings each year. Staff estimates that such a reduction of inspection frequency (i.e., by inspecting half of the living units and the rest of the structure), plus overhead and complaint responses, would reduce annual permit application fees for qualifying structures by no more than 25%. The specific reduced permit application fee will be developed for each qualifying property based on the actual number of units inspected once this Ordinance is adopted. Using the most likely qualifying buildings, the estimated reduction in revenue would be

approximately \$104,563.

The question of whether there could be a reduced fee for buildings found in compliance with the Code was considered. Since the cost of processing an annual permit application with the accompanied inspection would not change, this is not recommended by staff. In fact, there is already a cost benefit to compliance, as the City Code establishes a re-inspection fee for structures found not in compliance.

Fiscal Impact:

Reduction of qualifying residential building inspections to occur biennially, at the recommended 75% of established rates, would result in a revenue reduction of approximately \$105,000.

Council Options:

- #1: Hold a public hearing and adopt Ordinance 18-O-02 to reduce the frequency of interior inspections for certain residential structures and related Code changes as described in Chapters 144-6(A) and 110.
- #2: Consider other options to increase resources devoted to exterior property maintenance inspections.
- #3: Take no action.

Staff Recommendation:

Option #1

Recommended Motion:

I move to adopt Ordinance 18-O-02 to allow the reduction in frequency of inspections of certain areas of certain residential occupancies that meet certain health and safety criteria, from annual to biennial.

Attachment:

1. Ordinance 18-O-02

ORDINANCE
OF THE MAYOR AND COUNCIL OF THE CITY OF COLLEGE PARK, MARYLAND,
AMENDING CHAPTER 144 “OCCUPANCY PERMITS”, BY REPEALING AND
REENACTING §144-6 “INSPECTIONS” AND CHAPTER 110, “FEES AND
PENALTIES”, §110-1, “FEES AND INTEREST” TO AUTHORIZE BIENNIAL
INSPECTION OF DWELLING UNITS IN CERTAIN HOTELS AND APARTMENT
BUILDINGS AND TO SET A FEE

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 Mayor and Council have adopted a requirement, set out in Chapter 144 of the City Code, that all residential properties in the City must annually obtain an occupancy permit and related property inspection, to ensure the health and safety of the residents of the City; and

WHEREAS, the Mayor and Council have determined that it is appropriate to adopt an inspection process that allows the dwelling units in certain current code compliant hotels and apartment buildings consistently under unitary management and maintenance to be inspected once every two years, and to reduce the application fee charged for these buildings.

WHEREAS, the Mayor and Council have determined that it is in the public interest to incorporate these changes in Chapters 144 and 110.

Section 1. NOW THEREFORE, BE IT ORDAINED AND ENACTED, by the Mayor and Council of the City of College Park that Chapter 144 “Occupancy Permits”, §144-6, “Inspections” be and is hereby repealed and reenacted with amendments to read as follows:

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

§144-6. Inspections; fees.

A. EXCEPT AS PROVIDED IN §144-6(B), [T]he Public Services Department shall inspect each such unit at least once each year. [~~and more often where a substantiated complaint of violation has occurred or the Director has probable cause to believe that a violation is occurring on such property.~~]

B. FOR APARTMENT AND HOTEL BUILDINGS, A BIENNIAL INSPECTION OF ONE HALF OF THE INDIVIDUAL DWELLING UNITS MAY BE AUTHORIZED AT THE DISCRETION OF THE PUBLIC SERVICES DIRECTOR, SO THAT ALL DWELLING UNITS ARE INSPECTED AT LEAST ONCE IN TWO YEARS. TO QUALIFY FOR BIENNIAL INSPECTION, THE FOLLOWING IS REQUIRED FOR THE PROPERTY AS A WHOLE:

COMPLIANCE WITH THE MOST CURRENT EDITIONS OF FIRE AND BUILDING CODES;

INSTALLATION OF COMPLETE LIFE SAFETY SYSTEMS INCLUDING SPRINKLERS, FIRE AND SMOKE ALARM SYSTEMS AND EMERGENCY LIGHTING;

MAINTENANCE OF ALL LIFE SAFETY SYSTEMS BY THIRD PARTY PROVIDERS WITH ANNUAL CERTIFICATION OF SYSTEM MAINTENANCE AND FUNCTIONALITY PROVIDED TO THE CITY;

A HISTORY OF ONGOING CITY CODE COMPLIANCE;

UNIFIED, ON-SITE MANAGEMENT AND MAINTENANCE;

PERIODIC FIRE EVACUATION DRILLS CONDUCTED AND MONITORED BY A QUALIFIED THIRD PARTY IN APARTMENT BUILDINGS.

ANNUAL CITY INSPECTION OF PUBLIC SPACES, TO INCLUDE WITHOUT LIMITATION, HALLWAYS, EXITS, AND COMMON AREAS; BUILDING AND LIFE SAFETY SYSTEMS; AND ALL MECHANICAL AND EQUIPMENT SPACES, INCLUDING WITHOUT LIMITATION BOILER AND FURNACE ROOMS, TELECOMMUNICATION ROOMS, AND ELECTRICAL EQUIPMENT ROOMS, WOULD CONTINUE TO BE REQUIRED. IN THE EVENT OF A SIGNIFICANT CODE VIOLATION, OR IF UNITARY MANAGEMENT OF THE PROPERTY SHOULD CEASE, THE PROPERTY MAY BE REQUIRED TO UNDERGO FULL ANNUAL INSPECTION.

C. UNITS MAY BE INSPECTED MORE OFTEN THAN REQUIRED HEREIN WHERE A SUBSTANTIATED COMPLAINT OF VIOLATION HAS OCCURRED OR THE DIRECTOR HAS PROBABLE CAUSE TO BELIEVE THAT A VIOLATION IS OCCURRING ON SUCH PROPERTY.

[B] D. For the purpose of the occupancy permit application fee and any other fee schedules, said units shall be categorized and said fees shall be set forth in Chapter 110, Fees and Penalties.

Section 2. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and

Council of the City of College Park that Chapter 110 “Fees and Penalties”, §110-1, “Fees and interests” 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:

| Chapter/Section | Description | Fee/Interest |
|-----------------------------------|-----------------------------|---------------------|
| Ch. 144, Occupancy Permits | | |
| §144-6[B] D | Rental dwelling units * * * | |
| | BIENNIAL INSPECTION UNITS | 75% OF |
| | | STANDARD FEE |
| | * * * * | |

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 7:30 P.M. on the 13th day of March, 2018, 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 _____, 2018 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, Maryland at a regular meeting on the 27th day of February, 2018.

ADOPTED by the Mayor and Council of the City of College Park, Maryland at a regular meeting on the ____ day of _____ 2018.

EFFECTIVE the ____ day of _____, 2018.

ATTEST:

CITY OF COLLEGE PARK

By: _____
Janeen S. Miller, CMC, City Clerk

By: _____
Patrick L. Wojahn, Mayor

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

Suellen M. Ferguson, City Attorney

18-G-41

Purchase of
7411 and 7409
Baltimore Avenue for
City Hall project

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



AGENDA ITEM 18-G-41

Prepared By: Scott Somers
City Manager

Meeting Date: March 13, 2018

Presented By: Scott Somers
City Manager

Consent Agenda: No

Originating Department: Administration

Action Requested: Approve an Agreement of Sale to purchase property located at 7409 and 7411 Baltimore Avenue

Strategic Plan Goal: Goal 6 - Excellent Services

Background/Justification:

Mrs. Margaret Jeanne Kurz Byrd, owner of the properties located at 7409 and 7411 Baltimore Avenue, has agreed to sell the two properties to the City of College Park for \$1,600,000, which will allow the City to move forward with redevelopment of the current City Hall block. The City is in receipt of the lease agreements of the two tenants located at these addresses - the Shanghai Café and Subway. The City must honor and comply with the provisions of each agreement, both of which expire in September 2019. Once the City takes ownership of these properties, it will become the landlord (Lessor) of the two tenants. The City is committed to assisting all the businesses within this redevelopment project with finding new locations.

For over 20 years, the City has discussed and been interested in expanding and improving its City Hall facility to consolidate City offices and improve service delivery to its residents (please see the attached chronology of City Council Level Action Regarding Site Selection of City Hall). Other needs include additional community meeting space, public outdoor space, better civic prominence, and room for future expansion. In 2014, the City Council narrowed the site selection options to two properties owned by the City: the existing City Hall site on Knox Road and the Calvert Road site. A public forum was held on October 28, 2014 to provide information about the site selection process and obtain input from the public. Many residents provided oral and written testimony. Support was expressed for both sites as well as concerns about the vacant Calvert Road school building and the need to provide public meeting space that is more accessible to all residents of the City.

During the November 25, 2014 City Council meeting, the City Council selected the Knox Road location as the site for construction of a new City Hall and authorized staff to take the next steps to retain consultants to assist with this project (please see attached excerpt from the November 25, 2017 Minutes). With City Council authorization, staff has moved forward with retaining a development consultant (HR & A) and a project manager (Redgate) to assist with the City Hall Redevelopment Project. HR & A and City Staff are currently in the process of working with the University of Maryland (UMD) to draft a Joint Development Agreement for the City Hall block. Redgate and UMD and City Staff have met with Maryland-National Capital Park and Planning Commission (M-NCPPC) staff regarding planning and development requirements including the Mandatory Referral Process and Subdivision requirements. With Redgate's assistance, UMD and City Staff are developing scopes of work for the RFP process for procuring design, civil and environmental services.

The enclosed Agreement of Sale includes the following terms.

- Purchase Price: \$1,600,000
- Non-refundable Deposits totaling: \$60,000 (\$10,000 at end of Due Diligence Period, \$50,000 at end of Development Condition Period)
- Offer contingent on clear title and a building inspection that is acceptable to the City and an agreement

with the University for the future development of the property

- Closing to occur within 30 days after inspections, Study Period and Development Condition Period are completed
- Straight sale of property
- Final contract of sale must be approved by the College Park City Council in an open public meeting, scheduled for March 13, 2018

Fiscal Impact:

The total purchase price of the two properties is \$1,600,000. Total City Hall Redevelopment Project costs are estimated at \$12,500,000 which include construction, planning, and land acquisition costs. The City has set aside roughly \$4,500,000 to date for this anticipated capital cost. Additionally, the City has received a \$400,000 State bond bill for development of this project and a \$100,000 grant from the State Community Legacy Program for acquisition costs.

Council Options:

1. Approve an Agreement of Sale to purchase property located at 7409 and 7411 Baltimore Avenue.
2. Amend and then approve an Agreement of Sale to purchase property located at 7409 and 7411 Baltimore Avenue.
3. Table a decision or direct staff to proceed in a different direction.

Staff Recommendation:

Option #1

Recommended Motion:

I move to approve an Agreement of Sale in substantially the form attached based on the terms above to purchase property located at 7409 and 7411 Baltimore Avenue for a total price of \$1,600,000.

Attachments:

1. City Council Level Action Regarding Site Selection of City Hall
2. City Council Minutes from November 25, 2014
3. Design Collective site renderings
4. Agreement of Sale

**City-Council-Level Actions
Regarding Site Selection of City Hall**

(Most Recent At Top)

| Date | Item | Outcome (if applicable) |
|------------------------|--|---|
| 11-28-2017 | Council adopted Ordinance 17-O-09, An Ordinance of the Mayor and Council of the City of College Park Authorizing the Acquisition by Negotiation or Condemnation of Certain Properties Located at 7409 and 7411 Baltimore Avenue, College Park, Maryland, for a Public Purpose. | |
| 07-11-2017 | Award of Contract to Redgate of Boston, MA for project management services for a new City Hall project in the amount of \$700,000 | Approved |
| April 2017 | City issued an RFP for a Development Project Manager | |
| October 2016 - Present | City began negotiations with Bill Byrd and Margaret Jeanne Kurz Byrd for two properties on Route 1 | |
| August 2016 | City retained HR&A Real Estate Development Consultant | |
| 08-05-2015 | Council reviewed concept designs for new City Hall– University building and a preferred option was selected | |
| | City and University jointly retained an architectural firm to prepare conceptual design options for a City Hall, UMD office building and public open space. | |
| 01-13-2015 | Authorize a City legislative request for a two-year extension of City of College Park Bond Bill 06-G168 for \$400,000 for College Park City Hall | Approved. Extension to June of 2019 to expend funds for design and construction |
| 11-25-2014 | City Council vote on location of City Hall | Knox Road location selected |
| 10-28-2014 | Public Forum on location of City Hall – site and cost comparisons of City Hall and Calvert Road sites were presented | |
| 2013 | The renovation and addition to the existing City Hall was put on hold to explore options with UMD as they were gaining title to most, but not all, of the Route 1 frontage adjoining the City Hall site. | |
| 05-24-2011 | Award of contract to Proffit and Associates (architects) for expansion of City Hall | |
| 07-16-2008 | Issued RFEI CP-09-02: “Request for Expression of | |

| | | |
|------------|--|--|
| | Interest in redevelopment of City Hall site on Knox Road” | |
| 02-26-2008 | Pursuit of bond bill to fund expansion of City Hall | |
| 09-21-2006 | Public Information Meeting on the Downtown Redevelopment Proposal by Capstone that tied together a new Parking Garage, Relocation of City Hall and a Mixed Use project on the Knox Road site | |
| 01-31-2006 | 06-G-10: City Council vote on site selection of City Hall | Calvert Road |
| 01-31-2006 | Public Hearing on site selection for City Hall | |
| 04-26-2005 | Public Hearing on Preferred Site for Relocation of City Hall | |
| 04-26-2005 | 05-G-49: Approval of Preferred Site for Relocation of City Hall | |
| 04-08-2005 | Document: “Evaluation of Site Alternatives for the Relocation of City Hall” 1) Special Lot, 2) Calvert Road, 3) Branchville | |
| July 2004 | Council received presentations in closed session from four developers in response to the RFP | |
| 2004 | Issued RFP for “Downtown Parking Garage and Redevelopment Project” | |
| 08-22-2003 | Memo from City Manager’s Office to M&C: Comparative analysis of four possible sites for City Hall (1) Special Lot, 2) Calvert Road, 3) Branchville, 4) Davis Hall/BOE) | Staff recommendation for Calvert Road site |

MINUTES
Regular Meeting of the College Park City Council
Tuesday, November 25, 2014
7:30 p.m. – 11:24 p.m.

PRESENT: Mayor Fellows; Councilmembers Kabir, Wojahn, Brennan, Dennis, Stulich, Day, Mitchell and Hew.

ABSENT: None.

ALSO PRESENT: Joe Nagro, City Manager; Janeen Miller, City Clerk; Suellen Ferguson, City Attorney; Bill Gardiner, Assistant City Manager; Terry Schum, Director of Planning; Steve Groh, Director of Finance; Bob Ryan, Director of Public Services; Miriam Bader, Planner; Cole Holocker, Student Liaison.

14-G-124 Selection of Knox Road site for construction of a new City Hall and authorization for staff to take the next steps to retain consultants to assist with this project.

A motion was made by Councilmember Day and seconded by Councilmember Brennan that the City Council select the Knox Road location as the site for construction of a new City Hall and authorize staff to take the next steps to retain consultants to assist with this project.

Councilmember Day said for over 20 years, the city has been interested in having an expanded and improved City Hall facility to consolidate city offices and improve service delivery. Other needs include more community meeting space, a public outdoor space, better civic prominence and room for future expansion of staff and services. More recently, the City narrowed the site selection options to two properties owned by the city: the existing City Hall site on Knox Road and the Calvert Road site. A Public Forum was held on October 28, 2014 to provide information about the site selection process and obtain input from the public. Many residents, from most city neighborhoods, provided oral and written testimony. Support was expressed for both sites as well as concerns about the vacant Calvert Road school building and the need to provide public meeting space that is more accessible to all residents of the city. The selection of the Knox Road site will enable the city to collaborate with the University of Maryland and the University of Maryland Foundation who will soon acquire most of the Route 1 frontage next to our site. This presents a unique opportunity to jointly redevelop an important block in the center of Downtown College Park and contribute to the revitalization of the Route 1 corridor. It also affords an opportunity to partner with the University to study options for the Calvert Road site for other public uses including daycare. We are not going to look only at the Calvert Road site for other meeting space – we will look throughout the City. It is important moving forward for the City to retain professional expertise in real estate development, financing and architectural design to ensure the best outcome. City staff should proceed with identifying appropriate consultants to work with the city on this project.

Suchitra Balachandran, 9320 St. Andrews Place, President West College Park Civic Association: She has previously conveyed that the WCPCA is in favor of the Calvert Road site over the Knox Road site for a new City Hall. She heard at the last Worksession that the need driving a quick decision on this was based on the state bond bill for this project. Overall, the bond money just represents 5% of the cost, and that should drive us to make a hasty decision. She believes it is highly unlikely we could even spend the funds by the deadline - \$800,000 by June 1, 2015 - in order to make use of the bond money. The Knox Road site is not really ready for development because the Route 1 frontage has not been acquired. Table the vote today.

Zari Malsawma, 3433 Duke Street: When she comes to City Hall it is because she has to come here but it is stifling for her – parking is a problem, it is not convenient, we don't face Route 1. Please move City Hall somewhere else where there is open space and open parking. This makes it look like we are subsumed by the University of Maryland. Table the vote tonight.

Arthur Eaton, 9012 51st Avenue, Vice President, North College Park Citizens Association: Table the vote tonight. There are other properties available such as the one on 51st Avenue. This location and the Calvert Road location are convenient only to residents of the far southern part of the City but half of the citizens live north of the University. It is not fair to have them drive all the way down here.

Christine Nagle, 9506 52nd Avenue: The North College Park Civic Association, along with West College Park and Berwyn, is on record that Council defer this decision tonight until all options can be considered. Personally, she thinks that after the public hearing there was a sense that of the two options under consideration, the Calvert Road site was the preferred option. Then last week when she watched the Worksession, people started saying that Knox Road was the place to go. She is confused about why there was a shift from Calvert Road to Knox Road.

Mary Cook, 4705 Kiernan Road: The decision on City Hall should be incorporated into the new Strategic Plan. The due diligence has not been done; we don't know how much money will be spent. Table this motion until a later time; share all the information with the residents to show that “municipal government works.”

Jack Robson, 4710 Harvard Road: Since you are considering tabling this, he suggests you table it for a year and put all the options on a non-binding referendum at the next election and let the voters select the site.

John Krouse, 9709 53rd Avenue: The Branchville site is at the center of the City. City offices can be spread around – he is not a fan of centralization. The North College Park Citizens Association discussed and visited the Stone Industrial site – it is a fantastic site.

A motion was made by Councilmember Mitchell and seconded by Councilmember Kabir to table the vote tonight for selecting Knox Road for the new City Hall until approximately May 2015 to allow time to do our due diligence to consider other sites.

The City Attorney said a motion to table is not debatable.

Roll call on the motion to table:

Aye: Kabir, Hew, Mitchell

Nay: Wojahn, Brennan, Dennis, Stulich, Day.

The motion to table fails for lack of majority.

Comment on the main motion:

Councilmember Wojahn said the Branchville site is not available. The Stone Industrial site is not appropriate for City Hall; it is an industrial site with one office building that is too small and a warehouse. You can't just take an industrial site and turn it into a City Hall. Its location is not accessible to a public thoroughfare or public transportation. It would cost \$5.5 million to buy, and then you would have to pay to renovate it.

Councilmember Day has been a supporter of the Knox Road site all along. We need to move forward and we can't do that until we make this decision. This location gives us the opportunity to work with the University of Maryland so that we don't lose our downtown. The University of Maryland is our biggest employer, our largest friend, and to walk away from downtown would not contribute to a vibrant downtown. We have already spent the money to build a garage to support this location to be developed. We need to create a downtown that people want to come to.

Councilmember Kabir said this is a sad night for residents in College Park, but it could be exciting if we had a good process. There is a north-south divide. We are missing the big picture and lost the opportunity to bring all the residents together. In a few months we will be talking about other developments like College Park Academy or the day care center. We have limitations and you can't review these on a piecemeal basis; we can borrow only so much money. Four civic associations asked us to delay the vote and we ignored them. Shame on us.

Councilmember Dennis said we need to make a decision on the City Hall site so we can then discuss these other options like day care, open space, community space, and other amenities. We can't address those until we make the decision on City Hall. He is in favor of the Knox Road site. If not, we would discount the opportunity to engage with other stakeholders on the additional amenities and he sees this as one step in a multi-step process to move forward.

Councilmember Hew thinks we missed an opportunity by not tabling this. There are still unanswered questions. He is surprised by the outcome after people said they wanted the Calvert Road site. He needs a good reason to keep it here besides that it is what the University wants, but he is not sure what their timeline is. What can they do to assist our move, what contributions would they have on the design of City Hall? It will add to the inefficiencies of our operations and disruption to our employees to have a construction site here.

Councilmember Day said we should work out a letter of commitment between the University and the City. We want them to make a commitment to this process and to partner with us to build a better downtown. We don't want them walking away and building in other places in the City that we have stood up and fought against in the past. Let's move forward and develop a downtown that will bring the dollars back down here and help other businesses in the process.

Mr. Holocker said students have a stake in this decision. Development with the University of Maryland on this site would be the best option. They are willing to move down that road. The goal is to be a Top 20 College Town – we need to see how we can further that, and the downtown is the key. Abandoning this site is not the optimal way to develop downtown. We need mixed use, office, retail and housing to support businesses 12 months a year. Student housing at this site would not be the best use. We need a huge civic prominence in downtown, but we want to look forward on sustainability and smart growth – not one with a huge surface parking lot around it.

Councilmember Wojahn was torn between the two sites (Calvert Road and Knox Road) – he was initially leaning toward Calvert Road because there were limited other options there. But there are a lot of pros to Knox Road as well. Staying here will be an investment in our downtown area. Downtown is far from being everything we want it to be, but we are working on that – to create a “place”, a public square, a nice restaurant that people want to come to.

Councilmember Mitchell said a City Hall is supposed to be for the community, but we are negating the communities in north College Park, west College Park, Crystal Springs, Autoville and Cherry Hill with this decision. We say we are trying to be open minded for everyone, but we're not. Councilmember Kabir is right – it seems only a certain part of the City matters, and that's wrong. Everyone pays taxes. That's why she brought the motion to table – so that all the residents were engaged. Last year we engaged the residents of Calvert Hills and Old Town for a purpose, but we haven't engaged the residents in other parts of the City. We need to do a better job in how we engage north and west College Park and the types of amenities that serve all parts of the City.

Councilmember Stulich said District 3 residents were on both sides of the two sites, but the majority preferred Calvert Road over Knox Road because of the concern that the Calvert Road site has been essentially abandoned for years and it is not a situation the City should be in. She also knows that District 3 residents see a benefit of having City Hall at the Knox Road site because it should be in a downtown part of the City, prominent, accessible, close to Route 1, not tucked back in a neighborhood. There is the potential for City Hall and downtown and business revitalization to support each other. The impact of City employees and visitors to City Hall can be a helpful and powerful force. The Stone Industrial site is not a good site for City Hall – it is not near transit. She is concerned about what will happen to the Calvert Road site and thinks it would make a great City Hall, but there are benefits to having City Hall remain on Knox Road and the potential collaboration with the University to make it the kind of downtown that people want to come to.

Councilmember Brennan said at the retreat last spring we decided we would speak with one voice to determine what works best for the City as a whole. We have been having this discussion for 20 years. He is upset to hear that the Knox Road decision somehow favors one neighborhood over another. City Hall will serve all residents equally no matter where it is. Around the country, City Halls are not located in industrial sites, they are located downtown. We have a real need for space. As our City grows we cannot accommodate that growth by adding the staff we need to provide services to our constituents. We can't wait any longer. We have decisions to make on other issues and we can't proceed with those discussions until this decision is made. As we proceed with this discussion we will have to consider public comments about needs for other meeting space and regarding Calvert Road.

Mayor Fellows supports the motion for Knox Road. The University has shifted away from the old East Campus development plan and is now interested in a partnership to revitalize the downtown. This is a remarkable opportunity.

Councilmember Hew is struggling with this decision because of the comments he has heard from our residents and staff. We have lost negotiation leverage with the University by not tabling this and getting some commitments from them.

Councilmember Stullich said our downtown has been less than what everyone would like it to be and with the University we have the potential to turn that around. We could not do that by ourselves. It doesn't make sense to walk away from downtown and put City Hall somewhere else. She thought Calvert Road was close enough to downtown that it would work. We want good meeting spaces throughout the City – we have Davis Hall but it is inadequate and we need to make improving that space a priority. It is time to make this decision – this is not a hasty decision – it has been under discussion as long as she has been on Council. She doesn't think the Stone Industrial site is the cheapest option. We need to develop a viable use for the Calvert Road site.

Councilmember Kabir said at the retreat he floated the idea of having City Hall in other locations such as at Branchville if we could move the fire department up north, which they want to do. It was a mistake to lock us down to two sites at the retreat. We should have opened up the discussion and taken it to the residents. We haven't seen any commitment from the University yet. We have widened the gap between the residents and the Council; residents are not happy.

Councilmember Wojahn said he has spoken to the leadership of Branchville and the County Fire Department and the soonest Branchville could become available is 10 years from now.

Councilmember Mitchell called the question.

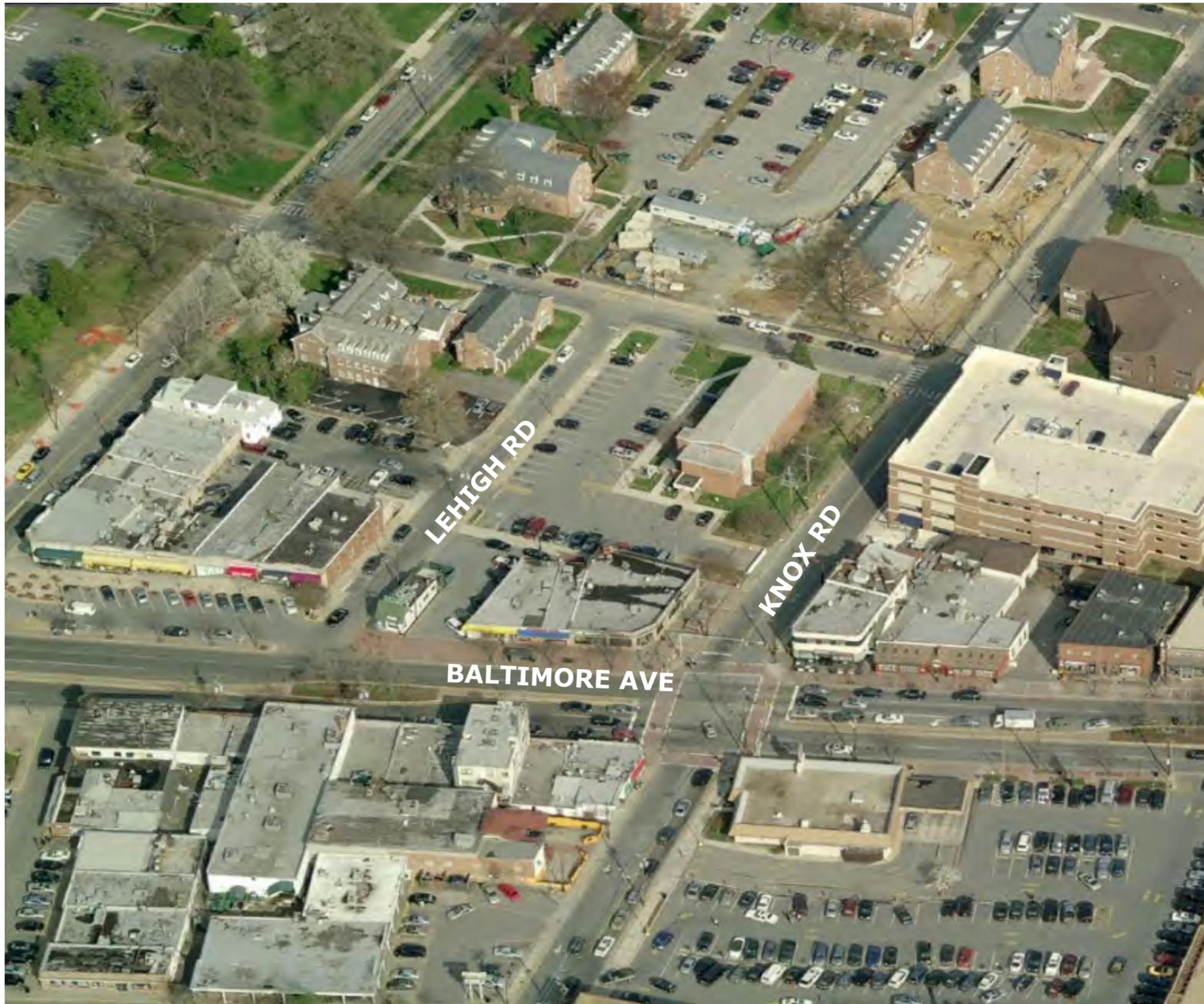
Roll Call Vote:

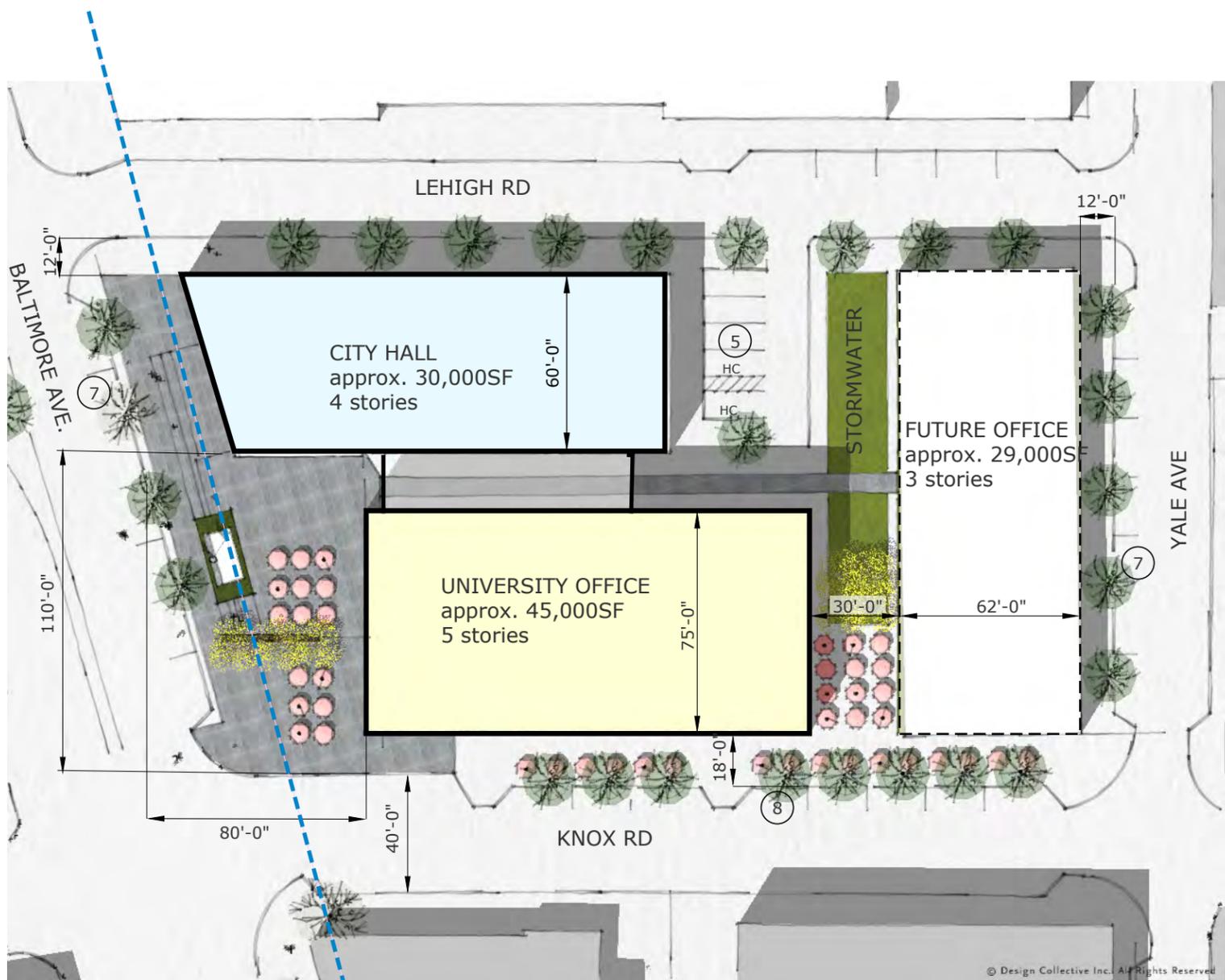
Aye: Wojahn, Brennan, Dennis, Stullich, Day

Nay: Kabir, Hew, Mitchell

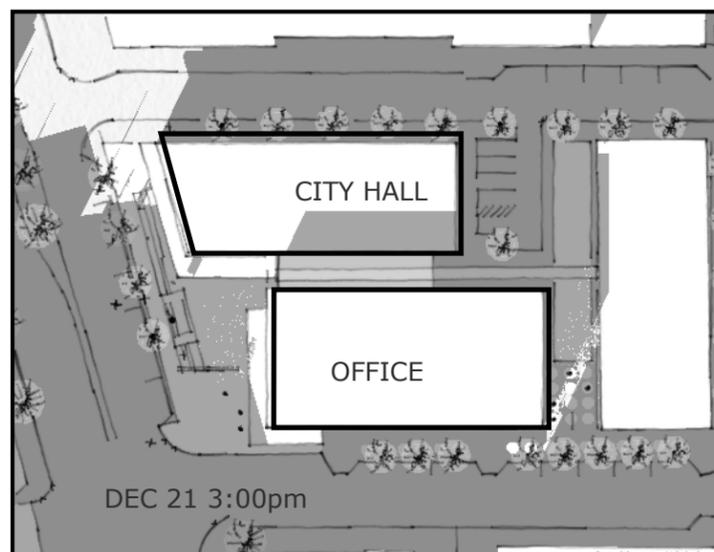
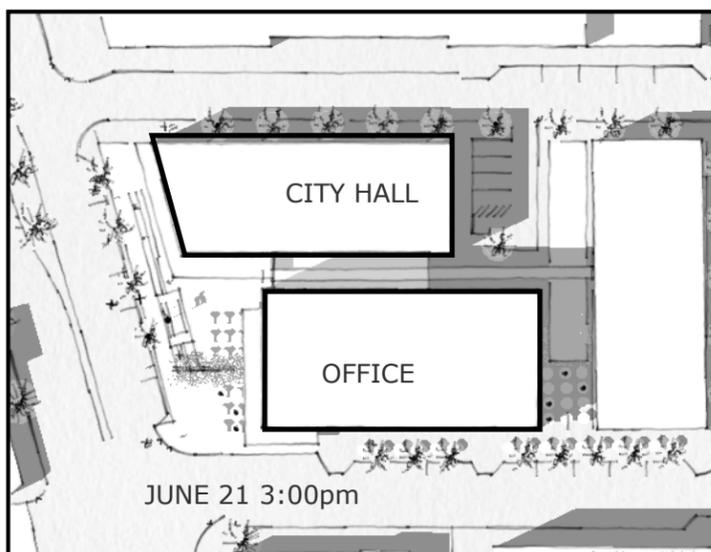
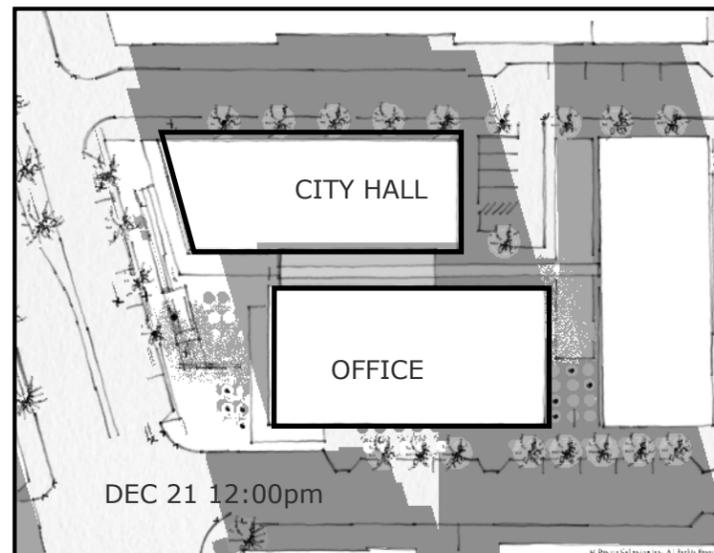
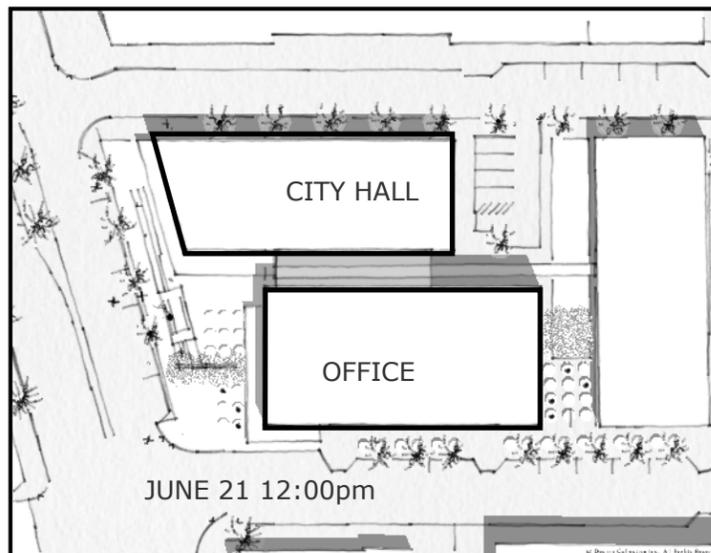
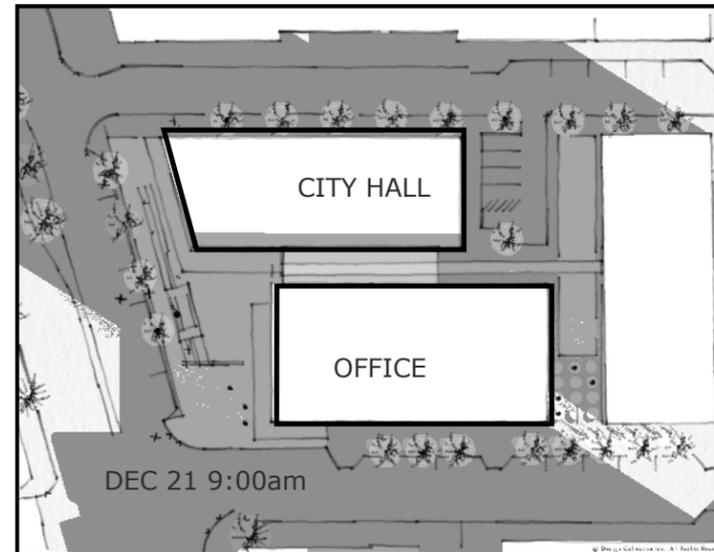
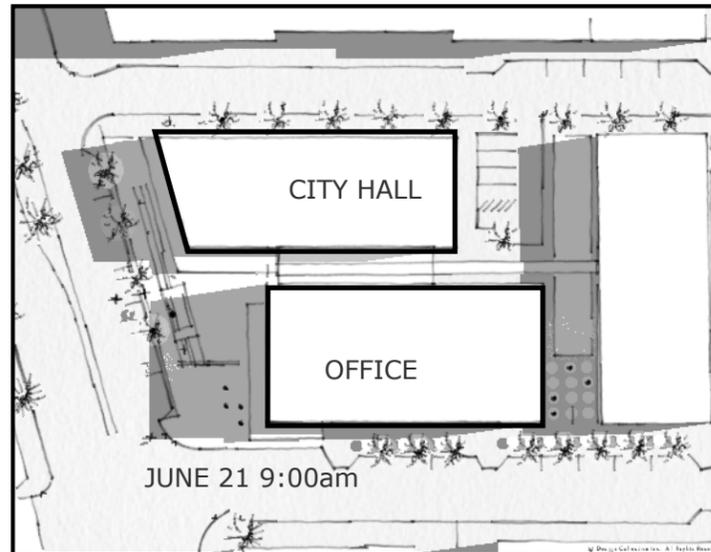
Motion passed 5 – 3- 0.

CITY HALL
COLLEGE PARK, MD





SCALE- 1:50



OPTION 1

Mixed uses in one building- City Hall and Univ. Office.
 Uses share a central circulation link and both have presence on Route 1.
 Plaza at Baltimore Ave. & Knox.



CURRENT CONTEXT



FUTURE CONTEXT



VIEW FROM NORTH APPROACH, BALT. AVE.

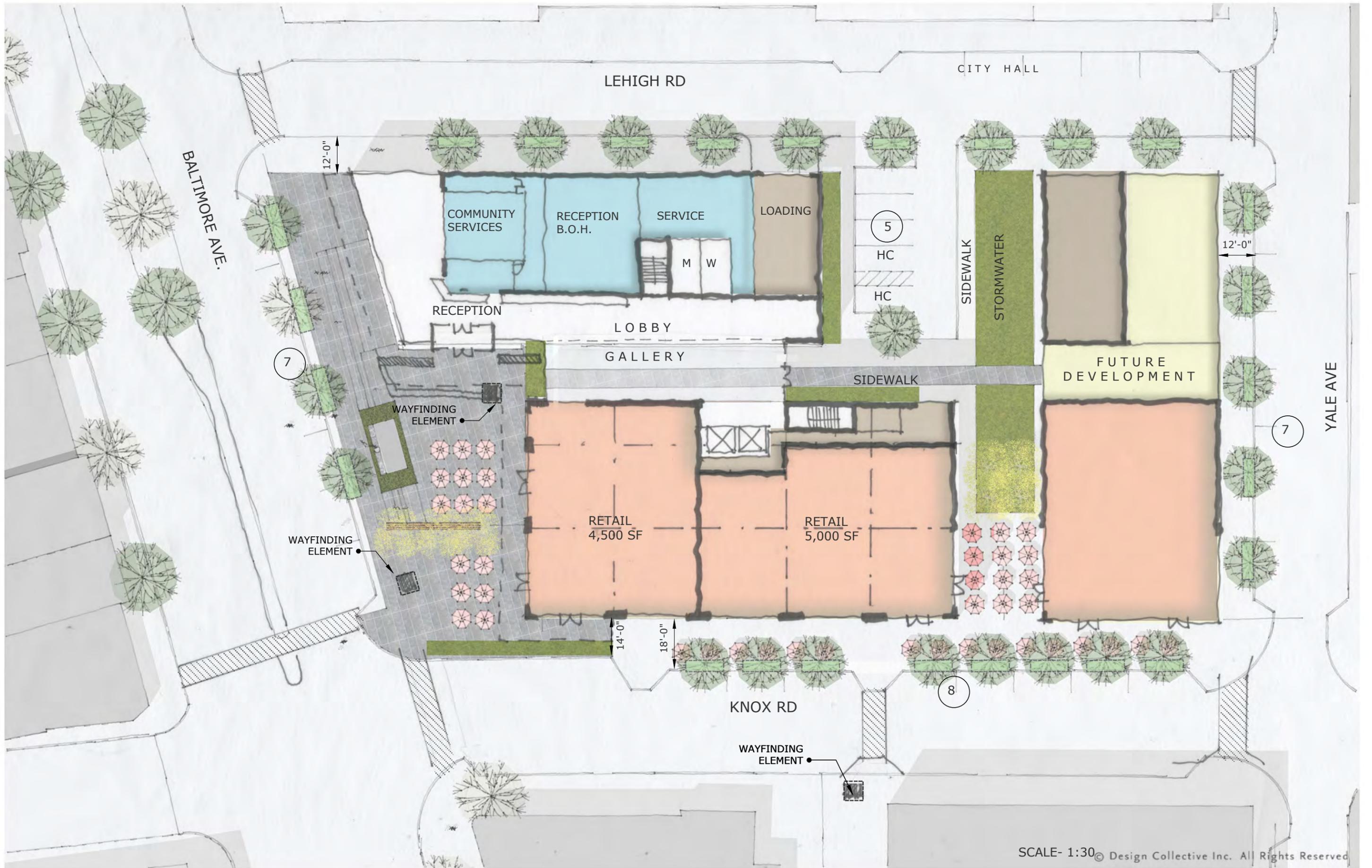


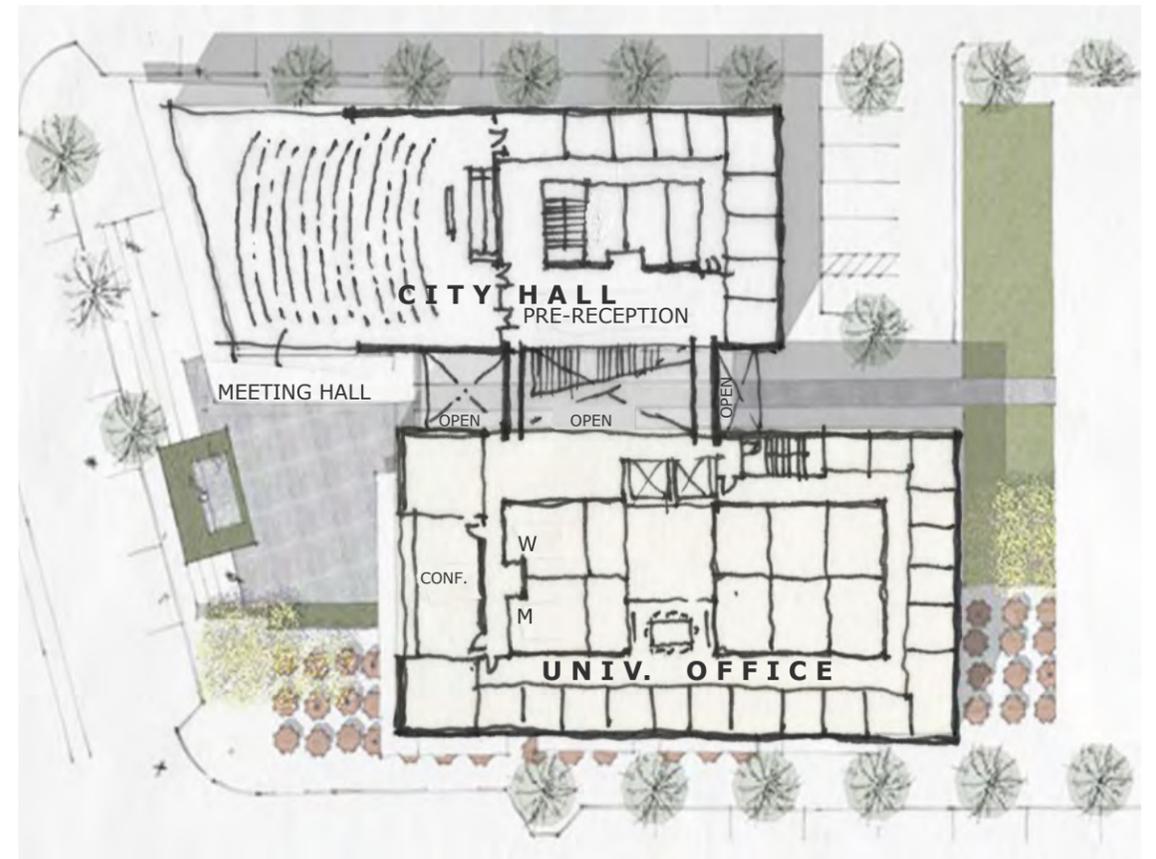
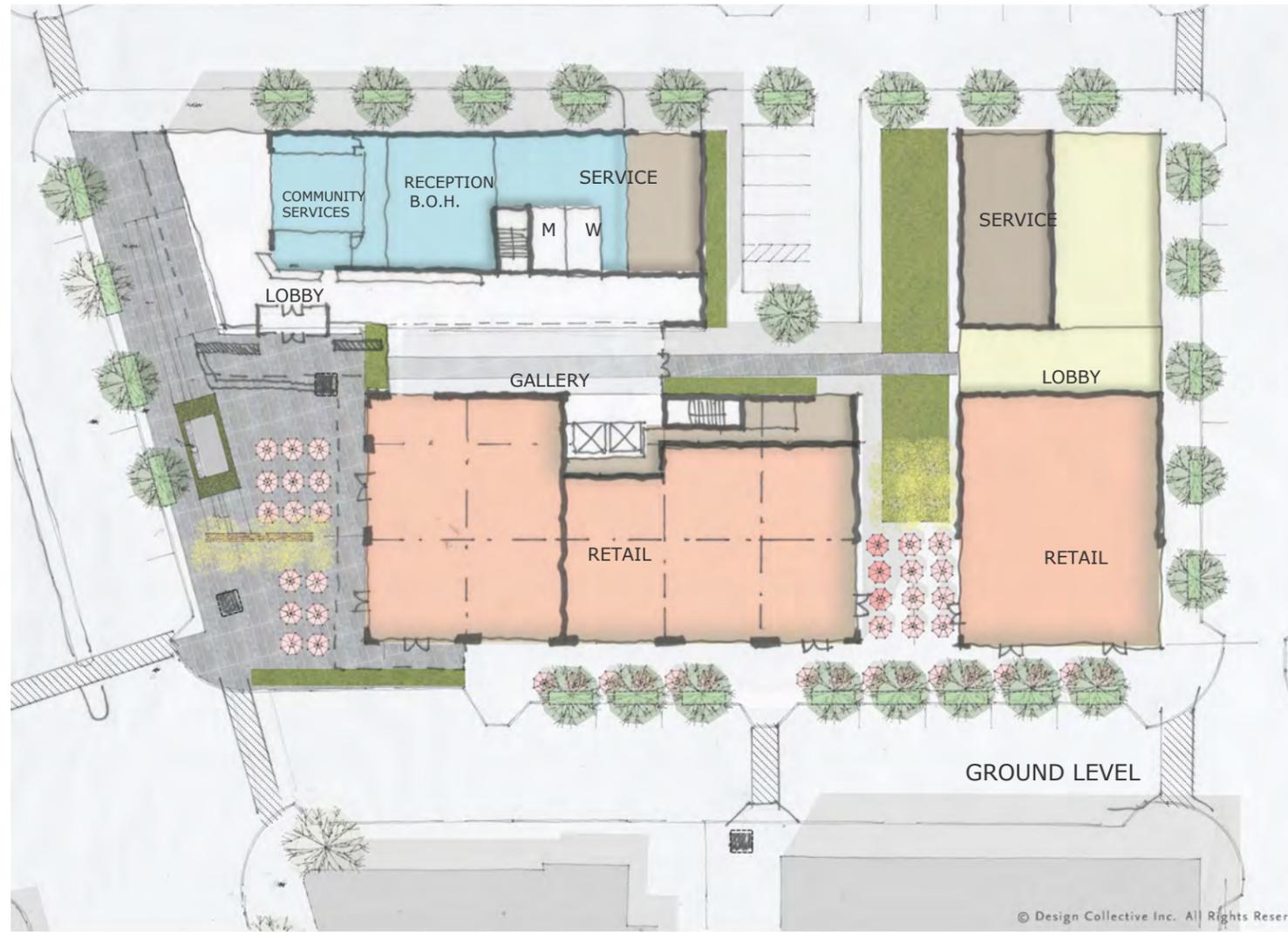
VIEW FROM SOUTH APPROACH, BALT. AVE.

OPTION 1

Mixed uses in one building- City Hall and Univ. Office.
 Uses share a central circulation link and both have
 presence on Route 1.
 Plaza at Baltimore Ave. & Knox.

ALL WORK © DESIGN COLLECTIVE, INC.





LEVEL 2



LEVEL 5

SCALE- 1:50

JULY 2015

CITY HALL
COLLEGE PARK, MD 099

AGREEMENT OF SALE

THIS AGREEMENT OF SALE (this "Agreement") is made this _____ day of _____, 2018 (the "Effective Date") by and between CITY OF COLLEGE PARK ("Purchaser") and JEANNE KURZ BYRD REVOCABLE TRUST ("Seller").

B A C K G R O U N D:

A. Seller is the owner of certain property and improvements thereon situated in Prince George's County, Maryland and being more particularly described on Exhibit A attached hereto (the "Premises"); and

B. Purchaser desires to purchase the Premises from Seller and Seller wishes to sell the Premises to Purchaser upon terms and conditions set forth herein.

NOW, THEREFORE, in consideration of the foregoing and of the mutual promises contained herein, and intending to be legally bound hereby, Seller and Purchaser agree as follows:

1. Agreement to Sell and Purchase. Seller agrees to sell to Purchaser, and Purchaser agrees to purchase from Seller, subject to the terms and conditions of this Agreement, the Premises consisting of the following:

(a) All those tracts or pieces of land constituting the Premises, with any buildings and other improvements situated thereon; together with all easements, rights of way, licenses, privileges, hereditaments and appurtenances, if any, belonging to or inuring to the benefit of the land (including all easements, rights of way, privileges, warranties, permits licenses and other rights and benefits belonging to or running with the ownership of the Premises);

(b) All right, title and interest of Seller in and to any land lying in the bed of any highway, street, road or avenue, opened or proposed, in front of or abutting or adjoining the Premises; and

(c) Any and all appliances, apparatus, tools and equipment and other personal property, if any, owned by Seller and located on or used by Seller in connection with the use and operation of the Premises (collectively, the "Personal Property").

2. Purchase Price. The Purchase Price for the Premises shall be \$1,600,000.00 (the "Purchase Price").

3. Payment of Purchase Price. The Purchase Price shall be payable as follows:

(a) Provided that the City has not terminated the Contract, the City shall, prior to the expiration of the Due Diligence Period, deposit the amount of \$10,000.00 (the "**Initial Deposit**") as a non-refundable payment in escrow with the City's title company, which shall be

held by Council, Baradel, Kosmerl & Nolan, P.A. (“Escrow Agent”) in an escrow account. All amounts paid as Deposit hereunder shall be fully applicable to the Purchase Price. The full Deposit shall be deemed non-refundable to Purchaser other than as provided in Sections 6 and 14 herein, or as otherwise specifically set forth in this Agreement. If the City does not terminate the Contract within the Development Agreement Condition Period, the City shall be deemed to have determined to proceed to closing on the purchase of the Property and shall deposit an additional sum of \$50,000.00 as a non-refundable payment in escrow with the City’s title company to secure the City’s closing obligation.

(b) The balance of the Purchase Price shall be paid at Closing by wired funds to Seller’s account, together with remittance of the Deposit held in escrow, on the date of Closing of this sale, subject to adjustments as set forth herein.

4. Development Agreement Condition; Closing. Purchaser’s obligation to proceed to closing hereunder (“Closing”) shall be conditioned upon Purchaser entering into an agreement for the future development of the Premises with The University of Maryland, its successors or affiliates, upon such terms and conditions as are acceptable to Purchaser in its sole and absolute discretion (the “Development Agreement Condition”), on or before the date that is one hundred eighty (180) days after the Effective Date (the “Condition Date”). The date on which the Development Agreement Condition shall be satisfied is hereinafter referred to as the “Actual Condition Date”. Purchaser shall promptly notify Seller upon the satisfaction of the Development Agreement Condition. In the event that the Development Condition shall not be satisfied by the Condition Date, thereafter Seller shall have the right to terminate this Agreement by providing written notice to Purchaser, and this Agreement shall automatically terminate on the date that is thirty (30) days following Purchaser’s receipt of such termination notice, unless prior to such 30-day period, Purchaser shall notify Seller either that the Development Condition is satisfied or that Purchaser waives the Development Condition and shall proceed to Closing. In all events, this Agreement shall automatically terminate if the Development Condition has not been satisfied or waived on or before the third anniversary of the Effective Date, and upon such termination, the Deposit shall be released to Seller.

Closing shall take place at the offices of the Escrow Agent. Closing shall occur no later than thirty (30) days after the Actual Condition Date. There shall be no obligation for the parties to physically attend Closing, which Closing may be conducted through courier or overnight service.

5. Condition of Title. At Closing, Seller shall convey to Purchaser good and marketable fee simple title to the Premises by delivery of a special warranty deed, in recordable form (the “Deed”), such title to be free and clear of liens, encroachments, easements, restrictions, objections, and other encumbrances, except for the Permitted Encumbrances (hereafter defined), and shall be insurable as aforesaid at ordinary rates by Purchaser’s title company. For the purposes of this Agreement, “Permitted Encumbrances” shall mean those matters appearing in Purchaser’s Title Commitment (hereafter defined) which are not objected to by Purchaser in writing prior to the expiration of the Due Diligence Period (as defined in Section 11 hereof). Purchaser shall, at its own expense, cause title to the Premises to be examined by a reputable title company of Purchaser’s choosing (the “Title Insurance Company”). Prior to the expiration of the Due Diligence Period, Purchaser shall deliver to Seller a copy of the Title Insurance Company’s commitment to insure (“Purchaser’s Title Commitment”) with respect to the

Premises and shall designate to Seller in writing any objections to or defects in title to the Premises (other than those deemed Permitted Encumbrances herein), which shall be disclosed by Purchaser's Title Commitment and which Purchaser desires to be removed by the Title Insurance Company. Purchaser shall not be required to object to monetary liens on the Property, which liens shall be released at Closing. "Monetary liens" shall mean a lien or encumbrance which will be released upon payment of a financial obligation, including, but not limited to, mortgages, deeds of trust, judgment liens and tax liens, but shall not mean liens for current taxes not yet due. Any objections to or defects in title to the Premises (including those which may be disclosed by a survey) which are not specified in writing by Purchaser to Seller prior to the expiration of the Due Diligence Period, shall be deemed waived and accepted by Purchaser, except to the extent that any such objection or defect shall have arisen after the date of this Agreement. If title to any part of the Premises shall not be in accordance with the requirements above, Purchaser shall notify Seller in writing of such objection or defect, and within ten (10) days after receipt of such notice, Seller shall notify Purchaser whether or not Seller intends to correct such title objection. If Seller elects not to cure any such title objection, Purchaser may, within five (5) days after receipt of Seller's notice of Seller's election not to cure such title objection, either (i) take such title to the Premises as Seller elects to give without an abatement of the Purchase Price, or (ii) terminate this Agreement and have the Deposit immediately returned to Purchaser, with neither Purchaser or Seller having any further obligations under this Agreement. If Seller elects to cure the title objection, but fails to do so within thirty (30) days after Seller's notice of such election (in which case Closing shall be delayed on a day-for-day basis as necessary for Seller to cure during such period), then Purchaser shall have the right to elect, within five (5) business days after the end of such 30-day period, either (i) to take such title to the Premises as Seller can give without an abatement of the Purchase Price, or (ii) to terminate this Agreement and having the Deposit immediately returned to Purchaser, with neither Purchaser or Seller having any further obligations under this Agreement. Notwithstanding the foregoing, if the title defect described arises from an encumbrance placed on the Premises by Seller or as a result of Seller's voluntary action or omission (e.g., leases, agreements, covenants, or easements) during the term of this Agreement and without the prior written consent of Purchaser, then Seller shall be obligated to cure such defect within a reasonable time or Seller shall be in default hereof, and Purchaser may pursue all rights and remedies available to it under this Agreement.

6. Risk of Loss. Until Closing, the risk of loss shall be that of the Seller. If, prior to Closing, the Premises is damaged as the result of fire or other casualty, then Purchaser may either elect to (i) terminate this Agreement and in such event the Deposit shall be refunded to it and the parties shall have no further rights or obligations hereunder, or (ii) proceed to Closing in which event any insurance proceeds owing to Seller shall be paid to Purchaser and Purchaser shall accept title to the Premises without any abatement of the Purchase Price whatsoever. Any election shall be made by Purchaser within ten (10) days of notice of the loss, and receipt of necessary information with respect to the available insurance.

7. Operations Prior to Closing. Between the date first above written and the earlier of (i) the termination of this Agreement, or (ii) the Closing Date:

(a) The Premises shall be insured and maintained in good condition and repair and in accordance with applicable law.

(b) Seller shall promptly deliver to Purchaser a copy of any tax bill, notice or assessment, or notice of change in a tax rate or assessment affecting the Premises, any notice or claim of violation of any law, any notice of any taking or condemnation or notice of intent to enter with respect to a condemnation affecting or relating to the Premises, or any other notice affecting or relating to the Premises.

(c) Any payments required to be made by Seller to contractors, subcontractors, mechanics, materialmen and all other persons in connection with work done or services performed with respect to the Premises prior to the Closing date shall be made as and when due, but in any event prior to the Closing date, and as of the Closing date there shall be no basis for the filing of any mechanics' or materialmen's liens against the Premises on the basis of any work done or services performed on Seller's behalf with respect to the Premises.

(d) Seller shall not enter into any new (or modify any existing) contract, service agreement, lease agreement, brokerage agreement, management agreement or other agreements relating to the repair, maintenance or operation of the Premises which cannot be terminated within thirty (30) days after Closing, without Purchaser's prior written consent.

(e) Seller specifically acknowledges that it shall not place or consent to any encumbrance, easement, zoning change, or other encumbrance or restriction on the title to the Premises on or after the date of the full execution of this Agreement, without obtaining the prior written consent of Purchaser.

(f) Seller shall immediately notify Purchaser of the occurrence of any event that would cause Seller's representations hereunder to be untrue.

8. Conditions of Closing. The obligation of Purchaser under this Agreement to purchase the Premises from Seller is subject to the satisfaction of each of the following conditions (any one of which may be waived in writing in whole or in part by Purchaser at or prior to Closing):

(a) All of the representations and warranties by Seller, set forth in Section 9 and otherwise herein, shall be true and correct at and as of the date of Closing in all material respects as though such representations and warranties were made at and as of the date of Closing;

(b) Seller shall have performed, observed and complied with all covenants, agreements and conditions required by this Agreement to be performed, observed and complied with prior to or as of the Closing date; and

(c) Seller shall be in a position to convey to Purchaser good and marketable title in accordance with Section 5 of this Agreement.

(d) The Development Condition shall have been satisfied.

9. Representations and Warranties.

(a) By Seller. Seller, to induce Purchaser to enter into this Agreement, represents and warrants to Purchaser as follows:

(i) Authority and Required Consents. Seller has full power, authority and legal right to enter into, execute and perform its obligations under this Agreement and the execution and delivery thereof requires no further action or approval in order to make same a binding and enforceable obligation of Seller. The individual executing this Agreement and each of the documents executed in connection herewith on behalf of Seller has the power and authority to do so.

(ii) Conflict. To Seller's knowledge, the execution and delivery hereof, the consummation of the transaction(s) contemplated hereby and compliance with the terms and conditions hereof will not conflict with, or result in a breach of any mortgage, lease, agreement or other instrument, or, to Seller's actual knowledge, any currently existing applicable law, judgment, order, writ, injunction, decree, rule or regulation of any court, administrative agency or other governmental authority to which Seller is a party or by which it or its properties are bound, the conflict or breach of which would materially adversely affect Seller's ability to consummate the sale of the Premises contemplated herein.

(iii) Regulatory Compliance. (1) To the best of Seller's knowledge, Seller has complied in all material respects with all applicable federal, state and local laws, regulations and ordinances, including, but not limited to, zoning and building codes, affecting the Premises and its current use; (2) Seller has received no notice from any governmental authority of any violations of any federal, state or local law, regulation or ordinance affecting any portion of the Premises which remains uncorrected; and (3) To the best of Seller's knowledge, there are no actions, claims or investigations of the Premises relating to violations of environmental laws or any conditions that would give rise to a violation of environmental laws.

(iv) Public Improvements. No assessment for public improvements has been served upon the Seller with respect to the Premises which remains unpaid.

(v) Litigation. Seller has received no written notice and does not otherwise have actual knowledge, of any action, suit or proceeding pending or threatened against or affecting Seller or the Premises or any portion thereof or relating to or arising out of the ownership, management or operation of the Premises, in any court or before or by any federal, state or local entity which would materially impair the value of the Premises or the consummation of the transaction contemplated hereby.

(vi) Insolvency. There has not been filed by (or to Seller's actual knowledge) against Seller a petition in bankruptcy or insolvency proceedings or for reorganization or for the appointment of a receiver or trustee, under state or federal law, nor has the Seller made an assignment for the benefit of creditors or filed a petition for an arrangement or entered into an arrangement with creditor, which petition, proceedings, assignment or

arrangement was not dismissed by final, unappealable order of the court or body having jurisdiction over the matter; and Seller has not admitted in writing its inability to pay its debts as they become due nor is Seller in fact unable to so pay its debts.

(vii) Condemnation. Seller has not received any notice of intent to enter or notice of any condemnation proceeding or other proceedings in the nature of eminent domain or taking in connection with the Premises. In the event Seller receives any such notices, it will forthwith send a copy of such notice to Purchaser, and if a portion of the Premises is taken or condemned and the loss of such portion would materially impair the Purchaser's ownership of the Premises, in Purchaser's reasonable judgment, Purchaser shall have the right to: (1) terminate this Agreement and have the Deposit with any accrued interest immediately returned to Purchaser with neither Purchaser or Seller having any further obligations under this Agreement; or (2) proceed to Closing without an abatement of the Purchase Price.

(viii) Leases. To Seller's actual knowledge, there are no defaults currently existing under any lease at the Premises or conditions which would, after giving effect to any applicable required notice and period in which to cure, constitute a default thereunder.

(b) By Purchaser. Purchaser, to induce Seller to enter into this Agreement, represents and warrants to Seller that, upon approval by official action of this Agreement by the City of College Park Mayor and Council, Purchaser has full power, authority and legal right to enter into, execute and perform its obligations under this Agreement and the execution and delivery thereof requires no further action or approval in order to make same a binding and enforceable obligation of Purchaser. The individual executing this Agreement and each of the documents executed in connection herewith on behalf of Purchaser has the power and authority to do so.

10. Cooperation. The parties shall cooperate with and assist each other (at no cost to the cooperating party) in obtaining any and all permits, licenses, certificates and/or other approvals required or convenient for the development, operation, leasing, repair and maintenance of the Premises, including, but not limited to, building permits, use and occupancy certificates, zoning permits and all other necessary or appropriate permits or approvals.

11. Due Diligence.

(a) Within three (3) business days following the Effective Date, Seller shall deliver to Purchaser all documents, leases, studies, reports, surveys and the like with respect to the ownership and operation of the Premises within Seller's possession or control, which documents shall become the property of Purchaser at Closing. Purchaser shall have the right to perform such tests, investigations, assessments, audits and studies and make such searches of governmental records as Purchaser shall reasonably deem necessary or appropriate in connection with its evaluation of the Premises. Any entry by Purchaser onto the Premises shall be subject to the following conditions: (i) such entry shall be at Purchaser's sole cost and expense; (ii) Purchaser shall not materially interfere with operations at the Premises; (iii) neither Purchaser nor any of its agents or contractors shall suffer or cause any liens or encumbrances against the Premises arising from such activities; and (iv) Purchaser shall not undertake any invasive tests at the Premises. Purchaser may, at Purchaser's sole option and discretion and for any or no reason, by written notice to Seller received no later than forty five (45) days after the Effective Date

(such period, the “Due Diligence Period”), terminate this Agreement, with neither Purchaser or Seller having any further obligations under this Agreement.

(b) Purchaser hereby represents and agrees that Purchaser shall fully inspect the Premises on or before expiration of the Due Diligence Period and Purchaser hereby agrees that Purchaser shall purchase the Premises wholly “AS IS”, “WHERE IS”, with all faults; it being agreed that except as specifically set forth herein, Seller has made no warranties or representations whatsoever pertaining to the Premises, the condition thereof, the value thereof, or any other matter with respect to the Premises.

12. Provisions with Respect to Closing.

(a) At the Closing Seller shall deliver or cause to be delivered to Purchaser the following:

(i) Deed. A special warranty deed, in recordable form, duly executed and acknowledged by Seller and in form reasonably satisfactory to Purchaser’s attorney conveying title to the Premises in the condition required by this Agreement;

(ii) Bill of Sale. A bill of sale, duly executed and acknowledged by Seller and in the form attached hereto as Exhibit B conveying all of Seller’s right, title and interest in and to the Personal Property;

(iii) Certificates and Plans. To the extent possessed by Seller, copies of all occupancy certificates, licenses, permits, authorizations and approvals required by law or issued by governmental authorities having jurisdiction over the Premises, and copies of all plans and surveys for the Premises;

(iv) FIRPTA Certification. An affidavit, in accordance with the Foreign Investment in Real Property Tax Act, stating that Seller is not a foreign person within the meaning of such Act and that Seller is not subject to the withholding requirements set forth in such Act; and

(v) Title Company Documents. Seller agrees that it shall execute any instruments, agreements, affidavits, gap indemnities, settlement statements and/or other documentation reasonably required by the Title Company, in order to effectuate the transaction contemplated hereby, and the issuance of the title insurance policy, provided that same shall be in form and substance reasonably acceptable to Seller.

(b) At Closing, Purchaser shall deliver to Seller the following:

(i) Purchase Price. The portion of the Purchase Price payable pursuant to Section 2 hereof; and

(ii) Title Company Documents. Purchaser agrees that it shall execute any instruments, agreements, affidavits, settlement statements and/or other documentation reasonably required by the Title Company, in order to effectuate the transaction contemplated

hereby, and the issuance of the title insurance policy, provided that same shall be in form and substance reasonably acceptable to Purchaser.

13. Apportionments; Transfer Taxes

(a) Items to be Apportioned.

(i) The following items shall be apportioned pro rata between Purchaser and Seller on a per diem basis as of the Closing Date:

(A) Real estate taxes on the Premises (on the basis of the actual fiscal years for which such taxes are assessed);

(B) Water and sewer rents, if any;

(C) Prepaid premiums under fire and extended coverage insurance policies, if assigned to Purchaser; and

(D) Rents paid under the leases.

(ii) Any credit due to Purchaser pursuant to Section 13 hereof shall be applied as a credit against the portion of the Purchase Price due at Closing, and any credit due to Seller pursuant to Section 13(a)(i) above shall be paid by Purchaser to Seller at Closing as an addition to the Purchase Price.

(b) Unpaid Real Estate Taxes. If, on the Closing date, bills for the real estate taxes imposed upon the Premises for the tax fiscal period in which Closing occurs have been issued but shall not have been paid, such real estate taxes shall be paid at Closing. If such bills shall not have been issued on the Closing date, the amount of the real estate taxes shall be reasonably ascertained based upon the then current assessment and the anticipated tax rate, and the portions of such taxes to be borne by Purchaser and Seller shall be deposited with the Title Insurance Company to be disbursed by the Title Insurance Company promptly after the real estate tax bills have been issued, for the payment of such bills. If the actual taxes are greater than the amounts estimated, Seller and Purchaser shall each promptly pay to the Title Insurance Company its pro rata share of such excess.

(c) Transfer Taxes and Closing Costs. The parties acknowledge that the transaction contemplated herein is exempt from recordation and transfer taxes. Each party shall bear the expense of its own legal fees. Purchaser shall pay all costs relating to any survey or investigations conducted by Purchaser, Escrow Agent and closing agent fees and costs, and any title insurance premiums and title searches. Seller shall pay all costs relating to satisfying and releasing of record any liens, encumbrances or title defects at Closing.

(d) Post-Closing Adjustments. Except as expressly provided herein, any item which cannot be accurately pro-rated as of the Closing date shall, at Closing, be pro-rated on the basis of the parties' good faith estimates, utilizing bills and receipts therefore for the comparable period during the preceding year, and shall be re-pro-rated after Closing within thirty (30) days

after precise information becomes available. In the event any errors or omissions in computing the apportionments under this Section 13 shall be discovered, the parties hereto shall promptly make adjusting payments to each other. This paragraph shall survive Closing.

14. Default. If Purchaser defaults under this Agreement, the right of Seller to be paid the Deposit shall be Seller's sole and exclusive remedy, and Seller waives any right to recover the balance of the Purchase Price, or any part thereof, and the right to pursue any other remedy permitted by law or in equity against Purchaser for any matter arising under this Agreement or otherwise. If Seller defaults under this Agreement, Purchaser shall have the right to avail itself of any equitable or legal remedies under applicable law, including, but not limited to, specific performance.

15. Brokers. Seller and Purchaser represent to each other that neither party has dealt with any broker with respect to this transaction. The Seller agrees to indemnify, defend and hold each other harmless for claims and losses arising from any breach of this representation.

16. Assignment. Purchaser may not assign Purchaser's rights under this Agreement, without the prior written consent of Seller, which shall not be unreasonably withheld, conditioned or delayed. Purchaser shall have the right to designate any third party to take title to the Premises at Closing.

17. Notices. All notices and other communications to be given under this Agreement shall be in writing and shall be hand delivered or sent by reputable, overnight courier service, or by electronic mail, addressed or sent as follows:

If intended for Purchaser:

City of College Park
4500 Knox Road
College Park, Maryland 20740
Attention: Scott Somers, City Manager
[REDACTED]

With a copy to:

Suellen M. Ferguson, Esquire
Council, Baradel, Kosmerl & Nolan, P.A.
125 West Street, Fourth Floor
Annapolis, Maryland 21401
[REDACTED]

If intended for Seller:

Mrs. Margret Jeanne Kurz Byrd
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

All such notices or other communications shall be deemed to have been given on the date of delivery thereof or on the date such delivery is refused by the recipient. Notices by or to the parties may be given on their behalf by their respective attorneys.

18. Successors. This Agreement shall be binding upon and inure to the benefit of Seller and Purchaser and their respective successors and assigns.

19. Headings. The headings and captions herein inserted are for convenience of reference only and in no way define, describe or limit the scope or intent hereof or any of the provisions hereof.

20. Severability. If any provision of this Agreement shall, for any reason, be held invalid, illegal or unenforceable, such holding shall not affect the validity, legality or enforceability of the remaining provisions of the Agreement.

21. Governing Law. This Agreement shall be governed by and construed in accordance with the law of the State of Maryland, without regard to principles of conflicts of law.

22. Time is of the Essence. Time is of the essence of this Agreement.

23. Counterparts. This Agreement may be signed in one or more counterparts (or with counterpart signature pages) which, taken together, shall constitute a fully executed Agreement and shall be considered a single document.

24. Integration Clause. This Agreement constitutes the entire understanding among the parties with respect to the subject matter hereof and supersedes all prior or contemporaneous understandings or agreements, inducements or conditions, express or implied, oral or written. Furthermore, this Agreement shall not be changed, modified, amended or altered unless such change, modification, amendment or alteration is in writing and duly executed by Seller and Purchaser.

25. This Agreement by Purchaser is expressly contingent upon approval by official action of the Mayor and Council of the City of College Park.

THE BALANCE OF THIS PAGE IS LEFT BLANK



IN WITNESS WHEREOF, Seller and Purchaser have executed this Agreement as of the day and year first written above.

WITNESS/ATTEST:

SELLER:

JEANNE KURZ BYRD REVOCABLE TRUST

By: _____

Jeanne Kurz Byrd, Trustee, aka
Margret Jeanne Byrd

WITNESS/ATTEST:

PURCHASER:

CITY OF COLLEGE PARK

Janeen S. Miller, CMC, City Clerk

By: _____

Scott Somers, City Manager

EXHIBIT A

LEGAL DECIPTION OF THE PREMISES

Tax Account Number 21- 2298628

Being parts of Lots numbered Thirteen (13), Sixteen (16), Seventeen (17) and Eighteen (18) in Block numbered One (1), Hannah L. Kelley's Subdivision of Block 28, Johnson and Curriden's Subdivision of College Park.

Being the same property transferred to the Jeanne Kurz Byrd Revocable Trust, Jeanne Kurz Byrd, Trustee by deed dated November 7, 2012 and recorded at Liber 4104, folio 200 in the Land Records for Prince George's County, Maryland.

Also referenced as 7411 and 7409 Baltimore Avenue, College Park, MD

18-G-43

Chain Link Fence Removal Incentive Program



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

AGENDA ITEM NUMBER 18-G-43

Prepared By: Terry Schum, Planning Director
Miriam Bader, Senior Planner

Meeting Date: March 13, 2018

Presented By: Terry Schum, Miriam Bader

Proposed Consent Agenda: No

Originating Department: Planning, Community and Economic Development

Action Requested: Approval of the Program Guidelines and Procedures for Chain Link Fence Removal

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

Background/Justification/Recommendation:

The City recently enacted changes to the Fence Ordinance which presents an opportunity for outreach to the community. To encourage residents to remove existing chain link fences in the front yard and along public streets, City staff has developed guidelines and procedures for an incentive grant program. The proposed program will provide a maximum grant of \$2,500 per property for reasonable costs associated with the removal of existing chain link fences. The purchase and installation of replacement fences that conform with the height and material restrictions of the Fence Ordinance will also be eligible under the grant. No chain link fences can be funded. Attachments 1 and 2 include the guidelines, procedures and application form proposed for the program.

Fiscal Impact:

\$10,000 was provided in the FY 2018 Operating Budget for this purpose and is expected to be utilized. Additional funding will be requested for FY 2019 based on demand.

Council Options:

1. Approve Program Guidelines and Procedures as proposed.
2. Approve Program Guidelines and Procedures with amendments.
3. Do not move forward with the proposed program.
- 4.

Staff Recommendation:

#1

Recommended Motion:

I move to approve a City of College Park Chain Link Fence Removal Incentive Program Guidelines and Procedures.

Attachments:

1. Chain Link Fence Removal Incentive Program Guidelines
2. Chain Link Fence Removal Incentive Program Application Form

CITY OF COLLEGE PARK CHAIN LINK FENCE REMOVAL INCENTIVE PROGRAM



Guidelines and Procedures

Program Overview

The goal of the program is to provide financial assistance to encourage the removal of existing chain link fences in front yards and along public streets in residential neighborhoods. Replacement fences that conform to City and County fence requirements are allowed.

Grants of up to a maximum of \$2,500 per property are available to pay for the costs associated with the removal and disposal of chain link fences as well as the purchase and installation of replacement fences. Funds are provided on a reimbursement basis after the work has been completed and inspected by the City.

Eligibility

Property owners and/or residents of the City of College Park are eligible to apply for financial assistance. If an applicant is not the owner of the property, consent of the property owner will be required. All projects must meet the following criteria:

1. The property must be within the City's municipal boundaries and zoned for residential use.
2. The chain link fence to be removed must be located in the front yard of the property or along a public street.
3. All waste resulting from the chain link fence removal must be properly disposed of.
4. Replacement fences must meet current setback, height and material requirements. Materials such as wrought iron, split rail, picket and similar materials incorporating openness are eligible. Chain link is not an eligible material.
5. All required permits must be obtained by an applicant.

Eligible Costs

The reasonable labor and materials costs associated with the following are eligible for reimbursement:

1. Removal of existing chain link fences including posts and footings.
2. Hauling and disposal of removed chain link fence material, equipment rentals and dumping fees.
3. Purchase and installation of permitted replacement fences.
4. City and County permit fees.
5. Payment will not be made for labor performed by an applicant.

Application Process

Financial assistance is provided on a first-come, first-served basis in accordance with the following procedures. A pre-application meeting is recommended to be scheduled with the Department of Planning, Community and Economic Development.

1. Applicant submits a completed Grant Application Form including the following:
 - a) Signature of the property owner, if not the same as an applicant.
 - b) Description of proposed work and cost estimates.
 - c) Estimated removal/construction schedule.
 - d) Photographs of the chain link fence to be removed.
 - e) Site plan showing the location of the fence to be removed. If a new fence is proposed, a site plan drawn to scale is required.
 - f) Replacement fence details (material, height), if applicable.
 - g) Permits for replacement fence construction, if applicable.
2. City staff reviews and accepts completed applications on a first-come, first-served basis. Grants are made subject to funding availability. Written notification of acceptance will be provided to the Applicant.
3. Applicant should not start any work until the application has been formally accepted. The City will not reimburse applicants for work that has been performed prior to acceptance of the application. The City reserves the right to refuse reimbursements in whole or in part for work that is not completed within 6 months of City approval and/or for costs that are not reasonable. Request for extensions will be considered only if made in writing and progress towards completion has been demonstrated.
4. Applicant submits the required documentation for reimbursement:
 - a) Copy of any required permits from the City and County.
 - b) Receipts or other evidence of payment for eligible work.
 - c) Photographs of completed work.
5. City staff inspects the work performed at the property and authorizes reimbursement. Payment is made to the Applicant upon successful completion of the work and submission of all supporting documentation.

Additional Provisions

The City retains the right to amend the program guidelines and application procedures. City staff has the sole authority to determine eligibility of proposed work and confirmation of completed work. Certain work may be required or precluded as a condition of funding. Participants will be responsible for obtaining necessary regulatory approvals, including, but not limited to, building permits and any other necessary permits. All work must comply with City and County regulations.

Approved by Mayor and Council on _____, 2018.

3. ATTACHMENTS

Check all that apply:

- Photograph of existing chain link fence
- Site plan showing location of existing fences to be removed, and if applicable, replacement fence to be installed.
- Proposed fence details (material, height), if applicable
- Contractor proposal(s), if applicable
- Permits, if applicable (please note that no work performed without a required permit can be funded)

I/We hereby affirm that the filing of this application and all information and exhibits herewith submitted are true and correct to the best of my/our knowledge. The applicant invites the City to make all reasonable inspections, investigations, and take pictures of the subject property during the process period associated with the application. I/We have read, understand and agree to the Chain Link Fence Removal Incentive Program guidelines and requirements. I/we understand that any improvements completed prior to the notice of grant award will not be eligible for reimbursement. I/we agree to maintain the replacement fence, if applicable, in good condition and in accordance with all applicable building codes.

I/W agree to indemnify, and hold harmless the City, its officials, agents, and employees, from any and all claims, demands, suits, causes of action, liability, damages, losses, costs and expenses (including reasonable attorneys' fees) of whatsoever nature arising out of or resulting from any and all fence removal or replacement activities performed by the Applicant or its employees, agents, subcontractors. Applicant's Signature

Date

Property Owner's Signature, if not Applicant

Date

I authorize the use of pictures of the work taken by the City. Yes No

Note: Applying for a Chain Link Fence Removal Incentive grant does not obligate the City to provide a grant for the specified project. Only after an application is accepted by the City and all program requirements are met, will funds be provided. Funding is subject to availability.

For internal use only:

Date Accepted: _____

By: _____

Date of Final Inspection: _____

By: _____

18-G-48

Federal
Opportunity
Zones



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

AGENDA ITEM 18-G-48

**Prepared By: Bill Gardiner
Assistant City Manager**

Meeting Date: March 13, 2018

**Presented By: Bill Gardiner
Assistant City Manager**

Consent Agenda: No

Originating Department: Administration

Action Requested: Approval of a letter to Governor Hogan requesting the inclusion of Census Tracts 8070 and 8072 in Maryland's request to designate federal Opportunity Zones.

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

Background/Justification:

The federal Tax Cuts and Jobs Act of 2017 established an Opportunity Zone program designed to incentivize private investment in certain areas. The eligible areas are based on factors such as median family income, and are essentially the same areas eligible for the federal New Markets Tax Credit program. Governors must nominate eligible zones to the Department of Treasury by March 21, 2018.

The Opportunity Zone program establishes investment vehicles called Opportunity Funds. Opportunity Funds allow investors to re-invest capital gains and receive a tax deferral and a reduction to the original capital gains tax. Capital gains from the Opportunity Fund will be exempt from capital gains taxes.

It may take a couple of years for the program to gain traction and for the Opportunity Funds to be created, and the investment tool may not be an appropriate equity partner for all projects. However, the designation could add to the options for project financing for the designated areas.

Fiscal Impact:

None

Council Options:

- #1. Approve the letter.
- #2. Amend and approve the amended letter.
- #3. Do not approve a letter.

Staff Recommendation:

#1

Recommended Motion:

I move that Council approve the attached letter requesting that the Governor include Census Tracts 8070 and 8072 in Maryland's request to designate federal Opportunity Zones.

Attachments:

Opportunity Zones Summary from the U.S. Conference of Mayors
Map of Opportunity Zone eligible areas in College Park
Draft letter to Governor Hogan



THE UNITED STATES CONFERENCE OF MAYORS

1620 EYE STREET, NORTHWEST
WASHINGTON, D.C. 20006
TELEPHONE (202) 293-7330
FAX (202) 293-2352
TDD (202) 293-9445
URL: www.usmayors.org/uscm

Opportunity Zones Summary

Section 13823 of the Tax Cuts and Jobs Act of 2017 establishes a new section of the Internal Revenue Code (1400Z1), which sets forth a process for the designation of Opportunity Zones and the establishment of tax incentives for investors in Opportunity Funds. The provision is designed to spur investment in low-income communities. The language included in the tax bill was originally sponsored in earlier legislation by Senators Tim Scott (R-SC) and Cory Booker (D-NJ) and Representatives Pat Tiberi (R-OH) and Ron Kind (D-WI).

The Opportunity Zone provisions:

- Designate criteria for low-income Opportunity Zones in every state and territory
- Establish a new class of private investment vehicles called Opportunity Funds
- Provide investors an incentive to re-invest their capital gains in Opportunity Funds to provide patient capital for low-income communities.

The most immediate task for Mayors is to work with their Governors to ensure their cities are included in zones nominated by the Governor to the Department of Treasury. Opportunity Zones (OZs) must consist of contiguous low-income census tracts. (A limited number of other census tracks can be included if they are contiguous to the low-income tracts.) Below are key elements of the process of OZ designation.

- Eligible census tracts must have at least 20 percent poverty rate, or median family income that does not exceed 80% of statewide median family income or, if in a metro area, the greater of 80% statewide median family income or 80% of metro area median family income.
- Governors are able to designate up to 25 percent of the total number of low-income census tracts in their state as Opportunity Zones.
- A state can have multiple or one single zone, but they must consist of low-income census tracts, and no more than 25 percent of the total number in the state.
- Governors have 90 days upon date of enactment of the legislation to nominate eligible zones to Department of Treasury March 21, 2018. Governors can apply for a 30-day extension.
- The Department of Treasury must complete certification of Opportunity Zones within 30 days of receipt of a nomination from a Governor.

HOW OPPORTUNITY FUNDS WORK

- Opportunity Funds are investment vehicles that specialize in providing access to capital in low-income community Opportunity Zones, designated by the states' governors.
- Opportunity Funds may be established by both public and private entities, but would be required to meet Treasury guidelines yet to be established.
- Opportunity Funds allow investors to re-invest their capital gains from the sale of appreciated assets into Opportunity Funds in exchange for a temporary tax deferral and other benefits tied to long-term holdings. Opportunity Funds are expected to target “patient investors” in exchange for the following incentives:
 - Deferral of capital gains tax on the original investment into an Opportunity Fund
 - If investment is held for the full ten-year period, only 85% of the original, deferred capital gain tax must be paid at the end of the period.
 - Any capital gain realized by investment in the Fund itself, and held for the ten-year term, will be fully exempt from any capital gains taxes.
- Opportunity Funds are self-designating, requiring no competitive selection by either a Governor or the US Treasury. While the Fund's investment must be made in Opportunity Zones, the Funds' objective will be to maximize return for their investors.
- For the Opportunity Fund to work, its managers will seek investments in Opportunity Zones that can attract viable projects that increase in value over the life of the fund.

CITY OPPORTUNITIES

The most immediate opportunity for Mayors is to engage their Governors to select parts of their cities as Opportunity Zones.

Once zones are designated, Mayors have several opportunities to lead by:

- A) Identifying viable existing or new projects and investment opportunities to market and recruit investment from qualified Opportunity Zones.
- B) Convening community and business leaders to develop strategic plans for zones that couple public project priorities with the private investment projects to streamline and coordinate market growth in low-income areas.
- C) Creating their own opportunity funds managed by city or in a public-private partnership with an existing national or local financial institution.

March 14, 2018

The Honorable Larry Hogan
Governor, Maryland
100 State Circle
Annapolis, Maryland
21401-1925

Dear Governor Hogan:

The College Park City Council recently discussed the federal Opportunity Zone program that was established at the end of 2017 in the federal Tax Cuts and Jobs Act. As you know, the Opportunity Zone areas are nominated by each Governor and certified by the Department of Treasury. They must meet certain criteria to qualify. The program also creates guidelines for Opportunity Funds, which will be investment vehicles to provide project funding for new development located in the Opportunity Zones. Investment in certified Zones provide tax incentives for investors.

The College Park Council voted to request that you designate and submit Census Tracts 8070 and 8072 as part of Maryland's proposed Opportunity Zones. These tracts include redevelopment opportunities along Baltimore Avenue in College Park, as well as older neighborhood commercial centers. Redevelopment can be very challenging, and it is helpful to have a range of incentives and investment tools at our disposal.

Thank you for consideration of our request.

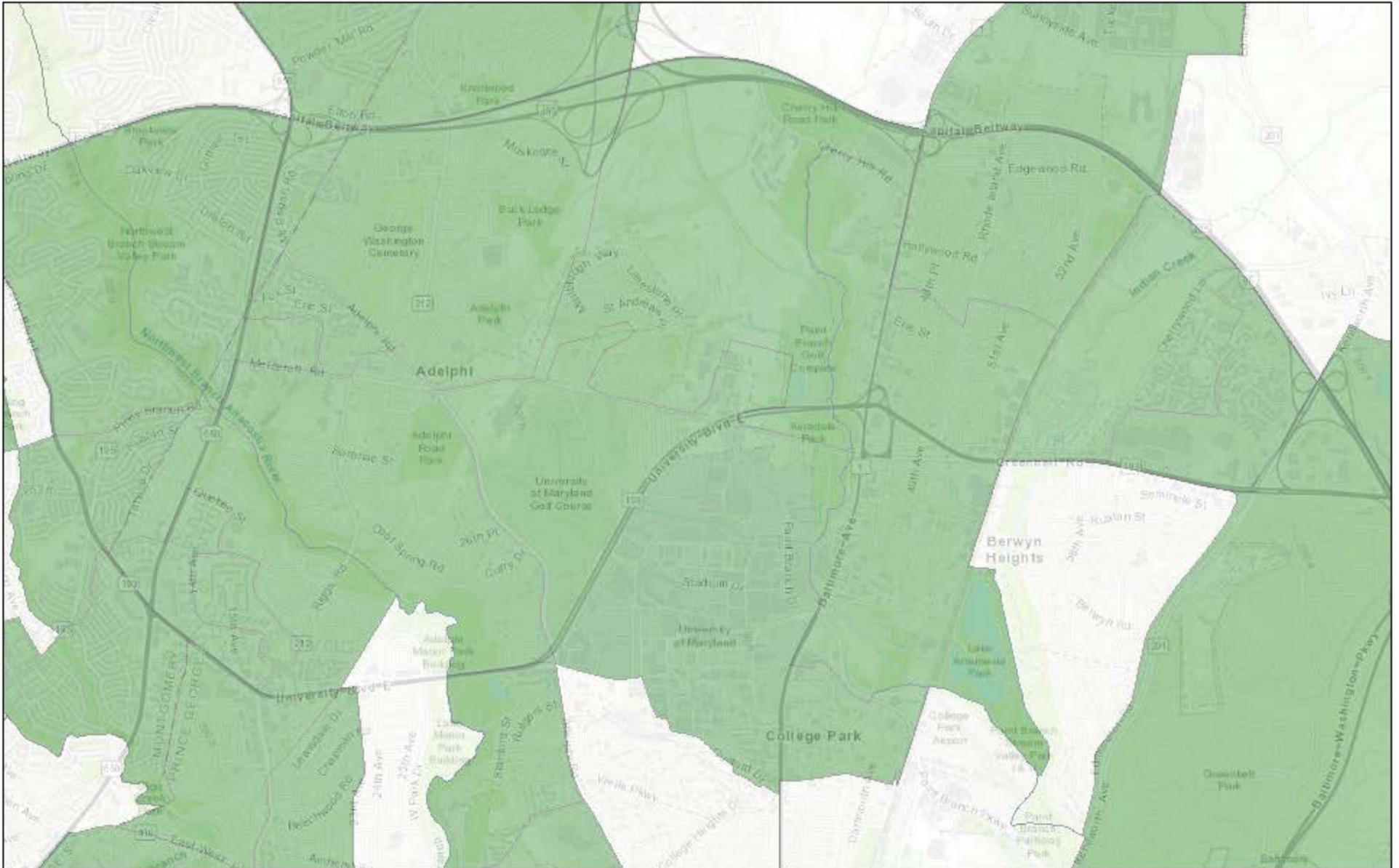
Sincerely,

Patrick L. Wojahn
Mayor

Attachment: Eligible Census Tract map for College Park

CC: Rushern Baker, Prince George's County Executive
Maryland 21st District Delegation
Dannielle Glaros, Chair and District 3 Council Member, Prince George's County Council
Mary Lehman, District 1 Council Member, Prince George's County Council
Mike Gill, Secretary Department of Commerce
Dr. Wallace Loh, President, University of Maryland College Park

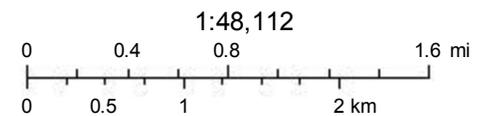
College Park Eligible Oppty Zones



March 8, 2018 3:34:33 PM

2011-2015 Census Tracts

-  Census Tracts
-  NMTc Qualified Tracts
-  State Census Boundaries



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri

LEGISLATIVE REPORT

Memorandum

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

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

DATE: March 9, 2018

RE: Weekly Report

Here is a list of pertinent issues:

- 1. HB 42 - Vehicle Laws - Use of Handheld Telephone While Driving – Penalty –** This bill would establish a maximum fine of \$500 for a violation of certain prohibitions against using a handheld telephone while driving a motor vehicle. The bill was heard in the House Environment and Transportation Committee on January 25, 2018, where it received a favorable report and is now on Second Reader.
- 2. HB 78 (SB 222) – Foreclosed Property Registry - Updated Information - Notice to Local Governments –** This bill clarifies notification procedures that must be taken by the Department of Labor, Licensing and Regulation for certain counties and municipalities concerning information entered into the Foreclosed Property Registry. The House bill was heard on Tuesday, January 23, 2018, in the House Environment and Transportation Committee, **where it received a favorable report and passed Third Reader (135-0)**. The Senate bill was heard on Wednesday, January 31, 2018, **in the Senate Judicial Proceedings Committee where it received a favorable report and passed Third Reader (44-0)**. We believe the bill has a strong likelihood of passage as it is supported by the Maryland Municipal League.
- 3. HB 99 – Small Business Relief Tax Credit –** This is the Governor’s response to the General Assembly’s decision to override his veto of the Maryland Healthy Working Families Act (also known as the “Paid Sick Leave” legislation). The bill is supposedly designed to provide tax credits to employers who need help absorbing the impact of the sick leave law. The bill was heard by the House Committee on Ways and Means on February 21, 2018.

4. **HB 140 – Public Safety – Emergency Medical Services – Bicycle Response Unit** – This bill authorizes a municipality to establish (by local ordinance) an emergency medical response unit that operates by bicycle. Local revenues would not be impacted as the State Emergency Medical Services (EMS) Board would handle the bill’s fiscal requirements. The bill was heard by the House Judiciary Committee on January 23, 2018 and received an unfavorable report.

5. **HB 165 – Property Tax Credit – Widow or Widower of Veteran** – This bill would alter the eligibility for a credit against the county or municipality property tax for certain veterans, widows or widowers of certain veterans. The property tax cannot exceed 20% of the county or municipality’s property tax imposed on the property and is only for a 5-year period. The bill was heard on February 6, 2018, in the House Ways and Means Committee. The bill is not expected to gain much traction.

6. **HB 182 (PG 404-18) –Prince George’s County-Vacant and Abandoned Property-Foreclosure** - This bill would authorize Prince George's County or a municipality in Prince George's County, with regard to certain vacant and abandoned residential property in Prince George's County, to file an action to compel any mortgagees to complete a mortgage foreclosure proceeding or have the mortgage discharged under certain circumstances. The bill is assigned to the House Environment and Transportation Committee. We will observe the hearing once the date has been determined and provide an assessment of likelihood for passage. The bill is assigned to the County Affairs Committee of the Prince George’s House Delegation.

7. **HB 206 – Prince George’s County – Alcoholic Beverages – Class BLX License – Movie Theaters** – 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 and if the theater is geographically situated within certain areas, including the Capital Beltway. The bill is assigned to the Law Enforcement Committee of the Prince George’s House Delegation. The bill was heard in the House Economic Matters Committee on February 19, 2018.

8. **HB 208 (PG 407-18) – Prince George’s County – Property Tax – Homeowners Property Tax Credit Supplement** – This bill would require the Prince George’s County Council to grant a certain property tax credit to supplement the State homeowner’s property tax credit. The bill was heard by the House Committee on Ways and Means on February 6, 2018. **The bill is unlikely to pass.**

9. **HB 209 (PG 401-18) – Prince George's County - Asset Transfer for Magnetic Levitation Transportation System - Municipal Agreements**– This bill would require Prince George’s County to enter into negotiations with a municipality in connection with the development of a magnetic levitation transportation system (Maglev). The bill is assigned to the Environment and

Transportation Committee. We will observe the hearing once a hearing date has been determined and provide an assessment of the bill's likelihood of passage at that time. The bill is assigned to the County Affairs Committee of the Prince George's House Delegation.

10. **HB 217 (PG 420-18)** – Prince George's County-Authority to Impose Fees For Use of Disposable Bags – This bill would authorize Prince George's County to impose, by law, a fee on certain retail establishments for use of disposable bags as part of a retail sale of products; limiting the amount of the fee to no more than 5 cents for each disposable bag used; and defining "disposable bag" as a plastic bag provided by a store to a customer at the point of sale. The bill is assigned to the House Environment and Transportation Committee. We will observe the hearing once the date has been determined and provide an assessment of likelihood for passage. The bill is assigned to the County Affairs Committee of the Prince George's House Delegation.

11. **HB 231(PG 405-18)** – Prince George's County – Property Tax Credit for Security Camera Systems – 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. The bill takes effect June 1, 2018, and applies to taxable years beginning after June 30, 2018. The bill was heard on January 30, 2018, by the House Ways and Means Committee. The bill passed out of the Prince George's House Delegation also voted the bill out favorable last Friday. **The bill received a favorable report by the House Ways and Means Committee.**

12. **HB 232 (PG 402-18)** - Prince George's County - Asset Transfer for Maglev - Hearing and Approval Requirements – This bill would require the Prince George's County Council to hold a public hearing before the transfer of an asset of the county as part of the development of a magnetic levitation transportation system (Maglev) in the county; requiring notice of the public hearing to be delivered by first-class mail to all homeowners and businesses located within 500 feet of the asset at least 15 days before the public hearing; requiring certain approval by certain county and municipal entities of a transfer of a certain asset of the county. The bill is assigned to the House Environment and Transportation Committee. We will observe the hearing once the date has been determined and provide an assessment of likelihood for passage. The bill is assigned to the County Affairs Committee of the Prince George's House Delegation.

13. **HB 235 (PG 414-18)** – Prince George's County – School Facilities Surcharge – Affordable Housing Requirement – The Affordable Housing Act of 2018 - This bill would establish that certain exemptions from and reductions of the school facilities surcharge on certain residential construction in Prince George's County do not apply unless at least 20% of the construction is designated as affordable housing for residents whose income does not exceed 80% of the Area Median Income for Prince George's County established by the U.S. Department of Housing and Urban Development. The bill is assigned to the House Environment and Transportation Committee. We will observe the hearing once the date has been determined and provide an assessment of likelihood for passage. The bill is assigned to the County Affairs Committee of

the Prince George's House Delegation, where it received a favorable report this week. The bill was voted favorable by the Prince George's House Delegation.

14. **HB 239 (PG 412-18)** – Prince George's County – Sales of Residential Property – Community Amenities – Advertising – This bill requires any advertising for the sale of residential real property in a community development in Prince George's County that will include a certain community amenity to include a disclosure statement identifying the community amenity and specifying when the community amenity will be completed; and applying the Act prospectively. The bill is assigned to the House Economic Matters Committee. We will observe the hearing once the date has been determined and provide an assessment of likelihood for passage. The bill is assigned to the County Affairs Committee of the Prince George's House Delegation, where it received a favorable with amendment report. The bill received a favorable report with technical amendments on February 14, 2018, in the House Economic Matters Committee.

15. **HB 241 (PG 513-18)** – Prince George's County – Telecommunications Transmission Facility on Public School Grounds – Public Hearing and Notification – This bill would require a telecommunications company that is proposing to install a telecommunications transmission facility on public school grounds to first hold a public hearing at the public school located on the grounds where the installation will occur, before the Chief Executive Officer of PGPCS executes a notice to proceed with installation. The bill was heard by the House Ways and Means Committee on February 8, 2018.

16. **HB 400** – Agriculture – Mosquito Control – Notification to Municipalities – This bill would require the State, county, or a bi-county agency to give the municipality at least 24 hours advanced notice before spraying a mosquito control pesticide in the municipality. The bill was heard in the House Committee on Environment and Transportation on February 7, 2018, which voted the bill favorable with amendments. The bill passed Third Reader (133-0). The bill has a strong likelihood of passage as it is supported by the Maryland Municipal League.

17. **HB 410 (PG/MC 108-18)** – Maryland – Washington Regional District – Prince George's County – Municipal Authority – This bill was first introduced during the 2017 legislative session, where it passed the House Committee on Environment and Transportation, but despite tremendous progress and momentum, it failed to receive a vote on the floor of the Senate and died before the Senate concluded its business on *Sine Die*. As you may recall, this bill essentially authorizes a reasonable addition to existing statutory authority as it relates to the ability of a municipality to regulate fences, by allowing municipalities to prescribe the height of fences. The bill is assigned to the Bi-County Affairs Committee of the Prince George's House Delegation, which passed the bill with technical amendments on Thursday, February 1, 2018. **The bill has passed out of the Prince George's County and Montgomery County House Delegations, with the technical amendments. The bill will next be considered by the Montgomery County Senate Delegation and will have a hearing before the House Environment & Transportation Committee on March 13, 2018.**

18. **HB 412 (SB 207)** – Health Insurance – Medical Stop-Loss Insurance – Repeal of Sunset – Bill would repeal the termination date of certain provisions of law relating to medical stop-loss insurance. The House bill was heard in the House Committee on Health & Government Operations on February 7, 2018, **where it received a favorable report and has passed Third Reader (137-0)**. The Senate bill was heard in the Senate Committee on Finance on February 7, 2018, **where it received a favorable report and passed Third Reader (45-0)**. We believe the bill has a strong likelihood of passage as it is supported by the Maryland Municipal League.
19. **HB 432 (SB 545)** – Public Safety – Maryland Violence Intervention and Prevention Program Fund – Establishment – This bill establishes the Maryland Violence Intervention and Prevention Program Fund and the Maryland Violence Intervention and Prevention Advisory Council within the Governor’s Office of Crime Control and Prevention. The purpose of the fund is to (1) provide funds to local governments for the distribution of grants to implement evidence-based health programs or evidence-informed health programs and (2) evaluate the efficacy of the programs funded as a result of the bill. The Governor must annually appropriate at least \$5 million to the fund. The bill takes effect July 1, 2018. The House bill is assigned to the House Appropriations Committee and was heard on February 6, 2018, **where it received a favorable with amendments report**. The Senate bill is assigned to the Senate Budget & Taxation Committee and was heard on February 27, 2017. The bill is supported with amendment by the Maryland Municipal League.
20. **HB 492** – Vehicle Laws – Use of Handheld Telephone While Driving – Penalty – This bill increases the maximum fine to \$500 for unlawfully using a handheld telephone while driving. The bill repeals the existing, tiered maximum fines for a violation of \$75 for a first offense, \$125 for a second offense, and \$175 for a third or subsequent offense. This bill was heard by the House Committee on Environment and Transportation on February 15, 2018.
21. **HB 526** – Income Tax – Angel Investor Tax Credit Program – This bill would allow certain investors to be eligible for a tax credit against State income tax for investing in a qualified innovation business. A qualified innovation business does not include a qualified Maryland biotechnology company or a qualified Maryland cybersecurity company. The bill was heard by the House Committee on Ways and Means on February 14, 2018.
22. **HB 535 (SB 407)** – Transportation – Complete Streets Program – Establishment – This bill establishes the Complete Streets Program as a competitive grant program within the Maryland Department of Transportation (MDOT). The Governor must annually appropriate a minimum of \$1 million from the Transportation Trust Fund (TTF) for the program. Local governments that develop complete streets policies and are certified by MDOT may apply for grants from the program to finance the design and planning of eligible projects. The bill takes effect July 1, 2018. The House bill is assigned to the Environment and Transportation Committee, which heard the bill on February 22, 2018. The Senate bill is assigned to the Finance Committee and will be heard on March 14, 2018. The legislation has a strong likelihood of passage, as it is supported by the Maryland Municipal League.

23. **HB 615** – Municipalities – Charter Amendments Procedures – This bill would require a public hearing be held before the adoption of a resolution initiated by the municipality’s legislative body that proposes an amendment to the municipal charter, with at least 21 days’ advance notice of the public hearing. The bill would also require a proposed charter amendment that changes a municipality’s form of government to be submitted to referendum and approved by the voters at the next regular municipal general election before it can go into effect. The bill was heard on February 13, 2018 by the House Environment and Transportation Committee, **where it received a favorable with amendments report**. The bill has a strong likelihood of passage, as it is supported by the Maryland Municipal League, with amendments.

24. **HB 637** - Counties-Asset Transfer for High-Speed Transportation System – Hearing and Approval Requirements – This bill establishes additional requirements for a county before it may transfer an asset of the county as part of the development of the Maglev transportation system or a high-speed tunnel system that passes through the county. The bill, which is sponsored by Delegate Valentino-Smith, was heard on February 15, 2018, and received strong support from the Cities of Bowie, Greenbelt and Bladensburg. The bill has a strong likelihood of passage, as it is supported by the Maryland Municipal League, with amendments.

25. **HB 638** – Counties and Municipalities – Asset Transfer for High Speed Transportation Systems – Agreements – This bill requires a county, before it transfers a county asset located in a municipality as part of the development of the Maglev transportation system or a high-speed tunnel system, to negotiate a written agreement with the municipality. The bill, which is sponsored by Delegate Valentino-Smith, was heard on February 15, 2018, and received strong support from the Cities of Bowie, Greenbelt and Bladensburg. The bill has a strong likelihood of passage, as it is supported by the Maryland Municipal League, with amendments.

26. **HB 672** – Vehicle Laws – Intersections – Prohibited Acts – This bill would prohibit cars from entering intersections against certain traffic signals if the vehicle is unable to safely and completely proceed through the intersection. The bill was heard by the House Committee on Environment and Transportation on February 22, 2018.

27. **HB 677 (SB 477)** – Public Information Act – Required Denials – Physical Addresses, E-Mail Addresses, and Telephone Numbers – This emergency bill requires a custodian to deny, under the Maryland Public Information Act (PIA), any request for inspection of a distribution list and a request to be added to a distribution list, if that list identifies a physical or email address or a telephone number of an individual that is used by a governmental entity or an elected official for the sole purpose of (1) periodically sending news about the official activities of the governmental entity or elected official or (2) sending informational notices or emergency alerts. The House bill was heard on February 21, 2018, by the Health & Government Operations Committee and passed Second Reader with amendments. The Senate bill was heard on February 14, 2018, by the Education, Health and Environmental Affairs Committee and passed Third Reader (47-0). The bill has a strong likelihood of passage and is supported by the Maryland Municipal League.

28. **HB 686 (SB 742)** – Income Tax – Wynne Case – Local Government Repayments to the Local Reserve Account - This bill delays by two years the time period in which local jurisdictions must reimburse the local income tax reserve account pursuant to specified refunds resulting from the final decision under Maryland State Comptroller of the Treasury v. Brian Wynne, et ux., 431 Md. 147 (2013) (Wynne case). The House bill was heard by the Ways & Means Committee on February 21, 2018, where it received a favorable with amendments report and passed Third Reader (137-0). The Senate bill was heard by the Budget & Taxation Committee on February 21, 2018, where it received a favorable report and passed Third Reader (44-1). The bill has a strong likelihood of passage, as it is supported by the Maryland Municipal League.
29. **HB 695** – Open Meetings Act – Closed Meetings – Cybersecurity – This bill authorizes a public body to meet in closed session to discuss cybersecurity, under the Open Meetings Act, if the public body determines that public discussion would constitute a risk to specified security assessments, deployments, or network security information. The bill was heard by the House Health & Government Operations Committee on February 21, 2018, where it has passed Second Reader with amendments. The bill has a strong likelihood of passage as it is supported by the Maryland Municipal League.
30. **HB 714** – Vehicle Laws – HOV Lanes – Plug-In Electric Drive and Hybrid Vehicles – This bill extends the termination date to September 30, 2018, for “qualified” hybrid and plug-in electric cars to use certain HOV lanes regardless of the number of passengers. The bill was heard by the House Committee on Environment and Transportation on February 22, 2018.
31. **HB 750** – Economic Development Income Tax Credits – Multiple Claims – Prohibition – This bill would prohibit individuals from claiming multiple income tax credits for certain economic development projects. The bill was heard by the House Committee on Ways and Means on February 21, 2018.
32. **HB 807 (SB 516)** – Transportation – Highway User Revenues – Distribution – This bill alters the distribution of funds in the Gasoline and Motor Vehicle Revenue Account (GMVRA) of the Transportation Trust Fund (TTF) over two years beginning in fiscal 2020 to provide 86.8% to the Maryland Department of Transportation (MDOT) and 13.2% to local jurisdictions distributed as follows: Baltimore City (8.9%) and municipalities (2.8%). The county distribution (1.5%) is not altered by the bill. The bill takes effect July 1, 2018. The House bill was heard on February 22, 2018, by the Environment & Transportation Committee and has passed Second Reader with amendments. The Senate bill was heard on March 7, 2018, by the Senate Budget & Taxation Committee. **The House bill appears to be advancing after signs pointing to the bill marking a negotiated “deal” including legislative leaders from both chambers, clearing its path to passage this session. The amended version of the House bill would roughly double the funding for county governments to approximately \$58 million each year. The new funding level for counties would increase to 3.2% of the funds from the HURs, through a combination of traditional HUR and capital grants. The municipal share would adjust to 2.0% of the total and Baltimore City would adjust to 8.3%.**

33. **HB 829 (SB 730)** – Local Government – Municipal Elections – No-Excuse Absentee Voting - This bill prohibits a municipality from requiring an individual to provide a reason that the individual will be unable to vote in person on Election Day in order to vote by absentee ballot. The bill takes effect June 1, 2018. The bill is assigned to the House Ways and Means Committee, where it was heard February 16, 2018, and received a favorable report. The House bill passed Third Reader (135-0). The Senate bill is assigned to the Senate Education, Health and Environmental Affairs Committee, where it was heard on March 1, 2018. This bill has a strong likelihood of passage as it is supported by the Maryland Municipal League.
34. **HB 1361** – Transportation – Motor Fuel Tax and Highway User Revenue – Increased Local Share – This bill alters certain motor fuel tax revenue to a certain account that is shared with local governments. The bill will be heard by the House Environment & Transportation Committee on today, March 9, 2018. The bill is supported with amendment by the Maryland Municipal League.
35. **HB 1405 (SB 605)** – Transportation – Highway User Revenues – Phased Restoration of County Share – This bill increases the portion of highway user revenues that is distributed to county governments and repeals other obsolete language. The House bill will be heard on today, March 9, 2018, by the Environment & Transportation Committee. The Senate bill was heard on February 27, 2018, by the Budget & Taxation Committee. The bill is supported with amendment by the Maryland Municipal League.
36. **HB 1406 (SB 872)** – Vehicle Laws – Special Event Zones – This emergency bill authorizes the State Highway Administration (SHA), on its own initiative or at the request of a local authority, to designate an area on a State highway as a “special event zone.” Likewise, a local authority may designate an area on a highway under its jurisdiction as a “special event zone.” In either case, SHA or the local authority may reduce speed limits in the affected location after a determination that the change is necessary for public safety. The bill establishes a new prohibition on speeding within such zones and specifies that several existing violations are subject to higher penalties in those locations while pedestrians are present. The lower speed limit for a special event zone takes effect when posted. The House bill was heard by the Environment & Transportation Committee on March 2, 2018. The Senate bill was heard by the Judicial Proceedings Committee on February 27, 2018. This legislation has a strong likelihood of passage as it is supported by the Maryland Municipal League.
37. **HB 1420** – Environment – Stormwater Management - Nontidal Floodwater - This bill authorizes a county or municipality to use money in its local watershed protection and restoration fund for projects to manage extreme volumes of nontidal floodwater in areas where historical nontidal flooding problems exist. The bill takes effect June 1, 2018. The bill was heard by the House Environment & Transportation Committee on February 28, 2018. This legislation has a strong likelihood of passage as it is supported by the Maryland Municipal League.
38. **HB 1540** – Health Care Facilities – Closing or Partial Closing – Public Notice - This bill expands specified notice requirements related to the closing or partial closing of a health care

facility. All costs incurred by the Maryland Health Care Commission (MHCC) in providing notice of the proposed closing or partial closing must be paid by the person proposing to close or partially close a health care facility. MHCC is authorized to require the person proposing the closure or partial closure of a health care facility to publish and send the required notices. The bill was heard by the House Health & Government Operations Committee on March 2, 2018. This legislation has a strong likelihood of passage as it is supported by the Maryland Municipal League.

39. **HB 1604 (SB 1081)** – Business Regulation – Limited Residential Lodging – This bill alters certain definitions to ensure that an innkeeper of certain limited residential lodging has the same rights and responsibilities as that of an innkeeper of a lodging establishment. The House bill is being heard on today, March 9, 2018, by the Economic Matters Committee. The Senate bill is being heard on March 20, 2018, by the Finance Committee. This legislation has a strong likelihood of passage as it is supported by the Maryland Municipal League.
40. **HB 1742 (SB 1188)** – Railroad Companies – MAGLEV Projects – County Approval – This bill prohibits a railroad company from constructing, building, or locating any railroad facility for a railroad powered by a magnetic levitation propulsion system in any county without the consent of the county governing body. The legislation is supported with amendment by the Maryland Municipal League.
41. **HB 1767 (SB 1188)** – Wireless Facilities – Permitting and Sitting – This bill concerns telecommunication preemption and specifies requirements for local governments as it relates to the permitting and sitting of wireless facilities and associated poles. The House bill is currently in the House Rules and Executive Nominations Committee. The Senate bill has been referred to the Senate Finance Committee.
42. **SB 154** – Transportation – Highway User Revenues – Phased Restoration – This bill is designed to increase the portion of highway user revenues that is distributed to local governments and otherwise alters the allocation of the local share of highway user revenues amount Baltimore City, counties and municipalities. The bill was heard by the Senate Budget & Taxation Committee on January 31, 2018. The Maryland Municipal League has offered support but with amendments. This bill’s lead sponsor is Senator Roger Manno (D).
43. **SB 177** – Electric Vehicle Recharging Equipment Rebate Program and Electric Vehicle Excise Tax Credit – Fiscal Year 2017 Applicants – This bill establishes a qualified plug-in electric vehicle excise tax credit and Electric Vehicle Recharging Equipment Rebate Program for a person who qualified for the programs during fiscal year 2017 but did not receive an incentive due to the limitation on the total amount of incentives that could be awarded in the fiscal year. A person must meet applicable fiscal year 2017 eligibility requirements and the incentives are equal to the amounts that were in effect during that fiscal year. The bill takes effect July 1, 2018 and terminates June 30, 2019. The bill was heard by the Senate Budget and Taxation Committee on January 30, 2018, where it passed second reader with amendments.

44. **SB 179** – Property Tax Credits – Real Property Used for Robotics Programs – This bill allows a municipality to grant, by law, a property tax credit against the municipal corporation property tax imposed on real property that is exclusively used for public school robotics programs or nonprofit robotics programs. The bill was heard by the Senate Committee on Budget and Taxation on January 30, 2018, **where it received a favorable with amendments report and passed Third Reader (46-0). The bill is now in the House Ways and Means Committee on First Reader.**

45. **HB 221** – Local Government – School Construction – Permits – Bill requires each county or municipality to expedite the process for the application and issuance of a permit related to or required for the construction of a public or private school facility. The bill takes effect July 1, 2018. The bill was heard by the House Appropriations Committee on February 6, 2018, and passed Third Reader (134-0).

46. **SB 223** – Transportation – Highway User Revenues – Allocation - This bill is designed to increase the portion of highway user revenues that is distributed to local governments and otherwise alters the allocation of the local share of highway user revenues amount Baltimore City, counties and municipalities. The bill was heard by the Senate Budget & Taxation Committee on January 31, 2018. The Maryland Municipal League has offered support but with amendments. This bill’s lead sponsor is Senator Steve Waugh (R).

47. **SB 228** – Cybersecurity Investment Incentive Tax Credit – Eligibility, Appropriation, and Sunset Extension - This bill extends through fiscal year 2023 the termination date of the cybersecurity investment incentive tax credit. The bill also (1) requires the Governor to appropriate at least \$5 million to the program in each fiscal year; (2) alters the program by specifying that the investor who makes the qualifying investment in a Maryland cybersecurity company claims the tax credit instead of the cybersecurity company; and (3) establishes that a cybersecurity company includes an entity that becomes duly organized and existing under the laws of any jurisdiction for the purpose of conducting business for profit within four months of receiving a qualified investment and provides for recapture of the credit if the entity does not satisfy this requirement. The bill takes effect June 1, 2018, and applies to tax credit certificates issued after June 30, 2018. The bill was heard by the Senate Budget and Taxation Committee on January 31, 2018.

48. **SB 305 (HB 363)** – More Jobs for Marylanders Act 2.0 – This Administration bill is an extension of what was one of Governor Hogan’s top legislative priorities of 2017, the More Jobs for Marylanders Act 2017, which was designed to incentivize and encourage manufacturers to create jobs in areas of Maryland that need jobs the most. This bill is designed to spur further job creation by expanding its reach to other business sectors. The Senate bill was heard by the Senate Budget and Taxation Committee on February 21, 2018. The House bill was heard by the House Committee on Ways and Means on February 28, 2018.

49. **SB 310 (HB 364)** - CyberMaryland Act of 2018 – This Administration bill is designed encourage Maryland small businesses to improve their cybersecurity by providing for a tax credit of up to \$50,000 for the cost of cybersecurity technology purchased from Maryland cybersecurity firms. The Senate bill was heard by the Senate Committee on Budget and Taxation on February 21, 2018. The House bill was heard by the House Committee on Ways and Means on February 21, 2018.
50. **SB 966** – RISE Zones – Expansion and Income Tax Credit – The RISE Zone program was passed into law in 2014 by the state legislature to attract and retain businesses in certain areas of growth by giving state tax credits to boost economic development. This bill repeals the limitation on the number of RISE Zones that may be approved in a county or municipal corporation and specifies that all applications that qualify for a tax credit certificate will be approved by the Secretary of Commerce and the Maryland Technology Development Corporation on a first-come, first-served basis. Additionally, the bill clarifies that a tax credit certificate cannot exceed 50% of the increase in the business entity’s gross revenue over the preceding taxable year and cannot be issued for more than \$100,000. The bill will be heard by the Senate Budget and Taxation Committee on March 14, 2018.
51. **PG 501-18** – Prince George’s County – Elementary School – Limit on Class Size – This local bill would require the Prince George’s County Board of Education to limit the number of students assigned to a classroom teacher of students in Grade Kindergarten through Grade 3 in the county public schools. **The bill passed favorable out the Education Subcommittee with an amendment to provide that the Board of Education will establish this policy on or before the 2020-2021 school year. The House Delegation also voted the bill out favorable as amended.**