TUESDAY, MARCH 26, 2019
CITY OF COLLEGE PARK
COUNCIL CHAMBERS

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

(There will be a Worksession 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 Day
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. Annual Economic Development Report – Ryan Chelton, Economic Development Coordinator
    B. Annual ATHA Update – Aaron Marcavitch, Executive Director

11. PUBLIC HEARINGS:
And §132-9, “Notice Of Violation; Cost Of Removal To Become Lien”; And Chapter 110, “Fees And Penalties”, By Repealing And Re-Enacting §110-2, “Penalties”, To Increase The Penalty For First And Subsequent Violation Of §132-3, “Littering”, Clarifying The Conditions Under Which Litter May Be Removed From Public Property And Updating Code References


12. CONSENT AGENDA - Note: Consent Agenda items are routine items of business that are collectively presented for approval through a single motion. A Councilmember may request that an item be pulled from the Consent Agenda and placed under Action Items for separate discussion and action.

19-G-49 Award of contract in the amount of $73,910.00 to American Bus Sales & Service (Contract #001IT820813) for the purchase of one (1) 2019 E450 Ford 21 Passenger Bus package for replacement of a 2003 vehicle as scheduled and funded in the Vehicle Replacement Program (CIP #925061) – Robert Marsili, Director of Public Works

19-G-50 Award of contract for on-call engineering services in substantially the form attached to Rummel, Klepper & Kahn, LLP using the hourly billable rates from Montgomery County, Maryland contract number 1011773, subject to approval of the City Attorney

19-G-51 Approval of Minutes: February 26, 2019 Regular Meeting; March 5, 2019 Worksession; March 5, 2019 Special Session.

13. ACTION ITEMS


19-O-08 Adoption of Ordinance 19-O-08, Amending Chapter 172 Article II Wireless Telecommunications Facilities In Public Rights-Of-Way, To Add A Definition, Allow The City To Hold A Public Hearing With Respect To The Proposed Installation Of Wireless Facilities, Set Additional Standards For Installation, Set Standards For Identification And Maintenance, Prevent Spooling Or Coiling Of
Cables On Poles, Require Additional Information To Be Submitted As Part Of The Application, Set A Consideration Deadline For Applications Not Otherwise Set By Federal Law And Add A Fee Provision


19-G-52 Appointments to Boards and Committees

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

WORKSESSION AFTER THE REGULAR MEETING:

Continuation of FY 2020 Budget Worksession Following The Regular Meeting:

1. Council requests for inclusion in budget
2. Miscellaneous issues and other budget matters
3. Wrap-up and direction to City staff

INFORMATION REPORT

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

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

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

➢ In accordance with the Americans with Disabilities Act, if you need special assistance, please contact the City Clerk’s Office at 240-487-3501 and describe the assistance that is necessary.
Amending Chapter 132, Litter And Graffiti, To Increase The Penalty For First And Subsequent Violations, Clarify The Conditions Under Which Litter May Be Removed From Public Property
**AGENDA ITEM NUMBER 19-O-07**

**Prepared By:** Scott Somers, City Manager  
**Presented By:** Scott Somers, City Manager  
**Meeting Date:** March 26, 2019  
**Consent Agenda:** No

<table>
<thead>
<tr>
<th>Originating Department:</th>
<th>Administration</th>
</tr>
</thead>
<tbody>
<tr>
<td>Action Requested:</td>
<td>Hold a public hearing and then consider adoption of Ordinance 19-O-07, an ordinance increasing illegal dumping fines.</td>
</tr>
<tr>
<td>Strategic Plan Goal:</td>
<td>Goal 6: Excellent Services</td>
</tr>
</tbody>
</table>

**Background/Justification:**

The City Council introduced Ordinance 19-O-07 on March 12, 2019.

Section 132-3 of the Municipal Code prohibits littering. Section 110-2 identifies the fines for littering as follows:

- **Initial Violation**  
  - $50
- **Subsequent Violation in 6 months**  
  - $100
- **Violation of remainder of Article II:**  
  - **Initial Violation**  
    - $100
  - **Subsequent Violation in 12 months**  
    - $200

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

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

**Fiscal Impact:**

Costs associate with ordinance adoption requirements anticipated.

**Council Options:**

1. Hold a public hearing and then adopt Ordinance 19-O-07, increasing the fine of the initial and each subsequent violation to $1,000, as proposed in the ordinance.
2. Hold a public hearing and then amend Ordinance 19-O-07 prior to adoption, increasing the fine of the initial violation to $500 and each subsequent violation to $1,000.
3. Hold a public hearing and then amend Ordinance 19-O-07 prior to adoption, increasing the fines to alternative amounts.
4. Take no action at this time.

**Staff Recommendation:**

Option #1.

**Recommended Motion:**

_I move to adopt Ordinance 19-O-07, An Ordinance of the Mayor and Council of the City of College Park, amending Chapter 110 “Fees and Penalties” by amending Section 110-2 “Penalties,” Chapter 132, Litter and__
Graffiti, Article II, Littering Section 132-3, increasing the fine of the initial and each subsequent violation to $1,000.

**Attachments:**
1. Ordinance 19-O-07 as introduced
ORDINANCE
OF THE MAYOR AND COUNCIL OF THE CITY OF COLLEGE PARK,
AMENDING CHAPTER 132, “LITTER AND GRAFFITI”, BY REPEALING AND RE-
ENACTING ARTICLE II, “LITTERING”, §132-8, “VIOLATIONS AND PENALTIES”,
AND §132-9, “NOTICE OF VIOLATION; COST OF REMOVAL TO BECOME
LIEN”; AND CHAPTER 110, “FEES AND PENALTIES”, BY REPEALING AND RE-
ENACTING §110-2, “PENALTIES”, TO INCREASE THE PENALTY FOR FIRST
AND SUBSEQUENT VIOLATION OF §132-3, “LITTERING”, CLARIFYING THE
CONDITIONS UNDER WHICH LITTER MAY BE REMOVED FROM PUBLIC
PROPERTY AND UPDATING CODE REFERENCES

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

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

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

WHEREAS, the Mayor and Council determined that it is in the public interest to
amend Chapters 132 and 110, in conjunction with the revision of the City’s waste and
recycling collection provisions, to increase the penalties for illegal dumping, to clarify the
conditions for City abatement of litter on public property and to update code references.
Section 1. NOW THEREFORE, BE IT ORDAINED AND ENACTED, by the Mayor and Council of the City of College Park that Chapter 110 “Fees and Penalties”, §110-2, “Penalties” be and is hereby repealed and reenacted with amendments to read as follows:

§110-2 Penalties.

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

<table>
<thead>
<tr>
<th>Chapter/Section</th>
<th>Violation</th>
<th>Penalty</th>
</tr>
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<tbody>
<tr>
<td>Ch. 132 Litter and Graffiti Article II Littering §132-3</td>
<td>Initial violation</td>
<td>[§50] $1,000</td>
</tr>
<tr>
<td></td>
<td>Subsequent violation</td>
<td>[§100] $1,000</td>
</tr>
<tr>
<td></td>
<td>Violation of remainder of Article II</td>
<td>$100</td>
</tr>
<tr>
<td></td>
<td>Initial violation</td>
<td>$200</td>
</tr>
<tr>
<td></td>
<td>Subsequent violations</td>
<td>$200</td>
</tr>
<tr>
<td></td>
<td>In 12 months</td>
<td>$200</td>
</tr>
</tbody>
</table>

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

§132-8 Violations and penalties.

A. * * * *
B. Any person receiving the notice who fails to abate the violation as required in Subsection A shall be issued a municipal infraction citation under the provisions of [Article 23A, § 3(b)(2)] §6-102 of the LOCAL GOVERNMENT ARTICLE, Annotated Code of Maryland, subject to a fine as set forth in Chapter 110, Fees and Penalties, provided that
Subsection C of this section does not apply. Subsequent violations of § 132-4, 132-5 or 132-6 within the twelve-month period following the issuance of the first municipal infraction shall be subject to a fine as set forth in Chapter 110, Fees and Penalties. A citation may issue immediately for any repeat violation during the period. No additional notice of violation is required prior to issuance of the municipal infraction.

C. Any person affected by any notice or order which has been issued in connection with the enforcement of § 132-4, § 132-5 or § 132-6 of this article, EXCEPT A NOTICE OF VIOLATION FOR DEPOSITING OR ALLOWING LITTER TO ACCUMULATE OR COLLECT IN ANY GUTTER, STREET OR ON OTHER PUBLIC PROPERTY OR PLACE, may request and shall be granted a hearing on the matter by the Advisory Planning Commission, provided that such person shall, within 10 days after service of a notice or order, file in the office of the Public Services Department a signed written notice of appeal requesting a hearing and setting forth a brief statement of the reasons therefor. Upon receipt of such notice of appeal, the Public Services Department shall forthwith notify the Commission and the Commission shall set a time and place for such hearing and shall give the person appealing and the Code Enforcement Officer involved notice thereof. The Commission shall determine such appeals as promptly as practicable.

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

E. In accordance with [Article 27, § 468.] §10-110 of the CRIMINAL LAW ARTICLE, Annotated Code of Maryland, any person violating the provisions of this article may, in addition to the penalties provided for in the previous subsections of this section, be subject, in the discretion of a court of competent jurisdiction, to perform certain litter-gathering labor in the City under the supervision of the court.

F. – G. * * * *

Section 3. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that Chapter 132 “Litter and Graffiti”, Article II, “Litter”, §132-9, “Notice of violation; cost of removal to become lien”, be and it is hereby repealed, reenacted and amended to read as follows:

§ 132-9 Notice of violation; cost of removal to become lien.

A. A violation of § 132-4, 132-5 or 132-6 shall constitute a public nuisance. In the event that § 132-4, 132-5 or 132-6 has been violated and not corrected within 24 hours of the notice required in § 132-8, in addition to any other remedy allowed by law, the City may take
action to abate the violation. EXCEPT FOR ABATEMENTS OF LITTER DEPOSITED, ACCUMULATED OR COLLECTED IN ANY GUTTER, STREET OR ON OTHER PUBLIC PROPERTY OR PLACE, [¶] Prior to taking abatement action, the City shall provide the owner with at least 10 days' notice of its intention to enter onto the subject property to remove, dispose of, or eliminate the violation. Unless notified otherwise, the City will assume that the owner(s) is that person or entity listed by the Maryland State Department of Assessments and Taxation as the legal owner of the subject property. Such notice shall be served personally upon the owner or designated agent or by certified United States mail, addressed to the owner at the last known address as shown on the State Department of Assessments and Taxation real property tax records. Service by certified mail shall be deemed given upon proper mailing. The notice shall also be posted on the property.

B. In the event that the owner does not remove, dispose of, or eliminate the violation [within the ten-day period,] AS REQUIRED, the City is authorized to enter onto the property to abate the nuisance. The cost of such abatement shall be paid by the owner.

C. * * * *

D. In cases where the Public Services Director has determined that extreme danger exists or extreme unsanitary conditions exist to person or property, the warning notice shall be dispensed with, and the Public Services Director shall take whatever action [he/she deems as] IS DEEMED appropriate.

Section 4. 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 26th day of March, 2019, shall follow the publication by at least seven (7) days, may be held separately or in connection with a regular or special Council meeting and may be adjourned from time to time. All persons interested shall have an opportunity to be heard.

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

INTRODUCED by the Mayor and Council of the City of College Park, Maryland at a regular meeting on the 12th day of March 2019.

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

EFFECTIVE the ______ day of ______________________, 2019.
ATTEST:

CITY OF COLLEGE PARK

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

By: ______________________________
    Patrick L. Wojahn, Mayor

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

______________________________
Suellen M. Ferguson, City Attorney
Notice of Public Hearing for Ordinance 19-O-07, Introduced on March 12, 2019:

- Posted to City Bulletin Board on March 15, 2019
- Posted to City Website on March 14, 2019
- Posted on Cable Television Channel on March 15, 2019
- Sent to Constant Contact LISTSERV on March 15, 2019

ATTEST:

Janeen S. Miller, City Clerk
NOTICE OF PUBLIC HEARING
ORDINANCE 19-O-07
March 26, 2019
7:30 P.M.

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


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.
PUBLIC HEARING 19-O-08

Amending Chapter 172 Article II Wireless Telecommunications Facilities In Public Rights-Of-Way
<table>
<thead>
<tr>
<th>Prepared By:</th>
<th>Suellen M. Ferguson, City Attorney</th>
</tr>
</thead>
<tbody>
<tr>
<td>Presented By:</td>
<td>Suellen M. Ferguson, City Attorney</td>
</tr>
<tr>
<td>Meeting Date:</td>
<td>March 26, 2019</td>
</tr>
<tr>
<td>Consent Agenda:</td>
<td>No</td>
</tr>
<tr>
<td>Originating Department:</td>
<td>Public Works Department</td>
</tr>
<tr>
<td>Action Requested:</td>
<td>Public Hearing and Adoption of Ordinance 19-O-08, An Ordinance Of The Mayor And Council Of The City Of College Park To Amend Chapter 172, &quot;Streets And Sidewalks&quot; And Chapter 110, &quot;Fees and Penalties: To Regulate Deployment And Installation Of Wireless Facilities And Support Structures In The City Rights-Of-Way</td>
</tr>
<tr>
<td>Strategic Plan Goal:</td>
<td>Goal 4: Quality Infrastructure</td>
</tr>
<tr>
<td>Background/Justification:</td>
<td>In January, the Mayor and Council approved Ordinance 18-O-10, which adopted Chapter 172, Streets, Sidewalks and Rights-of-Way, Article II, &quot;Wireless Telecommunications Facilities In Public Rights-Of-Way&quot;. Based on further understanding of the placement of small wireless facilities in the rights-of-way as regulated by the FCC, and the operational challenges that accompany this, several amendments to the Article are recommended. Specifically, the amendment: 1. Adds a definition 2. Allows the City to hold a public hearing with respect to the proposed installation of wireless facilities 3. Sets additional standards for installation 4. Sets standards for identification and maintenance 5. Prevents spooling or coiling of cables on poles 6. Requires additional information to be submitted as part of the application 7. Sets a consideration deadline for applications not set by federal law 8. Adds a fee provision</td>
</tr>
<tr>
<td>Fiscal Impact:</td>
<td>No fiscal impact</td>
</tr>
<tr>
<td>Council Options:</td>
<td>1. Hold the Public Hearing and then Adopt the ordinance 2. Hold the Public Hearing, Amend, and then Adopt the ordinance 3. Do nothing</td>
</tr>
<tr>
<td>Staff Recommendation:</td>
<td>Option #1</td>
</tr>
<tr>
<td>Recommended Motion:</td>
<td>I move to adopt Ordinance 19-O-08, an Ordinance Of The Mayor And Council Of The City Of College Park To Amend Chapter 172, &quot;Streets And Sidewalks&quot; And Chapter 110, &quot;Fees and Penalties: To add a definition allows the City to hold a public hearing with respect to the proposed installation of wireless facilities set additional standards for installation set standards for identification and maintenance, prevent spooling or coiling of cables on poles, require additional information to be submitted as part of the application, set a consideration deadline for applications not otherwise set by federal law and add a fee provision.</td>
</tr>
</tbody>
</table>
Attachments:
1. Ordinance 19-O-08 as introduced
ORDINANCE

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

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

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

WHEREAS, the Mayor and Council have adopted Chapter 172, “Streets and
Sidewalks” Article II, “Wireless Telecommunications Facilities in Public Rights-of-
Way” to regulate placement of small wireless telecommunications facilities in City rights
of way; and
WHEREAS, the Mayor and Council determined that it is in the public interest to revise Chapter 172, “Streets and Sidewalks” Article II, “Wireless Telecommunications Facilities in Public Rights-of-Way” that is consistent with federal and state law.

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

§172-7 SCOPE.

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

(1) Collocation of a small wireless facility;

(2) Attachment of a small wireless facility to a pole owned by an authority;

(3) Installation of a pole;

(4) Modification of a small wireless facility or a pole;

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

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

D. Public use.

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

§172-8 Definitions.

Terms used in this article shall have the following meanings:

A. – T.

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

Section 3. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park Maryland that Chapter 172 “Streets and Sidewalks”,
Article II, §172-9, “General Standards for Wireless Telecommunications Facilities in the Rights-of-Way” be and it is hereby repealed, re-enacted and amended to read as follows:

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

A. - B. * * * *

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

§ 172-10 APPLICATION SUBMISSION REQUIREMENTS AND FINAL INSPECTION.

A. * * * *

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

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

(3) – (6) * * * *

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

(a) Payment of any required fees.

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

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

(9) PUBLIC HEARING. THE CITY MAY ELECT TO PROVIDE PUBLIC NOTICE OF AN APPLICATION AND HOLD A PUBLIC HEARING PRIOR TO THE APPROVAL OF AN APPLICATION. IF THE CITY ELECTS TO HOLD A PUBLIC HEARING ON AN APPLICATION, THE APPLICANT SHALL BE REPRESENTED AT THE PUBLIC HEARING AND BE AVAILABLE TO ANSWER INQUIRIES ABOUT THE APPLICATION.

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

(11) *

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

(13) – (14) * * * *

Section 5.

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

§110-1 Fees and interests.

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

<table>
<thead>
<tr>
<th>Chapter/Section</th>
<th>Description</th>
<th>Fee/Interest</th>
</tr>
</thead>
<tbody>
<tr>
<td>172-10(C)</td>
<td>APPLICATION FEE</td>
<td>$500 for up to five small wireless facilities, with an additional $100 for each small wireless facility over five, or $1,000 for non-recurring fees for a new pole, not a collocation intended to</td>
</tr>
</tbody>
</table>
support one or more small wireless facilities, ACTUAL COST TO REVIEW APPLICATIONS, IF IN EXCESS OF SET FEES.

Access fee - $270 per small wireless facility per year

* * *

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

The public hearing, hereby set for 7:30 P.M. on the 26th day of March, 2019, shall follow the publication by at least seven (7) days, may be held separately or in connection with a regular or special Council meeting and may be adjourned from time to time. All persons interested shall have an opportunity to be heard.

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

**INTRODUCED** by the Mayor and Council of the City of College Park, Maryland at a regular meeting on the 12th day of March 2019.

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

**EFFECTIVE** the ______ day of ___________________, 2019.

**ATTEST:**

CITY OF COLLEGE PARK

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

By: ____________________________
Patrick L. Wojahn, Mayor

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

Suellen M. Ferguson, City Attorney
Notice of Public Hearing for Ordinance 19-O-08, Introduced on March 12, 2019:

- Posted to City Bulletin Board on March 15, 2019
- Posted to City Website on March 14, 2019
- Posted on Cable Television Channel on March 15, 2019
- Sent to Constant Contact LISTSERV on March 15, 2019

ATTEST:

Janeen S. Miller, City Clerk
NOTICE OF PUBLIC HEARING
ORDINANCE 19-O-08
March 26, 2019
7:30 P.M.

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


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.
19-G-49

Award of contract for the purchase of 21 Passenger Bus
<table>
<thead>
<tr>
<th><strong>Prepared By:</strong></th>
<th>Robert L. Marsili, Jr., Public Works Director</th>
<th><strong>Meeting Date:</strong></th>
<th>March 26, 2019</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Presented By:</strong></td>
<td>Robert L. Marsili, Jr., Public Works Director</td>
<td><strong>Consent Agenda:</strong></td>
<td>Yes</td>
</tr>
</tbody>
</table>

**Originating Department:** Department of Public Works

**Action Requested:** Award a contract for the purchase and replacement of one (1) 2003 21-passenger bus utilized by the Youth and Family Services.

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

**Background/Justification:**
The CIP Account Number 925061, Vehicle Replacement Program, has funds to purchase both new and replacement vehicles and equipment. By utilizing a State of Maryland Contract (#001IT820813) Vehicle #122, a 2003 Ford E-450 21-passenger bus is scheduled for replacement in FY19. Bus #122 currently has 114,699 miles travelled, been in service for 16 years and has extensive maintenance issues occurring with the body and chassis portion of the bus. The expected useful life of the bus is approximately 10 years. The bus is the largest bus in the fleet and is utilized most frequently by the Department of Youth, Family and Seniors Services for a variety of transportation needs, including seniors transportation and transporting Lakeland STARs students to the UMD campus an average of 11 times a semester. This bus does require a CDL license.

The Vehicle Replacement Program, CIP #925061, includes funding for the purchase of a new bus to replace the older vehicle.

State of Maryland awarded a competitively bid Vehicle & Equipment Acquisition Contract #001IT820813 to American Bus Sales& Service for the purchase of various types of bus vehicles.

The replacement vehicle is:

- 1- 2019 E450 Ford 176-6.2 V8-gas engine 14,000GVWR 21 passenger bus
- 1- 2019 Aerotech 240(Ford) Base Pads #686 Newport Ash Gray Vinyl

Total $73,910.00

Options: Addition for rear luggage compartment w/shelving/double doors, driver’s overhead storage, back-up camera, TranSign roller curtain destination sign, upgraded 75KBTU AC system.

The Director of Public Works, as the Fleet Administrator, requests purchase one (1) vehicle to replace vehicle #122 2003 E450 Ford Bus which will be removed from service and sold. The bus will be assigned to Youth & Family Services and parked daily at DPW.

**Fiscal Impact:**
The cost to purchase one (1) vehicle is:

<table>
<thead>
<tr>
<th>Description</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>2019 E450 Ford, 176-6.2 V8-gas engine 14,000 GVWR</td>
<td>$73,910.00</td>
</tr>
<tr>
<td>Aerotech 240(240)</td>
<td></td>
</tr>
</tbody>
</table>

Total $73,910.00

Funding for the purchase of the replacement bus is included in the Vehicle Replacement Program in the CIP #925061
<table>
<thead>
<tr>
<th><strong>Council Options:</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>#1: Award a contract to American Bus Sales &amp; Service (State of Maryland Contract (#001IT820813) in the amount of $73,910.00 to purchase one (1) 2019 E450Ford 176-6.2 V8 21 passenger bus to replace one (1) 2003 E450 Ford, 21 passenger bus at end of useful life.</td>
</tr>
<tr>
<td>#2: Elect not to award a contract for necessary replacement vehicle, which will create transportation delays for seniors and the Youth and Family Services operations due to the need for extensive maintenance work on old bus.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Staff Recommendation:</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Option #1</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Recommended Motion:</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><em>I move to award a contract in the amount of $73,910.00 to American Bus Sales &amp; Service (Contract #001IT820813) for the purchase of one (1) 2019 E450 Ford 21 Passenger Bus package to replace vehicle as planned. Funding is available in the Vehicle Replacement Program in CIP #925061.</em></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Attachments:</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Specifications/quote for 2019 E450 Ford 176-6.2-Gas Engine 14,000 GVWR cab chassis</td>
</tr>
<tr>
<td>Picture of 2019 Aerotech 240 fiberglass bus body</td>
</tr>
</tbody>
</table>
March 7, 2019

Harry Sowers – Fleet Services Supervisor  
City of College Park  
Department of Public Works  
9217 51st Avenue  
College Park, Maryland  20740

21 Passenger Bus Purchase for City of College Park

IFB 001IT820813/MDDGS31037554 for the Maryland Department of Health  

Deletions for City of College Park:
Deletion for raised floor feature  
Deletion for 4 sets of wheelchair tie-downs ($480.00 ea x 4)  
Deletion for Braun Century model wheelchair lift  

Additions/Upgrades for City of College Park:
Addition for rear luggage compartment w/shelving/double doors $ carpet material  
Upgraded non-slip floor vs. standard rubber flooring  
Driver’s overhead storage  
Addition for front end tire alignment/6” valve extensions/fuel sending unit access  
Upgrade to rear Help bumper w/step vs. Std. steel bumper  
Upgrade to 36” electric entrance door vs. 30” manual entrance door  
Upgrade to 75KBTU A/C vs 60KBTU  
Upgraded batteries (GRP31) mounted in a battery tray w/ battery disconnect  
Upgrade to heated/remote controlled driver’s mirrors  
Addition for AM/FM/CD/PA radio with 5 interior speakers  
Addition for 7” color back-up camera  
Addition for Exterior Roof Emergency Escape Hatch  
Addition for Driver’s Tinted Plexiglas Barrier  
Upgraded Seating Options  
Level 4 upholstery vs level 1/vertical stitching feature/ grab handles/armrest  
Under seat retractable passenger seat belts  
Floor plan change from 14 passenger to 21 passenger  
TranSign roller curtain destination sign (maximum 25 destinations)  

Deletions for City of College Park:  
Additions/Upgrades for City of College Park:

Total purchase price for City of College Park  

$59,401.00  
($531.00)  
($1,920.00)  
($3,058.00)  
2,548.00  
886.00  
269.00  
186.00  
1,667.00  
962.00  
684.00  
935.00  
696.00  
591.00  
998.00  
336.00  
190.00  
4,610.00  
4,460.00  
73,910.00
02/21/2019

CITY OF COLLEGE PARK

24FAK  2019 AEROTECH 240 (FORD)
   Base Pads: #686 Newport Ash Gray Vinyl
KFIH90B  2019 E450 FORD 176-6.2 V8-GAS ENGINE 14000GVWR TILT/CRUISE
1100000J  DELIVERY DATE REQUIRED
1220000P  CUSTOM OVERALL ELECTRICAL WIRING SCHEMATIC,
1400PSEG  CHASSIS OEM POWER BASE/DRIVER SEAT E-FORD
1990000N  CHASSIS FEE, E-SERIES OLATHE
2128000M  FRONT END TIRE ALIGNMENT
2129000V  TIRE VALVE EXTENSIONS, 6"
213418GJ  FRAME STRETCH, 18" FORD - 6.8 E450 ONLY- (158" TO 176"
2236050A  EXHAUST, STREETSIDE 90° FORD W/MORRYDE FUEL SENDER
2238500J  FUEL SENDER ACCESS PLATE FORD
2305001J  FAST IDLE, FORD GAS INPOWER
2424702E  BUMPER, REAR HELP ROMEO W/FOLD STEP
2650000V  STAINLESS STEEL SCREWS, EXTERIOR
3036E00Y  DOOR, ENTRY 36 ELECTRICALLY OPERATED STAINLESS
3601T00H  WINDOW PACKAGE, 41 X 29 HEHR-1900 TOP-T-SLIDE
4124127P  A/C, ACT 13S HD 75KBTU INWALL 6.2L E-FORD
4415001P  HEATER, 45K BTU LOW PROFILE 5/8"
4535200H  BATTERY TRAY, M/R PASSENGER SIDE
4545300P  BATTERY DISCONNECT, INPOWER BATTERY TRAY SWITCH
4560011P  PD & BATTERY (2) G31 IN SLIDE TRAY
4570000H  MANUAL RESET CIRCUIT BREAKERS (FUSES)
4610100F  NIDACORE STRUCTURE UPGRADED INSULATION PACKAGE
490120EP  ELECTRICAL SYSTEM EP4
5117000H  CARGO DOOR, DOUBLE OUTWARD OPENING FOR LUGGAGE
5220010E  LUGGAGE OPTION, SHELF ACROSS W/SUPPORTS
5565001H  DRIVER CABLINER, W/STORAGE, TOP HINGE
6202000Y  21 SEATBELT, FREEDMAN UNDER SEAT RETRACTABLE
6263000M  10 SEAT, MID-BACK DOUBLE FREEDMAN
6268000M  SEAT, MID-BACK SINGLE FREEDMAN
6604000J  21 SEAT COVER, LEVEL 4
6700000M  8 SEAT ARMREST, U.S.ARM
6724000M  16 SEAT, AV GRAB HANDLE- PADDED
6734000N  FLOOR, 3/4" MARINE PLYWOOD
6900000Y  21 VERTICAL STITCHING OPTION
7100000N  HANDRAIL, RIGHT HAND ENTRY ASSIST
7105000M  HANDRAIL, OVERHEAD
   MOUNT ON STREET SIDE OF THE BUS
7107000E  GRAB HANDLE, DRIVER EXTERIOR FORD
7110000P  REVERSE ALARM (102 DB)
7116ER0Y  HATCH, TRANSPEC LP EXTERIOR RELEASE
7128F0VJ  MIRROR, VELVAC HEAT-REMOTE CONTROLLED FORD
7132100C  MIRROR, 6 X 16 INTERIOR REAR FULL VIEW
This quote is valid for 30 days from quoted date. All chassis and body Model Year price increases will be reflected on the final order.
The Flagship of the ElDorado “Aero” product line, the AeroTech has an undisputed reputation for dependability and long lasting service. The AeroTech’s rustproof composite fiberglass body produces a clean, modern look that holds up through time and the toughest of environments. The AeroTech has proven to have the lowest operating costs and highest resale value in the industry.

**Legendary Reliability.**

- The AeroTech composite body is more resistant to rust and corrosion than a traditional steel cage bus.
- Steel-reinforced composite body absorbs significant shock, minimizes damage, and improves safety in the event of an accident and has a lower cost of repair because damage is localized, eliminating shock throughout the structure.
- A multitude of floorplans, safety and accessibility options make the AeroTech a favorite for all users.
- From modular wiring systems, and easy-to-clean finishes to antimicrobial fabrics, we strive to find every possible way to ease your maintenance workload.
- ElDorado’s ISO9000 quality program ensures 300 components are cycle and function tested before we ship your bus.
- Exceeds FMVSS220, FMVSS214, and 7 year/200,000 mile Altoona durability requirements and more

*Varies based on your state and the options selected. *Photo shown with optional equipment.
19-G-50

Award of contract for on-call engineering services
AGENDA ITEM: 19-G-50

Prepared By: Terry Schum, Planning Director
Meeting Date: March 26, 2019
Presented By: Terry Schum
Consent Agenda: Yes

Originating Department: Planning, Community and Economic Development

Action Requested: Approval of an on-call contract for engineering services to Rummel, Klepper & Kahl, LLP

Strategic Plan Goal: Goal #4: Quality Infrastructure

Background/Justification:
The City has several planned and proposed projects that require the services of a qualified engineering firm and using an on-call contractor is an efficient and effective method of procurement that can significantly reduce the delivery time of projects. Per City Code, whenever a federal, state, county or local government whose purchasing policies are comparable to those of the City has conducted a bid and awarded a contract, the City may adopt the pricing of that contract without the need to go out to bid, subject, where required, to the approval of the Mayor and Council.

Montgomery County conducted a bid and awarded a contract to Rummel, Klepper & Kahl (RK&K) for engineering services that have the scope required by the City for the expected new projects. Hourly and billable rates currently in effect under the Montgomery County contract are attached. Staff proposes to enter into a contract with RK&K using the same hourly and billable rates. The term of the contract would be one year with two additional one-year options. If the specific project amount exceeds $30,000, it will still be brought to Mayor and Council for approval.

Fiscal Impact:
This is an indefinite quantities contract that will not incur costs until such time as a project or specific service is assigned by the City. Funding for these services must be provided in an approved budget or grant agreement before a purchase order can be executed.

Council Options:
1. Approve the on-call contract award to RK&K in substantially the form attached.
2. Approve the on-call contract award with modifications.
3. Do not approve an on-call contract at this time.

Staff Recommendation:
# 1

Recommended Motion:
I move to approve an on-call contract for engineering services to Rummel, Klepper & Kahl LLP using the hourly and billable rates from Montgomery County, Maryland Contract Number 1011773, in substantially the form attached.

Attachments:
1. Hourly wage rates and billing rates from Montgomery County contract.
2. Contract
## LABOR AND EXPENSE UNIT COST EVALUATION TABLE

<table>
<thead>
<tr>
<th>Labor Category</th>
<th>Hourly Rate</th>
<th>*Billable Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Principal/Partner in Charge</td>
<td>$110.82 HR</td>
<td>$306.97 HR</td>
</tr>
<tr>
<td>Principal/Partners</td>
<td>$110.82 HR</td>
<td>$306.97 HR</td>
</tr>
<tr>
<td>Senior Managers</td>
<td>$83.11 HR</td>
<td>$230.22 HR</td>
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<tr>
<td>00+years</td>
<td></td>
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<tr>
<td>Project Senior Manager</td>
<td>$73.14 HR</td>
<td>$202.60 HR</td>
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<tr>
<td>Project Managers</td>
<td>$68.27 HR</td>
<td>$189.10 HR</td>
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<tr>
<td>00+years</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Transportation/Highway Engineers</td>
<td>$52.36 HR</td>
<td>$145.05 HR</td>
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<tr>
<td>00+years</td>
<td></td>
<td></td>
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<tr>
<td>Structural/Bridge Design Engineers</td>
<td>$49.03 HR</td>
<td>$135.81 HR</td>
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<tr>
<td>Hydrologic/Hydraulic Engineers</td>
<td>$52.72 HR</td>
<td>$146.03 HR</td>
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<tr>
<td>Transportation Planners</td>
<td>$44.65 HR</td>
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<td>Project Engineer</td>
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<td>Senior Engineer</td>
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<td>Geologist</td>
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<td>Geotechnical Engineer</td>
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<td>Construction Inspectors</td>
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<td>Environmental Engineers</td>
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<td>Environmental Scientist</td>
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<td>Wetland Biologist</td>
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<tr>
<td>Hydraulics Engineer</td>
<td>$44.25 HR</td>
<td>$122.58 HR</td>
</tr>
<tr>
<td>Civil Designer</td>
<td>$35.50 HR</td>
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<td>Instrument Person</td>
<td>$20.33 HR</td>
<td>$56.33 HR</td>
</tr>
<tr>
<td>Sr. Landscape Architect</td>
<td>$50.04 HR</td>
<td>$138.61 HR</td>
</tr>
<tr>
<td>Landscape Architect</td>
<td>$46.39 HR</td>
<td>$128.51 HR</td>
</tr>
<tr>
<td>Licensed Surveyor</td>
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</tr>
<tr>
<td>Web Designer</td>
<td>$41.56 HR</td>
<td>$115.13 HR</td>
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<tr>
<td>Planner/Scientist/Engineer</td>
<td>$39.54 HR</td>
<td>$109.52 HR</td>
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</table>
**LABOR AND EXPENSE UNIT COST EVALUATION TABLE**

<table>
<thead>
<tr>
<th>Labor Category</th>
<th>Hourly Rate</th>
<th>*Billable Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Design-Build Specialist</td>
<td>$68.27 HR</td>
<td>$189.10 HR</td>
</tr>
<tr>
<td>Computer Programmer</td>
<td>$54.17 HR</td>
<td>$150.06 HR</td>
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<tr>
<td>GIS Specialist</td>
<td>$36.15 HR</td>
<td>$100.14 HR</td>
</tr>
<tr>
<td>Right-of-Way Specialist</td>
<td>$46.26 HR</td>
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<tr>
<td>Relocation Specialist</td>
<td>$40.99 HR</td>
<td>$113.55 HR</td>
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<tr>
<td>Archaeologist</td>
<td>$39.81 HR</td>
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<tr>
<td>Archaeologist Field Technician</td>
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<tr>
<td>Architect</td>
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</tr>
<tr>
<td>Architectural Historian</td>
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<td>$122.04 HR</td>
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<tr>
<td>Noise Specialist</td>
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<tr>
<td>Construction Manager</td>
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<td>Document Control Manager</td>
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<tr>
<td>Traffic Counter</td>
<td>$17.48 HR</td>
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<tr>
<td>Draftsperson</td>
<td>$31.49 HR</td>
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<tr>
<td>CADD Operator</td>
<td>$29.69 HR</td>
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<tr>
<td>Senior CADD Operator</td>
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<td>GIS/Database Developer</td>
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<td>Sr. CADD Technician</td>
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<td>Party Chief</td>
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<td>Graphic Artist</td>
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<tr>
<td>Electrical Engineer</td>
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</tbody>
</table>

Additional items may be required for negotiations and cost and price, including audited statements (FAR, MDOT, ETC.), and certified payroll rosters.

*The billable rate must be all inclusive, including overhead, benefits, profits, etc. The billable rate is what will be charged to the County regardless of when the work is performed. Please include the breakdown of each billable rate.*

Billable Rate = Hourly Rate x (1 + Payroll Burden and Overhead (152.17%) x Profit (10%)) x Escalation (1.5%)

* Multiplier = \((1+1.5217) \times 1.1 \times 1.015\)

The County will only consider one rate for each labor category, regardless of whether the work is being performed by the prime or subcontractor. The County may request to see the subcontractor’s rates in determining fair and reasonable prices.
ENGINEERING CONSULTANT AGREEMENT

THIS ENGINEERING CONSULTANT’S AGREEMENT (the “Agreement”) is effective this _____ day of ____________, 2019, by and between the CITY OF COLLEGE PARK (the “City”), a municipal corporation of the State of Maryland, whose address is 6724 Baltimore Avenue, College Park, Maryland 20782 and RUMMEL, KLEPPER & KAHL, LLP, hereinafter referred to as “Consultant,” whose address 700 E Pratt Street, Baltimore MD 21202

WHEREAS, Consultant desires to provide engineering services on an as requested basis; and

WHEREAS, the City desires that Consultant provide such services; and

WHEREAS, Consultant, as part of a full competitive bid process under RFP 1011771 that is consistent with that adopted by the City, has entered into a Contract for Engineering Services for Transportation Facilities Basic Ordering Agreement with Montgomery County, Maryland (“County”) for various engineering services, designated by category; and

WHEREAS, the Consultant has agreed to extend the pricing structure for civil and site engineering of the County contract for engineering services to the City; and

WHEREAS, the engineering services available under the County Contract are responsive to the needs of the City.

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

1. **Appointment.** The City hereby engages Consultant, as an independent professional contractor and not as an agent or employee of the City, to provide engineering consulting services as
requested by the City and Consultant hereby accepts such work, subject to the terms and provisions of this Agreement.

2. **Scope of Services.** Pursuant to the Agreement, the Consultant agrees to furnish all the material and perform all of the work in compliance with the requirements and standards contained in the Contract Documents, as defined herein. All work shall be performed in accordance with the standards in the industry. Consultant services included as part of this Agreement will include, upon request of the City, provision of services with respect to civil and site engineering. All services shall be described in a per task scope of work approved by the City describing the services and a not to exceed cost therefor based on hourly rates stated in this Agreement.

3. **Term.** The term of this Agreement is one year from the effective date, with two additional, consecutive option years if approved by the City. All work shall be performed at the request of the City. It is understood by the parties hereto that time is of the essence in the completion of the approved services under this Agreement.

4. **Contract Price.** The City agrees to pay the Consultant, as consideration for the Consultant’s satisfactory performance of specific tasks approved by the City, based on the hourly rates contained in the Labor and Expense Unit Cost Evaluation Table for the Contract for Engineering Services for Transportation Facilities Basic Ordering Agreement, County RFP 1011771, as is more particularly shown in attached Exhibit A, which is incorporated herein by reference. Any increase in price after the first year of the term shall be negotiated by the parties. The not to exceed contract price for each project or task shall be included in a City approved per task scope of work. The parties recognize that a specific project may require the Consultant to retain sub-contractor services. Fees for sub-contractor services must be pre-approved by the City.
All out of pocket expenses by the Consultant, such as postage, reproduction, diagrams, photographs, blueprinting, courier service, etc. are included in the hourly billable rate. The City shall pay the Consultant for approved tasks on a monthly basis subject to receipt and approval of an invoice by the City’s Finance Officer. All services related to this Agreement will be provided by the Consultant on an as-requested basis as directed by the City in writing. Such services shall be billed to the City at hourly rates referenced herein.

5. **Contract Documents.** This Agreement and the following enumerated documents, which are incorporated by reference as if fully set forth herein, form the Agreement and are termed the Contract Documents:

   - Exhibit A – Labor and Expense Unit Cost Evaluation Table for the Contract for Engineering Services for Transportation Facilities Basic Ordering Agreement, County RFP 1011771
   - Required affidavits and certifications
   - Approved task scope of work and not to exceed cost
   - Certificate(s) of Insurance and additional insured endorsement

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

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

7. **Insurance.** Consultant will purchase and maintain during the entire term of this Agreement, professional errors and omissions insurance, automobile and workers’ compensation insurance, if applicable, with limits of not less than those set forth below. On each policy, with the exception of Workers Compensation, Consultant will name the City of College Park as an additional insured and will provide an additional insured endorsement for all coverages except workers compensation and professional errors and omissions.

A. **Comprehensive General Liability Insurance**

(1) Personal injury liability insurance with a limit of $2,000,000 each occurrence/aggregate;

(2) Property damage liability insurance with limits of $500,000.00 each occurrence/aggregate.

All insurance shall include completed operations and contractual liability coverage.

B. **Automobile Liability Coverage.** Automobile insurance for personal injury and property damage $1,000,000 each occurrence/ aggregate

C. **Workers’ Compensation Insurance.** Consultant shall comply with the requirements and benefits established by the State of Maryland for the provision
of Workers’ Compensation insurance, if applicable. The City will deduct a predetermined percentage of each payment to any Consultant who has failed to provide a Certificate of Insurance for Workers’ Compensation, in order to defray coverage costs of the City. This percentage is subject to change. The Consultant will be provided notification of any change. All Corporations are required to provide Workers’ Compensation Certificates of Insurance.

D. Professional errors and omissions. $2,000.000 each occurrence/aggregate.

Consultant covenants to maintain insurance, in these amounts, which will insure all activities undertaken by Consultant on behalf of the City under this Agreement. The City shall be provided with thirty days prior notice of changes that would reduce the coverage available. Copies of certificates of insurance and additional insured endorsements for all required coverage shall be furnished to the City prior to beginning work.

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

8. Indemnification. The Consultant shall indemnify and save harmless the City, its officers, employees and agents, from all suits, actions and damages or costs of every kind and description, including attorneys’ fees, arising directly or indirectly out of the performance of the Agreement, whether caused by the negligent or intentional act or omission on the part of the Consultant, its agents, servants, employees and subcontractors.
9. **Permits, Licenses, Applicable Laws.** Consultant will be responsible for obtaining any and all licenses pertaining to performance of work under the Agreement. All services and materials provided by Consultant shall conform to all applicable laws and regulations. Requirements for obtaining permits shall be determined in each task order.

10. **Materials and Standard of Work.** All work performed and material provided pursuant to this Agreement shall be in conformance with standards and specifications applicable in the industry.

11. **Subcontracting.** The Consultant may not subcontract any work approved under this Agreement without the consent of the City. If the Consultant wishes to subcontract any of the said work, it must provide subcontractor names, addresses, and telephone numbers and a description of the work to be done. The Consultant is not relieved of primary responsibility for full and complete performance of any work identified to the subcontractor. There shall be no contractual relationship between the City and the subcontractors.

12. **Accurate Information.** The Consultant certifies that all information provided in response to requests for information is true and correct. Any false or misleading information is grounds for the City to terminate this Agreement.

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

14. **No Assignment.** This Agreement shall not be assigned or transferred by Consultant, whether by operation of law or in any other manner, without prior consent in writing from the City. In the event of insolvency of either party, this Agreement shall terminate immediately at the election of the other party.
15. **Relief.** The Consultant recognizes the substantial and immediate harm that a breach or threatened breach of this Agreement will impose upon the City, and further recognizes that in such event monetary damages may be available to the City. Accordingly, in the event of a breach or threatened breach of this Agreement, Consultant consents to the City’s entitlement to seek *ex parte*, preliminary, interlocutory, temporary or permanent injunctive, or any other equitable relief, protecting and fully enforcing the City’s rights hereunder and preventing the Consultant from further breaching any of its obligations set forth herein. Nothing herein shall be construed as prohibiting the City from pursuing any other remedies available to the City at law or in equity for such breach or threatened breach, including the recovery of damages from Consultant.

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

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

18. **Notices.** All notices shall be sufficient if delivered in person or sent by certified mail to the parties at the following addresses:
To the City:
Scott Somers  
City Manager  
City of College Park  
4500 Knox Road  
College Park, MD  20740  
ssomers@collegeparkmd.gov

To the Consultant:
Richard J. Adams, Jr., PE  
Rummel, Klepper & Kahl  
700 E Pratt Street  
Baltimore MD 21202

19. **Attorneys’ Fees and Costs.** The prevailing party as determined by a court of competent jurisdiction shall be entitled to attorney’s fees and costs incurred in any actions or claims brought to enforce this Agreement, or for damages hereunder.

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

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

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

23. **Materials.**
A. Materials produced under or by reason of this Agreement shall be considered Official Products of Work owned by the City of College Park.

B. Materials independently developed and owned by the Consultant or by other authors and third parties, and which may be used by Consultant in the fulfillment of this Agreement, remain the property of their authors or owners. Subsequent use of such materials by the City shall require written permission of the Consultant or other author(s) thereof.

C. Information contained in records that may be given to the Consultant for review remain the property of the City and may not be duplicated or distributed or otherwise published without its express consent. Material provided to the Consultant for review shall be returned to the City upon completion of the task.

D. The Consultant understands that information and records provided to or made available about participants and clients or services during the performance of this Agreement are considered confidential and shall not be used for any purpose other than to perform the required services. Regardless of the data format, the Consultant agrees that it, and any of its employees and sub-contractors, shall not disclose or allow disclosure of any such data or derivatives of it to any third party without the written permission of the City. Any copies of such records made during performance of this Agreement shall be returned to the City upon the expiration of the Agreement.

24. **Counterparts.** The parties may execute this Agreement in counterparts, which each such document shall, in the aggregate and when signed by both parties, constitute one and the same instrument; and, thereafter, each counterpart shall be deemed an original instrument as against any party who has signed it. This Agreement shall not be valid or enforceable unless and until duly executed by a duly authorized officer of each party.
25. **Interpretation.** Any questions concerning conditions and specifications shall be directed in writing to the Project Manager. No interpretation shall be considered binding unless provided in writing to Contractor by the Project Manager. By execution of this Agreement, the Contractor certifies that it understands the terms and specifications as set forth in the Contract Documents.

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

27. **Non-Discrimination.**

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

   B. The Contractor certifies that it does not discriminate on the basis of race, religion, sex, age, ethnicity, ancestry or national origin, physical or mental disability, color, marital status, sexual orientation, gender identity, genetic information, political affiliation or any other factors not related to the ability to perform the work. Contractor shall post its non-discrimination policy in conspicuous places.
C. Discrimination based on race, religion, sex, age, ethnicity, ancestry or national origin, physical or mental disability, color, marital status, sexual orientation, gender identity, genetic information, political affiliation or any other factors shall constitute a material breach of this Contract.

28. **Equal Benefits.**

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

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

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

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

ATTEST: 

CITY OF COLLEGE PARK

_____________________________   By: ____________________________
Janeen S. Miller, CMC, City Clerk         Scott Somers, City Manager

WITNESS:     

RUMMEL, KLEPPER AND KAHL, LLP

_____________________________ By: _________________________________
                                      Richard J. Adams, Jr., P.E.
Title: Director
APPROVED AS TO LEGAL SUFFICIENCY:

Suellen M. Ferguson
City Attorney
19-G-51
Approval of Minutes
MINUTES
Regular Meeting of the College Park City Council
Tuesday, February 26, 2019
Council Chambers
7:30 p.m. – 9:40 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; Janeen S. Miller, City Clerk; Suellen Ferguson, City Attorney; Gary Fields, Director of Finance; Peggy Higgins, Director of Youth, Family and Senior Services; Robert Marsili, Director of Public Works; Brenda Alexander, Assistant Director of Public Works; Alex Tobin, Student Liaison.

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

ANNOUNCEMENTS: Councilmember Dennis announced the Coffee Club tomorrow.

Councilmember Mitchell said this is the last week of “wear red for heart health” month.

CITY MANAGER’S REPORT: Mr. Somers reviewed highlights from the weekly bulletin: screened compost sale; summer youth camp scholarships; bus stop relocations at the College Park Metro due to Purple Line construction; and the Charter Review Commission Public Forum on Monday, March 11.

AMENDMENTS TO AND APPROVAL OF THE AGENDA: A motion was made by Councilmember Rigg and seconded by Councilmember Day to add item 19-G-40, “Naming of the Radichevich Garden,” to the agenda. The motion passed 8-0. The agenda was approved as amended (Mitchell/Day) 8-0.

PUBLIC COMMENT ON CONSENT AGENDA AND NON-AGENDA ITEMS:
Dave Dorsch, resident: Open up Rhode Island Avenue to connect to Campus Drive before Purple Line construction begins.

Councilmember Rigg suggested Mr. Dorsch contact the Calvert Hills and Old Town Civic Associations to get their opinions on this request.

Mary King, resident: Dismayed to see the introduction of the ordinance on bulk trash fees and doesn’t think it is ready. How is an item defined? Public education is needed.

Oscar Gregory, resident: Regarding the bulk trash ordinance – go after the few offenders, don’t punish the taxpayers.

Peter King, resident: Regarding the pilot program for compostable food waste – suggests having a pilot program in a certain neighborhood where compostable food waste is picked up. Should yield better data rather than a drop-off program where only the interested parties will participate.
James Garvin, resident:  Regarding two- v. four-year terms for elected officials – Disagrees with four-year terms, promised to be here more often to protest if the change is made, and made reference to fear and distrust.

PRESENTATIONS: Mayor Wojahn presented Ceremonial $2,500 Public School Education Grant Checks to Cherokee Lane Elementary School (accepted by Brian Galbraith, Principal) and University Park Elementary School (accepted by Toi Davis, Principal).

PUBLIC HEARINGS:

Ms. Miller said this ordinance removes the polling hours from the City Code and adds a reference to early voting.

Oscar Gregory, resident: There is no harm in leaving the polling hours in the Code. He objects to the verbiage “the designated polling place.”

Ms. Miller said the Council will approve the hours and locations of the poll for every election without having to introduce an ordinance to amend the City Code; instead, Council will make the designation by general motion. Mayor Wojahn suggested changing the word “the” to “a,” as in “a designated polling place.” Ms. Miller said the Board of Election Supervisors is still investigating the concept of “voting centers” where a qualified voter could vote at any City polling location, but that those details have not been worked out yet so it is not confirmed.

Dave Dorsch, resident: He asked for clarification about how voting centers would work. Mayor Wojahn said this is the direction we are going but that the Board of Election Supervisors is currently working on the logistics.

James Garvin, resident: Spoke about fear and distrust: the fear that residents will be disenfranchised and that our vote will be diluted.

There being no further public comment, Mayor Wojahn closed the public hearing.

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

19-G-36 Authorization for staff to initiate the process of a public sale of General Obligation (GO) bonds by the City to finance the new City Hall project and possibly other large capital projects. This does not create any obligation on the City’s part at this time, and the City Council will be required to formally approve a bond resolution in the future.
19-G-37  Authorization for the City Manager to sign a lease with the University of Maryland for approximately 4,200 square feet of office space at 8400 Baltimore Avenue for the relocation of City Hall staff during the demolition and construction of a new City Hall, subject to review and approval of the lease by the City Attorney.

19-G-38  Approval of Minutes from the January 22, 2019 Worksession, the January 29, 2019 Regular Meeting, the February 5, 2019 Worksession and the February 5, 2019 Special Session.

The motion carried 8-0.

**ACTION ITEMS:**


A motion was made by Councilmember Brennan and seconded by Councilmember Kennedy to adopt Ordinance 19-O-03, An Ordinance Of The Mayor And Council Of The City Of College Park, Amending Chapter 34, “Elections”, Article II, “Conduct Of Elections”, §34-5, “Polling Places; Hours Of Voting”, To Make Provision For Early Voting And To Change The Manner In Which Poll Hours Are Set, with the amendment to change “the designated polling place” to “a designated polling place” as previously discussed.

**Oscar Gregory, resident:** Approves of the change in wording.

There were no comments from the Council.

The motion carried 8-0.

Receptacles, And A Penalty For Violations, And To Consolidate Recycling Provisions Into Chapter 161 - Robert Marsili, Director of Public Works

Mr. Marsili provided an overview of the report prepared by the consultant, SCS Engineers, and the goals of the ordinance: to improve efficiency and management of the program, control our costs, help our workers stay safe, encourage alternative and sustainable reuse options, and control abuse of the current system. The proposal has been updated since the last Council Worksession; the updated proposal provides residents with up to four bulk trash collections per year for up to a total of 20 items per year at no cost to the resident. Woody collection increased from five units to 20 units per special collection, and will not count toward the bulky trash collection. He reviewed the PowerPoint presentation and other program guidelines. Additional clean-up days at Public Works for bulk trash drop off will be added. All collections must be scheduled and items identified in advance. If you are over your limit for the year, fees must be paid in advance. Certain types of set-outs will incur a fee, and requirement of the grappling truck will require a fee. Material improperly set-out won’t be collected.

Mr. Somers added that the proposed effective date of the ordinance would be January 1, 2020, to allow ample time for public education, and there would be a warning period when implemented. The goal is not to be punitive, it is to better manage our program. The data indicate this proposal will address 98% of our residents’ needs.

Mayor Wojahn noted the comments from members of the CBE.

Councilmember Rigg asked about the magnitude of the problem during move-outs in the Old Town neighborhood, and referenced examples of abuse of the current program.

Mr. Marsili said we are trying to curtail the abuse of the system and control our costs, and under the current program there is no mechanism to manage it – we pick up everything, and the rest of the taxpayers are paying for this service. Ms. Alexander added that during move-out season, there are piles of assorted debris for blocks on end, several feet deep into the yard. She showed pictures of examples. Frequently, staff has to work overtime to complete these pickups which increases the cost of the program to the taxpayer. This goes on for 2-3 consecutive weeks in certain neighborhoods. Sometimes we see the same appliances set out in front of a house several times per year, which indicates an abuse of the system. Every taxpayer ends up paying for that. He added that if we find something isn’t working well for our residents, we will tweak the program, but these recommendations should work for 98% of our residents.

Councilmember Brennan stressed that under the current system, the average resident is subsidizing the cost of for-profit rental businesses when these move-outs are collected without any fees. He added it is sound business practice to define what the services are that are provided at no cost. Anything that can go into the toter is not considered a bulk trash pick-up. He stressed the education piece of the program.

Councilmember Mitchell asked what will happen when materials are set out improperly? Mr. Marsili talked about leaving door hangers, knocking on doors, meeting with residents, working more closely with Code. He said most of the time the residents take care of the problem. She is interested in seeing a report of the pick-ups and fees after one year.
Mayor Wojahn asked for a provision where we can abate a violation after a certain amount of time has passed and send the property owner the bill, in those cases where the property owner does not comply within a certain period of time. Ms. Ferguson will add that in.

Council and staff discussed concerns about illegal dumping in general, and as a potential unintended consequence of this ordinance. Mr. Somers talked about additional signage and cameras in certain locations. Council is interested in input from the CBE and the property owners’ association.

Councilmember Kennedy asked about putting electronics in the trash toter, if a budget is needed for public education, and if a built-in fee escalator is needed.

Councilmember Kabir talked about the fear in the community about the proposed change, and asked if keeping track of the number of collections would create too much work for staff. He asked if there could be an exception for residents in certain circumstances, like flooding in the basement, and if it needed to be in the Code. Mr. Somers is leery of putting exceptions into the ordinance, but we will be able to use discretion.

Councilmember Kujawa wants to make sure this information is in the resident guide.

Councilmember Rigg asked if there is a reasonable interim step we can take prior to January 1 to address some of the egregious offenders. Councilmember Kennedy cautioned about the confusion that could cause.

A motion was made by Councilmember Brennan and seconded by Councilmember Kennedy to introduce Ordinance 19-O-05, To Amend Chapters 119, 161 and 110, to Change How Bulky Trash Is Collected, To Set Fees For Collection, Fees For refuse receptacles, a penalty for violations, and to consolidate recycling provisions into Chapter 161, and to set the Public Hearing for March 26, 2019.

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

Mr. Fields said this is a follow up to the January 8 discussion about the Cost of Fees study and reviewed the various cost recovery rates. Council’s direction that night was to increase four specific fees: impound redemption fee, reinstatement for garbage collection, immobilization fee for vehicles, microchip placement. Tonight would be an introduction of the draft ordinance and to set the Public Hearing for March 12.

Councilmember Rigg asked about the actual immobilization (boot) fee. Mr. Fields said the total is $800 including indirect costs. He said the $100 fee is consistent with other jurisdictions.

A motion was made by Councilmember Kennedy and seconded by Councilmember Rigg to introduce Ordinance 19-O-06 Amending Chapter 110 “Fees And Penalties”, By Repealing
And Reenacting §110-1 “Fees And Interests” To Increase Fees For Animal Impound Redemption, Microchip Placement, Refuse Reinstatement, And For Vehicle Immobilization Release, and to schedule the Public Hearing for March 12, 2019 in the Council Chambers for 7:30 p.m.

19-G-39 Appointments to Boards and Committees

A motion was made by Councilmember Dennis and seconded by Councilmember Mitchell to appoint Lupi Grady to the Complete Count Committee, Diane Ligon to the Board of Election Supervisors, Lisa Fischer to the Veterans Memorial Committee, Cameron Thurston and Oscar Gregory to the Committee for a Better Environment, and to reappoint Carolyn Bernache to the Education Advisory Committee and Alan Hew to the CBE. The motion passed 8-0.

19-G-40 Naming of a garden on Calvert Road after Alex Radichevich

A motion was made by Councilmember Rigg and seconded by Councilmember Day to name a portion of the median on Calvert Road after Calvert Hills resident Alex Radichevich who cared for the garden and recently passed away and to add a memorial marker or sign in his memory.

James Garvin, resident: Supports the motion.

Councilmember Day said he can’t think of another resident who has done as much as Mr. Radichevich to beautify the community and his passing is a great loss to the City. Naming the garden after him will help preserve his memory. Councilmember Rigg and Mayor Wojahn added their memories of Mr. Radichevich.

The motion passed 8-0.

COMMENTS:

Councilmember Kabir announced the Community Police meeting at MOMs Café.

Councilmember Brennan discussed the amount of litter he has seen recently while travelling in this area and between College Park and Baltimore. He has spoken with the City Manager and noted that state resources have been cut.

Councilmember Dennis said that the annual Martin Luther King Jr. Tribute is being broadcast on our cable channels and asked that the dates/times be advertised.

Councilmember Mitchell announced a presentation on the County Schools CIP hosted by County Council Member Glaros. She noted that March is Women’s History Month.

Mr. Tobin said tomorrow is the first meeting of the SGA legislature in a while and they will continue to promote student involvement in the City.
PUBLIC COMMENT:
James Garvin, resident: Thanked the Council for his appointment to the City’s Airport Authority. They have made progress in changing the operational rules at the College Park Airport to help keep it open and viable.

ADJOURN: A motion was made by Councilmember Rigg and seconded by Councilmember Brennan to adjourn the meeting, and with a vote of 8-0, Mayor Wojahn adjourned the meeting at 9:40 p.m.

Janeen S. Miller, CMC
City Clerk
Date
Approved
PRESENT: Mayor Wojahn; Councilmembers Kabir, Kennedy (arrived at 7:39 p.m.), Brennan, Dennis, Rigg, and Mitchell.

ABSENT: Councilmembers Day and Kujawa.

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; Terry Schum, Director of Planning; Ryan Chelton, Economic Development Coordinator; Alex Tobin, Student Liaison; Serena Saunders, Deputy Student Liaison.

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

CITY MANAGER’S REPORT: Mr. Somers announced Bike to Work Day, the Charter Review Commission Public Forum, discount compost at Public Works, and 1st Thirsty Thursday.

Councilmember Kabir said construction has started on Hollywood Gateway Park and asked about the schedule and neighborhood impact.

AMENDMENT TO/APPROVAL OF THE AGENDA: Add discussion of co-sponsoring a self-defense class (Kabir/Mitchell 5-0); approve agenda as amended (Rigg/Kabir) 5-0.

DISCUSSION ITEMS:
1 Presentation on the Youth and Family Services program: Miss Higgins announced her retirement in July. She reviewed the PowerPoint presentation on the Youth and Family Services program. Council is interested in seeing quantitative data. How do we compare with the other Maryland YSBs and their budgets? How many clients served are City residents? Clinical staff see approximately 50 families per week, and in 2018 saw a total of 120 families. 51% of people we serve are low-moderate income. College Park families get priority. Some wait as long as 9 months for an appointment. Fees for clinical services are on a sliding scale and are deeply discounted, per prior Council direction. We do not bill insurance.

2 Debrief of 2018 Farmers Markets and Discussion of 2019 Markets including Market Manager Contract – Ryan Chelton, Aaron Springer and Julie Beavers, Market Manager: Both the Hollywood and Downtown Markets did well last year. Downtown: The changes implemented last year helped the downtown market do better – they have a new organic farmer that sells out every week and have added more prepared food. Making the market more visible to US 1 has helped. Not sure what will happen to this market when City Hall is under construction. Hollywood has at least 10 vendors/week and has seen an increase in sales since MOMs reopened. The MOMs manager is happy to have the market there.
The markets will open the weekend of May 4. Julie Beavers has agreed to return as market manager for another year. Contract on consent next week.

3 Review of proposed changes to the noise ordinance resulting from December 4 Worksession discussion:

- Interest in a permit application process for special events that are likely to exceed noise limits. What would the approval process look like?
- If the UMD holds an event with loud noise that permeates into neighborhoods after 10 p.m. we should address it with them, as was done previously with Art Attack.
- Wailing Ordinance: County officers can enforce the County noise ordinance that has a provision about “disturbances” and can take action on “disorderly.” Staff previously raised a concern about how enforceable wailing legislation would be. Mr. Ryan and Ms. Ferguson will follow up with the County on whether they have legislation about “wailing.”
- Explore adding an “unruly behavior” category.
- Do a side-by-side comparison of our noise ordinance and Baltimore County’s.
- Ask the Noise Control Board to review and comment.
- Page 2/36 of staff report:
  - A: Definition of Day/Night on Saturday and Sunday: Add “Holidays”
  - D2: Remove “religious”
  - D3: Remove “religious or political”
- Should we have a permit requirement for political events? For protests at City Hall?
- What about modified mufflers? Police can stop and issue a repair order

Return future W/S with responses to above.

4 Discussion of possible consolidation of some National Night Out events in the future: It is hard to get people to volunteer and participate. Consensus is to support neighborhood events rather than a central event. Can we provide staff to help provide structure, best practices, resources, to keep neighborhood events going? City Manager’s budget will propose an events coordinator who might be able to take this on in 2020. Can the coordinators of the various neighborhood events meet and learn from one another?

5 Discussion and possible approval of a Memorandum of Understanding with State Highway Administration regarding pedestrian lights on US 1 between College Avenue and 193: We received updated information from SHA and revised pricing for 134 lights. SHA policy is that MOUs must be signed prior to bid opening. Actual cost won’t be known until after the bid opening on March 7. This is only for Phase 1 of the US 1 reconstruction project. Cost to the City can be carried over two fiscal years or be bonded. Possibility of some pay back to the City if/when certain parcels are redeveloped. See Special Session Item 19-G-41 for approval of MOU.

6 Discussion of legislation – SB 478/HB 1317, Property Tax-Vehicles Valued as Stock in Business-Alteration of Tax Credit: Mr. Gardiner reviewed legislation and staff report. If approved as proposed, the bill would reduce the business personal property taxes the City collects from automobile dealers. Mr. Gardiner believes there is an amendment to “allow”
not “require” municipalities to offer the tax credit which would be beneficial to the City. Council is interested in supporting the amendment. See Special Session Item 19-G-42 for approval of letter.

7 Appointments to Boards and Committees including next week’s appointment of the Board of Election Supervisors, selection of the Chief, and compensation for the Board, for the next two-year term:

Board of Election Supervisors:
Mayoral - Jack Robson (Chief)
District 1 – Lisa Williams
District 2 – Diane Ligon
District 3 – John Payne
District 4 – Maria Mackie

Council discussion about compensation: The Board has been called upon to implement several new election changes which has required additional time for research. Compensation hasn’t increased since 2013. New compensation: Chief $960/year; Supervisors $720/year, for each of next two years. Clerk to provide number of meetings.

Additional appointments for CBE: Andrea McNamara and Pablo Regis de Oliveira (Rigg).

ADDED TO AGENDA: Possible City sponsorship of a Women’s Self Defense Class:
Councilmember Kabir stated that a business in north College Park is offering a free self defense class and asked if the City would co-sponsor the event and thereby provide advertising for the event on our various platforms. The business has their own liability insurance. Mayor Wojahn referred to the City’s draft policy on grants and sponsorships; the subcommittee has met but has not finalized the policy. This is a one-time event. Councilmember Rigg drew comparisons with other private fitness/safety events in the City, and said there is a potential for a slippery slope and that this might set a precedent for other private commercial establishments who want the City to “sponsor” their event and provide free publicity.

[Motion to extend the meeting, Mitchell/Kennedy, 5-1 (Brennan opposed).]

Councilmember Kennedy said City-sponsored events should be vetted by staff. Councilmember Mitchell was worried about the precedent and said Councilmembers can support the effort individually. Mayor Wojahn would like the City to develop an application process and protocol to handle requests like this. Mr. Somers said this is being worked on by the subcommittee.

8 Requests for/Status of Future Agenda items:
• (Wojahn) NLC Diversity and Equity Roadmap – staff time to complete a survey and NLC would come back with a roadmap to help the City address issues of equity and diversity in our policies and practices. Will require staff time for input. Request for a Worksession, Mitchell/Kennedy, 6-0.
9 Mayor and Councilmember Comments: Councilmember Mitchell discussed Women’s History Month. Councilmember Kennedy mentioned the mixologist at The Hotel bar. Councilmember Kabir discussed the Community Police Meeting at MOM’s Café. Councilmember Dennis announced tomorrow’s Coffee Club. Councilmember Brennan visited the LIDL in Bowie that is identical to the new College Park store. Mr. Tobin discussed the Student Advisory Committee meeting. Ms. Saunders discussed midterms. Mayor Wojahn said the City has a Bond Bill hearing on Saturday in Annapolis, discussed the National League of Cities conference in DC, attended the Lakeland Community Heritage Project dinner and discussed their efforts in preserving the history of that community.

ADJOURN: A motion was made by Councilmember Rigg and seconded by Councilmember Brennan to adjourn the Worksession, and with a vote of 6-0, Mayor Wojahn adjourned the Worksession at 10:43 p.m.

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

ABSENT: Councilmembers Day and Kujawa.

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; Alex Tobin, Student Liaison; Serena Saunders, Deputy Student Liaison.

During a regularly scheduled Worksession of the College Park City Council, a motion was made by Councilmember Brennan and seconded by Councilmember Dennis to enter into a Special Session to act on two time-sensitive matters. The possibility of the Special Session was listed on the Worksession agenda. With a vote of 6-0, Council entered into Special Session at 9:54 p.m.

ACTION ITEMS
19-G-41 Discussion and possible approval of a Memorandum of Understanding with State Highway Administration regarding pedestrian lights on US 1 between College Avenue and 193.

Mr. Gardiner reviewed the staff report and said we received updated information from SHA and revised pricing for 134 pedestrian lights. SHA’s policy is that the MOU must be signed prior to bid opening, so the actual cost won’t be known until after the bid opening on March 7. This is only for Phase 1 of the US 1 reconstruction project. The cost to the City can be financed in a couple of different ways: carried over two fiscal years as pay-go, or included in the anticipated bond for City Hall and other capital projects. There is the possibility of some pay back to the City from developers if/when certain parcels are redeveloped.

A motion was made by Councilmember Brennan and seconded by Councilmember Dennis to authorize the City Manager to sign the attached State Highway Administration Memorandum of Understanding (MOU) for the shared cost of installing pedestrian lighting as part of phase 1 of the Baltimore Avenue reconstruction project. The MOU shall be reviewed and approved by the City Attorney.

Councilmember Brennan said he is in favor of taking advantage of the cost-sharing program with SHA and that installation of uniform pedestrian street lights will improve our streetscape which could help spur development.

The motion passed 6-0.
19-G-42 Discussion of legislation: SB 478/HB 1317, Property Tax-Vehicles Valued as Stock in Business-Alteration of Tax Credit:

Mr. Gardiner reviewed legislation and staff report. If approved as proposed, the bill would reduce the business personal property taxes the City collects from automobile dealers. Mr. Gardiner believes there is an amendment to “allow” not “require” municipalities to offer the tax credit which would be beneficial to the City. Council is interested in supporting the amendment.

A motion was made by Councilmember Mitchell and seconded by Councilmember Kennedy to send a letter in support of the proposed amendment to SB 478 / HB 1317, that would make the proposed tax credits optional, and thus would not be harmful to the City.

The motion passed 6-0.

ADJOURN: A motion was made by Councilmember Dennis and seconded by Councilmember Kennedy to adjourn from the Special Session, and with a vote of 6-0, Mayor Wojahn adjourned the Special Session at 9:58 p.m.
19-O-07

Adoption
Originating Department: Administration

Action Requested: Hold a public hearing and then consider adoption of Ordinance 19-O-07, an ordinance increasing illegal dumping fines.

Strategic Plan Goal: Goal 6: Excellent Services

Background/Justification:
The City Council introduced Ordinance 19-O-07 on March 12, 2019.

Section 132-3 of the Municipal Code prohibits littering. Section 110-2 identifies the fines for littering as follows:

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

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

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

Fiscal Impact:
Costs associate with ordinance adoption requirements anticipated.

Council Options:
1. Hold a public hearing and then adopt Ordinance 19-O-07, increasing the fine of the initial and each subsequent violation to $1,000, as proposed in the ordinance.
2. Hold a public hearing and then amend Ordinance 19-O-07 prior to adoption, increasing the fine of the initial violation to $500 and each subsequent violation to $1,000.
3. Hold a public hearing and then amend Ordinance 19-O-07 prior to adoption, increasing the fines to alternative amounts.
4. Take no action at this time.

Staff Recommendation:
Option #1.

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

Attachments:
1. Ordinance 19-O-07 as introduced
ORDINANCE
OF THE MAYOR AND COUNCIL OF THE CITY OF COLLEGE PARK,
AMENDING CHAPTER 132, “LITTER AND GRAFFITI”, BY REPEALING AND RE-
ENACTING ARTICLE II, “LITTERING”, §132-8, “VIOLATIONS AND PENALTIES”,
AND §132-9, “NOTICE OF VIOLATION; COST OF REMOVAL TO BECOME
LIEN”; AND CHAPTER 110, “FEES AND PENALTIES”, BY REPEALING AND RE-
ENACTING §110-2, “PENALTIES”, TO INCREASE THE PENALTY FOR FIRST
AND SUBSEQUENT VIOLATION OF §132-3, “LITTERING”, CLARIFYING THE
CONDITIONS UNDER WHICH LITTER MAY BE REMOVED FROM PUBLIC
PROPERTY AND UPDATING CODE REFERENCES

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

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

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

WHEREAS, the Mayor and Council determined that it is in the public interest to
amend Chapters 132 and 110, in conjunction with the revision of the City’s waste and
recycling collection provisions, to increase the penalties for illegal dumping, to clarify the
conditions for City abatement of litter on public property and to update code references.
Section 1. NOW THEREFORE, BE IT ORDAINED AND ENACTED, by the Mayor and Council of the City of College Park that Chapter 110 “Fees and Penalties”, §110-2, “Penalties” be and is hereby repealed and reenacted with amendments to read as follows:

§110-2 Penalties.

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

<table>
<thead>
<tr>
<th>Chapter/Section</th>
<th>Violation</th>
<th>Penalty</th>
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<tbody>
<tr>
<td>Ch. 132 Litter and Graffiti</td>
<td>* * * *</td>
<td>* * * *</td>
</tr>
<tr>
<td>Article II Littering</td>
<td>Initial violation</td>
<td>[$50] $1,000</td>
</tr>
<tr>
<td>§132-3</td>
<td>Subsequent violation [in 6 months]</td>
<td>[$100] $1,000</td>
</tr>
<tr>
<td>Violation of remainder of Article II</td>
<td>Initial violation</td>
<td>$100</td>
</tr>
<tr>
<td></td>
<td>Subsequent violations</td>
<td>$200</td>
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<tr>
<td></td>
<td>In 12 months</td>
<td>* * * *</td>
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Section 2. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that Chapter 132 “Litter and Graffiti”, Article II, “Litter”, §132-8, “Violations and penalties”, be and it is hereby repealed, reenacted and amended to read as follows:

§132-8 Violations and penalties.

A. * * * *

B. Any person receiving the notice who fails to abate the violation as required in Subsection A shall be issued a municipal infraction citation under the provisions of [Article 23A, § 3(b)(2)], §6-102 of the LOCAL GOVERNMENT ARTICLE, Annotated Code of Maryland, subject to a fine as set forth in Chapter 110, Fees and Penalties, provided that
Subsection C of this section does not apply. Subsequent violations of § 132-4, 132-5 or 132-6 within the twelve-month period following the issuance of the first municipal infraction shall be subject to a fine as set forth in Chapter 110, Fees and Penalties. A citation may issue immediately for any repeat violation during the period. No additional notice of violation is required prior to issuance of the municipal infraction.

C. Any person affected by any notice or order which has been issued in connection with the enforcement of § 132-4, § 132-5 or § 132-6 of this article, EXCEPT A NOTICE OF VIOLATION FOR DEPOSITING OR ALLOWING LITTER TO ACCUMULATE OR COLLECT IN ANY GUTTER, STREET OR ON OTHER PUBLIC PROPERTY OR PLACE, may request and shall be granted a hearing on the matter by the Advisory Planning Commission, provided that such person shall, within 10 days after service of a notice or order, file in the office of the Public Services Department a signed written notice of appeal requesting a hearing and setting forth a brief statement of the reasons therefor. Upon receipt of such notice of appeal, the Public Services Department shall forthwith notify the Commission and the Commission shall set a time and place for such hearing and shall give the person appealing and the Code Enforcement Officer involved notice thereof. The Commission shall determine such appeals as promptly as practicable.

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

E. In accordance with [Article 27, § 468.] §10-110 of the CRIMINAL LAW ARTICLE, Annotated Code of Maryland, any person violating the provisions of this article may, in addition to the penalties provided for in the previous subsections of this section, be subject, in the discretion of a court of competent jurisdiction, to perform certain litter-gathering labor in the City under the supervision of the court.

F. – G. * * * *

Section 3. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that Chapter 132 “Litter and Graffiti”, Article II, “Litter”, §132-9, “Notice of violation; cost of removal to become lien”, be and it is hereby repealed, reenacted and amended to read as follows:

§ 132-9 Notice of violation; cost of removal to become lien.
A. A violation of § 132-4, 132-5 or 132-6 shall constitute a public nuisance. In the event that § 132-4, 132-5 or 132-6 has been violated and not corrected within 24 hours of the notice required in § 132-8, in addition to any other remedy allowed by law, the City may take
action to abate the violation. EXCEPT FOR ABATEMENTS OF LITTER DEPOSITED, ACCUMULATED OR COLLECTED IN ANY GUTTER, STREET OR ON OTHER PUBLIC PROPERTY OR PLACE, [¶] Prior to taking abatement action, the City shall provide the owner with at least 10 days' notice of its intention to enter onto the subject property to remove, dispose of, or eliminate the violation. Unless notified otherwise, the City will assume that the owner(s) is that person or entity listed by the Maryland State Department of Assessments and Taxation as the legal owner of the subject property. Such notice shall be served personally upon the owner or designated agent or by certified United States mail, addressed to the owner at the last known address as shown on the State Department of Assessments and Taxation real property tax records. Service by certified mail shall be deemed given upon proper mailing. The notice shall also be posted on the property.

B. In the event that the owner does not remove, dispose of, or eliminate the violation [within the ten-day period,] AS REQUIRED, the City is authorized to enter onto the property to abate the nuisance. The cost of such abatement shall be paid by the owner.

C. * * * *
D. In cases where the Public Services Director has determined that extreme danger exists or extreme unsanitary conditions exist to person or property, the warning notice shall be dispensed with, and the Public Services Director shall take whatever action [he/she deems as] IS DEEMED appropriate.

**Section 4. 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 **26th** day of **March**, 2019, shall follow the publication by at least seven (7) days, may be held separately or in connection with a regular or special Council meeting and may be adjourned from time to time. All persons interested shall have an opportunity to be heard.

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

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

**INTRODUCED** by the Mayor and Council of the City of College Park, Maryland at a regular meeting on the **12th** day of **March** 2019.

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

**EFFECTIVE** the ______ day of ________________, 2019.
ATTEST:

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

CITY OF COLLEGE PARK

By: ________________
    Patrick L. Wojahn, Mayor

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

__________________________
    Suellen M. Ferguson, City Attorney
19-O-08

Adoption
### Agenda Item Number 19-O-08

**Prepared By:** Suellen M. Ferguson, City Attorney  
**Meeting Date:** March 26, 2019  
**Presented By:** Suellen M. Ferguson, City Attorney  
**Consent Agenda:** No

<table>
<thead>
<tr>
<th>Originating Department</th>
<th>Public Works Department</th>
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<tbody>
<tr>
<td>Action Requested</td>
<td>Public Hearing and Adoption of Ordinance 19-O-08, An Ordinance Of The Mayor And Council Of The City Of College Park To Amend Chapter 172, “Streets And Sidewalks” And Chapter 110, “Fees and Penalties: To Regulate Deployment And Installation Of Wireless Facilities And Support Structures In The City Rights-Of-Way”</td>
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<tr>
<td>Strategic Plan Goal</td>
<td>Goal 4: Quality Infrastructure</td>
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<tr>
<td><strong>Background/Justification:</strong></td>
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In January, the Mayor and Council approved Ordinance 18-O-10, which adopted Chapter 172, Streets, Sidewalks and Rights-of-Way, Article II, “Wireless Telecommunications Facilities In Public Rights-Of-Way”. Based on further understanding of the placement of small wireless facilities in the rights-of-way as regulated by the FCC, and the operational challenges that accompany this, several amendments to the Article are recommended. Specifically, the amendment:

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

Ordinance 19-O-08 was introduced on March 12, 2019 and the Public Hearing scheduled for March 26.

| Fiscal Impact: |
| No fiscal impact. |

| Council Options: |
| 1. Hold the Public Hearing and then Adopt the ordinance  
2. Hold the Public Hearing, Amend, and then Adopt the ordinance  
3. Do nothing. |

| Staff Recommendation: |
| Option #1 |

**Recommended Motion:**

I move to adopt Ordinance 19-O-08, an Ordinance Of The Mayor And Council Of The City Of College Park To Amend Chapter 172, “Streets And Sidewalks” And Chapter 110, “Fees and Penalties: To add a definition allows the City to hold a public hearing with respect to the proposed installation of wireless facilities set additional standards for installation set standards for identification and maintenance, prevent spooling or coiling of cables on poles, require additional information to be submitted as part of the application, set a consideration deadline for applications not otherwise set by federal law and add a fee provision.
Attachments:
1. Ordinance 19-O-08 as introduced
ORDINANCE
OF THE MAYOR AND COUNCIL OF THE CITY OF COLLEGE PARK,
AMENDING CITY CODE CHAPTER 172, “STREETS AND SIDEWALKS”
ARTICLE II, “WIRELESS TELECOMMUNICATIONS FACILITIES IN
PUBLIC RIGHTS-OF-WAY” BY REPEALING AND RE-ENACTING §172-7,
“SCOPE”, §172-8 “DEFINITIONS”, §172-9 “GENERAL STANDARDS FOR
WIRELESS TELECOMMUNICATIONS FACILITIES IN THE RIGHTS-OF-
WAY”, § 172-10 “APPLICATION SUBMISSION REQUIREMENTS”,
AND AMENDING CHAPTER 110, “FEES AND PENALTIES”, §110-1, “FEES AND
INTERESTS”, TO ADD A DEFINITION, ALLOW THE CITY TO HOLD A PUBLIC
HEARING WITH RESPECT TO THE PROPOSED INSTALLATION OF
WIRELESS FACILITIES, SET ADDITIONAL STANDARDS FOR INSTALLATION,
SET STANDARDS FOR IDENTIFICATION AND MAINTENANCE, PREVENT
SPOOLING OR COILING OF CABLES ON POLES, REQUIRE ADDITIONAL
INFORMATION TO BE SUBMITTED AS PART OF THE APPLICATION, SET A
CONSIDERATION DEADLINE FOR APPLICATIONS NOT OTHERWISE SET BY
FEDERAL LAW AND ADD A FEE PROVISION

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

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

WHEREAS, the Mayor and Council have adopted Chapter 172, “Streets and Sidewalks” Article II, “Wireless Telecommunications Facilities in Public Rights-of-Way” to regulate placement of small wireless telecommunications facilities in City rights of way; and
WHEREAS, the Mayor and Council determined that it is in the public interest to revise Chapter 172, “Streets and Sidewalks” Article II, “Wireless Telecommunications Facilities in Public Rights-of-Way” that is consistent with federal and state law.

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

§172-7 SCOPE.

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

(1) Collocation of a small wireless facility;

(2) Attachment of a small wireless facility to a pole owned by an authority;

(3) Installation of a pole;

(4) Modification of a small wireless facility or a pole;

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

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

D. Public use.

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

§172-8 Definitions.

Terms used in this article shall have the following meanings:

A. – T.

U. WIRELESS SUPPORT STRUCTURE. A POLE, SUCH AS A MONOPOLE, EITHER GUYED OR SELF-SUPPORTING, STREET LIGHT POLE, TRAFFIC SIGNAL POLE, OR UTILITY POLE CAPABLE OF SUPPORTING A SMALL WIRELESS TELECOMMUNICATIONS FACILITY.
Article II, §172-9, “General Standards for Wireless Telecommunications Facilities in the Rights-of-Way” be and it is hereby repealed, re-enacted and amended to read as follows:

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

A. - B. * * * *

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

§ 172-10 APPLICATION SUBMISSION REQUIREMENTS AND FINAL INSPECTION.

A. * * * *

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

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

(3) – (6) * * * *

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

a. Payment of any required fees.

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

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

(9) PUBLIC HEARING. THE CITY MAY ELECT TO PROVIDE PUBLIC NOTICE OF AN APPLICATION AND HOLD A PUBLIC HEARING PRIOR TO THE APPROVAL OF AN APPLICATION. IF THE CITY ELECTS TO HOLD A PUBLIC HEARING ON AN APPLICATION, THE APPLICANT SHALL BE REPRESENTED AT THE PUBLIC HEARING AND BE AVAILABLE TO ANSWER INQUIRIES ABOUT THE APPLICATION.

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

(11) * * * *

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

(13) – (14) * * * *

Section 5.

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

§110-1 Fees and interests.

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

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

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

Access fee - $270 per small wireless facility per year

* * *

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

The public hearing, hereby set for 7:30 P.M. on the 26th day of March, 2019, shall follow the publication by at least seven (7) days, may be held separately or in connection with a regular or special Council meeting and may be adjourned from time to time. All persons interested shall have an opportunity to be heard.

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

**INTRODUCED** by the Mayor and Council of the City of College Park, Maryland at a regular meeting on the 12th day of March 2019.

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

**EFFECTIVE** the ______ day of ______________________, 2019.

**ATTEST:**

CITY OF COLLEGE PARK

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

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

Suellen M. Ferguson, City Attorney
**AGENDA ITEM 19-G-53**

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

**Meeting Date:** March 26, 2019

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

**Proposed Consent Agenda:** No

<table>
<thead>
<tr>
<th>Originating Department:</th>
<th>Administration</th>
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<tbody>
<tr>
<td><strong>Action Requested:</strong></td>
<td>Consideration to authorize the Mayor to send a letter of support for HB 1091 (<em>Public-Private Partnerships -- Reforms</em>). HB 1091 would require the State to submit a pre-solicitation report to certain legislative committees and to complete an independent rating assessment survey for proposed large transportation projects involving public-private partnerships.</td>
</tr>
<tr>
<td><strong>Strategic Plan Goal:</strong></td>
<td>Effective Leadership</td>
</tr>
<tr>
<td><strong>Background/Justification:</strong></td>
<td>The Governor has announced plans for the widening of I-270 and I-495, using a public-private partnership to complete the projects. HB 1091 would require the Executive branch to submit a pre-solicitation report to specific House and Senate committee for these and other proposed public-private partnership projects. The pre-solicitation report for large projects would include an environmental impact statement, as well as an independent rating assessment survey by an auditor. The minimum credit rating recommended by the auditor must be included in the agreement.</td>
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<tr>
<td><strong>Fiscal Impact:</strong></td>
<td>No impact on City revenue or expenditures.</td>
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</tbody>
</table>
| **Council Options:** | 1. Support HB 1091  
2. Oppose HB 1091  
3. Take no position on HB 1091 |
| **Staff Recommendation:** | This is a policy issue for Council to decide. |
| **Recommended Motion:** | N/A |
| **Attachments:** | HB 1091 Public-Private Partnerships -- Reforms  
Department of Legislative Services Fiscal and Policy Note on HB 1091  
Draft letter from the Mayor to Senator Nancy J. King, Chair of the Senate Budget and Taxation Committee |
HOUSE BILL 1091

By: Delegates Solomon, Carr, Korman, Stewart, and Wilkins
Introduced and read first time: February 8, 2019
Assigned to: Environment and Transportation and Appropriations

Committee Report: Favorable with amendments
House action: Adopted with floor amendments
Read second time: March 13, 2019

CHAPTER ______

AN ACT concerning

Public–Private Partnerships – Reforms

FOR the purpose of requiring a certain reporting agency to include in presolicitation reports for certain public–private partnerships presolicitation reports of certain contracts and a certain environmental impact statement under certain circumstances; requiring certain presolicitation reports to be submitted to the Legislative Policy Committee; prohibiting the Board of Public Works from approving a public–private partnership agreement until the Legislative Policy Committee submits approval of has reviewed and commented on the public–private partnership if a certain review and comment period is during a certain time and until a certain independent rating assessment survey is completed; requiring the completed under certain circumstances; extending the period for review, analysis, and comment for certain public–private partnership agreements; requiring a certain independent rating assessment survey to include certain information; requiring that a certain public–private partnership agreement include the minimum credit rating to be maintained by a certain entity and funding source; requiring, under certain circumstances, the terms of a public–private partnership to contain certain provisions; extending a certain prohibition on noncompete clauses in certain public–private partnership agreements to all transit or road maintenance projects regardless of funding source; altering a certain definition; and generally relating to public–private partnerships.

BY repealing and reenacting, without amendments, Article – State Finance and Procurement
Section 10A–101(a)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.
Underlining indicates amendments to bill.
Strike out indicates matter stricken from the bill by amendment or deleted from the law by amendment.
Annotated Code of Maryland
(2015 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 10A–203(a), 10A–101(b), 10A–201(a), 10A–203(a), and 10A–401(a) and (c)
Annotated Code of Maryland
(2015 Replacement Volume and 2018 Supplement)

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

Article – State Finance and Procurement


(a) In this title the following words have the meanings indicated.

(b) “Budget committees” means the Senate Budget and Taxation Committee, the House [Committee on Ways and Means] ENVIRONMENT AND TRANSPORTATION COMMITTEE, and the House Appropriations Committee.

10A–201.

(a) (1) (i) Except as provided in subparagraph (ii) of this paragraph AND SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, a reporting agency may not issue a public notice of solicitation for a public–private partnership until a presolicitation report concerning the proposed public–private partnership is submitted to the Comptroller, the State Treasurer, the budget committees, and the Department of Legislative Services, in accordance with § 2–1246 of the State Government Article.

(ii) A reporting agency may not issue a public notice of solicitation for a public–private partnership for a transportation facilities project, as defined in § 4–101(h) of the Transportation Article, until a presolicitation report concerning the proposed public–private partnership is submitted to the budget committees and the Department of Legislative Services, in accordance with § 2–1246 of the State Government Article.

(2) (i) The budget committees may not have more than 45 days to review and comment on the presolicitation report submitted in accordance with paragraph (1) of this subsection.

(ii) 1. If the total value of a proposed public–private partnership reported in the presolicitation report under paragraph (b)(1) of this subsection exceeds $500,000,000, the budget committees may request an additional 15 days to review and comment on the presolicitation report.
2. The request for additional time under this subparagraph shall:

A. be made in writing to the Governor, the Department of Budget and Management, and the reporting agency; and

B. include the reason for the request and any preliminary issues the budget committees have.

(3) FOR A PUBLIC–PRIVATE PARTNERSHIP WITH A TOTAL VALUE THAT EXCEEDS $500,000,000, THE REPORTING AGENCY SHALL INCLUDE IN THE PRESOLICITATION REPORT REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION:

(I) A PRESOLICITATION REPORT OF EACH CONTRACT UNDER THE PUBLIC–PRIVATE PARTNERSHIP; AND

(II) IF A PROJECT REQUIRES AN ENVIRONMENTAL IMPACT STATEMENT UNDER THE NATIONAL ENVIRONMENTAL POLICY ACT, A COMPLETED ENVIRONMENTAL IMPACT STATEMENT THAT COMPLIES WITH THE NATIONAL ENVIRONMENTAL POLICY ACT.

10A–203.

(a) (1) Except as provided in paragraph (2) of this subsection, the Board of Public Works may not approve a public–private partnership agreement until:

(i) a copy of the proposed agreement is submitted simultaneously to:

1. the Comptroller, the State Treasurer, the budget committees, and the Department of Legislative Services, in accordance with § 2–1246 of the State Government Article; AND

2. FOR A PUBLIC–PRIVATE PARTNERSHIP WITH A TOTAL VALUE THAT EXCEEDS $500,000,000, THE LEGISLATIVE POLICY COMMITTEE;

(ii) the State Treasurer, in coordination with the Comptroller, analyzes the impact on the State’s capital debt affordability limits of the proposed public–private partnership agreement;

(iii) the State Treasurer submits the analysis to the budget committees and the Department of Legislative Services, in accordance with § 2–1246 of the State Government Article; [and]
(iv) the budget committees have reviewed and commented on the agreement in accordance with paragraph (3) of this subsection; AND

(V) FOR A PUBLIC–PRIVATE PARTNERSHIP WITH A TOTAL VALUE THAT EXCEEDS $500,000,000:

1. IF THE REVIEW AND COMMENT PERIOD FOR THE BUDGET COMMITTEES IS DURING A PERIOD WHEN THE GENERAL ASSEMBLY IS NOT IN SESSION, THE LEGISLATIVE POLICY COMMITTEE SUBMITS APPROVAL OF HAS REVIEWED AND COMMENTED ON THE PUBLIC–PRIVATE PARTNERSHIP; AND

2. AN INDEPENDENT RATING ASSESSMENT SURVEY IS COMPLETED FOR EACH CONTRACT UNDER THE PUBLIC–PRIVATE PARTNERSHIP, IN ACCORDANCE WITH PARAGRAPH (4) OF THIS SUBSECTION, BY AN INDEPENDENT AUDITOR OR A CREDIT RATING AGENCY SELECTED BY THE STATE TREASURER.

(2) The Board of Public Works may not approve a public–private partnership agreement for a transportation facilities project, as defined in § 4–101(h) of the Transportation Article, until the proposed agreement is submitted to the budget committees and the Department of Legislative Services, in accordance with § 2–1246 of the State Government Article.

(3) (i) The period for review, analysis, and comment under paragraphs (1) and (2) of this subsection may not exceed:

1. a total of 30 days from the date the proposed public–private partnership agreement is submitted simultaneously to the State Treasurer, the Comptroller, the budget committees, and the Department of Legislative Services; AND


(ii) The budget committees may facilitate a faster review and comment period by sending a letter to the Board of Public Works supporting a proposed public–private partnership agreement in advance of the expiration of the 30–day review period.

(4) THE INDEPENDENT RATING ASSESSMENT SURVEY REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL INCLUDE:
(I) THE CREDIT STRENGTH OF THE PRIVATE ENTITY AND PRIVATE FUNDING SOURCE;

(II) THE IMPACT OF THE PROPOSED AGREEMENT ON THE STATE’S CREDIT RATING;

(III) THE IMPACT OF THE PROPOSED AGREEMENT ON ANY LOCAL GOVERNMENT’S CREDIT RATING; AND

(IV) A RECOMMENDATION, TO BE INCLUDED IN THE PUBLIC–PRIVATE PARTNERSHIP AGREEMENT, OF THE MINIMUM CREDIT RATING TO BE MAINTAINED BY THE PRIVATE ENTITY AND PRIVATE FUNDING SOURCE.

10A–401.

(a) (1) Whenever applicable, a public–private partnership agreement shall include the following provisions:

[(1)] (I) the method and terms for approval of any assignment, reassignment, or other transfer of interest related to the public–private partnership agreement;

[(2)] (II) the methods and terms for setting and adjusting tolls, fares, fees, and other charges related to the public infrastructure asset;

[(3)] (III) the method and terms for revenue–sharing or other sharing in fees or charges, in which the public participates in the financial upside of asset performance of the public infrastructure asset;

[(4)] (IV) minimum quality standards, performance criteria, incentives, and disincentives;

[(5)] (V) operations and maintenance standards;

[(6)] (VI) the rights for inspection by the State;

[(7)] (VII) the terms and conditions under which the reporting agency may provide services for a fee sufficient to cover both direct and indirect costs;

[(8)] (VIII) provisions for oversight and remedies and penalties for default;

[(9)] (IX) the terms and conditions under which the reporting agency originating the public–private partnership shall be responsible for ongoing oversight;
[(10)] (X) the terms and conditions for audits by the State, including the Office of Legislative Audits, related to the agreement’s financial records and performance;

[(11)] (XI) the terms and conditions under which the public infrastructure assets shall be returned to the State at the expiration or termination of the agreement;

[(12)] (XII) requirements for the private entity to provide performance security and payment security in a form and in an amount determined by the responsible public entity, except that:

[(i)] 1. requirements for the payment security for construction contracts shall be in accordance with Title 17, Subtitle 1 of this article; and

[(ii)] 2. requirements for the amount of the payment security and any performance security in the form of a performance bond for a construction contract shall be based on the value of the respective construction elements of the public–private partnership agreement and not on the total value of the public–private partnership agreement; AND

(XIII) THE MINIMUM CREDIT RATING TO BE MAINTAINED BY THE PRIVATE ENTITY AND PRIVATE FUNDING SOURCE RECOMMENDED UNDER § 10A–203(A) OF THIS TITLE.

(2) IF THE PUBLIC–PRIVATE PARTNERSHIP AGREEMENT REQUIRES THE STATE OR A SUCCESSOR ENTITY TO TAKE OVER OPERATIONS AND MAINTENANCE OF A PROJECT, THE TERMS FOR APPROVAL OF ANY ASSIGNMENT, REASSIGNMENT, OR OTHER TRANSFER OF INTERESTS IN THE PROJECT SHALL INCLUDE A REQUIREMENT THAT ALL TOLL REVENUE OR OTHER CHARGES RELATED TO THE PROJECT BE ASSIGNED TO THE STATE OR A SUCCESSOR ENTITY TO APPLY TO THE OPERATIONS AND MAINTENANCE OF THE PROJECT.

(3) THE TERMS OF THE PUBLIC–PRIVATE PARTNERSHIP AGREEMENT PROVIDING FOR REVENUE–SHARING OR OTHER SHARING IN FEES OR CHARGES, IN WHICH THE PUBLIC PARTICIPATES IN THE FINANCIAL UPSIDE OF ASSET PERFORMANCE OF THE PUBLIC INFRASTRUCTURE ASSET SHALL REQUIRE:

(I) the reimbursement of the State for advanced project expenses; AND

(II) AN ANNUAL SUBSIDY TO LOCAL GOVERNMENTS IMPACTED BY THE PROJECT.

(c) A public–private partnership agreement for a project involving road, highway, or bridge assets may not include a noncompete clause that would inhibit the planning,
construction, or implementation of [State–funded] transit OR ROAD MAINTENANCE projects.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2019.

Approved:

__________________________________________
Governor.

__________________________________________
Speaker of the House of Delegates.

__________________________________________
President of the Senate.
This bill prohibits the Board of Public Works (BPW) from approving a public-private partnership (P3) agreement until a specified independent rating assessment survey is completed. It requires P3 agreements to include the minimum credit rating recommended by the survey. Terms of approval for a P3 agreement must include additional specified items. The existing prohibition against noncompete clauses for P3 road and bridge projects is expanded so that they cannot impede transit projects not funded by the State. The bill takes effect June 1, 2019.

**Fiscal Summary**

**State Effect:** No direct effect on State finances, but Transportation Trust Fund (TTF) revenues may decrease under future P3 agreements to the extent that P3 profit-sharing revenues are paid to local governments instead of to TTF, if allowed under current State and federal law.

**Local Effect:** No direct effect on local governmental operations or finances, but local governments may benefit from profit-sharing payments under future P3 agreements, to the extent that they do not conflict with current State and federal requirements.

**Small Business Effect:** Minimal.
Analysis

Bill Summary: The independent rating assessment survey must include:

- the credit strength of the private entity and private funding source;
- the impact of the proposed agreement on the State’s credit rating;
- the impact of the proposed agreement on any local government’s credit rating; and
- a recommendation of the minimum credit rating to be maintained by the private entity and private funding source (which must be included in the partnership agreement).

If a P3 agreement requires the State or a successor entity to take over operations and maintenance of a project at some future time, the terms must include a requirement that all toll revenue or other charges related to the project be assigned to the State or a successor entity to apply to those costs. Terms of a P3 agreement providing for specified revenue-sharing arrangements must require (1) the reimbursement of the State for advanced project expenses and (2) an annual subsidy to local governments affected by the project.

Current Law: Chapter 5 of 2013 established a new framework for the approval and oversight of P3s. Chapter 5 defined a P3 as a method for delivering public infrastructure assets using a long-term, performance-based agreement between specified State “reporting” agencies and a private entity where appropriate risks and benefits can be allocated in a cost-effective manner between the contract partners, in which:

- a private entity performs functions normally undertaken by the government, but the reporting agency remains ultimately accountable for the public infrastructure asset and its public function; and
- the State may retain ownership of the public infrastructure asset and the private entity may be given additional decision-making rights in determining how the asset is financed, developed, constructed, operated, and maintained over its life cycle.

A “public infrastructure asset” is a capital facility or structure, including systems and equipment related to the facility or structure intended for public use.

Chapter 5 establishes the public policy of the State to utilize P3s, if appropriate, for (1) developing and strengthening the State’s public infrastructure assets; (2) apportioning between the public sector and the private sector the risks involved in the development and strengthening of public infrastructure assets; (3) fostering the creation of new jobs; and (4) promoting the State’s socioeconomic development and competitiveness. The public
policy also asserts that private entities that enter into P3s must comply with the provisions of the Labor and Employment Article and the federal Fair Labor Standards Act.

BPW must approve all P3 agreements, but a reporting agency may not issue a public notice of solicitation or request that BPW designate a project as a P3 until the Comptroller, Treasurer, budget committees, and Department of Legislative Services have had at least 45 days to review and comment on a presolicitation report that contains specified information.

Reporting agencies may establish P3s in connection with any public infrastructure asset for which they are responsible, and they may establish specific functions within their agencies dedicated to P3s. P3 agreements may include provisions that are necessary to develop and strengthen a public infrastructure asset.

Any proceeds or revenues that a reporting agency receives from a P3 that are not otherwise paid to a private-sector partner must accrue to the fund that would have normally received those funds.

P3 agreements involving road, highway, or bridge assets may not include a noncompete clause that inhibits the planning, construction, or implementation of State-funded transit projects.

**Background:**

*Governor’s Traffic Relief Plan and Purple Line*

In September 2017, the Governor announced plans to add four new lanes to I-270 in Montgomery County, the Capital Beltway (I-495), and the Baltimore-Washington Parkway (MD 295), with the first two projects expected to be completed using P3s. The combined cost of all three projects is estimated to be $9 billion, with the I-270 and I-495 projects seeking private developers to design, build, finance, operate, and maintain the new (toll) lanes on both roads. The MD 295 project is not expected to involve a P3 but instead would be carried out by the Maryland Transportation Authority following the transfer of ownership of the parkway from the U.S. Department of the Interior to the State.

The Purple Line is a 16.2-mile light rail line that will extend from Bethesda, in Montgomery County, to New Carrollton, in Prince George’s County; it is being built under a P3. The Purple Line will operate largely at street level, in a combination of dedicated and semi-exclusive right-of-way, and also includes segments on elevated structures and in tunnels. The alignment for the Purple Line will provide direct connections to the Washington Metropolitan Area Transit Authority at Bethesda, Silver Spring, College Park, and New Carrollton. The project will also connect to all three Maryland Area Regional Transportation Authority lines.
Commuter rail lines, Amtrak, and local bus routes. The project includes 21 stations, two storage and maintenance facilities, and 25 light rail vehicles. The Purple Line project is currently in the construction phase, with revenue operations scheduled for December 31, 2022. The estimated project cost is $2.4 billion.

Noncompete clauses

Noncompete clauses prohibit the public sector from building or maintaining facilities that are comparable to facilities that the private sector is operating under a P3 agreement. They are most typically seen in transportation projects, and they may prohibit the State from building a free road parallel to or near a P3 toll road. The noncompete clauses give some protection to the private-sector partner that revenues for their project will not be adversely affected by the public sector offering a comparable facility or service at lower or no cost.

The Joint Legislative and Executive Commission on Oversight of Public-Private Partnerships, which issued its final report and recommendations in January 2012, considered the issue of noncompete clauses and concluded that they should not be banned outright. It also concluded that, since noncompete clauses are an issue that pertains largely to highway P3 projects, only those projects be addressed in statute to allow maximum flexibility for other types of projects. Its final recommendations on the topic, which were incorporated into Chapter 5, were that:

- for road, highway, and bridge projects only, noncompete clauses should be prohibited, but that compensation may be provided for projects that result in a documented revenue loss for the P3 project; and
- compensation may not be provided for (1) State projects already in the planning phase; (2) safety projects; (3) improvement projects with minimal capacity increases; or (4) projects involving other transportation modes (i.e., transit).

Chapter 830 of 2018 clarified that the ban on noncompete clauses for road and bridge projects applied only to those that inhibit State-funded transit projects. Under the bill, the ban applies to a noncompete clause that may impede any transit project (i.e., including other P3 transit projects). With this change, a P3 agreement to build toll lanes on I-495 cannot include a noncompete clause that might inhibit the completion of the Purple Line (a P3 transit project).

State/Local Revenues: Under current law, any revenues generated by a P3 that do not accrue to a private partner are paid to the State, and this provision remains in effect under the bill. In addition, the Maryland Department of Transportation interprets federal law as prohibiting such funds from being paid to local governments. Thus, it is not clear if the bill’s requirement that P3 agreements include provisions for subsidy payments to local governments affected by the project can be implemented. If it can, TTF revenues may
decrease and local revenues may increase to the extent that excess revenues from a future P3 agreement are paid to a local government instead of TTF.

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**Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Anne Arundel and Prince George’s counties; Maryland Municipal League; Comptroller’s Office; Maryland State Treasurer’s Office; Department of General Services; Board of Public Works; Maryland Department of Transportation; Department of Legislative Services

**Fiscal Note History:** First Reader - February 24, 2019

Analysis by: Michael C. Rubenstein

Direct Inquiries to:
(410) 946-5510
(301) 970-5510
March 26, 2019

Senator Nancy J. King, Chair
Senate Budget and Taxation Committee
3 West
Miller Senate Office Building
Annapolis, MD 21401

Re: HB 1091 Public-Private Partnerships -- Reforms

Dear Chair King and Committee Members:

During our City Council meeting on March 25, 2019, the City Council discussed and voted to support HB 1091. The Council has previously supported other legislation that would strengthen the review process and government approval of large proposed transportation projects in the State.

HB 1091 requires a pre-solicitation report to be submitted to specific House and Senate committees, and for large ($500 million or greater) public-private partnership projects the report will include an environmental impact statement. Additionally, for large projects an independent rating assessment survey by an independent auditor must be completed. The committees must review the pre-solicitation report in a timely manner. These reviews provide additional safeguards for the State and local governments prior to committing to long-term and expensive public-private partnership agreements.

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

Sincerely,

Patrick L. Wojahn
Mayor

Cc: 21st District Delegation
19-G-52

Boards and Committees
Councilmember Kabir:

- Appoint Matt Dernoga to the CBE
- Appoint Kennis Termini to the Animal Welfare Committee

Mayor Wojahn:

- Appoint Cameron Thurston to the Board of Election Supervisors
Budget Worksession
INFORMATION REPORT
Weekly 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 22, 2019

RE: Weekly Report

The legislature reached the milestone of “Crossover Day” on March 18. This means that each chamber is required to send its bills over to the opposite chamber on that date. Bills sent to the opposite chamber, after that date, are relegated to the Rules Committee. Bills that do not make the Crossover Day deadline have a much smaller chance of passing.

We are also happy to report that a total of $200,000 was inserted into the capital budget for the College Park Woods Community Facility Redevelopment project and a total of $500,000 was inserted into the capital budget for the City Hall project.

Here is a listing on the status of the pertinent issues we have been tracking for the city:

<table>
<thead>
<tr>
<th>Bill Number</th>
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<tr>
<td>HB 10</td>
<td>State Highway Administration – Sidewalks Within Priority Funding Areas – Repair and Maintenance – Bill requires the SHA to repair and maintain sidewalks that are located within areas that are designated as priority funding areas. Local expenditures to maintain and repair sidewalks decrease, potentially significantly, beginning in FY 2020. Revenues are not affected. <strong>Bill was heard by the House Committee on Environment and Transportation on January 30th. Bill is supported by the Maryland Municipal League. Bill received an unfavorable report and has been withdrawn.</strong></td>
</tr>
</tbody>
</table>

**Del. Carr (D18)**
**Bill Number** | **Description of Bill**
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**HB 34 (SB 331)**  
Del. Carr (D18)  
Sen. Kramer (D19)  
Business Regulation – Trader’s Licenses – License Fees - This bill authorizes the governing body of a county or municipality to select a uniform trader’s license fee instead of using the existing tiered license fee. Selecting the uniform trader’s license fee is a one-time, irrevocable decision. As opposed to tiered licensing, in which most licensing revenue is retained by local governments, all revenue from uniform traders’ fees accrues to the State general fund. By December 31, 2019, the State Department of Assessments and Taxation (SDAT) must adopt regulations on the granting of exemptions from the reporting requirements (and associated filing fees) under § 11-101 of the Tax-Property Article. The House bill was heard on January 22nd by the House Economic Matters Committee. House bill passed Third Reader (134-0) as amended and is now on First Reader with the Senate Finance Committee. The Senate bill was heard on Feb. 14th by the Senate Finance Committee and has passed Third Reader (46-0) as amended and is now on First Reader with the House Economic Matters Committee.

**HB 82 (SB 116)**  
Del. Charkoudian (D20)  
Transportation – Complete Streets – Access to Healthy Food – Bill requires a complete streets policy to create access to healthy food for persons living in food deserts. The House bill was heard by the House Environment and Transportation Committee on February 7th. House Bill passed Third Reader (121-19) as amended and is now on First Reader with the Senate Finance and Budget and Taxation Committees. The Senate bill was heard on February 13th by the Senate Finance Committee. The Senate bill pass Third Reader (46-0) as amended. The Senate bill is now on First Reader in the Senate Environment and Transportation Committee.

**HB 102 (SB 442)**  
Del. Lierman (D46)  
Sen. Smith (D20)  
Toll Roads, Highways, and Bridges – County Government Consent Requirement – Expansion – Bill prohibits a state agency from constructing any toll roads, highways, or bridges without the express consent of a majority of the affected counties. Bill is supported with an amendment by the Maryland Municipal League. The House bill was heard on February 7th by the House Environment and Transportation Committee. The Senate bill was heard on Feb. 27th by the Senate Finance Committee.

**HB 108 (SB 291)**  
Del. Carr (D18)  
Del. Korman (D16)  
Sen. Smith (D20)  
Vehicle Laws – Intersections – Prohibited Acts – This bill, known as the Don’t Block the Box” bill, generally prohibits a vehicle facing a circular green signal, a green arrow signal, or a steady yellow signal from entering an intersection if the vehicle is unable to safely and completely proceed through the intersection The House bill was heard on February 7th by the House Environment and Transportation Committee, where the bill was amended and passed Third Reader (128-10) as amended. The House bill is now on First Reader in the Senate Judicial Proceedings Committee. The Senate bill was heard on February 13th by the Senate Judicial Proceedings Committee.
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<tr>
<td>HB 109 (SB 285)</td>
<td>Environment - Expanded Polystyrene Food Service Products – Prohibition – This bill prohibits, beginning January 1, 2020, (1) a person from selling or offering for sale in the State an “expanded polystyrene food service product” and (2) a “food service business” or school from selling or providing food in an expanded polystyrene food service product. A county, municipality, or other local government may enact standards that are at least as stringent as the bill’s provisions. <strong>House bill was heard on Feb. 6th by the House Environment and Transportation Committee. House Bill was special ordered until March 8th. The House Environment and Transportation Committee amended the bill and it passed Third Reader (97-38) as amended. The Senate bill was heard on Feb. 12th by the Senate Education, Health and Environmental Affairs Committee and has passed Second Reader with amendments. The Senate Bill passed Third Reader (34-13) as amended and is now on First Reader in the House Environment and Transportation and Economic Matters Committees.</strong></td>
</tr>
<tr>
<td>HB 150 (SB 174)</td>
<td>More Opportunities for Marylanders Act of 2019 – This bill extends to 2030 the termination date of the Program; alters the maximum aggregate credit amounts of initial tax credit certificates the Department of Commerce may issue from the More Jobs for Marylanders Tax Credit Reserve Fund in a fiscal year; alters the calculation the Governor shall use for appropriating funds to the More Jobs for Marylanders Tax Credit Reserve Fund. <strong>The House bill was heard on March 6th by the House Ways and Means Committee. The Senate bill was heard on February 27th by the Senate Budget and Taxation Committee.</strong></td>
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<tr>
<td>HB 155 (SB 164)</td>
<td>Maryland Department of Health – Capital and Grant Programs – State Grants – This Departmental bill increases the caps on the percentages of certain costs for the 4 construction, acquisition, renovation, and equipping of community mental health 5 facilities, addiction facilities, and developmental disabilities facilities for which State 6 grants can be provided under the Community Mental Health, Addiction, and 7 Developmental Disabilities Capital Program. <strong>The House bill was heard on February 28th by the House Appropriations Committee. The House bill passed Third Reader (138-0) and had a hearing scheduled on March 21st in the Senate Budget and Taxation Committee. The Senate bill was heard on February 27th by the Senate Budget and Taxation Committee. The Senate bill passed Third Reader (46-0) as amended and is now on First Reader in the House Appropriations Committee with a bill hearing scheduled for March 26th. Bill is supported by the Maryland Municipal League.</strong></td>
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<tr>
<td>HB 183</td>
<td>Prince George’s County – Property Tax Credits for Security Camera Systems – (PG 413-19) This bill authorizes Prince George’s County to grant, by law, a property tax credit for residential or commercial property equipped with an exterior security camera system for the purpose of crime</td>
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<td>HB 185 (SB 352) <strong>County Delegation/ Sen. Rosapepe (D21)</strong></td>
<td>Prince George’s County – Movie Theater Licenses – Class BLX – (PG 302-19) This bill authorizes the issuance of a Class BLX license to a movie theater under certain circumstances, including renovations or remodeling exceeding $2,000,000. The license holder would be allowed to sell beer, wine, and liquor for on-premises consumption from 12 Noon to 12:30 a.m., the following day. <strong>House bill was heard February 18th in House Economic Matters Committee.</strong> The House bill has been referred to the Senate Education, Health, and Environmental Affairs Committee. The House bill has passed Third Reader (133-2) as amended (excluding District 26) and has been referred to the Senate Education, Health and Environmental Affairs Committee. The Senate bill was heard February 22nd in Senate Education, Health and Environmental Affairs Committee. The Senate bill passed Third Reader (46-0) as amended and is now on First Reader with the House Economic Matters Committee.</td>
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<tr>
<td>HB 186 <strong>County Delegation</strong></td>
<td>Prince George’s County – Alcoholic Beverages – Family Entertainment Permit – (PG 301-19) This bill establishes a family entertainment permit in the county for holders of Class B (on-sale) licenses should the Liquor Board determine that certain criteria be met, i.e. 1) the license holder’s business provides family entertainment; 2) the room where entertainment will be held seats no more than 110 people; 3) the establishment will not offer entertainment for adults only; 4) the average daily receipts from food sales is at least 60% of the total daily receipts from the sale of food and drinks; 5) the establishment offers the same menu throughout the day, including when entertainment is provided; and 6) pricing for food and drink where the entertainment will be provided is comparatively priced as food and drink offered elsewhere in the establishment. The annual fee for the permit is $250. <strong>Bill was heard February 18th by the House Economic Matters Committee.</strong> Bill passed Third Reader (136-0) and is now scheduled to be heard on March 28th by the Senate Education, Health, and Environmental Affairs Committee.</td>
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<tr>
<td>HB 188 <strong>County Delegation</strong></td>
<td>Prince George’s County – Property Tax Credits – Grocery Stores – (PG 409-19) This bill authorizes a property tax credit to be granted against the property tax imposed on personal property that is owned by a grocery store that (1) completes eligible construction; and (2) is located in a healthy food priority area. <strong>Bill was heard by the House Ways and Means Committee on February 5th.</strong></td>
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<tr>
<td>HB 189 <strong>County Delegation</strong></td>
<td>Prince George’s County – Alcoholic Beverages – Class BLX Licenses – (PG-304-19) This bill would increase the number of Class BLX licenses a</td>
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<td>person may hold from 10 to 15. <strong>Bill was heard on February 18th by the House Economic Matters Committee. Bill passed Third Reader (139-0) as amended. The bill was heard on March 20th by the Senate Budget and Taxation Committee.</strong></td>
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<tr>
<td>HB 209</td>
<td>Privately Owned Transportation Projects - Construction and Authorization to Use State-Owned Rights-of-Way and Property – Requirements - This bill prohibits a “project” from being constructed, and prohibits the State from authorizing the use of or access to a State-owned right-of-way or State property for a project, unless an environmental impact statement (EIS) is prepared in accordance with the National Environmental Policy Act (NEPA) or, if an EIS is not required under NEPA, (1) an environmental effects report is prepared in accordance with specified provisions of the Maryland Environmental Policy Act (MEPA) that is substantially similar to a report prepared in accordance with NEPA and (2) the project is approved by the Maryland Department of Transportation (MDOT). <strong>Bill was heard on February 14th by the House Environment and Transportation Committee.</strong></td>
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<tr>
<td>HB 220</td>
<td>Prince George’s County – Condominiums and Homeowners Associations – Reserve Studies – Annual Budgets – (PG 402-19) This bill requires the governing body of certain condominium communities (with more than 50 units) in the county to have a reserve study conducted for purposes related to major repairs and replacement of common elements of a condominium. <strong>Bill was heard on February 19th by the House Environment &amp; Transportation Committee.</strong></td>
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<tr>
<td>HB 221</td>
<td>Prince George’s County – Utility Services – Master Meters Task Force – Extension (PG 407-19) - This bill extends the Task Force on the Use of Master Meters for Utility Services in Prince George’s County, and its associated reporting deadline, by one year. Under the bill, the task force must report its findings and recommendations to the Governor and the members of the Prince George’s County Delegation by December 31, 2019. <strong>Bill was heard January 31st by the House Economic Matters Committee. Bill passed Third Reader (135-0) and was heard by the Senate Finance Committee on March 21st.</strong></td>
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<td>HB 223</td>
<td>Prince George’s County – Property Tax Credits – Teachers – (PG 410-19) Bill would provide a property tax credit against the property owned by an eligible teacher who did not reside in the county before purchasing the home where the credit is claimed. <strong>Bill was heard by the House Ways and Means Committee on February 5th. Bill passed Third Reader (139-0) and was heard on March 19th by the Senate Budget and Taxation Committee.</strong></td>
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**Bill Number** | **Description of Bill**
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**HB 225**  
*County Delegation* | Prince George’s County – School Facilities Surcharge – Exemptions – Transit Oriented Development – Workforce Housing – (PG 415-19) – Bill alters the exemptions from the Prince George’s County school facilities surcharge to include mixed retirement development or elderly housing, single-family attached dwelling units located in a certain Transforming Neighborhood Initiative area, and certain multi-family housing located within a certain distance of a Metro Station or a Purple Line station. **Bill was heard on March 12th by the House Environment and Transportation Committee.** Bill passed Third Reader (136-0) as amended and is now assigned to the Senate Budget and Taxation Committee.

**HB 227**  
*County Delegation* | Prince George’s County – Ethics – Limitations on Applicant Campaign Contributions – (PG 404-19) Bill repeals prohibition against an applicant’s ability to contribute to the Prince George’s County Executive or a slate that includes the County Executive. **Bill was heard by the House Ways and Means Committee on February 5th.** Bill passed Third Reader (108-28) and was heard by the Senate Education, Health, and Environmental Affairs Committee on March 21st.

**HB 235 (SB 175)**  
*Administration* | Economic Development – Maryland Technology Infrastructure Program – This Administration bill establishes the Maryland Technology Infrastructure Program, Authority, and Fund (MTIF) in the Maryland Technology Development Corporation (TEDCO). The authority’s purpose is to provide advice to and consult with TEDCO in connection with the administration of the program. MTIF must be used to cover the program’s costs; subject to available funding and on the recommendation of the authority, TEDCO must award capital and operating financial assistance from MTIF to public or private entities in the State for specified purposes. **House Bill was heard on March 6th by the House Ways and Means Committee.** The Senate Bill was heard on February 12th by the Senate Finance Committee.

**HB 272 (SB 234)**  
*Del. Lafferty (D42A) Sen. Young (D3)* | Natural Resources – State and Local Forest Conservation Funds – Bill requires a person that is subject to the Forest Conservation Act to demonstrate that appropriate credits generated by a forest mitigation bank are not available before the person may pay money to a State or local forest conservation fund to meet certain requirements; prohibiting a local authority from collecting money for deposit into its forest conservation fund unless it has identified afforestation, reforestation, or conservation projects sufficient to provide full mitigation. **House bill was heard on February 13th by the House Environment and Transportation Committee.** The House bill passed Third Reader (122-17) as amended and is now on First Reader with the Senate Education, Health and
Environmental Affairs Committee. The Senate bill was heard on February 12th by the Senate Education, Health and Environmental Affairs Committee. Senate bill passed Third Reader (47-0) as amended and is now on First Reader on House Environment and Transportation Committee. The Senate bill was scheduled to be heard by the House Environment and Transportation Committee on March 27th, however, that hearing has now been cancelled. Supported with amendment by the Maryland Municipal League.

HB 286
Del. Reznik (D39)

Election Law - Registration and Voting at Precinct Polling Places – This bill provides an exception to the voter registration deadline to allow an individual to appear at a precinct polling place in the individual's county of residence and apply to register to vote or change the voter's address on an existing voter registration. Bill was heard on February 12th by the House Ways and Means Committee. Bill passed Third Reader (98-41) as amended and is now on First Reader with the Senate Education, Health and Environmental Affairs Committee. Bill received a Favorable Report with Amendments report by the Senate Education, Health and Environmental Affairs Committee.

HB 332 (SB 158)
Del. McKay (D1C)
Sen. Guzzone (D13)

Maryland Department of Health – Community Dental Clinics Grant Program – Bill establishes the Community Dental Clinics Grant Program, which authorizes the Board of Public Works, on the recommendation of the Secretary of Health, to make grants under the Program to counties, municipal corporations, and nonprofit organizations for the purpose of supporting the provision of dental services by community dental clinics. House bill was heard on February 13th by the House Health and Government Operations Committee. The House bill passed Third Reader (139-0) as amended and is now on First Reader with the Senate Finance and Budget and Taxation Committees. The Senate bill was heard on February 6th by the Senate Finance Committee. The Senate bill passed Third Reader (47-0) as amended and will now be heard by the House Health and Government Operations Committee on March 27th. Bill is supported by the Maryland Municipal League.

HB 369
Del. Hornberger (D35A)

Admissions and Amusement Tax – Limitations on Municipal Corporations – Drive-In Movies and Roller Skating Rinks - This bill prohibits a municipality from imposing an admissions and amusement tax on gross receipts derived from any admissions and amusement charge for (1) a business that provides drive-in movie entertainment or (2) a roller skating rink. Bill was heard on February 12th by the House Ways and Means Committee. Bill is opposed by the Maryland Municipal League.

HB 386
Del. Hornberger (D35A)

Admissions and Amusement Tax – Limitations on Municipal Corporations – Agricultural Tourism - This bill prohibits a municipality from imposing an admissions and amusement tax on gross receipts derived from any admissions and amusement charge for any activities related to agricultural
<table>
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<tr>
<td>tourism. <strong>Bill was heard on February 12th by the House Ways and Means Committee.</strong> Bill is opposed by the Maryland Municipal League.</td>
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<tr>
<td><strong>HB 410 (SB 267)</strong>&lt;br&gt;Del. Impallaria (D7)&lt;br&gt;Sen. Klausmeier (D8)</td>
<td>Task Force on Prohibiting Debris From Entering Storm Drains or Stormwater Inlets – Bill establishes the Task Force on Prohibiting Debris From Entering Storm Drains or Stormwater Inlets; provides for the composition, chair, and staffing of the Task Force; prohibits a member of the Task Force from receiving certain compensation; requires the Task Force, by November 1, 2019, to report its findings and to make recommendations to the General Assembly regarding the preventing plastic bottles and other debris from entering storm drains and stormwater inlets. <strong>The House bill was heard on February 20th by the House Environment and Transportation Committee.</strong> The Senate bill was heard on March 5th by the Senate Education, Health and Environmental Affairs Committee. <strong>Bill is supported with amendment by the Maryland Municipal League.</strong></td>
</tr>
<tr>
<td><strong>HB 413</strong>&lt;br&gt;Del. Barron (D24)</td>
<td>Public Information Act – Personnel and Investigatory Records – Formal Complaints Against Public Employees - This bill establishes that a record related to a formal complaint of job-related misconduct made against a public employee, including an investigation record, a hearing record, or disciplinary decision, is not a personnel record and thus not subject to mandatory denial of inspection under Maryland’s Public Information Act (PIA). Instead, a custodian of a public record may, subject to specified existing conditions, deny the inspection of a record generally relating to the investigation, hearings, or decisions involving a complaint of job-related misconduct made against a public employee. <strong>Bill was heard on February 12th by the House Health and Government Operations Committee, where it received an Unfavorable Report. Bill was opposed by the Maryland Municipal League.</strong></td>
</tr>
<tr>
<td><strong>HB 428 (SB 269)</strong>&lt;br&gt;Del. C. Watson (D9B)&lt;br&gt;Sen. Hester (D9)</td>
<td>Comprehensive Flood Management Grant Program – Awards for Flood Damage and Mandatory Funding – This bill alters the policy and purpose of provisions of law governing flood control and watershed management to include establishing a grant program to assist local jurisdictions with infrastructure repairs, debris removal, and emergency protection work associated with a flood event; and authorizes the Department of the Environment to use the comprehensive flood management grant program to award grants to subdivisions that incurred infrastructure damage of a certain monetary amount caused by a flood event on or after January 1, 2009. <strong>The House bill was heard on February 19th by the House Environment and Transportation Committee. The House bill passed Third Reader (106-31) as amended and will now be heard on March 27th by the Senate Budget and Taxation Committee. The Senate bill was heard on</strong></td>
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<th>Bill Number</th>
<th>Description of Bill</th>
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<td>March 6th by the Senate Budget and Taxation Committee. The Senate bill passed Third Reader (46-0) as amended. The Senate bill is now on First Reader in the House Rules and Executive Nominations Committee. Supported by the Maryland Municipal League.</td>
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| **HB 472**  
*Del. Lafferty (D42A)* | Constitutional Amendment – Environmental Rights – This bill proposes an amendment to the Maryland Constitution to establish that every person has the right to a certain clean and healthy environment; authorizes the State, a political subdivision, and any person to enforce certain rights; establishes that every person has the right to intervene in an action brought by the State or a political subdivision of the State to protect certain rights; and submits the amendment to the qualified voters of the State for their adoption or rejection. **Bill was heard by the House Environment and Transportation Committee on February 20th where it received an Unfavorable Report. Bill was opposed by the Maryland Municipal League.** |
| **HB 474**  
*Del. Krimm (D3A)* | Joint Use of Utility and Telecommunications Infrastructure – This bill authorizes the initiation of a proceeding at the Public Service Commission regarding the joint use of utility and telecommunications infrastructure; authorizes the Commission to order a joint use entity to allow joint use and reasonable compensation for joint use of certain infrastructure; clarifies the jurisdiction of the Commission over certain entities; and requires the Commission to adopt certain regulations. **Bill was heard on February 21st by the House Economic Matters Committee. The bill was referred to interim study by the Committee.** |
| **HB 515**  
*Del.Hornberger (D35A)* | Municipalities – Municipal Infraction Proceedings – Designation of a Building Inspector or an Enforcement Officer to Testify – This bill authorizes a municipality to designate a qualified building inspector or enforcement officer to testify in a municipal infraction proceeding. **Bill was heard on February 26th by the House Environment and Transportation Committee. Bill passed Third Reader (137-0) as amended and is now scheduled to be heard by the Senate Education, Health, and Environmental Affairs Committee on March 26th. Bill is supported with amendment by the Maryland Municipal League.** |
| **HB 553 (SB 324)**  
*Del. Malone (D33)*  
*Sen. Young (D3)* | Political Subdivisions – Legal Notice Requirements – Posting on Websites – This bill authorizes a county or municipality to satisfy a statutory requirement to publish specified legal notices in a newspaper of general circulation by posting the notices on the jurisdiction’s website. **The House bill was heard on February 26th by the House Environment and Transportation Committee, where it received an Unfavorable Report. The Senate bill was heard on February 14th by the Senate** |
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<td><strong>Education, Health and Environmental Affairs Committee. Supported by the Maryland Municipal League.</strong></td>
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<td><strong>HB 557 (SB 509)</strong>&lt;br&gt;Del. Holmes (D23B)&lt;br&gt;Sen. Eckardt (D37)</td>
<td>Property Tax - In Rem Foreclosure and Sale - Vacant and Abandoned Property – This bill requires a tax collector to withhold from tax sale certain real property designated by a county or municipal corporation for sale under a certain process; authorizes a county or municipal corporation to initiate an in rem foreclosure and sale of certain real property for delinquent taxes; requires a county or municipal corporation to enact certain laws authorizing in rem foreclosure and sale of certain real property; and prohibits a local government from filing a certain action until the Court of Appeals has adopted certain rules. <strong>The House bill was heard on February 19th by the House Ways and Means Committee. The Senate bill was heard on February 20th by the Senate Budget and Taxation Committee. The Senate bill passed Third Reader (47-0) as amended and is now scheduled to be heard by the House Ways and Means Committee on March 26th. Supported by the Maryland Municipal League.</strong></td>
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<td><strong>HB 560</strong>&lt;br&gt;Del. Healey (D22)</td>
<td>Transportation - State Highway Administration - Traffic Calming Devices – This bill requires the State Highway Administration to develop certain statewide standards for the construction and maintenance of traffic calming devices; requires the Administration to publish a manual providing the statewide standards for the construction and maintenance of traffic calming devices; and requires the Administration to provide engineering services for the development, construction, and maintenance of traffic calming devices if requested by a county. <strong>Bill was heard on February 21st by the House Environment and Transportation Committee. Bill passed Third Reader (138-0) as amended and is scheduled to be heard by the Senate Judicial Proceedings Committee on March 28th. Bill is supported with amendment by the Maryland Municipal League.</strong></td>
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<tr>
<td><strong>HB 645</strong>&lt;br&gt;Del. Lisante (D34A)</td>
<td>Local Pension Systems – Special Disability Retirement Allowance – This bill requires that the appropriate authority of a local pension system offer a special disability retirement allowance to certain members under certain circumstances; provides for the calculation of a special disability retirement allowance; and exempts the appropriate authority of a local pension system from the requirements of the Act under certain circumstances. <strong>Bill was heard on February 19th by the House Appropriations Committee. Bill passed Third Reader (139-0) as amended and is now scheduled to be heard by the Senate Budget and Taxation Committee on March 28th. Bill is supported by the Maryland Municipal League.</strong></td>
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<td><strong>HB 654 (SB 937)</strong></td>
<td>Wireless Facilities – Installation and Regulation – This bill establishes</td>
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Bill Number | Description of Bill
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Del. D. E. Davis (D25) Sen. Klausmeier (D8) | procedures and requirements for the deployment, installation, and regulation of certain wireless telecommunications facilities in the State; prohibits an authority from entering into an exclusive agreement for the use of certain rights-of-way for certain purposes; authorizes an authority to impose certain rates and fees for use of certain rights-of-way in a certain manner and subject to certain limitations; and authorizes a wireless provider to collocate certain facilities and use certain rights-of-way. The House bill was heard on February 21st by the House Economic Matters Committee. Opposed by the Maryland Municipal League. Bill has been referred to interim study by the Committee.

HB 679 (SB 872) Speaker and Del. Jones (D10) President and Sen. Klausmeier (D8) | Workplace Harassment – Prohibitions, Liability, and Enforcement – This bill prohibits certain individuals granted special access to the State legislative complex from unlawfully harassing or discriminating against certain individuals; requires the Department of General Services, if requested by a certain individual, to revoke access granted to a person who violates certain provisions of the Act or a regulated lobbyist who violates a certain provision of law; alters the definition of "employee" for the purposes of certain laws governing discrimination in employment. House bill was heard on February 19th by the House Appropriations Committee. The House bill is now on First Reader with the Senate Finance Committee. The Senate bill was heard by the Senate Finance Committee on March 19th. Supported with amendment by the Maryland Municipal League.

HB 703 (SB 505) Del. Lafferty (42A) Sen. Elfreth (D30) | Environmental Violations – Reporting Requirements – This bill requires certain jurisdictions to report to the Department of the Environment on certain information relating to the number of cases alleging violations of sediment and erosion control laws and regulations and building and grading permits by January 1 each year; requires the Department to post certain information and a certain interactive map on its website; and requires the Department to report to the Governor and the General Assembly on or before March 1 each year. The House bill was heard on February 22nd by the House Environment and Transportation Committee. House bill passed Third Reader (109-24) as amended and is now on First Reader with the Senate Education, Health, and Environmental Affairs Committee. The Senate bill was heard on February 27th by the Senate Education, Health and Environmental Affairs Committee. The Senate bill passed Third Reader (33-13) as amended and is now on First Reader with the House Environment and Transportation Committee. Opposed by the Maryland Municipal League.

HB 717 Del. J. Lewis (D24) | Law Enforcement Body Camera Task Force – This bill establishes the Law Enforcement Body Camera Task Force; provides for the composition, chair, and staffing of the Task Force; requires the Task
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<td>Force to study the options for economical storage of audio and video recordings made by body-worn cameras and make recommendations for storage considering the budget limitations of State, county, local, and campus law enforcement entities; and requires the Task Force to report its findings and recommendations to the General Assembly on or before December 1, 2019. <strong>Bill was heard on March 5th by the House Judiciary Committee. Supported with amendment by the Maryland Municipal League.</strong></td>
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**HB 765 (SB 914)**  
*Del. Valentino-Smith (D23A)*  
*Sen. Beidle (D32)*  
Transportation - Magnetic Levitation Projects – Requirements – This bill prohibits the construction of a certain transportation project involving a magnetic levitation propulsion system without a certain informed consent of a majority of the governing bodies of the affected counties; requiring a project owner to provide to each governing body of an affected county a bond that is payable to the affected county, issued by an approved surety, in a form and amount determined by the affected county, and conditioned on the project owner covering certain liability for certain damages. **The House bill was heard on February 28th by the House Environment and Transportation Committee. The Senate bill is currently with the Senate Rules Committee.**

**HB 776**  
*Del. Wivell (D2A)*  
Vehicle Laws – Speed Monitoring Systems – Operation in School Zones – This bill requires that a local jurisdiction place a certain device in each direction of a roadway in close proximity to the boundary of a school zone before activating, placing, repairing, or altering a speed monitoring system on or after June 1, 2019; and limits the fee that a contractor may receive for operating a speed monitoring system or administering or processing citations generated by a speed monitoring system on behalf of a local jurisdiction for a contract entered into on or after June 1, 2019. **Bill was heard on February 28th by the House Environment and Transportation Committee, where it received an Unfavorable Report. Bill was opposed by the Maryland Municipal League.**

**HB 858**  
*Del. M. Fisher (D27C)*  
Personal Property Tax – Exemption for Business Personal Property – This bill exempts business personal property from the property tax imposed by a county or municipal corporation, subject to certain exceptions; requires the State Department of Assessments and Taxation to identify certain provisions of law and submit a certain report to the General Assembly; and applies the Act to taxable years beginning after June 30, 2019. **Bill was heard on February 26th by the House Ways and Means Committee. Opposed by the Maryland Municipal League.**

**HB 859**  
*Del. Al Carr (D18)*  
Maryland-National Capital Park and Planning Commission – Mandatory Referral Review – This bill requires certain actions to be subject to review by M-NCPPC and clarifies that each action may require separate reviews by the Commission and generally relates to mandatory referral review. **The**
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<td><strong>bill received an Unfavorable Report by the House Environment and Transportation Committee.</strong></td>
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| **HB 885**  
*Del. Palakovich Carr (D17)* | Transportation - Vision Zero – Establishment – This bill establishes the Vision Zero program. The purpose of the program is for planning and developing a State highway system that has zero vehicle-related deaths or serious injuries. **Bill was heard on February 28th by the House Environment and Transportation Committee.** Bill passed Third Reader (139-0) as amended and is now scheduled to be heard by the Senate Finance Committee on March 27th. |
| **HB 1020 (SB 713)**  
*Del. Lisante (D34A)  
Sen. Beidle (D32)* | Wireless Facilities – Permitting and Sitting – This bill establishes procedures and requirements for the permitting, installation, and regulation of certain wireless telecommunications facilities in the State; authorizes a wireless provider to install and maintain certain facilities in certain right-of-way in accordance with certain provisions; prohibits the use of a public right-of-way from obstructing or hindering certain other uses; prohibits a certain local law from prohibiting the installation of certain facilities or discriminating among certain providers. **House bill was heard on February 21st by the House Economic Matters Committee.** The House bill has been referred to interim study by the Committee. The Senate bill was heard on February 26th by the Senate Finance Committee and it too has been referred to interim study by the Committee. |
| **HB 1091**  
*Del. Solomon (D18)* | Public-Private Partnerships – Reforms – This bill prohibits the Board of Public Works (BPW) from approving a P3 agreement until a specified independent rating assessment survey is completed. Bill was amended by the House Environment and Transportation Committee and passed Third Reader (96-42). **Bill is now on First Reader in the Senate Budget and Taxation Committee with a bill hearing scheduled for April 3rd.** |
| **HB 1162 (SB 656)**  
*Del. Lierman (D46)  
Sen. Ferguson (D46)* | Heritage Structure Rehabilitation Tax Credit - Alterations - Opportunity Zones, Targeted Projects, and Transferability – This bill authorizes an additional 5% tax credit under the heritage structure rehabilitation tax credit program for certain commercial rehabilitations that qualify as opportunity zone projects; alters the definition of "small commercial project" to include certain residential units sold as part of a development project and certain targeted projects; makes the credit transferable and refundable under certain circumstances; and requires the Governor to appropriate at least $20,000,000 for the tax credit reserve fund. **The House bill was heard on March 8th by the House Ways and Means Committee.** The Senate bill was heard on March 5th by the Senate Budget and Taxation Committee. The Senate bill passed Third Reader (46-0) as amended and is now scheduled to be heard by the House Ways and Means Committee on March 27th. Supported by the Maryland Municipal League. |
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<td>HB 1163 (SB 795)</td>
<td>Income and Property Taxes – Qualified Maryland Opportunity Zone Investments – This bill allows a subtraction modification under the Maryland income tax for certain gains from the sale to, or an exchange with, a certain unrelated person of qualified Maryland opportunity zone property; provides for the calculation of the subtraction modification; requiring the governing body of a county or municipal corporation to grant a property tax credit on a certain assessment of qualified Maryland opportunity zone business property under certain circumstances; and provides for the amount of the credit.  <em>The House bill was heard on March 8th by the House Ways and Means Committee. The Senate bill was also heard on March 8th by the Senate Budget and Taxation Committee. Supported with amendment by the Maryland Municipal League.</em></td>
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<td>HB 1281 (SB 787)</td>
<td>Transportation - Bikeways Network Program – Funding – This bill codifies the Bikeways Network Program to provide grant support for bicycle network development activities; requires the Department of Transportation to establish certain application and eligibility criteria; requires the Governor to provide an appropriation for the Program; and requires that $100,000 of the appropriation be distributed to the Maryland Association of Counties and the Maryland Municipal League to provide technical assistance to counties and municipalities with the drafting and submission of grant proposals.  <em>The House bill was heard on March 5th by the House Appropriations Committee and the hearing scheduled by the House Environment and Transportation Committee was cancelled. The Senate bill was heard on March 5th by the Senate Budget and Taxation Committee. Supported by the Maryland Municipal League.</em></td>
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<td>SB 3 (HB 117)</td>
<td>Maryland Smart Growth Investment Fund – This bill authorizes the Department of Commerce to seek proposals to select a management entity to establish an investment fund that is: 1) based on the recommendations in the December 2013 report of the Maryland Smart Growth Investment Fund Workgroup; and 2) designed to meet the requirements for a Qualified Opportunity Fund. This bill has a high likelihood of passage and is supported by the Maryland Municipal League.  <em>The Senate bill was heard on February 5th by the Senate Finance Committee. Senate bill passed Third Reader (33-13) as amended. The Senate bill is now on First Reading with the House Ways and Means Committee. The House bill was heard on February 12th by the House Environment and Transportation Committee.</em></td>
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<td>SB 32</td>
<td>Election Law – Early Voting Centers – Reduced Days of Operation – This bill would alter operating days for early voting centers as follows: a) the second Thursday and Second Friday before a primary or general election;</td>
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<td>Description of Bill</td>
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<td>SB 34</td>
<td>Tourist Area and Corridor Program and Task Force on Attraction Signs – This bill creates a program responsible for developing a system of supplemental guide signs that direct motorists to eligible individual attractions within a geographical area. Individual attractions that will be eligible for a sign include: 1) an artist’s or artisan’s studio; 2) a brewery, cidery, distillery, or meadery; 3) a facility used for agritourism; and 4) a performing arts center. <strong>Bill was heard on February 13th by the Senate Finance Committee, where it has received an Unfavorable Report.</strong></td>
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<tr>
<td>SB 55</td>
<td>Department of Planning – Central Depository – This departmental bill clarifies that the Maryland Department of Planning is the central depository for all land use plans, and amendments and revisions to the plans adopted by a unit of the State government, of a regional government, or of a local government, or by an interstate agency. <strong>Bill passed Third Reader (46-0) by the Senate Education, Health and Environmental Affairs Committee with amendments. Bill was heard by the House Environmental &amp; Transportation Committee on March 19th.</strong></td>
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<td>SB 90 (HB 43)</td>
<td>Elections – Legislative and Congressional Redistricting and Apportionment Commission and Process - This Administration bill implements provisions of a proposed constitutional amendment by (1) establishing the Legislative and Congressional Redistricting and Apportionment Commission; (2) specifying the membership, duties, and procedures of the Redistricting Commission; (3) specifying the responsibilities of the State Ethics Commission (SEC) with respect to the selection and removal of members of the Redistricting Commission; (4) specifying procedures for the review or establishment of a State legislative or congressional districting plan by the Court of Appeals; and (5) requiring the Governor to include funding in the State budget to carry out the activities included under the bill’s provisions. The bill is contingent on the enactment and ratification of House Bill 44 or Senate Bill 91, the proposed constitutional amendment. The bill takes effect on the proclamation of the Governor that the constitutional amendment has been adopted. <strong>The Senate Bill was heard by the Senate Education, Health and Environmental Affairs Committee on February 28th. The House bill received an Unfavorable Report by the House Rules and Executive Nominations Committee.</strong></td>
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<td>SB 110 (HB 463)</td>
<td>Congressional Districts – Standards - This proposed constitutional amendment, if approved by voters at the next general election, requires each congressional district in the State to consist of adjoining territory, be compact in form, and be substantially equal in population. In addition, due regard must be given to natural boundaries and the boundaries of political</td>
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<td>SB 122 (HB 160)</td>
<td>Property Tax Credits – Real Property Used for Robotics – Bill authorizes a property tax credit against the real property that is used for a public-school robotics program or nonprofit robotics program. The Senate bill was heard on January 30th by the Senate Committee on Budget and Taxation. The Senate bill passed Third Reader (44-0) and is now on First Reader with the House Ways and Means Committee, where the bill was heard on March 19th. The House bill was heard on February 5th by the Committee on Ways and Means.</td>
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<tr>
<td>SB 449</td>
<td>Election Law – Registration and Voting at Precinct Polling Places - This bill establishes procedures allowing for an individual, on Election Day at the precinct polling place in the individual’s county of residence that the local board of elections has assigned as the precinct for the individual’s residence address, to register to vote (or change the individual’s address on an existing voter registration) and then vote. Bill has passed Third Reader (33-14) and will now be heard by the House Ways and Means Committee on March 26th. Bill has a good chance of passage.</td>
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<td>SB 489</td>
<td>Ballot Access – Voter Registration – Affiliating with a Party - This bill allows a voter who is not affiliated with a political party to, during early voting, appear in person at an early voting center in the individual’s county of residence and change party affiliation on an existing voter registration. If an election judge determines that the voter is a resident of the county, the election judge must issue the voter the appropriate ballot for the voter’s new party affiliation. The bill also specifies that a registered voter who has declined to affiliate with a political party may change to a party affiliation at any time an individual may register to vote under Title 3 (voter registration) of the Election Law Article. Bill was heard by the Senate Education, Health and Environmental Affairs Committee on February 21st. Bill has a low likelihood of passage.</td>
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<td>SB 492</td>
<td>Investment in Job Skills Act of 2019 – This bill establishes the Career and Technology Education Grant Program; authorizing, rather than requiring, the Governor to appropriate at least $3,000,000 in the annual budget for Workforce Development Sequence Scholarships; requires the Department of Labor, Licensing, and Regulation to create a statewide media campaign to promote participation in career and technical education, apprenticeships, and workforce development in workforce shortage occupations. Bill was heard by the Senate Budget and Taxation Committee on March 13th. Bill is supported by the Maryland Municipal League.</td>
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<td>SB 533</td>
<td>Sales and Use Tax – Limited Residential Lodging – This bill requires certain hosting</td>
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<td>platforms to collect the sales and use tax on the sale of the right to occupy</td>
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<td>certain lodging accommodations; requires that the sales and use tax be stated and</td>
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<td>shown in a certain manner for each retail sale or sale for use of an accommodation;</td>
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<td>and prohibits a hosting platform from collecting certain fees unless the sales and</td>
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<td>use tax is collected in a certain manner. Bill was heard on February 27th by the</td>
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<td>Senate Budget and Taxation Committee. Supported with amendment by the Maryland</td>
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<td>Municipal League.</td>
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<td>SB 781 (HB 663)</td>
<td>Public-Private Partnership Projects - Real Property Acquisition – Prohibition –</td>
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<td>This bill prohibits a State agency or its designee from acquiring residential real</td>
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<td>property for a public-private partnership project that includes the addition of toll</td>
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<td>lanes to I-495 or I-270. Senate bill was heard on March 13th by the Senate Budget</td>
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<td>and Taxation Committee. The House bill was heard by the House Environment and</td>
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<td>Transportation Committee on February 26th and the hearing before the House</td>
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<td>Appropriations Committee was cancelled.</td>
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