



City of College Park Virtual Meeting Instructions Tuesday, May 26, 2020

This will be a Zoom virtual meeting. The link is:

<https://zoom.us/j/92398574069?pwd=MIU3dFB3OG9TZnBQT242R1IsK3RNQT09>

Zoom Webinar ID: 923 9857 4069

Zoom Webinar Password: CPjoinMCM

A few minutes before the meeting begins

1. To join the meeting by computer or mobile device:

- Click on the Zoom link above
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- If you get the prompt to “Open Zoom Meetings”, click it to join the webinar.

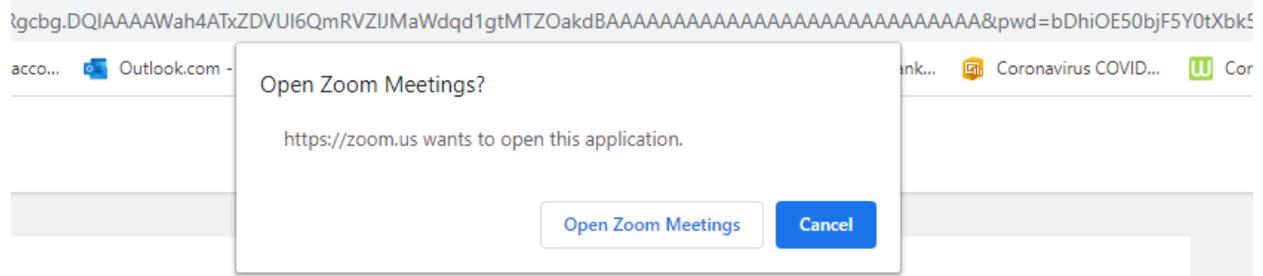
2. To join the meeting by telephone:

- Dial 301-715-8592
- Enter Meeting ID: 923 9857 4069, then press #
- There is no Participant ID. Just press #
- Enter Meeting Password: 419048, then press #

As an Attendee

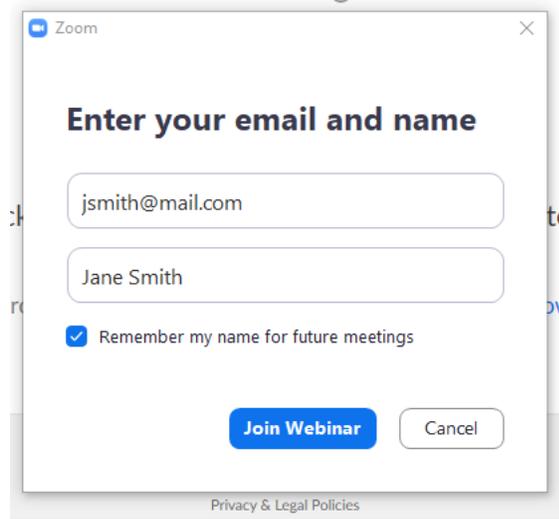
Joining a College Park Zoom webinar as an attendee will allow you to watch and listen to the webinar. Attendees can also use the Raise Hand button when the meeting is open for public comment. If the Host unmutes an attendee, that attendee will be able to speak to the webinar until they are muted again.

As an attendee, you will not have access to any other functions.

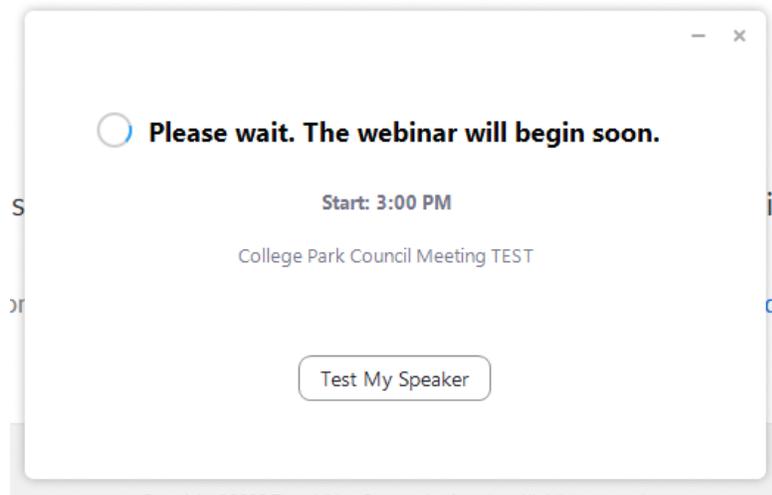


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Uncheck the box next to “Remember my name for future meetings” if you do not want to automatically join subsequent Zoom meetings using the same information.



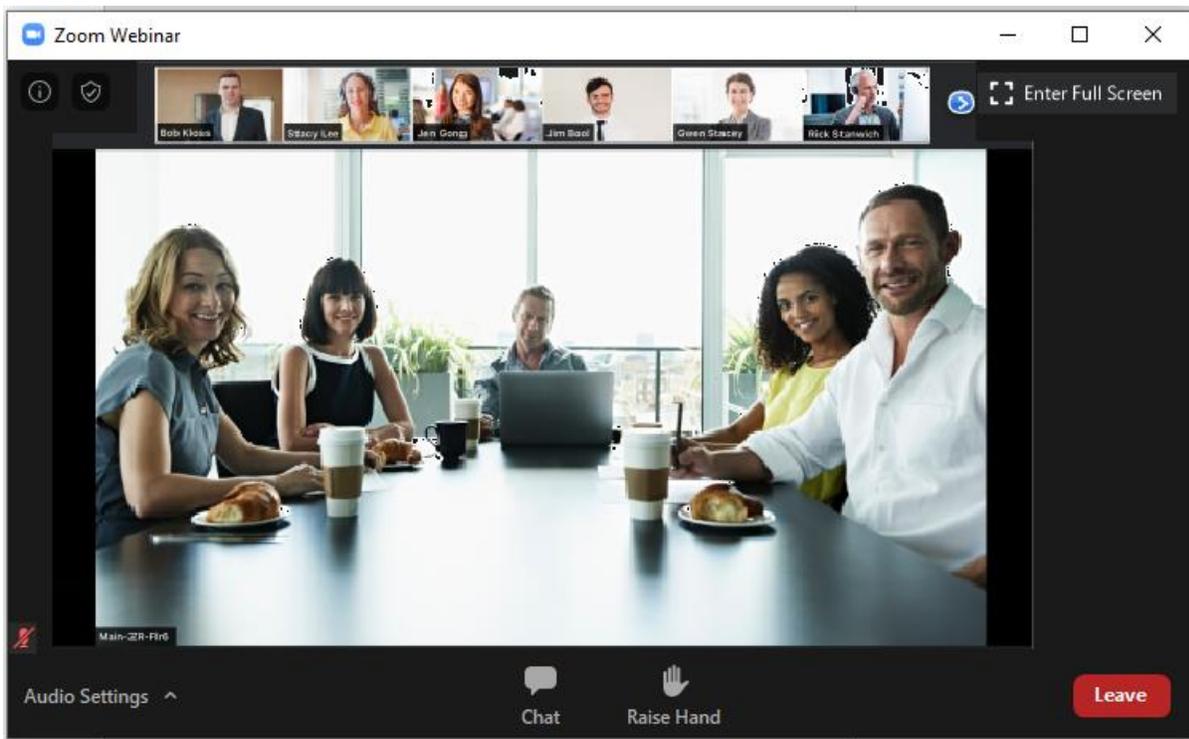
If the webinar is in the pre-meeting “Practice” mode and has not started to broadcast, you will get the following screen.



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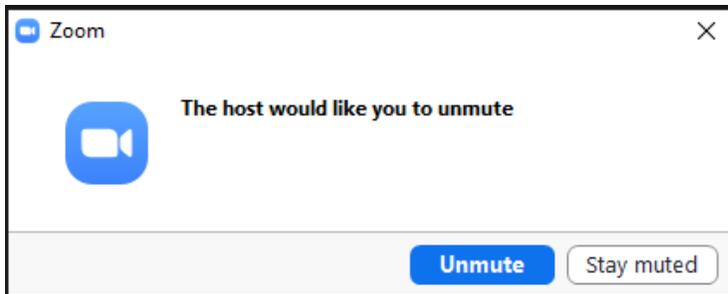
Note the “Raise Hand” Control in the lower part of the Zoom window.

If the controls are not showing, hover your mouse pointer over the Zoom window and the controls will immediately appear.



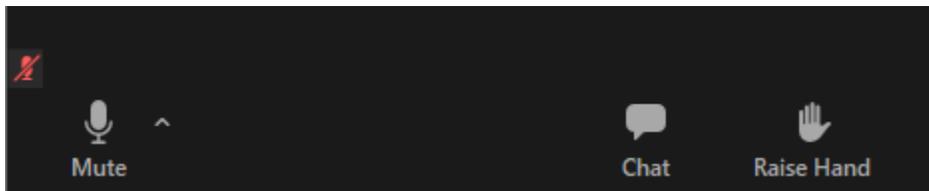
When the webinar is opened for public comment, you can click the “Raise Hand” control so that the Host will know that you would like to speak.

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Click the Unmute button to speak to the webinar and all the participants will be able to hear you.

While you are granted the option to speak, notice the microphone control that will appear at the lower-left corner of your Zoom window. Clicking that control will allow you to unmute and mute yourself.



After the Host has stopped the option to speak, the microphone control will disappear and you will not be able to speak to the webinar.

Guidelines and Best Practices for participation

1. Please keep yourself on “mute” to eliminate background noise.
2. A high-speed, wired internet connection will provide the best results.
3. We recommend that you close other applications on your device to preserve bandwidth.
4. If you will be speaking, we suggest using a headset with microphone for best results.
5. For public comment portions of the meeting, please unmute yourself when prompted by the Mayor, and remember to re-mute yourself when you are finished. Please eliminate as much background noise as possible when you are speaking.
6. Please state your name and whether you are a College Park resident when you begin your testimony. Speakers are given 3 minutes.



TUESDAY, MAY 26, 2020
CITY OF COLLEGE PARK

VIRTUAL MEETING
Meeting Link Will Be Posted On City Website And
Emailed Via College Park Connected

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

(Note there will be a Closed Session following the 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 Dennis
- 3. ROLL CALL**
- 4. ANNOUNCEMENTS/COMMENTS - MAYOR, COUNCIL, STUDENT LIAISON**
- 5. CITY MANAGER'S REPORT**
- 6. ACKNOWLEDGMENTS**
- 7. PROCLAMATIONS AND AWARDS**
 - Farewell to Student Liaison Dan Alpert and Deputy Student Liaison Julia Nikhinson
 - Introduction of incoming Student Liaison Adam Rosenbaum
- 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. PUBLIC HEARINGS**
- 11. PRESENTATIONS:** Presentation on the City's ClearGov financial transparency dashboard – Gary Fields, Director of Finance and Anna Balcora from ClearGov

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.

20-G-99	Approval of a letter of support for H.R. 6175, The REHAB Act.	Motion By: To: Second:
20-G-100	Approval of minutes from the March 17, 2020 Worksession; the March 17, 2020 Special Session; the March 24, 2020 Regular Meeting.	Aye: Nay: Other:
20-R-14	Adoption of Resolution 20-R-14 In Support Of Fair, Direct, Federal Emergency Support To Reopen And Rebuild Local American Economies.	

13. ACTION ITEMS

20-O-07	Adoption of Ordinance 20-O-07, an Ordinance of the Mayor and Council of the City of College Park, Maryland to adopt the Fiscal Year 2021 General Fund, Capital Projects Fund and Debt Service Fund budgets for the City of College Park.	Motion By: To: Second: Aye: Nay: Other:
20-G-101	Approval of an amendment to the contract with NZI Construction Corporation to construct the remaining section of the Trolley Trail between Berwyn Road and Rhode Island Avenue – Scott Somers, City Manager	Motion By: To: Second: Aye: Nay: Other:
20-G-102	Consideration of additional COVID-19 economic assistance related to the CARES Act – Scott Somers, City Manager	Motion By: To: Second: Aye: Nay: Other:
20-O-08	Introduction of Ordinance 20-O-08, 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” And §110-2, “Penalties”; And Chapter 151, “Permit Parking”, By Repealing And Reenacting §151-2, “Petition Requirements”, §151-4 Issuance Of Permits And § 151-6 Return Of Parking Permits; Refund Of Permit Fee And Loss Of Refund For Failure To Return, To Delete The Annual And Bi-Annual Permit Parking Fee In Residential Zones <i>The virtual Public Hearing will be held on June 9, 2020 at 7:30 p.m.</i>	Motion By: To: Introduce Second:

14. GENERAL COMMENTS FROM THE AUDIENCE

15. ADJOURN

CLOSED SESSION

**Pursuant to the Maryland Annotated Code, General Provisions Article, Section 3-305, the Mayor and Council are providing notice that they will meet in a Closed Session after tonight's meeting for the following purposes:
To consult with Counsel to obtain legal advice; To consider a matter that concerns the proposal for a business to locate in the State**

The Council will not return to public session after the Closed Session.

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

20-G-99

Letter of support for
H.R. 6175,
The REHAB Act

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



AGENDA ITEM 20-G-99

Prepared By: Bill Gardiner,
Assistant City Manager

Meeting Date: May 26, 2020

Presented By: Patrick Wojahn,
Mayor

Consent Agenda: Yes

Originating Department: Mayor and Council

Action Requested: Authorize the Mayor to sign a letter on behalf of the City urging federal officials to support H.R. 6175—the Revitalizing Economies, Housing, And Businesses (REHAB) Act of 2020—that would provide federal tax incentives for affordable housing, mixed-use development, and private infrastructure in urban centers.

Strategic Plan Goal: Goal 6: Effective Leadership

Background / Justification:

Smart Growth America and many other organizations that support investment in existing communities are asking cities to support H.R. 6175 (the REHAB Act) that would provide federal tax incentives for affordable housing, mixed-use development, and private infrastructure in urban centers and activity centers such as College Park.

The REHAB Act would support the following:

- Focus incentives on the rehabilitation of existing assets near public transportation, which will also support smarter local public investment strategies.
- Include infrastructure upgrades in eligible project costs.
- Encourage investment in affordable housing in walkable communities.
- Encourage greater density and retrofitting of existing housing.

The federal tax incentive approach should broaden access to this type of incentive and benefit more communities.

The REHAB Act is supported by the following organizations: the National Trust for Historic Preservation, Historic Tax Credit Coalition, the American Planning Association, LOCUS Responsible Real Estate Developers and Investors, Smart Growth America, Transportation for America, International Council of Shopping Centers, Coalition for Smarter Transportation, American Society of Landscape Architects, and the National Community Stabilization Trust.

Fiscal Impact:

None

Council Options:

1. Authorize the Mayor to sign the attached letter to federal representatives urging them to support the REHAB Act.
2. Amend the draft letter and authorize the Mayor to sign it.
3. Do not send a letter at this time.

Staff Recommendation:

Option #1

Recommended Motion:

I move to authorize the Mayor to sign the attached letter to federal representatives urging them to support the REHAB Act.

Attachments:

Draft letter



CITY OF COLLEGE PARK

OFFICE OF THE MAYOR & CITY COUNCIL

8400 BALTIMORE AVENUE SUITE 375 COLLEGE PARK MD 20740 | COLLEGE PARKMD.GOV

May 26, 2020

MAYOR

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Congressman Steny Hoyer
Maryland 5th Congressional District
1705 Longworth House Office Building
Washington, D.C. 20515

Dear Congressman Hoyer:

I am writing to express the College Park City Council’s support of H.R. 6175—the Revitalizing Economies, Housing, And Businesses (REHAB) Act of 2020—and to ask you to cosponsor this important bipartisan legislation.

As you know, often redevelopment costs in existing main streets and small towns are higher than in “green field” sites, and the pandemic has made investment in these communities more urgent and challenging. The REHAB Act will help in several important ways, including:

- By focusing the rehabilitation of existing assets near public transportation, it will provide an important incentive to invest in our nation’s downtown areas and small towns while also supporting smarter local public investment strategies;
- By including infrastructure upgrades in eligible project costs, it will encourage badly needed private investment and partnership in our public infrastructure and with the public sector;
- By encouraging investment in attainable housing in walkable communities, it will increase the supply of housing and promote affordability now when it’s needed the most, and;
- By encouraging greater density and retrofitting within the existing housing stock, it will hasten the production of more housing units as well as greater affordable housing options, like accessory dwelling units.

This important legislation represents a long-needed new tool for encouraging inclusive neighborhood revitalization and providing a strong federal partner to smarter local fiscal choices. We urge you to cosponsor H.R. 6175 and champion its inclusion in any future recovery and infrastructure legislation.

Sincerely,

Patrick L. Wojahn
Mayor

20-G-100

Approval of Minutes

WORKSESSION MINUTES
College Park City Council
Tuesday, March 17, 2020
7:30 P.M. – 10:41 P.M.

Due to the COVID-19 Pandemic, this was a WebEx Virtual Meeting

PRESENT: Mayor Wojahn; Councilmembers Kabir, Kennedy, Brennan, Dennis (arrived at 8:51 p.m.), Day, Rigg, Mackie and Mitchell.

ABSENT: None.

ALSO PRESENT: Scott Somers, City Manager; Bill Gardiner, Assistant City Manager; Janeen S. Miller, City Clerk; Suellen Ferguson, City Attorney; Robert Marsili, Director of Public Works; Bob Ryan, Director of Public Services; Dan Alpert, Student Liaison; Julia Nikhinson, Deputy Student Liaison.

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

CITY MANAGER’S REPORT: Mr. Somers provided guidance about this WebEx meeting platform. He said we are trying to move forward with the changes necessitated by the COVID-19 (novel coronavirus) outbreak. Notices have been posted on our website to explain how business can be conducted on-line and by telephone, staff have been authorized to work from home, City buildings are closed to the public, and certain services have been suspended. All events have been cancelled. He asked everyone to adhere to the Governor’s Executive Order.

AMENDMENT TO/APPROVAL OF THE AGENDA: The agenda was approved without amendment (Rigg/Mitchell 7-0).

SPECIAL SESSION:

A motion was made by Councilmember Mitchell and seconded by Councilmember Rigg to enter into a Special Session to approve a time-sensitive matter that will amend the Council rules to allow them to hold this virtual meeting tonight. The possibility of the Special Session was listed as agenda item #6 on the Worksession Agenda. The motion carried 7-0 and the Council entered Special Session at 7:40 p.m.

ACTION ITEM:

20-G-54 Amendment to Council Rules and Procedures to authorize elected officials to participate in Mayor and Council public meetings by telephone or other means that is publicly accessible during certain emergencies.

Mayor Wojahn said when this was discussed last week, we didn’t realize we would be using this provision so soon, but things are changing quickly. The draft language was reviewed.

A motion was made by Councilmember Rigg and seconded by Councilmember Brennan to approve an amendment to the Council Rules and Procedures to allow for an elected official to participate by phone or other format that is generally accessible to the public during emergency events that substantially impact the ability to safely meet as a legislative body, or that require one or more elected officials to be quarantined or to self-quarantine.

Comments from the audience:

Oscar Gregory, resident: Supports the motion.

There were no comments from the Council.

The motion passed 7-0.

A motion was made by Councilmember Rigg and seconded by Councilmember Mitchell to adjourn from the Special Session, and with a vote of 7-0, the Special Session was adjourned at 7:46 p.m.

DISCUSSION ITEMS:

- 1. Discussion about PEPCO tree-trimming work in the City:** Mr. Somers reviewed the staff report, displayed the map, and said this is similar to what Pepco did four years ago. He added that Ms. Alexander will walk the lines with Pepco staff and identify which trees will be impacted. Council discussed notification to the public. Ms. Alexander said they are in the planning phase for work in the Estates and Yarrow, but there are no specific dates yet. Ms. Alexander will provide updates and share the map once it is completed.
- 2. Approval of a revision to the Property Use Agreement for The Hall:** *(See Special Session minutes 20-G-55)*
- 3. Discussion of a Trash To Treasure pilot program:** Mr. Somers reviewed the staff report and said if we move forward with a trash to treasure program concurrent with the pilot program for bulky trash, the data we collect for bulky trash will be skewed. Mr. Marsili added that this is not the best time for the trash to treasure program because students may not return to the City due to COVID-19, so the numbers would be off.

There was discussion about not collecting data but deploying collection PODS. Mr. Marsili said we would have to staff the PODS during the day, but at night and on weekends, anyone from anywhere could use them. He said if the move-out timeline is uncertain, it will impact the project. He added the trash to treasure pilot is a heavy logistical lift, and he would prefer to deploy it at the most effective time.

Councilmember Day described it as a win-win because the purpose is to reduce what goes to the landfill. Councilmember Rigg echoed the benefit of keeping items out of the waste stream.

Mr. Somers was not in favor of creating a new program at this time when there is a lot of uncertainty.

The agreement was to delay the trash to treasure program for now, and to continue with the data collection on the bulky trash as previously determined.

- 4. Discussion of a new two-way radio communication system:** Mr. Marsili reviewed the staff report. This is to consider purchase of a new City Motorola two-way communication system to replace the 20+ year old system from the University of Maryland that is at the end of its useful life and can no longer be repaired. Mr. Marsili discussed the interoperability with the University

of Maryland, saying that Public Works can't get onto their police system but there would be a patch to allow us to communicate. He reviewed the cost comparison. Council asked additional questions that Mr. Marsili will answer next week. Mr. Ryan added this is a critical need for Code and Parking employee safety.

Councilmember Rigg said he wouldn't want the issue of a sunk cost into a communication system to get in the way of any future consideration of a police department.

Councilmember Day asked if this is a multi-band system and asked how we would communicate with the UMD. Mr. Marsili said communication with the University was one of our priorities and that a patch can be created to communicate with the University.

Ms. Ferguson said the City would adopt the pricing from the state contract, but we would use our own contract. Mr. Marsili said the expense is budgeted in the FY 21 budget.

Award of contract to agenda – Rigg.

5. Discussion of live-monitoring of certain security cameras in the City – MOU with UMPD:

Mr. Ryan said we need to decide about whether to continue the MOU with the University of Maryland Police for live monitoring of certain security cameras in the City. He reviewed the staff report, the updated proposal, the options and costs for each.

Council discussed the advantages of live monitoring; the lack of data from UMD to help determine how effective live monitoring is in preventing crimes; what any cost savings could be used toward; what is our overarching strategy for public safety; do we want more cameras or more contract police; the needed migration toward better technology; how would we know if any cameras are down if we don't have live monitoring; there is no back-up on record-only cameras; PTZ cameras only make sense if we have live monitoring.

Return next month for continued discussion. Address some of the larger questions during the Strategic Plan discussion. Staff to do more research on other uses of a \$140,000 savings and options for the PODSS program.

6. (Handled in Special Session at the beginning of the meeting).
7. **Award of Contract for RFP-CP-20-06, "Material Testing and Inspection Services and Third-Party Inspection Services for City Hall Redevelopment"** – *See Special Session minutes for 20-G-44.*
8. **Consider support for County Legislation CB-9-2020, CB-10-2020, and CB-12-2020, for the Western Gateway Project** – *See Special Session minutes for 20-G-46.*
9. **Review of Legislation** – *See Special Session minutes for 20-G-56, support for Transportation for America Congressional Relief Package.*
10. **Appointments to Boards and Committees:** Adrea Benedetti to VMC. This will be the last round of appointments before the June 30 term expiration date.

11. Future Agendas: Discussion of impacts of Coronavirus on our small businesses and vulnerable populations (Kennedy/Day 8-0).

Ask staff and/or Complete Count Committee to explain the impact it will have on our census count if a majority of UMD students are at home on April 1, and what we can do about it.

ADJOURN: A motion was made by Councilmember Mitchell and seconded by Councilmember Day to adjourn the Worksession, and with a vote of 8-0, the Worksession was adjourned at 10:41 p.m.

Janeen S. Miller
City Clerk

Date
Approved

**SPECIAL SESSION MINUTES
College Park City Council
Tuesday, March 17, 2020**

Due to the COVID-19 Pandemic, this was a WebEx Virtual Meeting

PRESENT: Mayor Wojahn; Councilmembers Kabir, Kennedy, Brennan, Dennis (arrived at 8:51 p.m.), Day, Rigg, Mackie and Mitchell.

ABSENT: None.

ALSO PRESENT: Scott Somers, City Manager; Bill Gardiner, Assistant City Manager; Janeen S. Miller, City Clerk; Suellen Ferguson, City Attorney; Robert Marsili, Director of Public Works; Bob Ryan, Director of Public Services; Dan Alpert, Student Liaison; Julia Nikhinson, Deputy Student Liaison.

SPECIAL SESSION #1:

During the regularly scheduled Worksession of the Mayor and Council, a motion was made by Councilmember Mitchell and seconded by Councilmember Rigg to enter into a Special Session to approve a time-sensitive matter that will amend the Council's adopted Rules and Procedures to allow them to hold this virtual meeting tonight. The possibility of the Special Session was listed on the Worksession Agenda. The motion carried 7-0 and the Council entered Special Session at 7:40 p.m.

20-G-54 Amendment to Council Rules and Procedures to authorize elected officials to participate in Mayor and Council public meetings by telephone or other means that is publicly accessible during certain emergencies.

Mayor Wojahn said when this was discussed last week, we didn't realize we would be using it so soon, but things are changing quickly. The proposed language was reviewed.

A motion was made by Councilmember Rigg and seconded by Councilmember Brennan to approve an amendment to the Council Rules and Procedures to allow for an elected official to participate by phone or other format that is generally accessible to the public during emergency events that substantially impact the ability to safely meet as a legislative body, or that require one or more elected officials to be quarantined or to self-quarantine.

Comments from the audience:

Oscar Gregory, resident: Supports the motion.

There were no comments from the Council.

The motion passed 7-0.

A motion was made by Councilmember Rigg and seconded by Councilmember Mitchell to adjourn from the Special Session, and with a vote of 7-0, the Special Session was adjourned at 7:46 p.m.

SPECIAL SESSION #2:

During the regularly scheduled Worksession of the Mayor and Council, a motion was made by Councilmember Rigg and seconded by Councilmember Brennan to enter into a Special Session to consider several Special Session items that were listed on the agenda. The motion passed 7-0 and Council entered the second Special Session of the meeting at 8:08 p.m.

20-G-55 Approval of a revision to the Property Use Agreement for The Hall

Ms. Ferguson reviewed the staff report. She said the Council has already approved a Property Use Agreement for The Hall, but the actual operation of the establishment doesn't fit the previously approved PUA. They are requesting an amendment in Paragraph 5, Operations, to allow them to serve alcohol in the flex space inside and fenced-in area outside the establishment. They will be serving alcohol in these two spaces, but not necessarily food. Their attorney said their BOLC license does allow them to serve alcohol in these areas, and the PUA amendment would conform.

Councilmember Kennedy asked for and received confirmation that they would still be serving food elsewhere in the establishment.

A motion was made by Councilmember Day and seconded by Councilmember Rigg to approve an amendment to the Property Use Agreement with The Hall in essentially the form attached to include the interior flex space and the exterior fenced space in those areas that are allowed to sell alcoholic beverages and to reduce food service during entertainment events and to authorize the City Manager to sign the amended PUA.

There were no comments from the audience or the Council.

The motion passed 7-0.

20-G-44 Award of Contract for RFP-CP-20-06, "Materials Testing and Inspection Services and Third-Party Inspection Services for City Hall Redevelopment"

Mr. Gardiner reviewed the staff report. The RFP was issued in February and three proposals were received. Redgate followed up with the bidders for certain clarifications. The proposals have been reviewed by the City Attorney and the Construction Team. The recommendation is to award the contract to Dulles Geotechnical and Materials Testing Services, Inc. who is the lowest bidder.

A motion was made by Councilmember Brennan and seconded by Councilmember Rigg to award the contract for RFP-CP-20-06, "Materials Testing and Inspection Services and Third-Party Inspection Services for City Hall Redevelopment" to Dulles Geotechnical and Materials Testing Services, Inc. and to authorize the City Manager to execute the contract upon review by the City Attorney.

There were no comments from the audience or from the Council.

The motion passed 7-0.

20-G-46 Support for County Legislation CB-9-2020, CB-10-2020, and CB-12-2020, for the Western Gateway Project

Mr. Somers reviewed the staff report. The Council has received information on the Western Gateway project. Because the project will cross multiple zoning categories, this County legislation has been drafted to allow the project to move forward. A draft letter to support the County legislation was prepared for consideration.

A motion was made by Councilmember Rigg and seconded by Councilmember Day to approve sending a letter to County Councilmember Glaros requesting approval of CB-9-2020, CB-10-2020, and CB-12-2020.

Councilmember Rigg said although this project involves a loss of trees, it checks a lot of our boxes for desired development. It is mixed-use, high-density residential right next to a high capacity transit system and the University of Maryland.

Comments from the Audience:

Stuart Adams, resident, President of Calvert Hills Citizens Association: Agreed that this is smart growth and supports the vision for the western gateway. He thanked the Council and developer for listening to their concerns about the loss of tree canopy. Adding density next to the future Purple Line station and adding affordable graduate student housing are both important, and so is protecting our natural resources, so we should look to preserve as much of this publicly owned green space as possible. He supports the legislation.

Oscar Gregory, resident: This area used to be the Buddington Farm and is an undeveloped beautiful area with lots of trees, and they are going to chop it down for townhomes and apartments. Are we a Tree City or not? Supporting this legislation sends the wrong message.

Councilmember Day thanked the developer for hearing the resident concerns. They took the comments to heart and went back and redesigned the project.

Councilmember Rigg reminded the developer about the importance of stormwater management.

Mayor Wojahn echoed the appreciation to the developer for working with the community and for their commitment to protecting the public green space.

The motion passed 7-0.

20-G-56 Support for Transportation for America Congressional Relief Package.

Mayor Wojahn requested Council support for a federal relief package that is being considered with respect to the coronavirus. Transportation is taking a serious hit and will face a challenge

due to low ridership. This stimulus package will provide resources to support our transit systems.

A motion was made by Councilmember Mitchell and seconded by Councilmember Kennedy to send a letter in support of the Transportation for America Stimulus Package.

Comment from the audience:

Oscar Gregory, resident: Teleworking can diminish the footprint of transit so we wouldn't need to devote so many resources to growing the transit system.

The motion passed 7-0.

ADJOURN: A motion was made by Councilmember Rigg and seconded by Councilmember Mitchell to adjourn the Special Session, and with a vote of 7-0, the Special Session was adjourned at 8:37 p.m.

Janeen S. Miller
City Clerk

Date
Approved

MINUTES
Regular Meeting of the College Park City Council
Tuesday, March 24, 2020
7:30 p.m. – 8:39 p.m.

Due to the COVID-19 Pandemic, this was a WebEx Virtual Meeting

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

ABSENT: None.

ALSO PRESENT: Scott Somers, City Manager; Bill Gardiner, Assistant City Manager; Janeen S. Miller, City Clerk; Suellen Ferguson, City Attorney; Bob Ryan, Director of Public Services; Terry Schum, Director of Planning; Robert Marsili, Director of Public Works; Brenda Alexander, Assistant Director, Public Works; Dan Alpert, Student Liaison; Julia Nikhinson, Deputy Student Liaison.

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

ANNOUNCEMENTS:

Councilmember Kabir encouraged volunteers to support the College Park Community Food Bank and College Park Meals on Wheels.

Mayor Wojahn added that the College Park Rotary Club and Neighbors Helping Neighbors are also providing support to the community.

Councilmember Kennedy said the Resident Information Guide arrived today.

Councilmember Rigg discussed a survey by the County school system on technology readiness for public school children.

Councilmember Mitchell said that residents who are having problem paying their utility bills can contact the companies and ask them to waive late fees.

Councilmember Mackie provided a reminder about the Census.

Mayor Wojahn announced that the College Park Metro station will be closed starting Thursday; 20 stations are being closed around the region. He added that utility disconnections and evictions are being suspended. He discussed how things are changing day by day and encouraged people to watch the City website for updates.

Mr. Alpert reported on the status of University of Maryland classes to fully on-line and that students on campus had to move out. Access to food and restaurants for students staying in town is a concern; he hopes restaurants will continue to provide carry-out. Mayor Wojahn is concerned about students who may have nowhere to go.

CITY MANAGER’S REPORT: Mr. Somers reviewed the latest Executive Order from Gov. Hogan and its impact on the City and on City services.

AMENDMENTS TO AND APPROVAL OF THE AGENDA: A motion was made by Councilmember Day and seconded by Councilmember Mitchell to add item 20-G-66, “Change Order to the contract with Arc Environmental for soil testing services for the City Hall project” to the Consent Agenda. The motion passed 8-0. A motion was made by Councilmember Rigg and seconded by Councilmember Mitchell to approve the agenda as amended. The motion passed 8-0.

PUBLIC HEARINGS:

A. Public Hearing on Charter Resolution 20-CR-01, A Charter Resolution Of The Mayor And Council Of The City Of College Park, Amending Article IV, “Voting And Elections”, § C4-3, “Supervisors Of Elections”, To Change The Two-Year Terms Of The Supervisors Of Elections To Begin On July 1, 2020 And To Provide That If A Supervisor Position Becomes Vacant During A Term, A Successor Will Be Appointed To The Remainder Of That Term

Ms. Miller said this Charter Amendment is needed to change the appointment date for the Board of Election Supervisors as part of the Committee on Committees recommendations adopted last November. The Supervisors will be appointed on July 1 with two-year terms to ensure that no terms expire in an election year.

There were no comments from the audience and Mayor Wojahn declared the Public Hearing as having been held.

B. Public Hearing on Ordinance 20-O-05, An Amended Ordinance Of The Mayor And Council Of The City Of College Park Authorizing The Acquisition Of Certain Real Property Located At 7403 Baltimore Avenue, College Park, Md 20740; 7413 Baltimore Avenue, College Park, Md 20740; And Lehigh Road (No Street Number), College Park, Md 20740, For A Public Purpose

Ms. Ferguson said this allows the City to acquire some lots located in the block adjoining the City Hall site that are owned by the University of Maryland or are under their control. There is no exchange of money. This is to consolidate all the lots under one ownership by the City. This will allow a condominium regime to be placed on the property so that the University and the City can own separate parts of the building once it is built. Secondly, the University is financing their part of the construction costs through MEDCO and they can’t go to settlement until the condominium regime is placed on the property.

Councilmember Kabir asked about the contribution by the University of Maryland to the overall City Hall project. Mr. Somers and Ms. Ferguson said negotiations on the Joint Development Agreement are almost concluded, and the matter will come to Council next month.

Public Comment:

Mary Cook, resident: She felt there was inadequate information for the public to understand this matter. The public did not receive the additional facts that Ms. Ferguson referred to. She does not think the Council should vote on this tonight.

There being no further public comment, Mayor Wojahn declared the Public Hearing as having been held.

C. Public Hearing on Ordinance 20-O-06, An Ordinance Of The Mayor And Council Of The City Of College Park To Subject The Consolidated City Hall Lot To A Condominium Regime And To Authorize The Sale Of Condominium Units As They Are No Longer Needed For A Public Purpose.

Ms. Ferguson said once the properties are consolidated and the condominium regime is established, there will be four units: Ground, City, UMD and Retail. The City will retain the City and Ground units. The UMD and retail units will be transferred to the UMD and their designee. Condominium leadership will be created in the condominium documents coming to the Council next month with the Joint Development Agreement. This Ordinance is contingent upon Council approval of those documents. There is no money being exchanged for this transfer; it is just being done to consolidate the lots, impose the condominium regime, and transfer the units to the parties.

Councilmember Kennedy asked about the timing and why we are doing this now. Ms. Ferguson said this is happening now because the University can't go to settlement to get their financing until the condominium regime is applied. They need the financing to pay the City's lump sum and for their construction costs.

Councilmember Kabir has concerns about the economy due to COVID-19 and we should consider what would happen if we go into a recession. This might be a good time to pause and wait a few weeks.

Mr. Somers discussed the cost consequences to the overall project if this was delayed: costs would increase, the University wouldn't get their financing and the City wouldn't get its lump sum payment. He doesn't think it is prudent to delay.

Ms. Ferguson said that might be a conversation for another day. We don't want to impede the University's ability to get their funding.

Public Comment:

Mary Cook, resident: We have inadequate facts. This is a huge commitment and perhaps we should be prudent and not take this step forward. We should be concerned with the residents and not the University.

There being no further public comment, Mayor Wojahn declared the Public Hearing as having been held.

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

20-G-59	Approval of a three-year contract for city-wide grass cutting.
20-G-64	Approval of Minutes from the January 21, 2020 Worksession.
20-G-60	Award of contract in the amount of \$140,000 to Procom Communications, LLC d/b/a Communications Electronics of Jessup, MD subject to the City Attorney’s approval, for the purchase, installation and implementation of a new City-wide two-way radio system, riding the state of Maryland contract #0607400088, to be funded in the FY 21 budget.
20-G-61	Approval of Implementation Plan for Committee-On-Committee Resolution 19-R-22.
20-G-43	Award of task order, subject to the approval of the City Attorney, to RK&K for Rhode Island Avenue buffered bike lanes.
20-G-65	Approval of an extension of HR&A consulting services regarding the City Hall project in an amount not to exceed \$30,000.
20-G-66	ADDED: Approval of a Change Order to an existing contract with ARC Environmental to provide soil testing services during excavation for the City Hall project.

The motion carried 8-0.

ACTION ITEMS:

20-CR-01 Adoption of Charter Resolution 20-CR-01, A Charter Resolution Of The Mayor And Council Of The City Of College Park, Amending Article IV, “Voting And Elections”, § C4-3, “Supervisors Of Elections”, To Change The Two-Year Terms Of The Supervisors Of Elections To Begin On July 1, 2020 And To Provide That If A Supervisor Position Becomes Vacant During A Term, A Successor Will Be Appointed To The Remainder Of That Term

A motion was made by Councilmember Rigg and seconded by Councilmember Kennedy to adopt Charter Resolution 20-CR-01.

There were no comments by Council.

The motion passed 8-0.

20-O-05 Adoption of Ordinance 20-O-05, An Amended Ordinance Of The Mayor And Council Of The City Of College Park Authorizing The Acquisition Of Certain Real Property Located At 7403 Baltimore Avenue, College Park, Md 20740; 7413 Baltimore Avenue, College Park, Md 20740; And Lehigh Road (No Street Number), College Park, Md 20740, For A Public Purpose.

A motion was made by Councilmember Day and seconded by Councilmember Rigg to adopt Ordinance 20-O-05.

Councilmember Day this is an important step to continue to move this project forward.

Councilmember Kabir expressed concern about adopting this ordinance during this volatile time.

Councilmember Mitchell asked for clarification on what we are voting on. Ms. Ferguson explained the steps that are needed to enable the UMD to get their funding: the property has to move into the ownership of the City so that a condominium regime can be placed upon it, which will then allow the University to go to settlement and get their funding. Councilmember Mitchell followed up that in April we will be discussing the Joint Development Agreement, and that's where we can go into the money and finance part of the project? Ms. Ferguson said yes.

Mr. Somers reiterated that what is up for consideration tonight is conditioned on the Joint Development Agreement being approved in April.

Councilmember Kennedy thinks the underlying issue is whether we should be moving forward with this large project at this time, and thinks it is important when we discuss this next month we discuss the importance of keeping our economy going in this uncertain time and the role that municipalities and this project can play.

Ms. Somers discussed the debt service on this bond and said we would discuss this and other implications of the COVID-19 situation at the budget Worksession on Saturday.

Councilmember Rigg agreed with Councilmember Kabir that many are nervous about the economy but added that by not approving this now we would only increase the uncertainty. We don't want to leave a large pile of rubble where our City Hall once stood. It is important to move the project forward.

The motion passed 7-1-0 (Kabir opposed).

20-O-06 Adoption of Ordinance 20-O-06, An Ordinance Of The Mayor And Council Of The City Of College Park To Subject The Consolidated City Hall Lot To A Condominium Regime And To Authorize The Sale Of Condominium Units As They Are No Longer Needed For A Public Purpose

A motion was made by Councilmember Brennan and seconded by Councilmember Day to adopt Ordinance 20-O-06.

There were no comments.

The motion passed 7-1-0 (Kabir opposed).

20-G-63 Appointments to Boards and Committees

A motion was made by Councilmember Kabir and seconded by Councilmember Kennedy to appoint Adrea Benedetti to the Veterans Memorial Committee. The motion passed 8-0.

ADJOURN: A motion was made by Councilmember Rigg and seconded by Councilmember Day to adjourn the Regular Meeting, and with a vote of 8-0, the meeting was adjourned at 8:39 p.m.

Janeen S. Miller, CMC
City Clerk

Date
Approved

20-R-14

Federal Support To
Reopen And Rebuild
Local American Economies

RESOLUTION OF THE MAYOR AND COUNCIL
OF THE CITY OF COLLEGE PARK IN SUPPORT OF FAIR, DIRECT, FEDERAL
EMERGENCY SUPPORT TO REOPEN AND REBUILD LOCAL AMERICAN
ECONOMIES.

WHEREAS, America’s cities and towns face unprecedented threats due to the ongoing COVID-19 pandemic emergency; and

WHEREAS, municipalities are essential to America’s economic recovery and without funding support for local governments, municipalities may go from being a critical part of the economic solution to becoming a major obstacle to long-term stabilization and recovery; and

WHEREAS, America’s cities and towns will experience budgetary shortfalls of up \$134 billion in fiscal year 2020 alone, and the negative effects of the pandemic emergency on local communities will continue long after this year; and

WHEREAS, three million critical municipal worker jobs are at risk, threatening cuts to basic community services, including 9-1-1 response, sanitation, and maintenance; and

WHEREAS, communities have taken extraordinary measures to protect health, safety, and the continuation of essential services throughout the emergency; and

WHEREAS, the City of College Park has projected approximately \$2 million in revenue loss due to the pandemic, while expenditures have increased; and

WHEREAS, America’s small towns are struggling just as much as big cities and risk being left behind or wiped out entirely; and

WHEREAS, the City of College Park calls on Congress to allocate fair and direct federal support to all of America’s communities, regardless of population size.

NOW, THEREFORE, BE IT RESOLVED, that this funding must be flexible and address not only the additional expenses incurred by communities to respond to the pandemic emergency, but also the dramatic budgetary shortfalls resulting from pauses in commerce, tourism, and other economic engines.

BE IT FURTHER RESOLVED, that local governments will ensure federal funds are immediately used to rebuild and reopen the national economy.

BE IT FURTHER RESOLVED, that funding will keep middle class workers employed and critical services operating.

BE IT FURTHER RESOLVED THAT, the City of College Park has been part of the emergency response and now calls on Congress to build a united national partnership for a safe, healthy, prosperous life.

ADOPTED by the Mayor and Council of the City of College Park at a regular meeting on the 26th day of May, 2020.

EFFECTIVE the 26th of May, 2020.

ATTEST:

CITY OF COLLEGE PARK,

Janeen S. Miller, CMC, City Clerk

By _____
Patrick L. Wojahn, Mayor

20-0-07

Adoption of the Fiscal Year
2021 General Fund, Capital
Projects Fund and Debt
Service Fund budgets for the
City of College Park

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



AGENDA ITEM 20-O-07

Prepared By: Gary Fields,
Director of Finance

Meeting Date: May 26, 2020

Presented By: Gary Fields,
Director of Finance

Consent Agenda: No

Originating Department: Finance

Action Requested: Adopt Budget Ordinance 20-O-07 - FY 2021 Proposed Budgets for the City's General Fund, Capital Projects Fund and Debt Service Fund

Strategic Plan Goal: Goal 6: Excellent Services

Background/Justification:

Budget Ordinance 20-O-07, incorporating the FY 2021 Proposed Budgets for the City's General Fund, Capital Projects Fund and Debt Service Fund and revisions for from the Mayor and Council budget Worksession, impacts from COVID-19 and other adjustments to balance the budgets, was introduced at the City Council meeting on April 28, 2020. The required public hearings on the Proposed Budget and the Constant Yield Tax Rate (CYTR) were held on May 12, 2020.

The total General Fund proposed budget, as originally presented in March, has been reduced by \$1.85 million (from \$23.32 million to \$21.47 million), primarily a result of providing for financial effects from the pandemic.

Since the City's proposed real property tax rate of 32.5 cents per \$100 valuation (same rate as last year) exceeds the CYTR of 31.48 cents a public hearing was required. The required CYTR notice was advertised in the Washington Post on April 30, 2020

The City Charter (Sec. C10-3.D) requires that the budget be adopted by May 31 of the fiscal year currently ending. The FY2021 budget is scheduled to be adopted at the May 26, 2020 City Council meeting.

Fiscal Impact:

The proposed budget provides authorization for FY 2021 municipal operations.

Council Options:

- #1: Adopt Budget Ordinance 20-O-07 (FY2021 Budget) as introduced.
- #2: Make amendments to the proposed budget and then adopt the Ordinance as amended

Staff Recommendation:

- #1: Adopt Budget Ordinance 20-O-07 (FY2021 Budget) as introduced.

Recommended Motion:

I move to adopt Ordinance 20-O-07, an Ordinance of the Mayor and Council of the City of College Park, Maryland to adopt the Fiscal Year 2021 General Fund, Capital Projects Fund and Debt Service Fund budgets for the City of College Park.

Attachments:

- 1. Ordinance 20-O-07, FY2021 Proposed Budgets

ORDINANCE 20-O-07

**AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF
COLLEGE PARK TO ADOPT THE FISCAL YEAR 2021
GENERAL FUND, CAPITAL PROJECTS FUND AND DEBT SERVICE FUND
BUDGETS OF THE CITY OF COLLEGE PARK**

BE IT ORDAINED, by the Mayor and Council of the City of College Park, Maryland, that the following sums and amounts are hereby appropriated for the fiscal year beginning July 1, 2020 and ending June 30, 2021, the said revenues being used to defray expenses and operations of the City of College Park in accordance with the following schedule:

General Fund

Revenues

General Property Taxes	\$ 10,652,792
Other Taxes	4,133,430
Licenses & Permits	1,075,600
Intergovernmental	373,772
Charges for Services	908,228
Fines & Fees	2,960,300
Miscellaneous Revenues	<u>250,390</u>

Total Revenue \$ 20,354,512

Expenditures, Contingency & Operating Transfers

General Government and Administration	\$ 4,812,661
Public Services	4,998,179
Planning, Community & Economic Development	951,426
Youth, Family & Senior Services	1,328,630
Public Works	6,184,731
Contingency	250,000
Interfund operating transfer to Debt Service Fund	900,700
Interfund operating transfer to Capital Projects Fund	<u>928,185</u>

Total Expenditures, Contingency & Operating Transfer \$ 20,354,512

**Excess Fund Balance (over 25% retention goal) transfer to
the Capital Projects Fund**

\$ 1,116,628

Capital Projects Fund

Revenues

Funding sources other than General Fund	\$ 2,085,520
Interfund operating transfer from General Fund	928,185
Excess Fund Balance transfer from the General Fund	1,116,628
Reserves (Fund Balance)	<u>25,137,868</u>

Total Revenues \$ 29,268,201

Expenditures

Capital Outlay – Total Expenditures \$ 18,577,119

Debt Service Fund

Revenues

Highways & Streets	
Parking Meter Revenue	\$ 175,000
Fines	
Parking Fines Revenue	40,000
Interfund operating transfer from General Fund	900,700
Appropriated Fund Balance	<u>509,971</u>

Total Revenues \$ 1,625,671

Expenditures

Debt Service:	
Principal (Parking Garage Bond)	\$ 415,000
Interest (Parking Garage Bond)	159,971
Principal (2019 Public Improvement Bond)	350,000
Interest (2019 Public Improvement Bond)	550,700
Principal (Community Legacy Loan)	<u>150,000</u>

Total Expenditures \$ 1,625,671

BE IT FURTHER ORDAINED that:

1. The tax levy be, and the same is hereby set at thirty-two and 5/10 cents (\$0.325) per one hundred dollars (\$100.00) of full value assessment on all taxable real property located within the corporate limits of the City of College Park;
2. The tax levy be, and the same is hereby set at eighty-three and 8/10 cents (\$0.838) per one hundred dollars (\$100.00) of full value assessment on all taxable personal property located within the corporate limits of the City of College Park;
3. In addition to the General Fund expenditures, contingency and operating transfers of \$20,354,512, the sum of \$1,116,628, representing the excess unassigned fund balance of the General Fund over the 25% retention goal, is transferred to the Capital Projects Fund;

4. The net speed enforcement camera revenues, after recovery of the costs of implementing and administering the program, are allocated solely for public safety purposes, including pedestrian safety programs;
5. The above listing of revenues and expenditures represents a summary of the detailed material contained in a document entitled “City of College Park Proposed Operating Budget for Fiscal Year 2021”, with amendments; said document and any amendments thereto are incorporated herein by this reference;
6. By adoption of this Ordinance, the FY2021 Pavement Management Plan and the FY2021 Pay Plan (including Job Class Table and Pay Table) contained in the FY2021 proposed operating budget with amendments, if any, are hereby adopted by this reference;
7. By adoption of this Ordinance, the City includes its employees in the Reformed Contributory Pension Plan of the Maryland State Retirement and Pension System (MSRP) and authorizes payment of retirement benefits into the said pension system, on the terms and conditions set forth in State law;
8. The Unrestricted Capital Projects Fund and Restricted Capital Projects Fund reserve accounts shall be re-appropriated as required in order to fund the projects included in the Capital Improvement Plan as adopted by this Ordinance;
9. The Capital Projects Fund Budget for Fiscal Year 2021 in the amount of \$18,577,119, as listed and described in the Capital Projects Fund section, and the Five-Year Capital Improvement Plan (CIP) for Fiscal Year 2021-2025, of the “Proposed Operating Budget for Fiscal Year 2021” with any amendments, are hereby adopted;
10. The Debt Service Fund is hereby budgeted for fiscal year 2021. The revenues retained in the Debt Service Fund will be used to offset debt service costs on the parking garage debt. The required debt service on the parking garage bond for FY2021 totaling \$574,971 and the Community Legacy loan of \$150,000 shall be paid from the accumulated reserves of the Fund. The required debt service for the 2019 Public Improvement Bonds (for new City Hall and Duvall Field renovations) totaling \$900,700 shall be paid from a transfer from the General Fund;
12. Personal property tax accounts delinquent for a period of ninety (90) days shall be assessed a \$100.00 late payment penalty;
13. Should any section of this Ordinance be determined to be invalid, such invalidity shall not affect any other sections; and
14. This Ordinance shall become effective on July 1, 2020.

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 budget 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 is hereby set for 7:30 P.M. on the 12th day of May, 2020. Due to the COVID-19 pandemic and following the order of Maryland Gov. Lawrence Hogan, Jr., this will be a virtual meeting. This public hearing follows the publication by at least seven (7) days. Notice was given to the public that the “City Manager’s Proposed Operating Budget for Fiscal Year 2021” was available for inspection by the public at least two (2) weeks before the public hearing, which will be held in connection with a regular Council meeting. 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, without the need for further advertising or public hearings.

This Ordinance shall become effective on July 1, 2020 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 on the 28th day of April, 2020

Adopted on the _____ day of May, 2020

Effective on the 1st day of July, 2020

Patrick L. Wojahn, Mayor

ATTEST:

Janeen S. Miller, CMC, City Clerk

APPROVED AS TO FORM:

Suellen M. Ferguson, City Attorney

20-G-101

Contract Amendment with
NZI Construction Corporation
for the Trolley Trail

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



AGENDA ITEM 20-G-101

Prepared By: Scott Somers,
City Manager

Meeting Date: May 26, 2020

Presented By: Scott Somers,
City Manager

Consent Agenda: No

Originating Department: City Manager's Office

Action Requested: Approval of a Contract Amendment with NZI in the amount of \$68,554.88 for completion of the Trolley Trail in the Berwyn neighborhood.

Strategic Plan Goal: Goal 4 – Quality Infrastructure

Background/Justification:

On December 10, 2019, the City Council authorized the City Manager to enter into a Settlement Agreement and Deed of Easement with Mr. Alvin Jenkins concerning City of College Park v. Jenkins COSA 3053 ST 2018 in order to complete the final segment of the Trolley Trail in the Berwyn neighborhood. Please see the December 10, 2019 attached staff report.

The City has an existing contract with NZI since NZI constructs most of the City's pavement, curb, and sidewalk work. Staff therefore recommends that Council approve a contract amendment to the existing NZI contract to include completion of the Trolley Trail and the other improvements provided for in the Settlement Agreement.

The tentative start date for this project is on or about July 1st. The project will take 6 to 8 weeks to complete. Once the Notice to Proceed (NTP) is issued to the contractor, the site will be staked-out. This will be immediately followed by a preconstruction meeting with all stakeholders on site.

Fiscal Impact:

The contract amendment is for \$68,554.88 and will be expended from the Pavement Management Fund.

Council Options:

1. Approve a contract amendment with NZI in the amount of \$68,554.88 for completion of the Trolley Trail and other improvements north of Berwyn Road.
2. Amend and then approve a contract amendment with NZI in the amount of \$68,554.88.
3. Direct staff to conduct additional research.
4. Decide not to move forward at this time.

Staff Recommendation:

Option #1

Recommended Motion:

I move to approve a contract amendment with NZI in the amount of \$68,554.88 for completion of the Trolley Trail and other improvements north of Berwyn Road.

Attachments:

Amended contract with NZI
December 10, 2019 Staff Report (19-G-162)
Trolley Trail Site Plan
NZI Proposal

SECOND AMENDMENT TO CP CONTRACT 17-01

THIS SECOND AMENDMENT (“SECOND AMENDMENT”) TO CP CONTRACT 17-01 (“Contract”) is effective the _____ day of May, 2020 by and between the City of College Park, Maryland (hereinafter, the “City”) and Nazario Construction Company, Inc., (hereinafter, “Contractor”) as follows:

WHEREAS, the City and Contractor are parties to CP Contract 17-01, dated July 1, 2016, with a current extended term of July 1, 2019 through June 30, 2020; and

WHEREAS, the City seeks to construct certain improvements to the Trolley Trail and adjacent areas north of Berwyn House Road (“Project”); and

WHEREAS, on May 26, 2020, the Council approved an amendment of the scope of work of the Contract to include improvements to the Trolley Trail and other work, and it is the desire of the parties to amend the provisions of CP Contract 17-01 to reflect these agreed changes; and

WHEREAS, the Contractor has agreed to perform the work described in this Second Amendment.

NOW THEREFORE, in consideration of the mutual covenants herein contained, the parties hereto agree as follows:

1. The provisions of the WHEREAS clauses set forth above are hereby incorporated in this Second Amendment and shall be considered a part hereof.

2. Paragraph I “Scope of Work” of the Contract is hereby amended in its entirety to read as follows:

I. SCOPE OF WORK

The work required of the Contractor will be performed in coordination with the City and the City's Engineer as project manager and/or his designee as construction manager. The work to be performed by the Contractor is as follows:

1. Construct the Miscellaneous Concrete Maintenance and/or Asphalt Resurfacing as set forth in the contract documents.
2. Provide the required labor and materials and install a pervious concrete sidewalk, and up to six pedestrian street lights, together with associated work, including landscaping, in conformance with the ESD/Paving Plan, WMATA Sidewalk, Baltimore Avenue and Albion Road Approved Permit set, issued 11/21/2017, attached hereto and incorporated by reference as Exhibit B. Contractor's proposal dated 11/6/2017 for the work is attached hereto and incorporated by reference as Exhibit C.
3. Provide the required labor and materials to complete the Trolley Trail and other improvements, per the plans as attached in Exhibit D, Site Plan, and Exhibit E, Proposal, both of which are incorporated herein by reference. The work required also includes removal of two trees at a unit cost of \$2500.00 per tree, which is included in the Contract Price.

The Contractor shall furnish all of the material and perform all of the work as described in these Contract Documents.

Contractor will provide any records requested by the City and will otherwise comply with the terms of the Capital Projects Grant Agreement applicable to any work under this Contract.

4. Paragraph II "Dates of Work" of the Contract is hereby amended in its entirety to read as follows:

The Contract has been extended through June 30, 2020. Miscellaneous Concrete Maintenance and/or Asphalt Resurfacing shall be constructed as determined by the City Engineer. Installation of the pervious concrete sidewalk and pedestrian street lights shall commence on December 11, 2017, and be completed within ten weeks of the start date.

The Contractor shall commence work for the Trolley Trail and other improvements on or before July 1, 2020, and will complete the work on or before August 15, 2020. Provisions for liquidated damages for failure to comply with the Contract Time are set forth in the General Provisions.

5. Paragraph III “Contract Price” of the Contract is hereby amended in its entirety to read as follows:

The City agrees to pay the Contractor a sum not to exceed \$721,700.00 for the performance of the Miscellaneous Concrete Maintenance and/or Asphalt Resurfacing portion of the Contract.

The City contract price for the installation of the pervious concrete sidewalk, landscaping and pedestrian street lights is a sum not to exceed \$277,000.00. The contract price for the Trolley Trail and other work is a sum not to exceed \$68,554.88.00.

5. Paragraph IV, “Contract Documents”, of the Contract is hereby amended in its entirety to read as follows:

IV. CONTRACT DOCUMENTS

This Agreement and the following enumerated documents form the Contract and they are fully a part of the Contract as if attached hereto:

- Exhibit A – Capital Projects Grant Agreement
- Exhibit B ESD/Paving Plan, WMATA Sidewalk, Baltimore Avenue and Albion Road Approved Permit set, issued 11/21/2017, consisting of three sheets
- Exhibit C Proposal from NZI Construction Corp. dated 11/6/2017
- Exhibit D Site Plan for Trolley Trail
- Exhibit E NZI Proposal dated 5/15/20
- Request for Proposals
- Bid or Proposal Forms and Affidavits
- General Provisions
- Special Provisions
- Addenda
- Permits
- Bid Bond
- Labor Standards and Wage Rates
- Performance Bond
- Labor and Materials Bond
- Other Documents Contained within the Bid Specifications
- Certifications and Affirmations Required by the City

Stormwater Management
Standard Details for Stormwater Management Construction, DER, Prince George's
County
Maryland SHA Manual of Traffic Controls for Highway Construction and Maintenance
Operation.
Manual on Uniform Traffic Control Devices for Streets and Highways
WSSC Standard Details for Construction
WSSC General Conditions and Standard Specifications
Prince George's County Department of Public Work's Transportation Standard Details
Maryland Department of Transportation, SHA, Standard Specifications for Construction
and Materials
M.S.H.A. Book of Standard Details
CDBG Program General Conditions for Operating Agencies and Third Party
Contractors
Minority Business Enterprise requirements

The bid documents and construction schedule submitted by the Contractor are incorporated herein and made part of the contract documents by reference.

4. Except as provided herein, all other terms and conditions of CP Contract 17-01 dated July 1, 2017, as extended through June 30, 2020, shall remain in full force and effect during the term of this Agreement.

IN WITNESS WHEREOF, the Mayor and City Council of the City of College Park have caused this Second Amendment to be signed and executed on its behalf by its City Manager.

WITNESS:

NZI CONSTRUCTION CORPORATION

Joaquim Nazario, President

WITNESS/ATTEST:

CITY OF COLLEGE PARK

Janeen S. Miller, City Clerk

By: _____
Scott Somers, City Manager

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

By: _____
Suellen M. Ferguson, City Attorney

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



AGENDA ITEM NUMBER 19-G-162

Prepared By: Suellen M. Ferguson,
City Attorney

Meeting Date: December 10, 2019

Presented By: Scott Somers,
City Manager
Suellen M. Ferguson,
City Attorney

Consent Agenda: Yes

Originating Department: City Manager

Action Requested: Approval of Settlement Agreement and Grant of a Public Easement and Right-of-Way and Construction and Maintenance Easement to resolve City of College Park v. Alvin Jenkins and to complete the Trolley Trail

Strategic Plan Goal: Goal 4: Quality Infrastructure

Background/Justification:

For a considerable number of years, the City has been involved in a litigation over the title to certain real property in the trolley trail right of way with Mr. Alvin Jenkins. The case is currently in the Court of Special Appeals of Maryland. The parties to the litigation have been involved in a mediation under the supervision of the Court, and have reached a Settlement Agreement and Grant of a Public Easement and Right-of-Way and Construction and Maintenance Easement, subject to approval of the Mayor and Council. Under the agreements, Mr. Jenkins would become the owner of the property and the City would receive and record a permanent easement over the trolley trail right of way from north of Berwyn Road to the point of connection with the existing Hiker/Biker Trail. The City would construct an asphalt driveway, and parking spaces on the east side of the right of way and to the rear of the right of way, that would then be maintained by Mr. Jenkins and his successors. Various other issues are resolved in the agreement, such as tax payments and allowed uses of the right of way.

Fiscal Impact:

The cost of the asphalt construction and permits will be borne by the City.

Council Options:

1. Approve the Settlement Agreement and Grant of a Public Easement and Right-of-Way and Construction and Maintenance Easement
2. Amend and approve the Settlement Agreement and Grant of a Public Easement and Right-of-Way and Construction and Maintenance Easement
3. Do nothing.

Staff Recommendation:

Option #1

Recommended Motion:

I move to approve the Settlement Agreement and Grant of a Public Easement and Right-of-Way and Construction and Maintenance Easement

Attachments:

1. Settlement Agreement
2. Grant of a Public Easement and Right-of-Way and Construction and Maintenance Easement

MUTUAL SETTLEMENT AGREEMENT AND RELEASE

THIS MUTUAL SETTLEMENT AGREEMENT AND RELEASE (“Agreement”) is entered into this _____ day of December, 2019, by and between ALVIN JENKINS (hereinafter referred to as "Jenkins") and the CITY OF COLLEGE PARK(hereinafter referred to as the “City”), and sometimes referred to individually as a “Party” or collectively as “Parties”, in order to resolve the dispute between them as evidenced in Case Nos. CAE97-13340, CAE98-07817 and CAE 01-14174, in the Circuit Court for Prince George’s County, Maryland, currently on appeal to the Court of Special Appeals of Maryland, Case No. 3053, September Term 2018.

WHEREAS, Jenkins is the owner of a certain parcel of land located on the north side of Berwyn Road described as 4910 Berwyn Road (“Jenkins Property”); and

WHEREAS, Jenkins filed two Complaints to Quiet Title, in Alvin F. Jenkins v. The Successors and Assigns of Filmore Beall and James C. Rogers, Trustees, et al., Civil Action Nos. CAE97-13340, and CAE98-07817, in the Circuit Court for Prince George’s County based on adverse possession as to certain property abutting 9912 Berwyn Road, and was awarded title to the two parcels described in the two cases (“Parcels”); and

WHEREAS, the City filed a Complaint to Quiet Title as to the same two Parcels claimed by Jenkins, City of College Park v. Alvin F. Jenkins CAE 01-14174, to contest Jenkins’ ownership; and

WHEREAS, CAE97-13340, CAE98-07817 and CAE 01-14174 are on appeal to the Court of Special Appeals of Maryland; and

WHEREAS, the parties have engaged in mediation through the Court of Special Appeals and have reached an agreement to resolve all three of the said cases; and

WHEREAS, this Settlement Agreement is intended to fully set forth the agreement that has been reached by the parties in order to settle and dismiss with prejudice all three cases.

NOW, THEREFORE, for the mutual consideration recited herein, including the foregoing recitals, which are incorporated herein by reference, the Parties do hereby agree as follows:

1. The City agrees as part of the consideration for this Agreement that Jenkins is the owner of the Parcels and will dismiss its claim in City of College Park v. Alvin F. Jenkins CAE 01-14174 and the appeal with prejudice.

2. Jenkins agrees to grant a perpetual public easement and right-of-way, and a construction and maintenance easement (“Easement”), to the City over a portion of the Jenkins’ Property, and the Parcels, beginning at the northern right-of-way of Berwyn Road and extending to the northern property line of Jenkins Property for the purposes of constructing and maintaining in perpetuity an eight-foot wide City hiker/biker trail, and related work (“City Improvements”), as more particularly set out in the attached Exhibit A, College Park Trolley Trail Site Plan, dated

October, 2019, prepared by Greenman-Pederson, Inc. which is incorporated herein by reference. The hiker/biker trail will be appropriately marked and secured to effectively segregate it from any surrounding parking. The Easement will be substantially in the form attached as Exhibit B, which is incorporated herein by reference. Jenkins agrees to sign the Easement concurrently with this Settlement Agreement. The City further agrees to construct and pave a parking lot and drive aisle with three inches (3") thickness of asphalt and eight inches (8") graded aggregate base with asphalt curb, to include 17 parking spaces on the Jenkins Property ("Jenkins Improvements"), to conform to the location and specifications as shown on Exhibit A. The Easement shall authorize the City to undertake and construct the Jenkins Improvements within one year from the date of this Agreement. The City agrees not to plant any trees or shrubs without the prior written consent of Jenkins, which may be withheld in his sole discretion. The City will construct a barrier on Roanoke Street as shown on Exhibit "A."

3. After the granting and recording of said Easement, the City will construct the City Improvements, and at the same time construct the Jenkins Improvements, to conform to the location and specifications as shown on Exhibit A and with approved permit plans.

4. The City will provide, and is responsible for all costs of, the design, permitting, construction and installation of the Jenkins Improvements and the City Improvements as referenced in Exhibit A, with the exception that Jenkins shall pay the sum of \$7000 to the City upon completion of the Jenkins Improvements, within 30 days of receipt of an invoice. Once installed, Jenkins is responsible for the maintenance of the parking lot, drive aisle and parking spaces that make up the Jenkins Improvements. The City will be responsible for the maintenance of the City Improvements.

5. The Parties agree that, for Prince George's County and City of College Park real property tax purposes, the Easement Area is assessed as part of the property located at 4910 Berwyn Road, College Park, MD 20740, Tax Account No. 21-2349751. The City shall seek to have the Easement Area declared as not taxable due to its use. If the City is unable to have the Easement Area declared non-taxable, the City agrees to reimburse to Jenkins annually a sum equal to one hundred percent (100%) of those County and City real property taxes attributable to the Easement Area, from the date of the Easement to and until the date upon which Jenkins transfers the 4910 Berwyn Road property to another person or entity, or the 4910 Berwyn Road property is re-developed, whichever first occurs. Further, the City agrees to pay pro rata any tax increase resulting from the addition of the square footage of the nine northernmost spaces.

6. In reliance on the consideration specifically referenced herein, to include without limitation the resolution of any claims related to or deriving from the allegations contained in CAE97-13340, CAE98-07817 and CAE 01-14174, the Parties, each being duly authorized to do so, for themselves, their heirs, legal representatives, executors, administrators, officers, agents, servants, officials, employees, successors, assigns, and any and all other persons, firms, corporations, both known and unknown, whether herein named or referred to or not, release, acquit, and forever discharge and hold harmless the other Party and their heirs, legal representatives, executors, administrators, officers, agents, servants, officials, employees, successors, assigns and any and all other persons, firms, corporations, associations, both known and unknown, whether herein named or referred to or not, from any and all claims, actions, causes of action, demands, rights, damages, costs, loss of service, expenses and compensation whatsoever,

which either Party now has or may hereafter accrue, on account of or in any way growing out of the allegations in the cases of CAE97-13340, CAE98-07817 and CAE 01-14174, excepting the promises and obligations set out herein.

7. The Parties accept payment of the sums and the other consideration specified in this Agreement as the full and complete and final settlement of matters involving disputed issues; neither payment of sums or actions taken by the Parties nor negotiations or settlement by the Parties or their representatives or attorneys shall be considered admissions by them; and no past or present wrongdoing by the Parties or their agents, servants or employees shall be implied by payment, actions or negotiations. It is further understood and agreed that all parties deny liability and intend merely to avoid litigation.

8. It is expressly understood that if any provision of this Agreement is found to be invalid or unenforceable, all other provisions shall nevertheless continue in full force and effect.

9. This Agreement shall be construed as if prepared by both parties. This Agreement shall be construed and enforced in accordance with the laws of the State of Maryland, without regard to its conflict of laws provisions.

10. Both Parties understand and agree that this Agreement resolves in its entirety all claims against and between all Parties to the litigation. Immediately upon endorsement of this Agreement and the Easement, the Parties shall execute and file a dismissal of the Court of Special Appeals appeal and any other pleadings required to dismiss all claims with prejudice.

11. The undersigned Parties further declare and represent that no promise, inducement, or agreement not herein expressed have been made and that this Agreement contains the entire agreement between the Parties hereto and that the terms of this Agreement are contractual and not mere recitals.

12. The Parties shall have the right to enforce this Agreement, by any proceeding at law or in equity, including injunction. The Parties agree that if a Party should breach the terms of this Agreement, the non-breaching party would not have an adequate remedy at law and would be entitled to bring an action in equity for specific performance of the terms of this Agreement. The prevailing Party in any such action shall be entitled to all reasonable costs of the proceeding including reasonable attorneys' fees.

ATTEST:

ALVIN JENKINS

By: _____
Name:

CITY OF COLLEGE PARK

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

Name: Scott Somers
Title: City Manager

Approved as to form and legal sufficiency

Suellen M. Ferguson, City Attorney

NZI CONSTRUCTION CORP.

11601 Spruce Avenue
 Beltsville, MD 20705
 (301) 937-8990
 (301) 937-2514 Fax

PROPOSAL

DATE	OUR JOB No.
5/15/2020	20-01
SHIP TO:	
Trolley Trail	

To: City of College Park
 4500 Knox Road
 College Park, MD 20740
 Attn: Steve Halpern
 240-487-3597 Phone
 301-474-0825 Fax

EXHIBIT B

We hereby propose to furnish, in accordance with specifications below or on, attached pages, all labor and material necessary to complete the following:

Qty	Description	Unit	Total
1.0 ea	Mobilization	\$5,000.00	\$5,000.00
287.0 cy	Excavation	\$35.00	\$10,045.00
26.0 tons	Trail - 3" Surface	\$125.00	\$3,250.00
173.0 sy	Trail - 4" GAB	\$6.68	\$1,155.64
125.0 tons	Parking Lot - 3" Surface	\$125.00	\$15,625.00
759.0 sy	Parking Lot - 8" GAB	\$13.36	\$10,140.24
90.0 lf	Curb & Gutter	\$22.00	\$1,980.00
8.0 ea	Wheel Stops	\$150.00	\$1,200.00
0.0 ea	HC Signage	\$185.00	\$0.00
418.0 lf	4" Pavement Marking (Waterbourne. Not Thermoplastic)	\$2.00	\$836.00
8.0 ea	6" Steel Bollards with Reflective Covers	\$950.00	\$7,600.00
91.0 sy	Seed & Mulch	\$3.00	\$273.00
0.0 lf	6ft Board on Board Fence	\$50.00	\$0.00
55.0 lf	W Beam Guardrail	\$90.00	\$4,950.00
1.0 ls	Asphalt Liquid Adustment	\$1,500.00	\$1,500.00
	SUBTOTAL		\$63,554.88
0.0 ls	Preliminary Contingency		\$0.00
	TOTAL PROPOSED AMOUNT		\$63,554.88

Payment to be made as follows: 30 Days Net Invoice

All material is guaranteed to be as specified. All work is to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from the above or attached specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Worker's Compensation Insurance.

Signature: Nelson Nazario
 Nelson Nazario
 NZI Construction Corp.

Acceptance of Proposal

The above or attached prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined.

Signature: _____

Signature: _____

Date of Acceptance: _____

20-G-102

Additional
COVID-19
Relief Efforts
related to the
CARES Act



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

AGENDA ITEM 20-G-102

Prepared By: Scott Somers
City Manager

Meeting Date: May 26, 2020

Presented By: Scott Somers
City Manager

Consent Agenda: No

Originating Department: City Manager's Office

Action Requested: Consideration of additional COVID-19 economic assistance related to the CARES ACT

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

Background / Justification:

The Economic Assistance Subcommittee last met on May 22, 2020. During the May 22nd discussion, committee members and staff discussed four additional initiatives, including authorizing additional emergency funding for Meals-On-Wheels and the College Park Food Bank.

- 1) Small Business Assistance Grants Program
- 2) Business Promotional Assistance
- 3) Emergency Financial Aid to Families, Senior Citizens, and Other Individuals
- 4) Additional Funding for Non-Profits Such as Meals on Wheels and the College Park Food Bank
- 5) Modified Business Assistance and Façade Improvement Program

Economic Assistance Subcommittee members and City staff have discussed and debated program features, criteria, benefits, grant amounts, limitations, etc., and recommend the Council consider approval of the following programs.

Staff previously provided a list of initiatives the City has taken on to date in response to COVID-10 and its impact on the residents and businesses of College Park. The list is repeated below.

Small Business Assistance Grants Program - \$1,000,000

Purpose:

To assist small businesses (and non-profits if allowed by CARES Act funding requirements) with 25 or fewer full-time equivalents (FTEs), with direct economic support for costs of business interruption caused by required closures, voluntary closures to promote social distancing, or affected by decreased customer demand due to COVID-19. Program sunsets December 1, 2020.

Funding Available:

Up to a maximum grant of \$15,000 (each business/owner). Upon approval, the grant will be paid in 3 installments, 30 days apart, with the first paid upon approval at 50%, the second at 25%, and the third at 25%.

Note: 2nd and 3rd installment payments contingent upon submission of required documentation of continuing operations of the business, as noted below. Program ends December 1, 2020.

Eligibility:

- Commercial business (and non-profits if allowed by CARES Act funding requirements) with no more than 10 outlets, not part of a national franchise, and with a physical presence in the City of College Park.

- 25 or fewer FTEs.
- Operating business as of January 1, 2020.
- Ineligible if assistance received from Prince George's County from March 1, 2020 to December 15, 2020 for COVID-19 Business Relief Fund.
- City of College Park property taxes, and other City bills/obligations are not eligible.
- Vape, liquor, and tobacco businesses, or age-restricted businesses ineligible, if applicable per law.
- City elected officials not eligible.

Requirements:

1. Completed Application – include need for funding; evidence of business disruption; how funds will be utilized in accordance with requirements; and business continuity plan.
2. Current/valid County Use and Occupancy Permit.
3. Provide documentation to prove eligibility, may include any of the following:
 - 2018 and/or 2019 Business Tax Return as filed with IRS
 - 2019 Income Statement (in lieu of 2019 Business Tax Return) and Balance Sheet
 - Payroll/employee roster for week of March 2, 2020
 - Articles of Incorporation/Organization/Formation
 - Evidence that application has been submitted to the U.S. SBA and State of Maryland
4. To receive 2nd and 3rd installments, submission of how previous funds were used and proof of continuing operations, if allowed, including current Balance Sheet.

Staff Recommendation: Recommend for Council approval at the May 26th Council meeting.

Business Promotional Assistance - \$200,000

Purpose:

To assist small businesses with economic support or costs of business interruption caused by required closures, voluntary closures to promote social distancing, or affected by decreased customer demand due to COVID-19 by attracting/incentivizing customers to patronize local businesses. Program sunsets December 1, 2020.

Funding Available:

Eligibility:

- City elected officials not eligible.

Requirements:

Staff Recommendation: Delay recommendation to Council until additional details are developed.

Emergency Financial Aid to Families, Senior Citizens, and Other Individuals - \$200,000

Purpose:

To provide financial assistance to families, senior citizens and other individuals who have been impacted by the COVID-19 pandemic. Financial assistance may be provided for eligible expenses, such as: rent/mortgage payments to avoid eviction/foreclosure; unforeseen funeral costs; utility payments; and other emergency needs as deemed necessary. Program sunsets December 1, 2020.

Funding Available:

Actual cost up to a maximum of \$5,000 per household, indirect payments to applicable payee (landlord, lender, Utility Company) and/or gift cards for eligible expenses. Program sunsets December 1, 2020.

Eligibility:

- Resident of the City of College Park.

- Show evidence of need AND necessity of payment for eligible expense.
- City of College Park property taxes, and other City bills/obligations are not eligible.
- City elected officials not eligible.

Requirements:

- 1) Completed Application – includes documentation of eligibility.
- 2) Original copies of bill(s) requested to be paid and documentation such as rental/mortgage delinquency; past due notices; and other related documentation pertaining to a particular emergency expense request.
- 3) Acceptable documentation/proof of eligibility, may include any of the following:
 - 2018 and/or 2019 Tax Return as filed with IRS
 - Documentation of acceptance under other government financial aid program
 - Proof of unemployment benefits or application
 - Letter of furlough or layoff from employer
 - Receives of SNAP/TANF benefits
 - Receives Social Security Income
 - Medicaid
 - Reside in subsidized housing
 - Family eligible for free/reduced lunch at schools

**Additional Funding for Non-Profits
such as Meals on Wheels and the College Park Food Bank - \$100,000**

Staff Recommendation: Recommend for Council approval at the May 26th Council meeting and specifically direct staff to provide additional funding of \$20,000 each to Meals on Wheels and the College Park Food Bank. Program sunsets December 1, 2020.

Modified Business Assistance and Façade Improvement Program - \$150,000

Purposed:

In the City of College Park’s ongoing effort to help independent businesses thrive, the City approved a Business Assistance and Façade Improvement Grant Program. The goal of this program is to assist local businesses and commercial property owners finance improvements that enhance their business and the overall commercial district. This program is the same as the existing Business Assistance and Façade Improvement Program except does not require matching funds. Please see City’s website for additional information.

Initiatives the City has taken on to date in response to COVID-10

1. Authorized emergency funding in the amount of \$12,000 each for Meals-On-Wheels and the College Park Food Bank. (\$24,000)
2. Authorized waiving non-residential commercial business license fees until the end of FY 21 for retail and hotel/motel establishments. (\$117,000)
3. Provided free parking in the municipal garage, municipal controlled parking lots, and meter and pay station-controlled streets until the UMD fall semester begins. (non-quantified)

4. Suspended sign or banner permits and regulations to help businesses advertise and promote their business.
5. Authorized the Mayor to send a letter to commercial and residential landlords encouraging them to work with their tenants by delaying or foregoing rental payments or by other means.
6. Collaborated with CPCUP on providing a directory resource of essential businesses that are open.
7. Is participating in a CPCUP sub-group to discuss, research, and develop additional economic assistance programs.

Fiscal Impact: Funding for all, but the Modified Business Assistance and Façade Improvement Program, is reimbursable through the CARES Act.

Council Options:

1. Approve the five (5) additional COVID-19 economic assistance programs as recommended by the Economic Assistance Subcommittee and City staff.
2. Amend and then approve the five (5) additional COVID-19 economic assistance programs as recommended by the Economic Assistance Subcommittee and City staff.
3. Direct staff to conduct additional research.
4. Take no action at this time.

Staff Recommendation:

Option #1.

Recommended Motion:

I move to approve the five (5) additional COVID-19 economic assistance programs as recommended by the Economic Assistance Subcommittee and City staff.

Attachments: None

20-0-08

Introduction of an
Ordinance to eliminate
Permit fees for
Residential Parking Permits

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



Agenda Item 20-O-08

Prepared By: R.W. Ryan,
Public Services Director and
Suellen M. Ferguson, City Attorney

Meeting Date: 05/26/2020

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

Proposed Consent: No

Originating Department: City Manager's Office

Issue Before Council: Introduction of an Ordinance to eliminate residential parking permit fees and schedule a public hearing

Strategic Plan Goal: Goal 6: Excellent Services

Background/Justification:

Over several years there have been discussions amongst staff, the City Manager and City Councilmembers about various changes to the City's residential parking permit program. One such discussion has been about possible elimination of fees for resident and guest parking permits in zones established by the City Council.

Residential permit parking zones have proven to be the most effective means to reduce overcrowded parking in neighborhoods due to non-residents taking parking space from residents and their guests. Historically, residents have often resisted the establishment of residential permit parking zones due to the annual \$10 fee per vehicle. A common opinion is that a resident should not have to pay to park on the street where they live. By eliminating permit fees, some neighborhoods may wish to be included in a residential permit zone to alleviate parking competition on their streets.

The elimination of annual residential permit and visitor permit fees would reduce revenue by approximately \$25,000. It is not proposed to eliminate monthly parking permit fees such as in the municipal garage and monthly on street zones. Except where otherwise established by Council action, the default number of residential permits issued per address is 5 annual permits, and 2 visitor/guest permits.

The FY21 capital improvement budget includes the purchase and installation of License Plate Recognition (LPR) equipment. This will allow migration to residential permit zone vehicle registration by license plate. Online registration is also being implemented. These changes will reduce the operational cost of the residential parking permit program by eliminating mailing and physical hang tag permit costs. This will help offset the lost revenue if fees are eliminated. The annual cost of postage and hang tags is approximately \$18,000.

In the interim between adoption of this ordinance and implementation of residential permit zone permitting by online registration, all current annual and bi-annual residential parking permits will be extended without payment of additional permit fees.

The City Attorney has prepared a draft Ordinance to eliminate residential parking permit fees. This involves deletion of various provisions in the permit parking and fees and penalties portions of the City Code. The draft Ordinance is attached.

Fiscal Impact:

Reduced annual revenue is projected to be approximately \$25,000.

Council Options:

1. Introduce an Ordinance to eliminate fees for residential parking permits and schedule a public hearing.
2. Amend and then introduce an Ordinance to eliminate fees for residential parking permits and schedule a public hearing.
3. Direct staff to conduct additional research.
4. Take no action.

Staff Recommendation:

Option #1

Attachment(s):

1. Draft Ordinance eliminating fees for residential parking zone permits

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” AND §110-2, “PENALTIES”; AND CHAPTER 151,
“PERMIT PARKING”, BY REPEALING AND REENACTING §151-2, “PETITION
REQUIREMENTS”, §151-4 ISSUANCE OF PERMITS AND § 151-6 RETURN OF
PARKING PERMITS; REFUND OF PERMIT FEE AND LOSS OF REFUND FOR
FAILURE TO RETURN, TO DELETE THE ANNUAL AND BI-ANNUAL PERMIT
PARKING FEE IN RESIDENTIAL ZONES

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

WHEREAS, the Mayor and Council have determined that it is in the public interest to create parking residential permit zones in the City pursuant to Chapter 151, “Permit Parking” of the City Code; and

WHEREAS, the Mayor and Council have determined that it is in the public interest to eliminate the fee requirement for permit parking in residential zones.

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

§110-1 Fees and interests.

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

CAPS	: Indicate matter added to existing law.
[Brackets]	: Indicate matter deleted from law.
Asterisks * * *	: Indicate matter remaining unchanged in existing law but not set forth in Ordinance
[Brackets]	: Indicate matter deleted in amendment

Chapter/Section	Description	Fee/Interest
Chapter 151, Permit Parking		
§151-4		
§151-4	Annual parking permits	
	Issuance, each	\$10
	Replacement, each	\$5
	Renewal, each	\$10
	Visitor	\$1
	Bi-annual parking permits	
	Issuance, each	\$10
	Replacement, each	\$5
	Renewal, each	\$10
	Visitor	\$1

* * * * *

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

* * * * *

[Ch. 151, Permit Parking

~~§ 151-6~~ Failure to return parking permit ~~Loss of refund~~

* * * * *

Section 3. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that Chapter 151, “Permit Parking” §151-2, “Petition requirements”, be and is hereby repealed and reenacted with amendments as follows:

§151-2 Petition requirements

A. The petition must clearly state:

- (1) Why permit parking is considered necessary.
- (2) The limits of the desired permit parking area.
- (3) The desired days and times that permit parking would be in force.
- ~~[(4) That the parking permits may carry a charge that will reimburse the city for all or part of the costs of the necessary materials and the administration of the program.]~~

B. – C. * * * * *

Section 4. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that Chapter 151, “Permit Parking” §151-4, “Issuance of permits”, be and is hereby repealed and reenacted with amendments as follows:

§151-4 Issuance of Permits

A. If permit parking is ordered by the City Council, the city staff will prepare a plan for the issuance of parking permits for the specific area; such plan, subject to approval by resolution of the Mayor and Council, will include, among other things, the number of permits to be distributed and the method of permit allocation. The city staff will then order an appropriate number of permits, which will be issued upon ~~[payment of a fee as set forth in Chapter 110, Fees and Penalties, for each permit]~~ APPLICATION AS REQUIRED. Among other factors to be considered in devising a permit parking plan and permit allocation for a given area are the number of legitimate on-street parking spaces available; the amount of off-street parking available for the various types of residential structures; the residential or commercial character of certain blocks or parts thereof; the proximity of Metro and MARC stations and other public use facilities to the area and the likely impact of such facilities on parking in the area; the anticipated time period of parking congestion; and population density and vehicle density of the area. In devising the plan, input may be sought from neighborhood/community civic organizations or groups and University of Maryland fraternity and/or sorority councils, as well as other members of the community and city.

B. FOR SO LONG AS PHYSICAL PERMITS ARE ISSUED, Replacement permits may be issued ~~[as set forth in Chapter 110, Fees and Penalties,]~~ upon satisfactory proof of loss or damage.

C. FOR SO LONG AS PHYSICAL PERMITS ARE ISSUED, Permits will be placed inside of each vehicle so as to be clearly visible through the windshield.

D. Permits will be valid for that period of time authorized by the City Council and must be renewed [~~upon payment as set forth in Chapter 110, Fees and Penalties,~~] ANNUALLY OR BI-ANNUALLY, AS APPROPRIATE, or such other amount as set by Council. Permits in Zone 6 shall also be offered on a voluntary basis for any persons who prefer a permit valid for six months, which may also be renewed as set out herein.

E. Permits will be valid only in the area for which they are issued.

F. Any permit parking plan implemented prior to the time of passage of Ordinance 93-O-5 shall remain in effect until revised or rescinded in accordance with this section.

Section 5. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that Chapter 151, “Permit Parking” §151-6, “Return of parking permits; refund of permit fee and loss of refund for failure to return”, be and is hereby repealed and reenacted with amendments as follows:

~~§ 151-6 [Return of parking permits; refund of permit fee and loss of refund for failure to return].~~ NOTICE OF ACTION WITHDRAWING PERMIT PARKING.

Upon action by the City Council withdrawing permit parking in a designated area, written notice of such action shall be sent to each holder of a parking permit in that area~~], and the permit parking fee shall be refunded to each holder by mail].~~ If the City Council further determines that, because of the special circumstances of the given area, it is necessary to obtain the return of the parking permits in the designated area where permit parking is being withdrawn, the written notice to each holder shall also request the prompt return of the parking permit. Failure to return said permit to the city's offices within 20 days of the date of such written request shall constitute a violation of this chapter, subjecting the violator to loss of refund of the permit parking fee].

Section 6. 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.

Section 7. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that annual and bi-annual permits currently in effect shall be extended for the period of one year without additional permit fee required.

The public hearing, hereby set for _____ P.M. on the _____ day of _____, 2020, 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 _____, 2020 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 special session on the _____ day of _____, 2020.

ADOPTED by the Mayor and Council of the City of College Park, Maryland at a regular meeting on the _____ day of _____ 2020.

EFFECTIVE the _____ day of _____, 2020.

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