TUESDAY, MAY 28, 2019
CITY OF COLLEGE PARK
COUNCIL CHAMBERS

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

(There will be a Closed Session at the end of 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 Kabir
3. ROLL CALL
4. ANNOUNCEMENTS
5. CITY MANAGER’S REPORT
6. ACKNOWLEDGMENTS
7. PROCLAMATIONS AND AWARDS
8. AMENDMENTS TO AND APPROVAL OF THE AGENDA
9. PUBLIC COMMENT ON CONSENT AGENDA AND NON-AGENDA ITEMS - Speakers are asked to provide their name and address for the record, and are given three minutes to address the Council.
10. PRESENTATIONS
   A. Presentation on new City Public Safety and Quality of Life maps – Bob Ryan, Director of Public Services
   B. Farewell to Student Liaison Alex Tobin – Mayor Wojahn
11. PUBLIC HEARING
12. CONSENT AGENDA - Note: Consent Agenda items are routine items of business that are collectively presented for approval through a single motion. A Councilmember may request that an item be pulled from the Consent Agenda and placed under Action Items for separate discussion and action.
19-G-79 Approval of a City Event and City-Initiated Solicitations Policy

19-G-83 Approval of an amendment to the City Policy “Regarding Fundraising and Funds Held for City-appointed Authorities, Boards, Commissions and Committees (“Boards”) Or for Outside Entities”

19-G-80 Approval of the designation of Ritchie Coliseum instead of City Hall as a polling location in the November 5, 2019 City election

19-G-84 Approval of a letter to University of Maryland President Dr. Wallace Loh in support of the continuation of the on-campus tailgates

13. ACTION ITEMS

19-O-09 Introduction of an ordinance to amend Chapter 138, Noise, §§138-2, “Definitions”, 138-5, “Prohibited Acts”, and 138-6, “Violations and Penalties” to Define Construction Activity and Noise Disturbance, Change the Hours Included in the Definitions of Day and Night, Include Noise Disturbance as a Violation, Clarify the Noise Measurement Point for Multi-Family Dwellings, Include Reference to Various Noise Activities that are Prohibited by or Exempted from this Chapter through the State Environmental Article, and to Make Other Clarifying and Conforming Changes

19-G-82 Approval of a City Policy for “Timely Adoption of Minutes for Council-Appointed Advisory Boards That Meet Infrequently”

19-O-10 Adoption of Ordinance 19-O-10, An Ordinance of the Mayor and Council of the City of College Park to Adopt the Fiscal Year 2020 General Fund, Capital Projects Fund and Debt Service Fund Budgets of The City of College Park

19-G-81 Appointments to Boards and Committees

14. MAYOR AND COUNCILMEMBER REPORTS/COMMENTS

15. STUDENT LIAISON’S REPORT/COMMENTS

16. CITY MANAGER’S REPORT/COMMENTS

17. GENERAL COMMENTS FROM THE AUDIENCE

18. ADJOURN

CLOSED SESSION
Pursuant to the Maryland Annotated Code, General Provisions Article § 3-305, notice is provided that the Mayor and Council of the City of College Park will meet in a Closed Session after the meeting in the Council Chambers of City Hall to consider matters related to collective bargaining negotiations. Members of the public may attend the public portion of the meeting to witness the Mayor and Council’s vote to enter into the Closed Session. The Mayor and Council will not return to public session after the Closed Session ends.

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

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

➢ In accordance with the Americans with Disabilities Act, if you need special assistance, please contact the City Clerk’s Office at 240-487-3501 and describe the assistance that is necessary.
PRESENTATION
City Public Safety Maps
<table>
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<tr>
<th>Issue Before Council:</th>
<th>Review new maps and statistics to be posted on the City webpage.</th>
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</thead>
<tbody>
<tr>
<td>Strategic Plan Goal:</td>
<td>Goal 1 – One College Park</td>
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</table>

**Background/Justification:**

Over the past year, City staff have worked with Prince George’s County Police (PGPD) to distribute maps and statistics of reported crime and police calls for service produced by PGPD staff assigned to the Joint Analysis Intelligence Center (JAIC). The City believes these maps have the most accurate crime and police activity information available. The City’s Department of Public Services gained approval and hired part-time Crime Analyst, PGPD Officer Dearing, to produce monthly maps and statistical trend analysis of data approved for City use. Officer Dearing is one of PGPD’s JAIC analysts and has authorized access to PGPD daily crime report data. Going forward, we will receive maps on a monthly basis showing general (by block, not specific addresses) locations of reported violent crimes, property crimes, police response to noise complaints, miscellaneous quality of life complaints (e.g. public alcohol and cannabis consumption, trespassing, loitering, etc.), and police initiated traffic stops and field interviews. We will also receive composite maps and statistics of all daily crime report calls as described, and calendar year to date trend analyses. These maps will only include incidents within the City limits. They will not include all calls in the patrol beats B6 and B7 which extend beyond the City’s borders. These statistics include all data for PGPD responses, including City Contract Police, within the City.

Staff will present samples of each type of map and year-to-date statistics. Monthly maps and trend analysis will be posted on the City’s webpage at www.collegeparkmd.gov/publicsafety.

A link to the maps will be added to the Weekly Bulletin following the highlights of contract police activity. Availability of this new public information will also be noted on our TV and social media platforms.

**Fiscal Impact:**
The cost for the part time crime analyst has been included in the contract police budget.

**Council Options:**
No action required.

**Staff Recommendation:**
This is an information report. No recommendation is being made.

**Recommended Motion:**
None

**Attachments:**
None
19-G-79

City Policy for
“City Events and
City Initiated Solicitations”
# Agenda Item Number 19-G-79

## Prepared By: Ryna Quinones, Communications Coordinator

## Meeting Date: May 28, 2019

## Presented By: Ryna Quinones, Communications Coordinator

## Consent Agenda: Yes

### Originating Department:
Administration / Communications

### Action Requested:
Approval of a Policy for City Events and City-initiated Solicitations

### Strategic Plan Goal:
One College Park

### Background/Justification:

On May 21, the draft City Event Policy was presented to Council. Several suggestions were made and those changes have been added to the policy.

**Background from Worksession:**
The City hosts numerous events throughout the year that draw tens of thousands of people to experience the College Park community and its amenities and programs. Some events are primarily organized by staff, and others are organized by committee members or in collaboration with other organizations. These events enhance the community as a whole and provide civic activities, community outreach, and a thriving and lively atmosphere for our residents.

Several City events receive sponsorship or donations from businesses to offset costs or add value to the event. For example, College Park Day, Bike to Work Day, Halloween Thing, and Night Out in College Park have all used donations or sponsorships. Sponsorships have ranged from food donations to financial contributions.

There has not been a clear policy on when and how staff or Board/Committee members may solicit donations, goods, services or sponsorship for events. Concerns have been raised by staff and Council regarding when and why the City (including staff and committee members acting on behalf of the City) should solicit for donations of any kind; how equal access to sponsorship opportunities can be provided; and whether there could be potential conflicts of interest, particularly with businesses that had pending matters with the City. There have also been questions about what constitutes a City event and how the event planning and promotions are handled.

To protect the City and create a clear, uniform process, a draft City Event Policy has been developed by the Office of Communications. The policy defines Events, how they would be approved, and how sponsorships would be conducted.

### Fiscal Impact:
None.

### Council Options:

1. Approve the Policy
2. Do not approve the policy at this time and request that staff provide additional information.

### Staff Recommendation:

1
Recommended Motion:
I move that the City Council approve the City Event Policy, which establishes a City events and City initiated solicitation policy.

Attachments:
City Events and City-initiated Solicitations Policy
City Event and City-Initiated Solicitations Policy

Section 1. City Events
City Events ("Events") are any advertised/promoted functions organized in whole or in part by the Mayor and/or Councilmembers, City staff, or City Boards, Commissions or Committees ("Boards") in their official capacities. Meetings are generally not Events. Prior to any spending or promotion, all Events must be approved. The City Manager may approve the Event, or refer for approval by the Mayor and Council.

To be approved, an Event must be open to the public; must promote the City or City values; provide community engagement and outreach; celebrate new facilities, public spaces or programs; support the mission of the City and/or the charter of the Board, and/or provide information or resources to the public. Event participation and content shall not discriminate on the basis of race, religion, sex, age, ethnicity, ancestry or national origin, physical or mental disability, color, marital status, sexual orientation, gender identity, genetic information or political affiliation. Events shall be inclusive and non-denominational.

Section 2. Solicitation for City Approved Events
Solicitation by the Mayor or Councilmembers, City staff or Boards for sponsorships, goods, donations, participation, discounts or services ("Sponsorships") from business entities or individuals for City approved Events must be made through the City’s Office of Communications.

Solicitation for Sponsorships for approved Events is conditioned on the following:
- The solicitation must be approved by the City Manager or designee in writing.
- Any solicitation shall be in writing, broad-based and not specifically focused on entities or individuals doing business with or regulated by the City.
- Only the City Office of Communications may engage in solicitation activities.
- Solicitation of any entity or individual with a pending or foreseeable procurement matter or other matter that will involve a Mayor and City Council vote or support should be avoided.
- Communications regarding solicitations shall advise potential donors or sponsors that a donation or sponsorship does not result in any special access, treatment or fiscal benefit to the donor.
- The City’s recognition of specific Sponsorships, if any, should be pre-determined in a consistent way and made part of the solicitation information.
- City employees must not receive any personal benefit from the donations.
- The Office of Communications shall keep accounting records of the Sponsorship, amount or items donated, and disposition of donations.
- All solicitations and donations/sponsorships must comply with the City Policy Regarding Fundraising and Funds Held For City-appointed Authorities, Boards, Commissions and Committees ("Boards").

These guidelines are in place to protect the City from any potential conflict of interests and to ensure that Sponsorships are conducted in a transparent way, devoid of any improper influence.
Amendment to City Policy for “Fundraising and Funds Held for City-appointed Boards or Outside Entities”
| **Prepared By:** Suellen M. Ferguson  
City Attorney | **Meeting Date:** 05/28/19 |
| **Presented By:** Suellen M. Ferguson  
City Attorney | **Consent Agenda:** Yes |
| **Originating Department:** Administration/Communications | |
| **Issue Before Council:** Amendment of Fundraising Policy | |
| **Strategic Plan Goal:** One College Park | |
| **Background/Justification:**  
Approval of a new City Event and City-Initiated Solicitations Policy is on the Mayor and Council agenda for this meeting. Assuming that the policy is adopted, an amendment of the City Policy Regarding Fundraising and Funds Held For City-appointed Authorities, Boards, Commissions and Committees (“Boards”) Or For Outside Entities. The amendment is attached. | |
| **Fiscal Impact:** None. | |
| **Council Options:**  
#1. Approve amendment of the policy as attached.  
#2. Request staff to provide additional information.  
#3. Not approve the amendment. | |
| **Staff Recommendation:**  
#1 | |
| **Recommended Motion:**  
*I move to approve the attached amendment to the City Policy Regarding Fundraising and Funds Held For City-appointed Authorities, Boards, Commissions and Committees (“Boards”) Or For Outside Entities.* | |
| **Attachments:**  
1. Amended Policy | |
MEMORANDUM

TO: Chairs, Members, and Staff Liaisons of City-appointed Authorities, Boards, Committees and Commissions

FROM: Janeen S. Miller, City Clerk
Yvette T. Allen, Assistant City Clerk

DATE: May 28, 2019, updated from May 29, 2018

RE: Rules and Procedures pertaining to Council-Appointed Boards

Following are the City of College Park Rules and Procedures pertaining to Council-appointed Authorities, Boards, Committees and Commissions (“Boards”). Please review and let us know if you have any questions.

1. Boards are assigned a Staff Liaison and a Contract Secretary. Their roles are described on Attachment 1.

2. The Maryland Open Meetings Act requires that all meetings of City-appointed Boards be advertised to the public in advance. Please provide the City Clerk’s office with advance notice of your meeting so that we may properly advertise it on the city calendar and cable channel. We must also receive notice of, and advertise, a meeting cancellation in the same way, so please inform us of cancellations as well.

The Maryland Open Meetings Act also requires that Board meeting agendas be made available to the public in advance, but not less than 24 hours prior to the meeting. Agendas will be posted on the City’s website calendar with the meeting notice. To this end, please provide your meeting agenda to Lauren Roberts (lroberts@collegeparkmd.gov) or Yvette Allen (yallen@collegeparkmd.gov) in the City Clerk’s office, preferably three (3) days before your meeting. Agendas should contain known items of business or topics to be discussed, and include the language “this agenda is subject to change.” If you have any questions please contact Janeen Miller (jsmiller@collegeparkmd.gov).

3. Meeting rooms at City buildings must be reserved in advance through our office. Our contact information is below. We request that the Committee Chair or Staff Liaison contact us to make these arrangements.

4. The Maryland Open Meetings Act requires that all meetings of City-appointed Boards be open to the public and that meeting locations must be accessible. If you believe that your Board must meet in closed session, please contact the City Clerk in advance to discuss the request and obtain authorization. Meetings may only be closed to the public for certain reasons and specific procedures must be followed. Closed meetings must be advertised in the same manner as open meetings.
5. Committee members must be physically present in the room where the meeting is being held in order to count toward the number needed for a quorum and vote on any matter. Members may listen and participate in a discussion by telephone, but their presence on the phone does not contribute to the quorum requirement nor are they allowed to vote by telephone.

6. There must be a minute taker at your meeting so that an appropriate record may be kept. Please keep your staff liaison and your assigned contract secretary informed of any changes to meeting date, time or location. If a secretary is not present, please record your meeting so that another individual can prepare the minutes later. Approved minutes are circulated to the Mayor and City Council, and are posted on the City’s website, by the City Clerk’s office. Audio recordings and minutes are maintained by this office.

7. A City appointed Board must receive prior approval from the City Council before issuing a position or opinion in writing. If your Board is considering taking a position on a matter (for instance, writing a letter in support of, or opposition to, an issue) please submit a draft to the City Clerk’s office so that we may place it before the Council for their consideration. Please allow ample time for the Council to review your request.

8. Chapter 38, Ethics, of the College Park City Code requires that a member of any Board, Commission, Committee or Authority of the City of College Park, whether salaried or not, who is appointed to such position by action of the Mayor and Council, complete an annual “Financial Disclosure Statement.” These are due for every new appointment, and then annually by April 30. In addition, members have an ongoing duty to report conflicts of interest as they arise using a “Report of Actual or Potential Conflict of Interest” which is also provided to every new appointment, and then annually thereafter.

9. The Chair or Staff Liaison should immediately notify the City Clerk’s office of any changes to the committee roster, such as a resignation, new Chairperson, new contact information, etc. Nominations and reappointments to committees are made by the Mayor and Council and coordinated by the City Clerk’s office. Please inform the Clerk’s office of anyone who is interested in joining your committee, or if you have members who aren’t attending meetings.

10. Members who miss three consecutive meetings may be removed from their position on the Board following the procedures set forth in Section 15-1 of the City Code. If a Board member misses three consecutive meetings, please contact the City Clerk’s office to discuss.

11. Pursuant to Council Resolution 15-R-13, City-appointed Boards that wish to officially honor past members and/or spend City funds to do so must send the Board’s recommendation to the City Council for review and action.

12. Boards are requested to submit an annual written report to the City Council. See Attachment 2 for guidance.

13. Boards must adhere to the attached financial policy statement (Attachment 3). Please contact the City Clerk or Finance Director if you have any questions about how this relates to your Board’s operations.
14. Any invocation or prayer included as part of an event must be non-sectarian and non-denominational. Alternatively, you might consider a moment of silent meditation.

We hope this information is helpful. If you have any questions, comments or concerns, please don’t hesitate to contact us at 240-487-3501. We are here to support you!

Attachments:
1 – Role of Staff Liaison and Contract Secretary
2 – Template for Annual Report
3 – City of College Park Financial Policy Pertaining to Boards
4. – CITY EVENTS AND CITY-INITIATED SOLICITATIONS
Role of Staff Liaison to City-appointed Boards

The staff liaison for Council-appointed Boards, Committees, Commissions and Authorities ("Boards") serves a supporting administrative role that will vary somewhat depending on the mission of the Board. In general, however, the duties of the staff liaison include the following:

1. Facilitate the Board in carrying out their established mission and directives from the City Council. Any request by the Board that the staff liaison perform duties outside of the Board’s established mission will require discussion and approval of the City Manager and Department Director.

2. Send meeting notices to Board members and the Contract Secretary.

3. Assist in preparation of meeting materials (i.e. agendas) and make copies for the meeting. Ensure that agendas are provided to the City Clerk’s office at least three days prior to the meeting to be posted on the City website calendar.

4. Facilitate general “housekeeping” matters, such as the timely approval of minutes, processing invoices, reporting three consecutive member absences to the Clerk, and preparation of required reports.

5. Ensure that the Board follows the general rules set forth by the City including compliance with the Maryland Open Meetings Act (in consultation with the City Clerk).

6. Inform the City Clerk’s office of the meeting schedule and changes in the roster, and reserve meeting rooms.

7. Provide publicity to the City Clerk’s office for special events.

8. Serve as the liaison between the Board and City departments and/or City Council, as needed.

Role of Contract Secretary

The Contract Secretary will attend the Board meeting, record and type a set of minutes, submit draft minutes and the audio recording within 10 days of the meeting, make final corrections, and provide the Clerk’s Office with the approved minutes and meeting tapes. Minutes are defined as a fair summary of discussions and/or actions taken by the board, and are not verbatim transcriptions.
Annual Report To The Mayor And Council
(Template)

FROM: Name of Authority, Board, Committee or Commission (the “Board”)
By: ________________, Chair

DATE: _______________________

I. WHAT IS THE PURPOSE OF THE BOARD? (As stated in the City Code or
establishing Resolution):

II. LIST AND BRIEFLY DESCRIBE ACCOMPLISHMENTS BY THE BOARD
DURING THE PAST YEAR IN SUPPORT OF THIS PURPOSE:

III. LIST AND BRIEFLY DESCRIBE GOALS FOR THE COMING YEAR IN
SUPPORT OF THIS PURPOSE:

IV. PLEASE IDENTIFY ANY ISSUES OR PROBLEMS THAT YOU WANT TO
BRING TO THE ATTENTION OF THE CITY COUNCIL:
City Policy Regarding Fundraising and Funds Held
For City-appointed Authorities, Boards, Commissions and Committees (“Boards”)
Or For Outside Entities

I. Fundraising

City-appointed Authorities, Boards, Commissions and Committees (“Boards”) may SOLICIT funds SPONSORSHIPS, GOODS, DONATIONS, PARTICIPATION, DISCOUNTS OR SERVICES (“SPONSORSHIPS”) FROM BUSINESS ENTITIES OR INDIVIDUALS only with permission of the City [Council], in a manner and for a purpose consistent with their charter. This requirement is necessary because each group is identified with the City, and potential donors will rely upon the fact that the City endorses the activity. Before soliciting SPONSORSHIPS, a City-appointed group must approve by resolution the purpose for and eventual use of the donations. ONCE APPROVED, THE BOARD MUST FOLLOW THE CITY EVENT AND CITY-INITIATED SOLICITATIONS POLICY AND MUST REQUEST PERMISSION FROM THE CITY MANAGER’S OFFICE.

Any funds received as part of this effort must promptly be deposited with the City’s Finance Department. When available, the name of the donor and purpose of the deposit must be provided to the Finance Department. The Finance Department will issue a receipt for the donation when required or requested.

Funds raised for a specific purpose may not be used by any Board for a different purpose. The Finance Department will disburse funds only for an approved purpose. Approved purposes would include:

- Support of City-approved programs and initiatives.
- Support of activities that promote the purposes of the group as identified in their charter.
- Use of funds for programs/initiatives included in the group’s budget allocation from the City.

Social events for group members are not approved purposes for use of donated funds.

The same rules apply to solicitation of goods or services by a City-appointed group.

If there is a question about whether the proposed use of funds, goods or services is appropriate, the Board should contact the Finance Director or the City Clerk before committing any funds.

II. Administration of funds deposited with the City

At times, the City is asked to hold and disburse funds for outside groups (i.e., donations to the College Park Estates/Yarrow Neighborhood Watch or for the Berwyn Mural). If the City holds and administers these funds, administrative burdens on the outside groups are reduced. In addition, for outside groups and City Boards, donations to the City allow the donors to claim a deduction on their taxes. Once received, such funds are entrusted to the City for a specific purpose. The City has a fiduciary and legal responsibility pertaining to their disbursement,
which is based on the donor’s intent and IRS rules and regulations. In order for the City to administer funds properly, the purpose of the donation must be clear and must be followed. Expenditures will only be made within the approved donation purposes.

If a Board or an outside group is unable to adhere to these rules, then the City will be unable to administer those funds on their behalf.

III. Disbursement of funds held for a City Board

Disbursements must be approved by the vote of the Board and conveyed to the Finance Director through the staff liaison and/or City Clerk and should be reflected in the minutes. Checks are issued every Friday for disbursement requests received and approved by Wednesday.
19-G-80

Approval of Ritchie Coliseum as a City polling location
**CITY OF COLLEGE PARK, MARYLAND**  
**REGULAR MEETING AGENDA**

**AGENDA ITEM 19-G-80**

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<tr>
<th>Prepared By:</th>
<th>Janeen S Miller, City Clerk</th>
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<tr>
<td>Meeting Date:</td>
<td>May 28, 2019</td>
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<tr>
<th>Presented By:</th>
<th>Janeen S Miller, City Clerk</th>
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<td>Proposed Consent Agenda:</td>
<td>Yes</td>
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**Originating Department:** City Clerk for the Board of Election Supervisors

**Action Requested:** Approval of Ritchie Coliseum instead of City Hall as a voting center for the November 5, 2019 city election

**Strategic Plan Goal:** Goal 1: One College Park

**Background/Justification:**
The Board of Election Supervisors attended the February 5 Worksession and discussed several matters related to the November 5 election with the Council. Subsequently, the Council approved the Voting Center concept, allowing a qualified voter to vote at any Voting Center, regardless of their district, and added a poll at Stamp Student Union in addition to those at Davis Hall and City Hall. As was anticipated at that time, we have now determined that City Hall won’t be available as a polling location this fall due to the impending City Hall redevelopment project. Per the attached request from the Board of Election Supervisors, the Council is being asked to designate Ritchie Coliseum as a substitute for City Hall. Staff supports this recommendation.

**Fiscal Impact:**
The City will be able to use Ritchie Coliseum for no facility charge. We don’t anticipate having the same parking problems at Ritchie that we are facing at Stamp. Therefore, little if any fiscal impact is anticipated.

**Council Options:**
#1 – Designate Ritchie Coliseum as a voting location in the November 5, 2019 election instead of City Hall.
#2 – Pursue other venues beside Ritchie
#3 – Do not designate a replacement poll for City Hall

**Staff Recommendation:**
Option #1.

**Recommended Motion:**
*I move that the Mayor and Council approve the use of Ritchie Coliseum as a polling location in the November 5, 2019 city election as a substitute for City Hall, since City Hall will not be available*

**Attachments:**
1 – Memo from the Board of Election Supervisors
TO: Mayor and Council

FROM: Jack Robson, Chief Election Supervisor

SUBJECT: City Hall - Replacement Polling Location

DATE: 14 May 2019

At our meeting on April 18th the Election Supervisors discussed the use of the University of Maryland’s Ritchie Coliseum as the replacement location for the City Hall poll. It meets all our requirements as a polling location.

The City Code (§ C34-5) provides that: *Polling places shall be designated by the Supervisors of Elections with the approval of Mayor and Council*.

The Supervisors request that the Mayor and Council approve the Ritchie Coliseum, located on the University of Maryland College Park Campus, 7675 Baltimore Ave, College Park, as an authorized City polling location.
19-G-84

Approval of a letter supporting the continuation of on-campus tailgates
**CITY OF COLLEGE PARK, MARYLAND**

**REGULAR COUNCIL MEETING AGENDA ITEM**

**AGENDA ITEM NUMBER 19-G-84**

**Prepared By:** Bill Gardiner, Assistant City Manager  
**Meeting Date:** May 28, 2019

**Presented By:** Patrick Wojahn, Mayor  
**Consent Agenda:** Yes

**Originating Department:** Mayor and Council

**Action Requested:** Authorize the Mayor to sign a letter to Dr. Wallace Loh, President of the University of Maryland, College Park, requesting the University to continue supporting on-campus tailgate events.

**Strategic Plan Goal:** One College Park

**Background/Justification:**
The University of Maryland has provided on-campus tailgate events for members and guests of the Interfraternity Council and Panhellenic Association since at least the Fall of 2013. After holding three tailgates during the pilot program, it has expanded in both the number of events and attendance—averaging more than 5,000 attendees in 2016.

The goal of the campus tailgates is to provide an alternative venue for pre-game parties that is safer and less disruptive than the large unsupervised parties that had been occurring at student group houses. The student tailgating in neighborhood rental housing has been characterized by excessive drinking, loud noise, and other problems.

UMD police have monitored the on-campus tailgates and there have been no significant problems. The volume of neighborhood parties and noise has been greatly diminished on days with campus tailgates.

There has been no indication that the University intends to stop supporting these events, but apparently there have been discussions to move the event to locations that might not be as attractive for students. The City would like to encourage the University to host the events at a location and in a manner that will encourage student attendance and meet other University goals.

**Fiscal Impact:**
The City has budgeted $10,000 to offset some of the costs of these events

**Council Options:**

- **#1:** Authorize the Mayor to sign the letter
- **#2:** Authorize the Mayor to sign an amended letter
- **#3:** Do not authorize the Mayor to sign a letter requesting the University continue supporting the on-campus tailgate events.

**Staff Recommendation:**

- **#1**

**Recommended Motion:**
I move that the City Council authorize the Mayor to sign the attached letter to Dr. Loh requesting that the University continue supporting the tailgate events on campus

**Attachments:** Letter to Dr. Wallace Loh, President University of Maryland, College Park.
May 28, 2019

Dr. Wallace Loh, President
University of Maryland, College Park
1119 Main Administration Building
University of Maryland
College Park, MD 20742

Dear President Loh:

Under your leadership the University and the City have embarked on a wide range of initiatives that strengthen our communities. One of these collaborations is the on-campus tailgating events sponsored by the University, the Inter-fraternity Council and the Pan Hellenic Association. The City also provides funds to assist with the event costs. Since 2013, these events have provided a much safer and less disruptive environment for pre-game activities than the large parties with excessive drinking and noise that previously characterized game day in some neighborhoods. In 2016 the average attendance at the on-campus events exceeded 5,000. We believe this program has been very successful.

The City Council recently learned that there could be some changes to the on-campus tailgate events which could lead to reduced attendance and the return of disruptive parties in our neighborhoods. The Council voted unanimously to request that the University continue to support the event at a location which will attract student participants and significantly reduce the pre-game neighborhood parties that have been so disruptive and unsafe in the past.

We look forward to your response and thank you for your consideration of our concerns.

Sincerely,

Patrick L. Wojahn
Mayor

cc: Carlo Colella, Vice President for Administration & Finance, University of Maryland, College Park
19-O-09

Introduction of an Ordinance to amend Chapter 138, Noise
**CITY OF COLLEGE PARK, MARYLAND**  
**COUNCIL WORKSESSION AGENDA**

**AGENDA ITEM 19-O-09**

**Prepared By:** R. W. Ryan, Public Services Director  
Public Services Director  
**Meeting Date:** 05/28/19

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

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<tr>
<th>Originating Department:</th>
<th>Public Services</th>
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<tr>
<td><strong>Issue Before Council:</strong></td>
<td>Introduction of Ordinance 19-O-09 to amend City Code Chapter 138</td>
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<tr>
<td><strong>Strategic Plan Goal:</strong></td>
<td># 6: Excellent Services</td>
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</table>

**Background/Justification:**
Over the past year Mayor and Council have discussed regulations in other jurisdictions used to control noise in their communities. The last discussion was at the May 7 Worksession when a draft ordinance amending Chapter 138 was reviewed. There was some consensus regarding several issues. The City Attorney has amended the draft ordinance to make those changes. The attached draft ordinance would make the following changes to Chapter 138.

A. Definitions Day/Night: Amend the definitions in sub-section 138-2 as follows:
   1. DAY- The period between 7:00 a.m. and 8:00 p.m. on Monday through Friday; and, 8:00 a.m. and 9:00 p.m. on Saturday and Sunday.
   2. NIGHT-The period between 8:00 p.m. and 7:00 a.m. on Monday through Friday; and, 9:00 p.m. and 8:00 a.m. on Saturday and Sunday.
   3. Include a definition of creating a noise disturbance and make it a violation

B. Exemptions from the Noise Ordinance are already set out in COMAR regulations. Those exemptions applicable to the City have been added to Chapter 138 for clarity.

In addition, various conforming changes have been made. Some provisions have been clarified.

**Fiscal Impact:**
Will be determined by future enforcement actions.

**Council Options:**
#1: Approve amendments to Chapter 138 and introduce the ordinance  
#2. Take no action

**Staff Recommendation:**
#1


**Attachments:**
Draft Ordinance for discussion  
COMAR regulations
ORDINANCE
OF THE MAYOR AND COUNCIL OF THE CITY OF COLLEGE PARK AMENDING
CITY CODE CHAPTER 138 “NOISE”, §§138-2, “DEFINITIONS”, 138-5,
“PROHIBITED ACTS”, AND 138-6, “VIOLATIONS AND PENALTIES” TO DEFINE
CONSTRUCTION ACTIVITY AND NOISE DISTURBANCE, CHANGE THE HOURS
INCLUDED IN THE DEFINITIONS OF DAY AND NIGHT, INCLUDE NOISE
DISTURBANCE AS A VIOLATION, CLARIFY THE NOISE MEASUREMENT POINT
FOR MULTI-FAMILY DWELLINGS, INCLUDE REFERENCE TO VARIOUS NOISE
ACTIVITIES THAT ARE PROHIBITED BY OR EXEMPTED FROM THIS CHAPTER
THROUGH THE STATE ENVIRONMENTAL ARTICLE, AND TO MAKE OTHER
CLARIFYING AND CONFORMING CHANGES

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

WHEREAS, the Mayor and Council determined that the residents of the City have a right
to an environment that is free from noise that may jeopardize their health, general welfare or
property and as a result adopted Chapter 138, “Noise”; and

WHEREAS, the Mayor and Council have determined that it is in the public interest to
amend Chapter 138 to****.

Section 1. NOW THEREFORE, BE IT ORDAINED AND ENACTED, by the Mayor
and Council of the City of College Park, Maryland that Chapter 138 “Noise”, §138-2,
“Definitions”, be, and is hereby, repealed, re-enacted and amended to read as follows:

§ 138-2 Definitions.
As used in this chapter, the following terms shall have the meanings indicated:

* * * *

CONSTRUCTION
TEMPORARY ACTIVITIES DIRECTLY ASSOCIATED WITH SITE
PREPARATION, ASSEMBLY, ERECTION, REPAIR, ALTERATION, OR
DEMOLITION ON ROADWAYS OR PRIVATE PROPERTY.
DAY
The period between 7:00 a.m. and 8:00 p.m., MONDAY THROUGH FRIDAY, AND IN BETWEEN 8:00 A.M. AND 9:00 P.M. ON SATURDAYS, SUNDAYS AND HOLIDAYS.

NIGHT
The period between 8:00 p.m. and 7:00 a.m., MONDAY THROUGH FRIDAY, AND BETWEEN 9:00 P.M. AND 8:00 P.M. ON SATURDAYS, SUNDAYS AND HOLIDAYS.

NOISE DISTURBANCE MEANS ANY NOISE THAT IS:

(A) UNPLEASANT, ANNOYING, OFFENSIVE, LOUD, OR OBNOXIOUS;
(B) UNUSUAL FOR THE TIME OF DAY OR LOCATION WHERE IT IS PRODUCED OR HEARD;
(C) DETRIMENTAL TO THE HEALTH, COMFORT, QUALITY OF LIFE, OR SAFETY OF ANY INDIVIDUAL OR TO THE REASONABLE ENJOYMENT OF PROPERTY OR THE LAWFUL CONDUCT OF BUSINESS BECAUSE OF THE LOUDNESS, DURATION, OR CHARACTER OF THE NOISE; OR
(D) EXCEEDS THE OBJECTIVE STANDARDS OF THIS CHAPTER.

SOUND-LEVEL METER
An instrument meeting ANSI SL4, 1971, Specifications for Sound-Level Meters, comprising a microphone, an amplifier, an output meter and a frequency-weighting network or networks that is used for the measurement of sound-pressure levels in a specified manner. SOUND LEVEL METERS USED TO DETERMINE COMPLIANCE WITH THIS CHAPTER SHALL MEET OR EXCEED THE SPECIFICATIONS FOR TYPE II SOUND LEVEL METERS.

Section 2. BE IT FURTHER ORDAINED AND ENACTED, by the Mayor and Council of the City of College Park, Maryland, that Chapter138 “Noise”, §138-5, “Prohibited Acts” be, and is hereby, repealed, re-enacted and amended to read as follows:
§ 138-5. Prohibited acts AND EXEMPTIONS.

A. [Unless it is for the purpose of necessary property maintenance during the day.] It shall be unlawful:

1. For any owner or occupant of real property located within the City to make or to generate loud or raucous sound on said property, or to permit any loud or raucous sound to be made or generated on said property, so as to cause unreasonable annoyance or disturbance to others living or located nearby, OR TO CREATE A NOISE DISTURBANCE OR PERMIT THE CREATION OF A NOISE DISTURBANCE;

2. For the owner or occupant of real property located within the City to make any noise or operate any sound amplifier on said property, or to permit any noise to be made or any sound amplifier to be operated on said property, so as to be clearly audible to any person located beyond the property line of such property at a level higher than 65 dBA during the day or 55 dBA during the night, as such sound may be measured from any point along the curb in front of the property line upon which the noise is being generated or at any place on adjacent property, provided that the person measuring the sound shall first obtain the permission of the adjacent property owner to enter upon said property. FOR ANY MULTI-FAMILY UNIT, THE SOUND MAY BE MEASURED FROM ANY POINT OUTSIDE OF THE UNIT FROM WHICH THE NOISE EMANATES; and

3. For any person to cause, suffer, allow or permit the operation of an amplified source of sound in such a manner that it raises the total sound levels to greater than the following permissible sound level limits, when measured from within a building on an adjacent property.
   (a) dBC above neighborhood residual sound level.
   [1] Nights: three dBC.
   [2] All other times: six dBC.

4. A PERSON MAY NOT CAUSE OR PERMIT THE EMISSION OF PROMINENT DISCRETE TONES AND PERIODIC NOISES WHICH EXCEED A LEVEL WHICH IS 5 DBA LOWER THAN THE APPLICABLE LEVEL LISTED IN THIS SECTION.

5. A PERSON MAY NOT CAUSE OR PERMIT, BEYOND THE PROPERTY LINE OF A SOURCE, VIBRATION OF SUFFICIENT INTENSITY TO CAUSE ANOTHER PERSON TO BE AWARE OF THE VIBRATION BY SUCH DIRECT MEANS AS SENSATION OF TOUCH OR VISUAL OBSERVATION OF MOVING OBJECTS.

6. A PERSON MAY NOT OPERATE OR PERMIT TO BE OPERATED AN OFF-ROAD INTERNAL COMBUSTION ENGINE POWERED RECREATIONAL VEHICLE, INCLUDING, BUT NOT LIMITED TO, A DIRT BIKE, AN ALL TERRAIN VEHICLE, A GO CART, A SNOWMOBILE, OR A SIMILAR VEHICLE, ON PRIVATE PROPERTY CLOSER THAN 300 FEET TO A NEIGHBORING RESIDENCE OR THE
ASSOCIATED CURTILAGE, WITHOUT THE WRITTEN PERMISSION OF THE AFFECTED RESIDENT, UNLESS IT CAN BE DEMONSTRATED TO THE DEPARTMENT THAT THE VEHICLE CAN BE OPERATED WITHIN THE NOISE LIMITS SPECIFIED IN THIS SECTION.

(7) A PERSON MAY NOT CAUSE OR PERMIT NOISE LEVELS EMANATING FROM CONSTRUCTION OR DEMOLITION SITE ACTIVITIES WHICH EXCEED:

(A) 90 DBA DURING DAYTIME HOURS;

(B) THE LEVEL SPECIFIED IN THIS SECTION DURING NIGHTTIME HOURS.

(8) For the owner or occupant of real property located within the City to permit guests or invitees to such property to make noise on adjacent property, whether public or private, where that noise, if made or generated on the property itself, would violate Subsection A[(1), (2), or (3)] of this section.

B. It shall be unlawful for the nonresident owner of a property to permit the occupants of such property to violate the provisions of Subsection A of this section. The owner shall not be deemed to have violated this subsection unless the owner, or owner’s agent:

(1) Has received notice from any source, that a current or prior occupant of such property has, or is alleged to have, previously engaged in conduct that violates this section regardless of whether a finding of a violation by the Noise Control Board or by a court of competent jurisdiction was made; or

(2) Has failed to take action reasonably calculated under the circumstances to prevent a violation of this section from occurring or recurring.

C. A violation of this section shall be a municipal infraction, subject to the fine imposed by Chapter 110, Fees and Penalties.

D. Each repeat violation within a twelve-month period shall give rise to a charge as set forth in Chapter 110, Fees and Penalties.

E. EXEMPTIONS.

(1) THE PROVISIONS OF THIS SECTION MAY NOT APPLY TO DEVICES USED SOLELY FOR THE PURPOSE OF WARNING, PROTECTING, OR ALERTING THE PUBLIC, OR SOME SEGMENT THEREOF, OF THE EXISTENCE OF AN EMERGENCY OR HAZARDOUS SITUATION.

(2) THE PROVISIONS OF THIS DO NOT APPLY TO THE FOLLOWING:

(A) HOUSEHOLD TOOLS AND PORTABLE APPLIANCES IN NORMAL USAGE DURING DAYTIME HOURS;

(B) LAWN CARE AND SNOW REMOVAL EQUIPMENT (DAYTIME ONLY) WHEN USED AND MAINTAINED IN ACCORDANCE WITH THE MANUFACTURER’S SPECIFICATIONS;

(C) BLASTING OPERATIONS FOR DEMOLITION, CONSTRUCTION, AND MINING OR QUARRYING (DAYTIME ONLY);

Commented [SMF]: These are the applicable exceptions that are adopted in the State Code. The City may delete any of these, as this would be more restrictive. However, I don’t believe the Aircraft exemption can be deleted.
(E) MOTOR VEHICLES ON PUBLIC ROADS;

(F) AIRCRAFT AND RELATED AIRPORT OPERATIONS AT AIRPORTS LICENSED BY THE MARYLAND AVIATION ADMINISTRATION;

(G) MOTOR VEHICLES ON STATE LANDS UNDER THE JURISDICTION OF THE DEPARTMENT OF NATURAL RESOURCES;

(H) EMERGENCY OPERATIONS;

(I) PILE DRIVING EQUIPMENT DURING THE DAYTIME HOURS OF 8 A.M. TO 5 P.M.;

(J) SOUND EXCEPT THOSE SOUNDS THAT ARE ELECTRONICALLY AMPLIFIED, BETWEEN 7 A.M. AND MIDNIGHT, CREATED BY:

(I) SPORTING EVENTS (EXCEPT TRAP SHOOTING, SKEET SHOOTING, OR OTHER TARGET SHOOTING);

(II) ENTERTAINMENT EVENTS; AND

(III) OTHER PUBLIC GATHERINGS OPERATING UNDER PERMIT OR PERMISSION OF THE CITY;

(K) RAPID RAIL TRANSIT VEHICLES AND RAILROADS;

(L) CONSTRUCTION AND REPAIR WORK ON PUBLIC PROPERTY;

(M) AIR CONDITIONING OR HEAT PUMP EQUIPMENT USED TO COOL OR HEAT HOUSING ON RESIDENTIAL PROPERTY; FOR THIS EQUIPMENT, A PERSON MAY NOT CAUSE OR PERMIT NOISE LEVELS WHICH EXCEED 70 DBA FOR AIR CONDITIONING EQUIPMENT AND 75 DBA FOR HEAT PUMP EQUIPMENT;

(N) HOUSEHOLD PETS ON RESIDENTIAL PROPERTY THAT ARE MAINTAINED IN ACCORDANCE WITH LOCAL ZONING REQUIREMENTS;

(O) TRASH COLLECTION OPERATIONS BETWEEN THE HOURS OF 7 A.M. AND 10 P.M.

(3) THE EVENTS AND GATHERINGS UNDER §E(2)(J) OF THIS REGULATION INCLUDE, BUT ARE NOT LIMITED TO, ATHLETIC CONTESTS, AMUSEMENT PARKS, CARNIVALS, FAIRS AT FAIRGROUNDS, SANCTIONED AUTO RACING FACILITIES, PARADES, AND PUBLIC CELEBRATIONS.

**Section 2. BE IT FURTHER ORDAINED AND ENACTED,** by the Mayor and Council of the City of College Park, Maryland, that Chapter 138 “Noise”, §138-6, “Violations and penalties” be, and is hereby, repealed, re-enacted and amended to read as follows:
§ 138-6. Violations and penalties.

A. Code Enforcement or Law Enforcement Officer. When a City Code Enforcement Officer, or a state, county, University of Maryland or other law enforcement officer chosen by the City, determines, based upon the results of a test conducted using a calibrated sound-level meter, that noise is being or has been generated in violation of § 138-5A(2) [OR] (3), (4), (5), (6) OR (7) of this chapter, a municipal infraction citation SHALL BE ISSUED to the violator(s) in accordance with the provisions of § 6-103 of the Local Government Article, of the Annotated Code of Maryland. In the event that more than one owner and/or more than one occupant of the real property is alleged to have violated the provisions of this chapter, a municipal infraction citation may be issued to each alleged violator.

B. Noise Control Board.

(1) When two or more City residents submit written complaints that noise is being or has been generated in violation of § 138-5A(1) or 138-5A(4) of this chapter, which complaints shall be delivered to the City Clerk, or postmarked, within 15 days of the alleged violation, and REQUEST A HEARING BEFORE THE NOISE CONTROL BOARD, the Director shall:

(a) Schedule a hearing before the Noise Control Board within 30 days of receipt of complaints referred to in this section; and

(b) Give notice of the alleged violation to the owner and the occupant(s) of the property upon which such violation has allegedly occurred.

(2) When a violation of § 138-5 of this chapter has been alleged in accordance with the provisions of Subsection B of this section, the Noise Control Board shall conduct a hearing for the purpose of determining whether such violation has occurred.

(3) When the Noise Control Board determines, in accordance with the provisions of § 138-8 of this chapter, that a violation of § 138-5 has occurred, the Director shall notify the violator of the determination of the Noise Control Board that a violation has occurred and shall cause a municipal infraction citation to be issued to the violator, in accordance with the provisions of Article 23A, § 3, § 6-103 of the LOCAL GOVERNMENT ARTICLE, Annotated Code of Maryland.

C. (Reserved)

D. The City may seek court action to abate any noise nuisance in lieu of or in addition to any other enforcement remedies that may be available pursuant to this chapter.

E. In addition, the Public Services Director shall schedule a show-cause hearing before the College Park Advisory Planning Commission as to why the City occupancy permit for the property should not be revoked for three or more violations of the provisions of this chapter THAT HAVE BEEN ADMITTED OR THAT HAVE BEEN DETERMINED IN COURT within any twelve-month period, and may otherwise request such a hearing for violations of this chapter at his/her discretion.
Section 4. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that, upon formal introduction of this proposed Ordinance, which shall be by way of a motion duly seconded and without any further vote, the City Clerk shall distribute a copy to each Council member and shall maintain a reasonable number of copies in the office of the City Clerk and shall post at City Hall, to the official City website, to the City-maintained e-mail LISTSERV, and on the City cable channel, and if time permits, in any City newsletter, the proposed ordinance or a fair summary thereof together with a notice setting out the time and place for a public hearing thereon and for its consideration by the Council. The public hearing, hereby set for _____ P.M. on the ______ day of ______________, 2019, shall follow the publication by at least seven (7) days, may be held separately or in connection with a regular or special Council meeting and may be adjourned from time to time. All persons interested shall have an opportunity to be heard. After the hearing, the Council may adopt the proposed ordinance with or without amendments or reject it. This Ordinance shall become effective on ______________________, 2019 provided that, as soon as practicable after adoption, the City Clerk shall post a fair summary of the Ordinance and notice of its adoption at City Hall, to the official City website, to the City-maintained e-mail LISTSERV, on the City cable channel, and in any City newsletter.
If any section, subsection, provision, sentence, clause, phrase or word of this Ordinance is for any reason held to be illegal or otherwise invalid by any court of competent jurisdiction, such invalidity shall be severable, and shall not affect or impair any remaining section, subsection, provision, sentence, clause, phrase or word included within this Ordinance, it being the intent of the City that the remainder of the Ordinance shall be and shall remain in full force and effect, valid and enforceable.

In accordance with Title 3 of the Environment Article of the Annotated Code of Maryland, the City shall send to the Maryland Department of the Environment a copy of this Ordinance as adopted.

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

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

EFFECTIVE the ____ day of ____________________, 2019.

ATTEST:  

____________________________  
Janeen S. Miller, CMC, City Clerk

____________________________  
Patrick L. Wojahn, Mayor

CITY OF COLLEGE PARK

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

____________________________  
Suellen M. Ferguson, City Attorney
.02 Environmental Noise Standards.

A. Precepts.

(1) It is known that noise above certain levels is harmful to the health of humans. Although precise levels at which all adverse health effects occur have not definitely been ascertained, it is known that one's well-being can be affected by noise through loss of sleep, speech interference, hearing impairment, and a variety of other psychological and physiological factors. The establishment of ambient noise standards, or goals, must provide margins of safety in reaching conclusions based on available data which relate noise exposure to health and welfare effects, with due consideration to technical and economic factors.

(2) The environmental noise standards set forth here represent goals expressed in terms of equivalent A-weighted sound levels which are protective of the public health and welfare. The ambient noise levels shall be achieved through application, under provisions of laws or regulations or otherwise, of means for reducing noise levels including, but not limited to, isolation of noise producing equipment, dampening of sound waves by insulation, equipment modification and redesign, and land use management.

B. Standards for Environmental Noise — General.

(1) A person may not cause or permit noise levels which exceed those specified in this table except as provided in §B(2) or (3), or §C, of this regulation.

<table>
<thead>
<tr>
<th>Day/Night</th>
<th>Industrial</th>
<th>Commercial</th>
<th>Residential</th>
</tr>
</thead>
<tbody>
<tr>
<td>Day</td>
<td>75</td>
<td>67</td>
<td>65</td>
</tr>
<tr>
<td>Night</td>
<td>75</td>
<td>62</td>
<td>55</td>
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</tbody>
</table>

(2) A person may not cause or permit noise levels emanating from construction or demolition site activities which exceed:

(a) 90 dBA during daytime hours;

(b) The levels specified in Table 1 during nighttime hours.

(3) A person may not cause or permit the emission of prominent discrete tones and periodic noises which exceed a level which is 5 dBA lower than the applicable level listed in Table 1.

(4) A person may not cause or permit, beyond the property line of a source, vibration of sufficient intensity to cause another person to be aware of the vibration by such direct means as sensation of touch or visual observation of moving objects. The observer shall be located at or within the property line of the receiving property when vibration determinations are made.

(5) A person may not operate or permit to be operated an off-road internal combustion engine powered recreational vehicle, including, but not limited to, a dirt bike, an all terrain vehicle, a go cart, a snowmobile, or a similar vehicle, on private property closer than 300 feet to a neighboring residence or the associated curtilage, without the written permission of the affected resident, unless it can be
demonstrated to the Department that the vehicle can be operated within the noise limits specified in Table 1 under §B(1) of this regulation.

C. Exemptions.

(1) The provisions of this regulation may not apply to devices used solely for the purpose of warning, protecting, or alerting the public, or some segment thereof, of the existence of an emergency or hazardous situation.

(2) The provisions of this regulation do not apply to the following:

   (a) Household tools and portable appliances in normal usage during daytime hours;

   (b) Lawn care and snow removal equipment (daytime only) when used and maintained in accordance with the manufacturer's specifications;

   (c) Agricultural field machinery when used and maintained in accordance with manufacturer's specifications;

   (d) Blasting operations for demolition, construction, and mining or quarrying (daytime only);

   (e) Motor vehicles on public roads;

   (f) Aircraft and related airport operations at airports licensed by the Maryland Aviation Administration;

   (g) Boats on State waters or motor vehicles on State lands under the jurisdiction of the Department of Natural Resources;

   (h) Emergency operations;

   (i) Pile driving equipment during the daytime hours of 8 a.m. to 5 p.m.;

   (j) Sound except those sounds that are electronically amplified, between 7 a.m. and midnight, created by:

      (i) Sporting events (except trap shooting, skeet shooting, or other target shooting);

      (ii) Entertainment events; and

      (iii) Other public gatherings operating under permit or permission of the appropriate local jurisdiction;

   (k) Rapid rail transit vehicles and railroads;

   (l) Construction and repair work on public property;

   (m) Air conditioning or heat pump equipment used to cool or heat housing on residential property; for this equipment, a person may not cause or permit noise levels which exceed 70 dBA for air
conditioning equipment at receiving residential property and 75 dBA for heat pump equipment at receiving residential property;

(n) Household pets on residential property that are maintained in accordance with local zoning requirements;

(o) Except in Allegany, Anne Arundel, Baltimore City, Calvert, Charles, Garrett, Howard, Montgomery, St. Mary's, and Washington Counties, trap shooting, skeet shooting, or other target shooting between the hours of 9 a.m. and 10 p.m. on any range or other property of a shooting sports club that is chartered and in operation as of January 1, 2001;

(p) Trash collection operations between the hours of 7 a.m. and 10 p.m.

(q) Marina equipment used to move boats during the period from 7 a.m. to 7 p.m. provided that the noise level does not exceed 80 dBA at 20 meters from the equipment.

(3) The events and gatherings under §C(2)(j) of this regulation include, but are not limited to, athletic contests, amusement parks, carnivals, fairs at fairgrounds, sanctioned auto racing facilities, parades, and public celebrations.

(4) In Frederick County or Frederick City, a fair listed in the Maryland agricultural fairs and shows schedule that is maintained by the Maryland Agricultural Fair Board, or any other event held on the same grounds and listed by the Agricultural Fair Board, is exempt from this chapter.

D. Measurement.

(1) The equipment and techniques employed in the measurement of noise levels may be those recommended by the Department, which may, but need not, refer to currently accepted standards or recognized organizations, including, but not limited to, the American National Standards Institute (ANSI), American Society for Testing and Materials (ASTM), Society of Automotive Engineers (SAE), International Electrotechnical Commission (IEC) and the United States Environmental Protection Agency (EPA).

(2) The measurement of noise levels shall be conducted at points on or within the property line of the receiving property or the boundary of a zoning district, and may be conducted at any point for the determination of identity in multiple source situations.

(3) Sound level meters used to determine compliance with Regulation .02 shall meet or exceed the specifications for Type II sound level meters.
City Policy for “Timely Adoption of Minutes for Council-Appointed Advisory Boards That Meet Infrequently”
Background/Justification:
The Maryland Open Meetings Act requires public bodies to approve meeting minutes “as soon as practicable” after they meet. A Council-appointed advisory board (i.e., an Authority, Board, Commission or Committee – a “Board”) is a public body under the Maryland Open Meetings Act. The Open Meetings Compliance Board has cautioned that routine delays of several months to produce minutes would be unlawful. Certain City Boards meet only periodically, either seasonally or on an as-needed basis. This poses a special challenge for the timely approval of minutes. Boards that are being dissolved also need a reasonable means by which to approve their final minutes. The Open Meetings Compliance Board explains that in circumstances that would cause an unreasonable delay due to the time between meetings, the public body is “obliged to find a way to meet the Act’s requirement that open session minutes be available with reasonable promptness.”

The Compliance Board has recognized that, in some cases, those public bodies that meet infrequently may adopt minutes by e-mail. Under these circumstances, the prompt availability of the minutes serves the interest of transparency and outweighs the ability of the public to observe a Board’s discussion of the draft minutes in a public meeting. To this end, the City Clerk has drafted the attached policy to ensure prompt approval of minutes in certain circumstances. The City Attorney has seen the policy and supports its adoption.

Fiscal Impact:
None.

Council Options:
#1 – Adopt the attached policy.
#2 – Discuss and propose changes to the policy prior to adoption
#3 – Decide not to adopt a policy allowing for the timely adoption of minutes for Boards that meet infrequently

Staff Recommendation:
Option #1.

Recommended Motion:
I move that the Mayor and Council adopt the attached policy, “Timely Adoption of Minutes for Council-Appointed Advisory Boards That Meet Infrequently.”

Attachments:
1 – Draft Policy: Timely Adoption of Minutes for Council-Appointed Advisory Boards That Meet Infrequently
City of College Park Policy
For Timely Adoption of Minutes
For Council-Appointed Advisory Boards That Meet Infrequently

The Maryland Open Meetings Act states that public bodies must prepare minutes “as soon as practicable” after they meet. The Open Meetings Compliance Board has explained that draft minutes of a meeting do not become an official set of minutes until the public body has adopted it as minutes. Thus, timely approval of minutes is required under the Act. Further, the Open Meetings Compliance Board has cautioned that routine delays of several months to produce minutes would be unlawful.

A Council-appointed advisory board (i.e., an Authority, Board, Commission or Committee) is a public body under the Maryland Open Meetings Act. When a public body only meets periodically, on an as-needed basis, or seasonally, the timely approval of minutes poses a special challenge. The Open Meetings Compliance Board explains that in circumstances that would cause an unreasonable delay due to the time between meetings, the public body is “obliged to find a way to meet the Act’s requirement that open session minutes be available with reasonable promptness.”

The Compliance Board has recognized that, in some cases, those public bodies that meet infrequently may adopt minutes by e-mail, by circulating copies among the members. Under these circumstances, the prompt availability of the minutes serves the interest of transparency and outweighs the ability of the public to observe a Board’s discussion of the draft minutes in a public meeting. To this end, the City of College Park establishes the following policy to ensure prompt approval of minutes in certain circumstances.

1. Authority. The use of email voting for adoption of minutes shall be approved by the City Clerk.

2. Application. This policy applies to a Council-appointed Authority, Board, Commission or Committee (“Board”) that meets infrequently or is being dissolved. “Infrequently” is defined as 1) the Board does not maintain a regular monthly or quarterly meeting schedule, and 2) does not anticipate meeting in the next 60 days.

The current Boards that meet infrequently generally include the Noise Control Board, the Board of Election Supervisors, the Ethics Commission, the Airport Authority, the Martin Luther King, Jr. Tribute Committee, and the Veterans Memorial Committee. Ad-hoc Boards and other Boards that are being dissolved may be eligible to use this procedure for approval of their final minutes.

3. Procedure.
   a. Per the City’s usual practice, draft minutes will be prepared by the designated minute-taker and provided within 10 business days of the meeting to the staff liaison and the City Clerk’s office.
b. Upon written request to the City Clerk by the Chairperson of the Board or the Staff Liaison to the Board, the City Clerk will consider whether email approval of the Board’s minutes is in order and will notify the requestor in writing.

c. Upon approval of the City Clerk, the draft minutes will be circulated by email to all members of the Board. A time limit of one-week will be given to the Board members to respond.

d. Within the time limit provided, the Board may recommend corrections to the draft minutes and/or approve the minutes. Corrected minutes will be recirculated to the Board for review and final approval.

e. A quorum of the Board must approve the minutes by email.

f. The approved minutes will be processed using the City’s customary methods.
19-O-10

Adoption of the FY 20 Budget Ordinance
**CITY OF COLLEGE PARK, MARYLAND**
**REGULAR COUNCIL MEETING AGENDA**

**AGENDA ITEM 19-O-10**

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<th>Prepared By:</th>
<th>Gary Fields, Director of Finance</th>
</tr>
</thead>
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<tr>
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<td>Gary Fields, Director of Finance</td>
</tr>
<tr>
<td>Meeting Date:</td>
<td>May 28, 2019</td>
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<tr>
<td>Consent Agenda:</td>
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**Originating Department:** Finance

**Action Requested:**
Adopt Budget Ordinance 19-O-10 - FY 2020 Operating Budget for the City of College Park.

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

**Background/Justification:**
Budget Ordinance 19-O-10, incorporating the FY 2020 Proposed Budgets for the City’s General Fund, Capital Projects Fund and Parking Garage Debt Service Fund and related changes/amendments made by the Mayor and Council at their budget Worksessions on March 30, 2019 and April 2, 2019, was introduced at the City Council meeting on April 23, 2019. The required public hearing on the proposed budget was held on May 14, 2019. There was no requirement for a constant yield tax rate public hearing since the proposed real estate property tax rate was less than the constant yield rate.

The City Charter (Sec. C10-3.D) requires that the budget be adopted by May 31 of the fiscal year currently ending.

**Fiscal Impact:**
The proposed budget provides authorization for FY 2020 municipal operations.

**Council Options:**

1. Adopt Budget Ordinance 19-O-10 (FY2020 Budget) as introduced.
2. Make amendments to the proposed budget and then adopt the Ordinance as amended.

**Staff Recommendation:**


**Recommended Motion:**

_I move to adopt Ordinance 19-O-10, an Ordinance of the Mayor and Council of the City of College Park, Maryland to adopt the Fiscal Year 2020 General Fund, Capital Projects Fund and Debt Service Fund budgets for the City of College Park._

**Attachments:**

ORDINANCE 19-O-10

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF COLLEGE PARK TO ADOPT THE FISCAL YEAR 2020 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, 2019 and ending June 30, 2020, 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: $10,013,063
- Other Taxes: $4,616,057
- Licenses & Permits: $1,171,200
- Intergovernmental: $369,772
- Charges for Services: $1,013,403
- Fines & Fees: $3,390,600
- Miscellaneous Revenues: $314,340

Total Revenue: $20,888,435

Expenditures, Contingency & Operating Transfers
- General Government and Administration: $4,848,585
- Public Services: $5,341,208
- Planning, Community & Economic Development: $995,299
- Youth, Family & Senior Services: $1,312,226
- Public Works: $6,266,166
- Contingency: $100,000
- Interfund operating transfer to Debt Service Fund: $2,024,951

Total Expenditures, Contingency & Operating Transfer: $20,888,435

Capital Projects Fund

Revenues
- Funding sources other than General Fund: $11,936,587
- Interfund operating transfer from General Fund: $2,024,951
- Reserves (Fund Balance): $11,984,051

Total Revenues: $25,945,589

Expenditures
- Capital Outlay – Total Expenditures: $10,083,881
Parking Debt Service Fund

**Revenues**

Highways & Streets
- Parking Meter Revenue $185,000

Fines
- Parking Fines Revenue $45,000
- Appropriated Fund Balance $379,055

*Total Revenues* $609,055

**Expenditures**

Debt Service – Principal $403,000
Debt Service - Interest $156,055
Transfer to Capital Projects Fund $50,000

*Total Expenditures* $609,055

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. 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;

4. 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 2020”, with amendments; said document and any amendments thereto are incorporated herein by this reference;

5. By adoption of this Ordinance, the FY2020 Pavement Management Plan and the FY2020 Pay Plan (including Job Class Table and Pay Table) contained in the FY2020 proposed operating budget with amendments, if any, are hereby adopted by this reference;

6. 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;
7. 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;

8. The Capital Projects Fund Budget for Fiscal Year 2020 in the amount of $10,083,881, as listed and described in the Capital Projects Fund section, and the Five-Year Capital Improvement Plan (CIP) for Fiscal Year 2020-2024, of the “Proposed Operating Budget for Fiscal Year 2020” with any amendments, are hereby adopted;

9. The Parking Debt Service Fund is hereby budgeted for fiscal year 2020. The required debt service on the parking garage bond for FY2020 totaling $559,055 shall be paid from the accumulated reserves of the Fund. The revenues retained in the Parking Debt Service Fund will be used to offset debt service costs on the parking garage debt;

10. Personal property tax accounts delinquent for a period of ninety (90) days shall be assessed a $100.00 late payment penalty;

11. Should any section of this Ordinance be determined to be invalid, such invalidity shall not affect any other sections; and

12. This Ordinance shall become effective on July 1, 2019.

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 14th day of May, 2019, in the Council Chambers, City Hall, 4500 Knox Road, College Park, Maryland, and 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 2020” 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, 2019 provided that, as soon as practicable after adoption, the City Clerk shall post a fair summary of the Ordinance and notice of its adoption at City Hall, to the official City website, to the City-maintained e-mail LISTSERV, on the City cable channel, and in any City newsletter. If any section, subsection, provision, sentence, clause, phrase or word of this Ordinance is for any reason held to be illegal or otherwise invalid by any court of competent jurisdiction, such invalidity shall be severable, and shall not affect or impair any remaining section, subsection, provision, sentence, clause, phrase or word included within this Ordinance, it being the intent of the City that the remainder of the Ordinance shall be and shall remain in full force and effect, valid and enforceable.

Introduced on the 23rd day of April, 2019

Adopted on the _______ day of May, 2019

Effective on the 1st day of July, 2019

__________________________________________
Patrick L. Wojahn, Mayor

ATTEST:

________________________________
Janeen S. Miller, CMC, City Clerk

APPROVED AS TO FORM:
Suellen M. Ferguson, City Attorney
19-G-81

Boards & Committees
Councilmember Brennan:
- Reappoint Dawn Powers to the Education Advisory Committee

Councilmember Dennis:
- Reappoint Lilla Sutton to the Dr. Martin Luther King, Jr. Tribute Committee