



**TUESDAY, JANUARY 14, 2020**  
**CITY OF COLLEGE PARK**  
**DAVIS HALL – 9217 51<sup>ST</sup> AVENUE**

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

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**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.

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1. **MEDITATION**
2. **PLEDGE OF ALLEGIANCE:** Led by Councilmember Brennan
3. **ROLL CALL**
4. **ANNOUNCEMENTS**
5. **CITY MANAGER’S REPORT**
6. **ACKNOWLEDGMENTS**
7. **PROCLAMATIONS AND AWARDS:** Farewell to Cpl. Ryan Whitlow, PGPD
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 to Mayor Patrick Wojahn from Maryland Municipal League President Ryan Spiegel and Executive Director Scott Hancock
  - B. Annual presentation from State Highway Administration on projects in the City and discussion of nighttime/weekend work on Baltimore Avenue (60) – Erica Rigby
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.

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|---------|--|--|
| 20-G-02 | Approval of Preliminary Plan of Subdivision 4-19019, with conditions, for Northgate student housing project at 8430 and 8510 Baltimore Avenue  | Motion By:<br>To:<br>Second:<br>Aye:<br>Nay:<br>Other: |
| 20-G-03 | Approval of Detailed Site Plan DSP-19025, with conditions, for Northgate student housing project at 8430 and 8510 Baltimore Avenue, and approval of a Declaration of Covenants, subject to the review of the City Attorney |  |
| 20-G-04 | Approval of a letter to the Prince George’s County School Board regarding bus transportation   |  |
| 20-G-06 | Approval of an emergency expenditure associated with a sanitary sewer line replacement in the municipal parking garage – Robert Marsili, Director of Public Works  |  |
| 20-R-02 | Adoption of Resolution 20-R-02 authorizing negotiations with Verizon for the franchise agreement – Suellen Ferguson, City Attorney   |  |

**13. ACTION ITEMS**

- |         |  |   |
|---------|--|---|
| 20-G-05 | Approval of a letter of support to Prince George’s County for the request by Northgate Student Housing for an exemption from the County School Facilities Surcharge  | Motion By: Dennis<br>To:<br>Second:<br>Aye:      Nay:<br>Other: |
| 20-R-01 | Adoption of Resolution 20-R-01 to authorize a Revitalization Tax Credit for the Gilbane Development Company for the Northgate Student Housing project located at 8430 and 8510 Baltimore Avenue for a total of \$571,020 over five years | Motion By: Brennan<br>To:<br>Second:<br>Aye:<br>Nay:<br>Other:  |
| 20-G-07 | Approval of agenda for Annual Retreat scheduled for January 18 – Scott Somers, City Manager  | Motion By:<br>To:<br>Second:<br>Aye:      Nay:<br>Other:        |
| 20-O-01 | Introduction of 20-O-01, a new ordinance concerning bulk and special trash to become effective May 1 (to replace 19-O-14) – Robert Marsili, Director of Public Works   | Motion By:<br>To:<br>Second:                                    |
|         | <b><i>The Public Hearing will be held on Tuesday, January 28, 2020 at 7:30 p.m. at Davis Hall, 9217 51<sup>st</sup> Avenue</i></b>   |   |
| 20-O-02 | Introduction of Ordinance 20-O-02, an ordinance to implement a bulk trash fee schedule for collection of more than 20 items per year to become effective May 1 – Robert Marsili, Director of Public Works                                | Motion By:<br>To:<br>Second:                                    |
|         | <b><i>The Public Hearing will be held on Tuesday, January 28, 2020 at 7:30 p.m. at Davis Hall, 9217 51<sup>st</sup> Avenue</i></b>   |   |

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

Cpl. Ryan Whitlow

**CITY OF COLLEGE PARK, MARYLAND**  
**Proclamation Honoring**  
**Prince George's County Police Officer**  
**Corporal Ryan T. Whitlow**

**WHEREAS,** Corporal Ryan T. Whitlow became a full-time contract police officer for the City of College Park in 2008; and

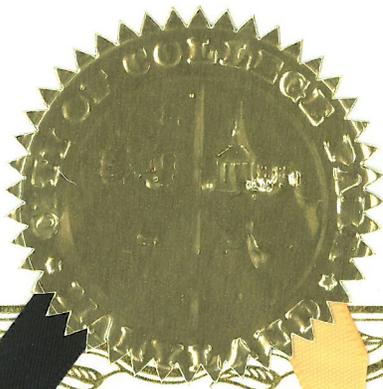
**WHEREAS,** Corporal Ryan T. Whitlow has also served as a part-time contract police officer since August 3, 2009; and

**WHEREAS,** Corporal Ryan T. Whitlow established and maintained excellent positive relationships with City staff and residents of the City, regularly supporting neighborhood events such as the National Night Out, and College Park Day; and working closely with Neighborhood Watch coordinators and volunteers; and

**WHEREAS,** Corporal Ryan T. Whitlow modeled Police commitment to the community in which he served.

**NOW, THEREFORE,** I, Patrick L. Wojahn, Mayor of the City of College Park, Maryland, join the City Council and our residents in honoring and commending Corporal Ryan T. Whitlow for his many years of outstanding service to Prince George's County and the City of City College Park.

**PROCLAIMED** this 14<sup>th</sup> day of January 2020.



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Patrick L. Wojahn, Mayor  
City of College Park, Maryland

# PRESENTATION

## State Highway Administration

# COLLEGE PARK CITY COUNCIL PRESENTATION

January, 2020

## **MDOT'S MISSION STATEMENT**

The Maryland Department of Transportation is a customer-driven leader that delivers safe, sustainable, intelligent, and exceptional transportation solutions in order to connect our customers to life's opportunities.

## **MDOT SHA'S VISION STATEMENT**

Provide a safe, well-maintained, reliable highway system that enables mobility choices for all customers and supports Maryland's communities, economy and environment.

# AGENDA

- MD 430 at Rhode Island Ave
- MD 193 at Rhode Island Ave Project
- The crosswalk/pedestrian signal project at Cherry Hill Rd and US 1
- US 1 signal operations
- I-495 & I-270 P3 Program

# MD 430 AT RHODE ISLAND AVE

## ► **BACKGROUND:**

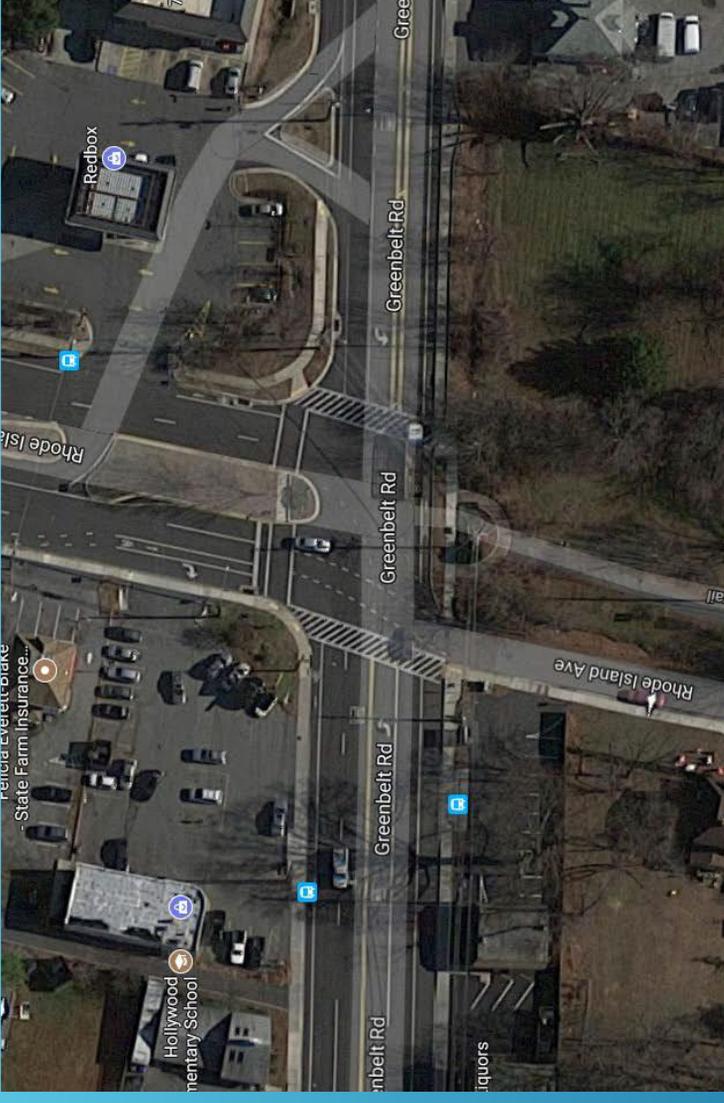
The City of College Park requested SHA evaluate the installation of medians at the subject location to further calm traffic and provide refuge areas for those crossing MD 430. This would eliminate the pedestrian and bicyclist crash pattern at the access for the College Park Trolley Trail.

## ► **PROJECT DESCRIPTION:**

The project proposes to install medians along MD 430 from west of Rhode Island Avenue to west of MD 193 (University Boulevard). Additionally, small sidewalk improvements are needed to address the permanent closure of the south leg of Rhode Island Avenue.

## ► **STATUS:**

The project is currently in construction with an anticipated completion date of Spring 2020.



**CONTACT:** Dorey Uong, Team Leader  
Engineering System Team  
duong@sha.state.md.us  
301-513-7390

# MD 193 AT RHODE ISLAND AVENUE (PG3685187)

## ▶ **BACKGROUND:**

A traffic study was completed and the current configuration does not have the capacity to support the vehicles traveling thru the intersection.

## ▶ **PROJECT DESCRIPTION:**

The proposed improvements will extend the left turn lane of eastbound MD 193 by 200', provide an additional thru lane on westbound MD 193, and extend the southbound right turn lane on Rhode Island Avenue by 300'.

## ▶ **STATUS:**

Currently on Hold indefinitely



## **CONTACT:**

Michelle Berkel, Project Manager  
Engineering System Team  
mberkel@sha.state.md.us  
301-513-7344

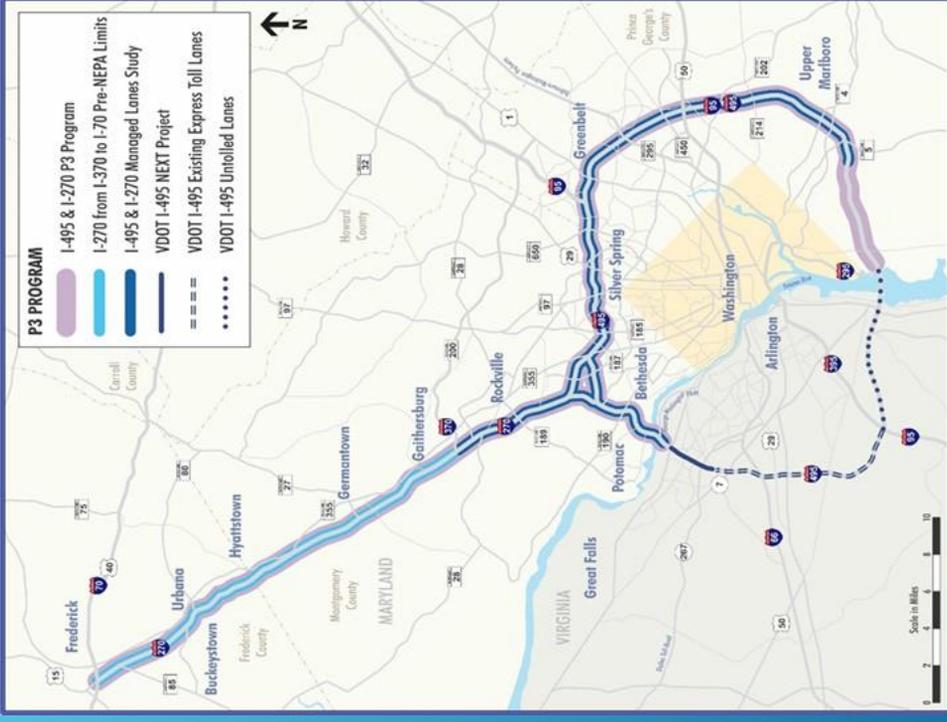
# THE CROSSWALK/PEDESTRIAN SIGNAL PROJECT AT CHERRY HILL RD AND US 1

- ▶ NTP on the project occurred on 9/15/19
- ▶ The completion is expected to be late Winter/early Spring 2020.

# US 1 SIGNAL OPERATIONS

- ▶ No operations related complaints for US 1 have been received
- ▶ All signals on US 1 from the DC line to Hollywood Ave have been upgraded with 3G/4G cellular communication and in our Centracs ATMS. This gives us continuous monitoring of the signals, alarms for critical failures, split and cycle logs and the ability to make timing changes quickly. So if an intersection goes into flash we get a pop up alarm and if someone complains our team can review logs to see exactly what was going on.
- ▶ The signal shop also upgraded the intersections along MD 193 in preparation for the UMD-Penn State game. We have gone from about 250 intersections upgraded statewide last year to over 700 now.
- ▶ For the UMD-Penn State game cell modems were installed at the key intersections along MD 193 in preparation of the game. Standard PM timing plans were used for the noon campus dismissal. Then at 3 PM, we switched to standard AM timing plans to get fans into the game. There were a few small problems and a few adjustments were made on the fly, but we essentially stuck to this plan. We are still assessing the outcome, but it appears that we were successful.

# I-495 & I-270 P3 PROGRAM



## BACKGROUND:

Reduce congestion on I-270 and I-495. The overall I-495 & I-270 Public-Private Partnership (P3) Program will include improvements for over 70 miles of interstate in Maryland including:

- I-495 (Capital Beltway) from south of the George Washington Memorial Parkway, including replacement of the American Legion Bridge over the Potomac River, to the Woodrow Wilson Bridge and
- I-270 (Dwight D. Eisenhower Memorial Highway) from I-495 to I-70, including the east and west I-270 spurs.

## I-495 & I-270 MANAGED LANES STUDY STATUS:

Since the completion of the Spring 2019 Public Workshops and comment period, MDT SHA has worked to finalize the detailed traffic, engineering, financial, and environmental analyses of the Alternatives Retained for Detailed Study (ARDS) that will be detailed in the Draft Environmental Impact Statement (DEIS). The DEIS is scheduled to be published for public review and comment in Spring 2020. The document will be made available on the P3 Program website and various other public locations throughout Montgomery, Prince George's, and Frederick counties, including in county libraries. To formally gather public comments, on findings in the DEIS, Public Hearings will be scheduled for late Spring 2020.

# QUESTIONS

# THANK YOU

## CONTACT:

Erica Rigby, P.E.

Assistant District Engineer – Project Development

[erigby@sha.state.md.us](mailto:erigby@sha.state.md.us)

301-513-7346

# 20-G-02

## Preliminary Plan of Subdivision for Northgate Student Housing



CITY OF COLLEGE PARK, MARYLAND  
REGULAR COUNCIL AGENDA

AGENDA ITEM 20-G-02

**Prepared By:** Miriam Bader  
Senior Planner

**Meeting Date:** January 14, 2020

**Presented By:** Miriam Bader

**Proposed Consent Agenda:** Yes

**Originating Department:** Planning, Community and Economic Development

**Action Requested:** Approval with conditions for Preliminary Plan of Subdivision 4-19019 for the proposed Northgate student housing project

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

**Background/Justification/Recommendation:**

The Gilbane Development Company proposes to redevelop 8430 and 8510 Baltimore Avenue located on the west side of Baltimore Avenue opposite Quebec Street with 296 units of student housing and 1,200 square feet of retail. The subdivision will combine the Burger King lot with the adjoining lot to the south to create a 2.054-acre parcel. The Planning Board is scheduled to hear the Preliminary Plan on Thursday, January 16<sup>th</sup>.

The M-NCPPC Technical Staff Report is available at:

[http://mncppc.iqm2.com/Citizens/Detail\\_LegjFile.aspx?Frame=&MeetingID=1527&MediaPosition=&ID=5308&CssClass=](http://mncppc.iqm2.com/Citizens/Detail_LegjFile.aspx?Frame=&MeetingID=1527&MediaPosition=&ID=5308&CssClass=)

**Fiscal Impact:**

This project allows for more intensive development of the site which will generate an estimated \$263,006 annually in City taxes once constructed.

**Council Options:**

1. Recommend approval of Preliminary Plan 4-19019 with staff-recommended conditions.
2. Recommend approval of Preliminary Plan 4-19019 with different conditions.
3. Recommend disapproval of Preliminary Plan 4-19019.

**Staff Recommendation:**

#1

**Recommended Motion:**

*I move that the City Council recommend approval of Preliminary Plan of Subdivision 4-19019 with the following conditions:*

1. *Prior to signature approval of the Preliminary Plan, the Applicant shall:*
  - a. *Provide a public access easement to the City for any public sidewalk or amenity located outside of the State right of way along Baltimore Avenue, if additional right of way is not dedicated to the State.*
  - b. *Provide a minimum 10' public access easement along the Burger King property to allow for a future trail connection to the proposed promenade adjoining the subject site and to the north of the site when future development occurs.*
  - c. *Submit details as to where the stated afforestation will occur in compliance with the Woodland Conservation Ordinance.*
  - d. *Submit Trail Option B as the final trail configuration in the Mandatory Referral application.*
2. *Support variation request from Section 25-122 (b)(1)(G) of the Woodland and Wildlife Habitat Conservation Ordinance (WCO) with the exception of the removal of the 36 inch DBH, Black Walnut specimen tree.*

**Attachments:** None

# 20-G-03

## Detailed Site Plan for Northgate Student Housing Project



CITY OF COLLEGE PARK, MARYLAND  
REGULAR COUNCIL AGENDA ITEM

AGENDA ITEM NUMBER **20-G-03**

Prepared By: Miriam Bader  
Senior Planner

Meeting Date: January 14, 2020

Presented By: Miriam Bader

Proposed Consent Agenda: Yes

Originating Department: Planning, Community and Economic Development

Action Requested: Approval of Detailed Site Plan DSP-19025, with conditions, for the Northgate student housing project.

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

**Background/Justification/Recommendation:**

This project is located at 8430 and 8510 Baltimore Avenue on the west side of the road opposite Quebec Street. The DSP proposes to raze two existing structures and construct a mixed-use development containing 296 multifamily dwelling units (978 beds), 1,200 square feet of retail space and 300 parking spaces under the building. In addition, the project will construct an off-site promenade and trail along the Paint Branch. The Planning Board is scheduled to hear the DSP on Thursday, January 30<sup>th</sup>. The M-NCPPC Technical Staff Report is not yet available but should be published two weeks prior to the hearing. The link to this report is: <http://mncppc.igm2.com/Citizens/Calendar.aspx>

**Fiscal Impact:**

This project allows for more intensive development of the site which will generate an estimated \$263,006/year in City real property taxes. The Applicant is seeking a five-year tax credit from the City under 12-O-10.

**Council Options:**

1. Recommend approval of DSP-19025 with staff-recommended conditions.
2. Recommend approval of DSP-19025 with different conditions.
3. Recommend disapproval of DSP-19025.

**Staff Recommendation:**

#1

**Recommended Motion:**

*I move that the City Council recommend approval of DSP-19025 with the following conditions:*

1. *SUPPORT the following alternative development district standards:  
(Note: The page numbers are referenced in the 2010 Approved Central US 1 Corridor Sector Plan and Sectional Map Amendment)  
\*Not requested by Applicant but needed.*
  - a. **Building Form, Character Area 4, Corridor Infill** (page 233) – To allow a maximum building height of 7-8 stories.
  - b. **Building Form, Character Area 4, Corridor Infill (CI) and Character Area 5b, Walkable Node University (WNU)** (page 233, 235) - To allow parking in the 1<sup>st</sup> and 2<sup>nd</sup> layer.
  - c. **Building Form, Character Area 4, CI and Character Area 5b, WNU** (page 233, 235) -To allow an average lot coverage of 80%.
  - d. **Building Form, Character Area 4, CI and Character Area 5b, WNU** (page 233, 235) - To allow an 18.78' front building setback in CI instead of the minimum 20' and a 13' front building setback in WNU instead of the maximum 10'.
  - e. **Building Form, Parking Access** (page 241) - To allow two access points off the primary frontage street.

- f. **Building Form, Structured Parking** (page 243) - To allow a setback of 22 feet from the property line.
  - g. **\*Architectural Elements, Signage** (page 255) - To allow a free-standing sign at the pocket park, an interpretive sign on the trail and two temporary leasing signs on the building with restrictions.
  - h. **Sustainability and the Environment, Leadership in Energy and Environmental Design (LEED®) Certification** (page 256) – To allow Applicant to pursue an equivalent rating system of either National Green Building Standard Silver or LEED Silver.
  - i. **Streets and Open Spaces, Streetscape** (page 263) –
    - 1) **Walkway** - To allow 5' wide sidewalks and 8'-10' wide sidewalks, where appropriate, instead of 12'-30' wide sidewalks.
    - 2) **Planter**-To decrease the width from 8'-12' in the CI to 6'.
  - j. **\*Mandatory Shop Frontage (p.230)** to not provide continuous storefront retail along the frontage of the Northgate lot.
2. APPROVAL of Detailed Site Plan DSP-19025, subject to the following conditions:
- a. Prior to certification of the Detailed Site Plan, the Applicant shall revise the site plan to:
    - 1) Provide a minimum of 1,200 square feet of dedicated retail space that is separate from the residential amenity space.
    - 2) Show a minimum 10'-wide trail easement along the rear of the Northgate property to be established at the time of final plat.
    - 3) Provide signage to restrict garage access to right-In, right-out if the project is built before installation of the median in Baltimore Avenue.
    - 4) Remove the “special paving” on the garage driveways to differentiate them from the pedestrian walkways.
    - 6) Label the 4 required retail parking spaces.
    - 7) Provide at least 1 electric car-charging station.
    - 8) Provide a decorative perforated metal screen for the parking garage along the east and south elevations.
    - 9) Provide “to-scale” floor plans.
  - b. Prior to certification of the Detailed Site Plan, the Applicant shall revise the landscape plan to provide deciduous shade trees in the landscape strip along Baltimore Avenue consistent with SHA improvement plans.
  - c. Prior to building permit:
    - 1) Applicant shall provide a letter from the Maryland Aviation Administration (MAA) and/or the Federal Aviation Administration (FAA) that demonstrates compliance with Zoning Ordinance Section 27-548.42 (Aviation Policy Area (APA-6) Height Restrictions-no obstruction over 198-feet Above Mean Sea Level) or obtain a variance in compliance with COMAR 11.03.05.06 with a finding that the height does not endanger the public health, safety and welfare, or revise the site plan to lower the height of the building to be compliant.
    - 2) Provide details of the art sculpture and transformer wrap to Park and Planning and City of College Park staff.
  - d. Prior to certification of the Detailed Site Plan, amend the sign plan to:
    - 1) Indicate that the leasing banner (F1) on the south elevation, Sheet AS-100, shall only be displayed from January through May of the initial year of leasing, and then every year after displayed from October through May, until the abutting property to the south has been redeveloped and completed construction, at which time the leasing banner will be permanently removed.
    - 2) Correct Sheet 13 of the Comprehensive Signage Plan replacing sign A2 with A6 as shown on Sheet AS-100.
    - 3) The temporary leasing banner (F1) on the eastern elevation (Sheet AS-100) shall only be displayed from January through May of the initial year of leasing, and then every year thereafter from October through May.
  - e. Prior to Planning Board approval of the Detailed Site Plan, execute a Declaration of Covenants

*Agreement with the City that includes, at a minimum, the following provisions:*

- 1) Payment of a PILOT to the City if the property is sold to a non-profit or UMD.*
- 2) Acknowledgement of responsibility for maintenance of pedestrian light fixtures, landscaping, and sidewalks along Baltimore Avenue.*
- 3) To provide public access easements to the City of College Park for any trail or sidewalk not on SHA or M-NCPPC property.*
- 4) Provision of public art features which may be matched by City funds (up to \$15,000).*
- 5) LEED Silver, NGBS Silver or equivalent green certification.*

**Attachments:**

1. Declaration of Covenants

**DECLARATION OF COVENANTS AND AGREEMENT**

**REGARDING LAND USE**

THIS DECLARATION OF COVENANTS AND AGREEMENT REGARDING LAND USE (“Agreement”), is effective the \_\_\_\_ day of \_\_\_\_\_, 2020 by and between 8430 BALTIMORE AVENUE LLC (“GILBANE”), a limited liability foreign corporation registered to conduct business in the State of Maryland, and the CITY OF COLLEGE PARK (the "City") a municipal corporation of the State of Maryland.

WHEREAS, GILBANE is the owner of two properties, 8430 and 8510 Baltimore Avenue (“Properties”), referenced as Tax Account No. 21- 3915279 and 21- 2326890, respectively, and recorded in the Land Records of Prince George’s County at Liber 41810, folio 00053, and seeks to combine the Properties into a parcel comprising 2.05 acres of land located in Prince George's County, Maryland, on the west side of Route 1, Baltimore Avenue, just south of Berwyn Road; and

WHEREAS, GILBANE is seeking approval of Preliminary Plan of Subdivision 4-19019 (“PPS”) and Detailed Site Plan DSP-19025 (“DSP”) authorizing the construction of 296 dwelling units and 1,084 square feet of ground floor retail space student housing project (“the Project”) on the Properties; and

WHEREAS, GILBANE has requested the City recommend approval of the PPS and DSP for the Project to the Prince George’s County Planning Board (“Planning Board”) and the District Council for Prince George’s County, Maryland, which actions will constitute the Final Approval(s); and

WHEREAS, the City has agreed to make said recommendations upon certain conditions, which shall be executed by GILBANE in the form of this Agreement as set forth below, which covenants run with the land and may be enforced by the City.

NOW, THEREFORE, in consideration of the \$1.00 and other consideration, the receipt and sufficiency of which is hereby acknowledged, GILBANE hereby declares and agrees on behalf of itself, its successors and assigns that the Properties shall be held, transferred, sold, leased, rented, hypothecated, encumbered, conveyed or otherwise occupied subject to the following covenants, conditions, restrictions, limitations and obligations which shall run with and bind the Properties or any part thereof and shall inure to the benefit and be specifically enforceable by the City, its successors and assigns as follows:

1. The recitals set forth above as well as the foregoing “NOW, THEREFORE,” are incorporated herein as operative provisions of this Agreement.
2. GILBANE shall maintain the pedestrian light fixtures, sidewalks and landscaping installed as part of the Project. Except as otherwise stated herein, maintenance and operation by GILBANE shall include but not be limited to electric utility charges for all pedestrian streetlights installed by GILBANE, replacement of light bulbs, repair and replacement of the pedestrian street lights and sidewalks, and maintenance and replacement of landscaping. In the event GILBANE is not invoiced directly for the costs of electricity by the utility company, the City may invoice on a quarterly basis for the cost of electricity used in connection with the pedestrian light fixtures. Invoices shall be payable to the City within sixty (60) days of receipt. Any invoices not paid within sixty (60) days of receipt shall accrue interest at a rate of six percent (6%) per annum. In the event that any such invoice is not paid within such sixty (60) day period and remains unpaid for an additional sixty (60) days following written notice to GILBANE, in addition to any other remedy available at law, any outstanding amount plus interest shall be a lien upon the Property to be

collected in the same manner as City taxes are collected. GILBANE shall indemnify and save harmless the City, its officers, employees and agents, from all suits, actions and damages or costs of every kind and description, including reasonable attorneys' fees, arising directly or indirectly out of the maintenance of the pedestrian light fixtures and landscaping, caused by the negligent act or omission, intentional wrongful acts, intentional misconduct or failure to perform the obligations under this paragraph on the part of GILBANE, its agents, servants, employees and subcontractors.

3. In the event that the Properties are developed and subsequently sold to any non-taxable entity, so that the Property is no longer subject to real property taxes, the entity(ies) purchasing the Properties or any part thereof, and each of them (or any successors or assigns), shall be liable to make an annual payment in perpetuity to the City in an amount equal to the annual City real property taxes on the Properties and any improvements, based on assessed value, it being the intent of the parties that the City not be deprived of this income regardless of the tax status of any owner and that this obligation shall run with the land. Anything to the contrary notwithstanding, GILBANE'S obligation set forth in this paragraph shall terminate upon the sale of the Properties to an arms-length third party purchaser, provided the Properties are still subject to real property taxes immediately following such sale. Further, the requirement set forth herein shall not apply in the event the Properties are obtained by any non-taxable entity via the process of right-of-way dedication, eminent domain or condemnation. GILBANE shall notify the City in writing upon the closing of any sale to a third-party purchaser, or upon receipt of legal process instituting any action of eminent domain or condemnation.

4. Prior to final plat, GILBANE and its heirs successors and assigns shall enter into a Public Use Easement Agreement with the City for the public use of the portion of frontage sidewalk on the Properties. The easement agreement shall be acceptable to the City, and recorded by GILBANE in the land records for Prince George's County, Maryland. The liber/folio

reference for the recordation shall be reflected on the final plat, as well as the location and extent of the easement.

5. Prior to final plat, GILBANE and its heirs, successors and assigns shall enter into a Public Use Easement Agreement with the City for access and use of any trail or sidewalk, or part thereof, not located on State Highway/State of Maryland or Maryland-National Capital Park and Planning Commission property.

6. GILBANE will not sell any of the multi-family apartment units separately from the remaining multi-family apartment units, except in accordance with applicable law. This provision shall preclude neither the sale of whole buildings containing multi-family apartment units nor the sale of non-residential condominium units or commercial condominium units to another entity, nor the sale of interests in the owning entity in connection with a joint venture. When all or a portion of the Property not part of a condominium regime is operated as a rental facility, in order to ensure high quality unitary management, said units shall be managed by GILBANE or its affiliates, or in the alternative, by a reputable professional management agent having experience managing multifamily rental properties. Any decision to discontinue such required professional property management or management by GILBANE or its affiliates shall require the prior written consent of the City, which consent shall not be unreasonably withheld.

7. Gilbane shall work with the City to install a public art feature on the exterior of the Properties. The parties will develop an acceptable design and the City will provide up to \$15,000 as a dollar for dollar match toward the cost of the art feature. The City's matching payment shall be delivered to Gilbane prior to the commencement of work for the installation of the art feature. Installation of the art feature shall commence no later than one year from the later to occur of (i) issuance of the final Use and Occupancy permit for the Project Building or (ii) Gilbane's receipt of matching payment from the City. The parties hereto can agree to extend the timeframe for

installation of the art feature by a document in writing signed by both parties, and a formal amendment of this Agreement shall not be required.

8. Each person accepting a deed, lease or other instrument conveying any interest in the Property shall be bound by the terms of this Agreement whether or not the same is incorporated or referred to in such deed, lease or instrument and this Agreement is hereby incorporated by reference in any deed or other conveyance of all or any portion of each person's interest in any real property subject hereto.

9. This Agreement shall be effective immediately as to GILBANE and shall be binding on its heirs, successors and assigns subject to the terms and conditions hereof.

10. The City and GILBANE shall have the right to enforce, by any proceeding at law or in equity, including injunction, all restrictions, terms, conditions, covenants and agreements imposed upon the City, Property, and/or GILBANE, pursuant to the provisions of this Agreement. The parties agree that if the City or GILBANE should breach the terms of this Agreement, and such breach is not cured within thirty (30) days following written notice from either party detailing the nature of the breach, the aggrieved 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 non-prevailing party in any action brought in a court of competent jurisdiction to enforce a provision of this Agreement and/or for violation of any provision of this Agreement shall reimburse the prevailing party for all reasonable costs of the proceeding including reasonable attorneys' fees.

11. Neither any failure nor any delay on the part of the City or GILBANE in exercising any right, power or remedy hereunder or under applicable law shall operate as a waiver thereof nor shall a single or partial exercise thereof preclude any other or further exercise thereof or the exercise of any other right, power or remedy.

12. This Agreement shall be binding upon, and shall inure to the benefit of, the respective transferees, successors and assigns of the parties hereto.

13. All notices given hereunder shall be in writing and shall be hand delivered, sent by United States Postal Service, as certified mail, return receipt requested, postage prepaid, or sent by recognized overnight courier service, addressed as set forth below. Any notice will be deemed to have been delivered at the time the same is actually received (or if receipt is refused, when first attempted). Notices may be delivered to such other address or addresses as either GILBANE or the City may from time to time designate to the other by notice in writing.

a. If to GILBANE:

Robert GILBANE  
GILBANE Development Company  
1100 North Glebe Road, Suite 1000  
Arlington, VA 22201

With a copy to:

GILBANE Development Company  
General Counsel  
7 Jackson Walkway  
Providence, RI 02903

b. If to the City:

City Manager  
City of College Park  
8400 Baltimore Avenue  
Suite 375  
College Park, Maryland 20740

14. Except as provided in Paragraph 7, this Agreement may not be amended or modified except in writing executed by all parties hereto, and no waiver of any provision or consent hereunder shall be effective unless executed in writing by the waiving or consenting party. The

provisions of this Agreement shall be deemed severable, so that if any provision hereof is declared invalid, all other provisions of this Agreement shall continue in full force and effect.

15. This Agreement shall be construed in accordance with and governed by the laws of the State of Maryland without regard to its conflict of laws provisions.

16. This Agreement shall be effective immediately as to GILBANE and the City, and shall be binding on their heirs, successors and assigns, subject to the terms and conditions hereof.

17. These obligations are subject to and contingent upon final approval of the aforesaid DSP (with such approval being beyond appeal). This Agreement shall be automatically considered null and void without further action in the event that the DSP is not approved. In the event the condition in the foregoing sentence is not satisfied then this Agreement shall automatically terminate and be of no further force or effect and neither party to this Agreement shall have any further obligation to the other with respect to this Agreement.

18. This Property shall be held, conveyed, encumbered, sold, leased, rented, used, and/or occupied subject to the terms and provisions of this Agreement, provided the Property is developed pursuant to the approvals set forth in the DSP, which shall run with the ground lease. Each person accepting a deed, lease or other instrument conveying any interest in the Property shall be bound by the terms of this Agreement whether or not the same is incorporated or referred to in such deed, lease or instrument and this Agreement is hereby incorporated by reference in any deed or other conveyance of all or any portion of each person's interest in any real property subject hereto.

19. In the event that any provision of this Agreement is in direct conflict with any provision mandated by any government agency with jurisdiction, to the extent that the provision in this Agreement is by necessity precluded, then that provision shall be null and void, provided, however, that the remainder of this Agreement shall remain in full force and effect.

20. The City shall generally support revisions of the PPS and DSP for so long as they are found by the City to be in substantial conformance with the development plans for the Property previously shown to and endorsed by the City, upon the satisfaction of the conditions precedent thereto in the PPS and DSP and this Agreement and related declarations and agreements.

[Signatures on the following pages.]

**IN WITNESS WHEREOF**, the parties hereto have set their hands and seals on the day and year first above written.

WITNESS/ATTEST:

GILBANE DEVELOPMENT COMPANY

\_\_\_\_\_

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

STATE OF )

) ss:

COUNTY )

I HEREBY CERTIFY that on this \_\_\_\_ day of \_\_\_\_\_, 2020, before me, the subscriber, a Notary Public in the State and County aforesaid that \_\_\_\_\_ personally appeared before me in said jurisdiction, who, being by me first duly sworn, acknowledged said instrument to be the act and deed thereof, and that by virtue of the authority conferred upon him as \_\_\_\_\_ of GILBANE, executed and delivered the same as such for the purposes therein contained by signing in my presence.

WITNESS my hand and official seal.

Notary Public

Name: \_\_\_\_\_

My Commission Expires:

Notary Registration No.:

WITNESS/ATTEST:

CITY OF COLLEGE PARK

By: \_\_\_\_\_  
Janeen S. Miller, CMC, City Clerk

By: \_\_\_\_\_  
Scott Somers, City Manager



# 20-G-04

Letter  
to Prince George's  
County School Board  
re bus transportation



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

**AGENDA ITEM 20-G-04**

**Prepared By:** Scott Somers  
City Manager

**Meeting Date:** January 14, 2020

**Presented By:** Scott Somers  
City Manager

**Consent Agenda:** Yes

**Originating Department:** City Manager's Office

**Action Requested:** Approve sending a letter to the Prince George's County School Board regarding bus transportation

**Strategic Plan Goal:** Goal #5 Effective Leadership

**Background/Justification:**

The Mayor and City Council have expressed concerns with bus service provided by the Prince George's County School District.

Please note, the draft letter will be distributed prior to the Council meeting on January 14, 2020.

**Fiscal Impact:**

NA.

**Council Options:**

1. Approve sending a letter to the Prince George's County School Board regarding bus transportation.
2. Amend and then approve sending a letter to the Prince George's County School Board regarding bus transportation
3. Take no action.

**Staff Recommendation:**

Staff will take direction.

**Recommended Motion:**

*I move to approve sending a letter to the Prince George's County School Board regarding bus transportation.*

**Attachments:**

Draft letter to Prince George's County School Board

# 20-G-06

Emergency sewer  
line repair

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

**AGENDA ITEM 20-G-06**



**Prepared By:** Robert L. Marsili, Jr.  
Director of Public Works

**Meeting Date:** 01/14/2020

**Presented By:** Robert L. Marsili, Jr.  
Director of Public Works

**Consent Agenda:** Yes

**Originating Department:** Department of Public Works

**Action Requested:** Ratify an emergency expenditure to repair and replace a sewer line in the City's municipal parking garage in the amount of \$39,750.

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

**Background/Justification:**

Over the Christmas holiday, a significant sewer backup occurred in the municipal parking garage which impacted Ledo's restaurant. Internal inspection of pipe through television monitoring equipment revealed significant corrosion and failure of the pipe as evidenced by the attached photos. Due to the nature of the pipe failure, health and safety concerns, and the Christmas holiday, staff asked W. L. Gary Company for a cost estimate to replace the pipe and correct the situation as soon as possible. The City has worked with W. L. Gary Company previously on plumbing repairs and was a certified WSSC contractor with excellent references. Staff was therefore confident in their ability to perform the needed repairs at a reasonable price and in a quick turnaround time. W. L. Gary Company was able to mobilize on Christmas morning to expedite the repairs. The cost to perform the emergency work was \$39,750.

The City Manager's expenditure authority is limited to \$30,000; however, given the nature, timing, and health and safety concerns of the situation, the City Manager made an executive decision to authorize the repairs. Council is therefore now being asked to ratify this expenditure since this is Council's first regular meeting since the holiday break when the emergency work was completed.

**Fiscal Impact:**

Funding for this repair was allocated from the Capital Facilities Improvement Fund.

**Council Options:**

Given the nature of the situation and the fact that the \$39,750 repair costs have been expended, Council's only reasonable option is to ratify the expenditure.

**Staff Recommendation:**

Ratify an emergency expenditure to repair and replace a sewer line in the City's municipal parking garage in the amount of \$39,750.

**Recommended Motion:**

*I move to ratify an emergency expenditure to repair and replace a sewer line in the City's municipal parking garage in the amount of \$39,750.*

**Attachments:**

Photos of old cast iron and new PVC sanitary sewer line ([click here](#))  
Updated As-Built Drawing of Sanitary Sewer Line in Parking Garage

DESIGN COLLECTIVE, INC.  
Architecture, Planning, Interiors  
405 East Park Street, Suite 300  
Baltimore, Maryland 21202  
Tel: 410.685.6655 Fax: 410.539.6642  
www.designcollective.com

ISSUED FOR	DATE
CD Permit Set	12.03.07
Addendum #1	12.13.07
Permit Comments	03.24.08
RFI #028	04.15.08
RFI #045	07.21.08

CONSULTANT  
**bkm**  
Engineering Life Spaces  
Burdette, Koehler, Murphy & Associates, Inc.  
Mechanical/Electrical Consulting Engineers  
1450 Calverview Road  
Suite 500  
Baltimore, Maryland 21208  
P 410.337.8543  
F 410.337.8545  
WWW.BKMA.COM  
OWNER / DEVELOPER  
**Capstone Development Corporation**  
431 Office Park Drive  
Birmingham, AL 35232

PROJECT NAME  
**City of College Park  
Public Parking Garage**  
Knox Road  
College Park, MD 20772

PROJECT MANAGEMENT  
Project No. 500-06  
Drawn by ABC Chkd by ABC

SEAL  
PROFESSIONAL CERTIFICATION. I HEREBY  
DECLARE THAT THE DESIGN AND CONSTRUCTION  
PREPARED OR APPROVED BY ME AND  
THAT I AM A FULLY LICENSED PROFESSIONAL  
ENGINEER UNDER THE LAWS OF THE STATE  
OF MARYLAND. MY LICENSE NUMBER IS 11132  
EXPIRES ON 07/21/12

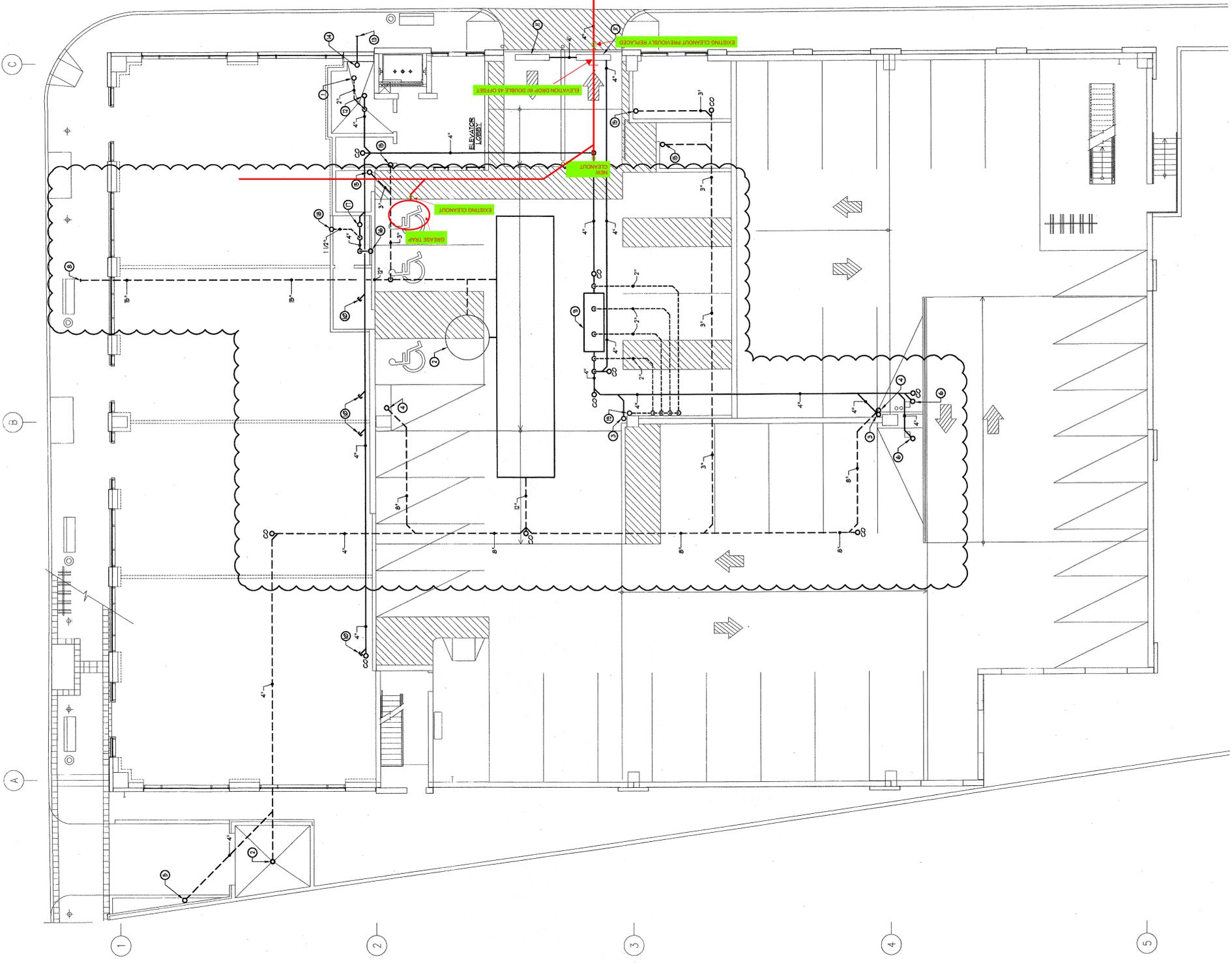
SHEET TITLE / SCALE  
**Foundation Plan  
Plumbing**

Scale: As Noted  
SHEET NUMBER

**P1.01**  
BMM: 060530.010

**DRAWING NOTES:**

- 1 2" VENT.
- 2 4" STORM WATER UP TO 4" FLOOR DRAIN.
- 3 4" WASTE UP.
- 4 8" STORM WATER UP.
- 5 4" STORM WATER UP TO 4" FLANTER DRAIN.
- 6 4" WASTE UP TO FLOOR DRAIN.
- 7 4" SANITARY INVERT ELEVATION = 65.021 FOR CONTINUATION. REFER TO CIVIL DRAWINGS.
- 8 8" STORM WATER INVERT ELEVATION = 66.524 FOR CONTINUATION. REFER TO CIVIL DRAWINGS.
- 9 8" WATER SEPARATOR REFER TO DETAIL 6/12/07.
- 10 4" SANITARY CAPPED FOR FUTURE CONNECTION.
- 11 TRENCH DRAIN.
- 12 4" WASTE UP TO 4" FLOOR DRAIN WITH 1/2" TRAP PRIMING LINE.
- 13 4" COMBINATION DOMESTIC WATER AND FIRE PROTECTION SERVICE. FOR CONTINUATION REFER TO CIVIL DRAWINGS.
- 14 4" WATER SERVICE UP.
- 15 2" CONDENSATE DRAIN UP.
- 16 1/2" WASTE UP TO 10 E2 AND 10" VENT.
- 17 4" SANITARY UP TO (1) E.J.
- 18 2" VENT UP.
- 19 4" VENT UP.



1 FOUNDATION PLAN - PLUMBING  
SCALE: 1/8" = 1'-0"



# 20-R-02

## Verizon Franchise Negotiations

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



**AGENDA ITEM 20-R-02**

**Prepared By:** Suellen M. Ferguson  
City Attorney

**Meeting Date:** January 14, 2020

**Presented By:** Suellen M. Ferguson  
City Attorney

**Consent Agenda:** Yes

**Originating Department:** City Attorney

**Action Requested:** Consider approval of Resolution 20-R-02, authorizing the City to enter into negotiations for a new cable franchise with Verizon, and to join the Prince George's County and municipal coalition for this negotiation.

**Strategic Plan Goal:** Goal 5: Effective Leadership

**Background/Justification:**

The City has received notice from Verizon under Section 626 of the 1984 Cable Communications Policy Act of their intent to enter into formal negotiation of the cable franchise. A copy of this letter is attached. They have also indicated the willingness to enter into informal negotiations. It is recommended that the City do so.

The City and Verizon entered into informal negotiations in 2006 to reach the existing cable franchise agreement. This agreement terminates on January 1, 2022. These negotiations were conducted as part of a coalition, which included Prince George's County and all municipalities in the County. Participating as part of the coalition allowed the City to share the costs of the negotiation, including cable counsel and consultants to assist with the required cable needs assessment, and to increase its impact as part of a group. The City is currently in a coalition with the same parties for the Comcast cable negotiations.

The County and municipalities are initiating a coalition for the Verizon franchise negotiations. A joint negotiation continues to be attractive, as it reduces costs and increases the bargaining power of the City. The attached resolution authorizes the City to join the coalition and to engage in negotiations with Verizon.

**Fiscal Impact:**

The current franchise agreement will expire on January 1, 2022. The City receives franchise fee and PEG revenues through this franchise. A new agreement is necessary in order to continue receiving franchise and PEG fees. Joining the coalition will have certain costs, which are not yet determined, but will be less than if the City negotiated on its own. Funding will be subject to Mayor and Council approval.

**Council Options:**

1. Approve Resolution 20-R-02, authorizing the City to enter into negotiations for a new cable franchise with Verizon, and to join the Prince George's County and municipal coalition for this negotiation.
2. Not approve Resolution 20-R-02
- 3.

**Staff Recommendation:**

Option #1

**Potential Motion:**

*I move to approve Resolution 20-R-02, to authorize the City to enter into negotiations for a new cable franchise with Verizon and to join the Prince George's County and municipal coalition as part of this negotiation, and to authorize the measures necessary to participate in the coalition.*

**Attachments:**

1. Resolution 20-R-02
2. Letter from Verizon dated May 23, 2019

**RESOLUTION OF THE MAYOR AND COUNCIL  
OF THE CITY OF COLLEGE PARK TO AUTHORIZE A JOINT NEGOTIATION,  
TOGETHER WITH PRINCE GEORGE’S COUNTY AND OTHER MUNICIPALITIES,  
TO NEGOTIATE THE RENEWAL OF THE VERIZON FRANCHISE**

WHEREAS, the Mayor and Council of the City of College Park have authority pursuant to §1-708 of Local Government Article, Annotated Code of Maryland and Chapter 93 of the City Code, to regulate cable television franchises within the City; and

WHEREAS, the City entered into a franchise agreement with Verizon Maryland, Inc., (“Verizon”); and

WHEREAS, the term of the franchise agreement ends in 2022; and

WHEREAS, the City has received a letter from Verizon invoking the formal renewal provisions of Section 626 of the 1984 Cable Communications Policy Act, which also indicates a desire to engage in an informal process of negotiation; and

WHEREAS, the City is required to perform a needs assessment as part of any renegotiation of a franchise agreement; and

WHEREAS, it is in the public interest that the City enter into franchise renewal negotiations with Verizon; and

WHEREAS, the City has been invited to be part of a joint negotiation, together with Prince George’s County and other municipalities, to negotiate the renewal of the Verizon franchise; and

WHEREAS, the City participated in a similar joint negotiation with the County and municipalities when the original Verizon franchise agreement was reached and received the benefit of pooling its financial and other resources to reach an agreement that was acceptable to the City; and

WHEREAS, the Mayor and Council have determined that it is in the public interest to join with Prince George's County and other municipalities, to allow the City the benefit of pooling its financial and other resources to perform the needs assessment, and to negotiate the renewal of the Verizon franchise.

**NOW THEREFORE BE IT ORDAINED** by the Mayor and Council of the City of College Park that:

1. The Mayor and Council have determined that it is in the public interest to join with Prince George's County and other municipalities in performing a needs assessment and negotiating the renewal of the Verizon franchise agreement.
2. That the City staff is authorized to take those steps necessary to participate in the joint negotiation.

**ADOPTED** by the Mayor and City Council of the City of College Park at a regular meeting on the \_\_\_\_\_ day of \_\_\_\_\_, 2020.

**EFFECTIVE** the \_\_\_\_\_ day of \_\_\_\_\_, 2020

**ADOPTED** by the Mayor and City Council of the City of College Park at a regular meeting on the 14th day of January, 2020.

**EFFECTIVE** the 14th day of January, 2020.

**WITNESS:**

**THE CITY OF COLLEGE PARK**

\_\_\_\_\_  
Janeen S. Miller, CMC, City Clerk

\_\_\_\_\_  
Patrick L. Wojahn, Mayor

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

\_\_\_\_\_  
Suellen M. Ferguson, City Attorney

Adrian Copiz  
Assistant General Counsel  
1320 N. Courthouse Road, 9<sup>th</sup> Floor  
Arlington, Virginia 22201  
703-558-9831  
[adrian.copiz@verizon.com](mailto:adrian.copiz@verizon.com)

**By U.S. Postal Service Certified Mail**

May 23, 2019

Scott Somers, City Manager  
City of College Park  
4500 Knox Road  
College Park, MD 20740

**Re: Franchise Renewal Notice Requesting Commencement of Formal  
Renewal Proceedings under Section 626 of the Communications Act**

Dear Mr. Somers:

Verizon Maryland LLC (“Verizon”) appreciates the opportunity to provide competitive cable service in the City of College Park (“City”). Our records indicate that the cable television franchise granted by the City and held by Verizon expires on January 1, 2022. Section 626 of the Communications Act of 1934, as amended, delineates formal procedures to be followed to renew cable television franchises that must be invoked 30 – 36 months prior to franchise expiration or certain protections may be lost. As we are now in that time frame, by way of this letter Verizon gives notice that it seeks renewal of its cable television franchise and respectfully requests that the City commence renewal proceedings pursuant to Section 626(a).

While Verizon seeks to preserve its rights under the formal renewal process, the Communications Act also authorizes franchise renewal through good faith, informal negotiations. Section 626(h) contemplates an alternative renewal process that also affords public notice and opportunity for comment but does not require strict adherence to the substantive and procedural requirements outlined in the statute. I have enclosed a copy of Section 626 of the Communications Act for your review. The informal approach may be mutually beneficial. With the understanding that proceeding in this manner will not waive any of the rights of the parties under the formal process, Verizon is agreeable to discussing the terms of a renewal agreement with the City on an informal basis at a mutually convenient time.

Verizon is proud to serve the residents of the City of College Park. We will contact you shortly to schedule a meeting to determine how best to proceed. We look forward to meeting with you and working with you on the franchise renewal.

Very truly yours,



Adrian Copiz

Enclosure: Communications Act Section 626 (47 U.S.C. § 546)

**SEC. 626. [47 U.S.C. 546] RENEWAL.**

(a)(1) A franchising authority may, on its own initiative during the 6-month period which begins with the 36th month before the franchise expiration, commence a proceeding which affords the public in the franchise area appropriate notice and participation for the purpose of (A) identifying the future cable-related community needs and interests, and (B) reviewing the performance of the cable operator under the franchise during the then current franchise term. If the cable operator submits, during such 6-month period, a written renewal notice requesting the commencement of such a proceeding, the franchising authority shall commence such a proceeding not later than 6 months after the date such notice is submitted.

(2) The cable operator may not invoke the renewal procedures set forth in subsections (b) through (g) unless--

(A) such a proceeding is requested by the cable operator by timely submission of such notice; or

(B) such a proceeding is commenced by the franchising authority on its own initiative.

(b)(1) Upon completion of a proceeding under subsection (a), a cable operator seeking renewal of a franchise may, on its own initiative or at the request of a franchising authority, submit a proposal for renewal.

(2) Subject to section 624, any such proposal shall contain such material as the franchising authority may require, including proposals for an upgrade of the

cable system.

(3) The franchising authority may establish a date by which such proposal shall be submitted.

(c)(1) Upon submittal by a cable operator of a proposal to the franchising authority for the renewal of a franchise pursuant to subsection (b), the franchising authority shall provide prompt public notice of such proposal and, during the 4-month period which begins on the date of the submission of the cable operator's proposal pursuant to subsection (b), renew the franchise or, issue a preliminary assessment that the franchise should not be renewed and, at the request of the operator or on its own initiative, commence an administrative proceeding, after providing prompt public notice of such proceeding, in accordance with paragraph (2) to consider whether--

(A) the cable operator has substantially complied with the material terms of the existing franchise and with applicable law;

(B) the quality of the operator's service, including signal quality, response to consumer complaints, and billing practices, but without regard to the mix or quality of cable services or other services provided over the system, has been reasonable in light of community needs;

(C) the operator has the financial, legal, and technical ability to provide the services, facilities, and equipment as set forth in the operator's proposal; and

(D) the operator's proposal is reasonable to meet the future cable-related community needs and interests, taking into account the cost of meeting such needs and interests.

(2) In any proceeding under paragraph (1), the cable operator shall be afforded adequate notice and the cable operator and the franchise authority, or its designee, shall be afforded fair opportunity for full participation, including the right to introduce evidence (including evidence related to issues raised in the proceeding under subsection (a)), to require the production of evidence, and to question witnesses. A transcript shall be made of any such proceeding.

(3) At the completion of a proceeding under this subsection, the franchising authority shall issue a written decision granting or denying the proposal for renewal based upon the record of such proceeding, and transmit a copy of such decision to the cable operator. Such decision shall state the reasons therefor.

(d) Any denial of a proposal for renewal that has been submitted in compliance with subsection (b) shall be based on one or more adverse findings made with respect to the factors described in subparagraphs (A) through (D) of subsection (c)(1), pursuant to the record of the proceeding under subsection (c). A franchising authority may not base a denial of renewal on a failure to substantially comply with the material terms of the franchise under subsection (c)(1)(A) or on events considered under subsection (c)(1)(B) in any case in which a violation of the franchise or the events considered under subsection (c)(1)(B) occur after the

effective date of this title unless the franchising authority has provided the operator with notice and the opportunity to cure, or in any case in which it is documented that the franchising authority has waived its right to object, or the cable operator gives written notice of a failure or inability to cure and the franchising authority fails to object within a reasonable time after receipt of such notice.

(e)(1) Any cable operator whose proposal for renewal has been denied by a final decision of a franchising authority made pursuant to this section, or has been adversely affected by a failure of the franchising authority to act in accordance with the procedural requirements of this section, may appeal such final decision or failure pursuant to the provisions of section 635.

(2) The court shall grant appropriate relief if the court finds that--

(A) any action of the franchising authority, other than harmless error, is not in compliance with the procedural requirements of this section; or

(B) in the event of a final decision of the franchising authority denying the renewal proposal, the operator has demonstrated that the adverse finding of the franchising authority with respect to each of the factors described in subparagraphs (A) through (D) of subsection (c)(1) on which the denial is based is not supported by a preponderance of the evidence, based on the record of the proceeding conducted under subsection (c).

(f) Any decision of a franchising authority on a proposal for renewal shall not be considered final unless all administrative review by the State has occurred or the opportunity therefor has lapsed.

(g) For purposes of this section, the term "franchise expiration" means the date of the expiration of the term of the franchise, as provided under the franchise, as it was in effect on the date of the enactment of this title.

(h) Notwithstanding the provisions of subsections (a) through (g) of this section, a cable operator may submit a proposal for the renewal of a franchise pursuant to this subsection at any time, and a franchising authority may, after affording the public adequate notice and opportunity for comment, grant or deny such proposal at any time (including after proceedings pursuant to this section have commenced). The provisions of subsections (a) through (g) of this section shall not apply to a decision to grant or deny a proposal under this subsection. The denial of a renewal pursuant to this subsection shall not affect action on a renewal proposal that is submitted in accordance with subsections (a) through (g).

(i) Notwithstanding the provisions of subsections (a) through (h), any lawful action to revoke a cable operator's franchise for cause shall not be negated by the subsequent initiation of renewal proceedings by the cable operator under this section.

# 20-G-05

Northgate request  
for school surcharge  
exemption



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

**AGENDA ITEM 20-G-05**

**Prepared By:** Terry Schum, Planning Director

**Meeting Date:** 1/14/2020

**Presented By:** Terry Schum

**Consent Agenda:** No

**Originating Department:** Planning, Community and Economic Development

**Action Requested:** Approval of a letter to the Prince George's County Council supporting a request by the Gilbane Development Company for an exemption from the County school facilities surcharge the Northgate project.

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

**Background/Justification:**

Prince George's County currently applies a school facilities surcharge to new residential development inside the beltway of \$9,035 per unit. This surcharge covers anticipated increases in public educational services required to accommodate the residents generated by this new development and is considered an impact fee. State legislation adopted in 2003 allowed private sector student housing built near the University of Maryland to be exempt from this surcharge based on its limited or no impact on public schools. All eligible student housing projects built in College Park since this time have received the exemption. The legislation has been modified over the years and in 2019 the following language was adopted:

*"To promote the goals of the University District Vision 2020, as that vision or plan may be amended from time to time, on recommendation of the City of College Park, the governing body of Prince George's County, by resolution, may exempt some or all of the school facilities surcharge for undergraduate student housing built west of US Route 1, north of Knox Road, and south of Metzert Road."*

On December 18, 2019, legal counsel for Gilbane Development Company submitted a letter requesting that the City recommend to Prince George's County that an exemption of the school facilities surcharge be approved for the proposed Northgate student housing project. The Northgate project is being built as student housing targeting University of Maryland students and will be fully furnished and leased by the bed. Based on this, the developer would qualify under the law to receive an exemption.

During the Worksession discussion on January 7, Gilbane indicated that there would be an impact on the design quality of the project if the surcharge exemption was not received. Gilbane stated that they would provide more specific information to the City Council regarding this impact prior to the January 14 meeting. Staff has not received this information but will forward to the Council as soon as it is obtained.

**Fiscal Impact:**

The Finance Director has prepared Attachment 1 that itemizes the estimated taxes that would be received by both the City and County as a result of this project. Based on the estimated value upon completion of \$80,925,000, County property taxes alone would be an estimated \$749,366 annually. The value of the surcharge exemption, a one-time waiver, totals \$2,674,360.

**Council Options:**

1. Recommend a full or partial school facilities surcharge exemption for the Northgate project.
2. Recommend a full school facilities surcharge exemption.
3. Recommend a partial school facilities surcharge exemption.
4. Do not recommend any school facilities surcharge exemption.

**Staff Recommendation:**

#1

**Recommended Motion:**

*I move that the City County send a recommendation to the Prince George's County Council supporting a full or partial exemption from the school facilities surcharge.*

**Attachments:**

1. Letter of request for exemption
2. Estimated City and County taxes generated by project

LAW OFFICES  
**GIBBS AND HALLER**  
1300 CARAWAY COURT, SUITE 102  
LARGO, MARYLAND 20774

(301) 306-0033  
FAX (301) 306-0037  
gibbshaller.com

EDWARD C. GIBBS, JR.  
THOMAS H. HALLER

December 18, 2019

The Honorable Patrick L. Wojahn  
Mayor  
City of College Park  
8400 Baltimore Avenue, Suite 375  
College Park, Maryland 20740

Re: Northgate Student Housing

Dear Mayor Wojahn:

By letter dated October 18, 2019, I submitted a request that the City of College Park adopt a recommendation to support an exemption of the school facilities surcharge for the Northgate student housing project proposed by 8430 Baltimore Avenue, LLC. Set forth below is information regarding the project that supports this request.

As noted in my prior letter, the Northgate project proposes the construction of 296 dwelling units and 1,084 square feet of ground floor retail space on 2.05 acres of land on the west side of Baltimore Avenue, just south of Berwyn Road. The authority to approve an exemption from the school facilities surcharge is tied to promoting the goals of the University District Vision 2020. This vision is the product of the College Park City-University Partnership, endorsed by the College Park City Council, with a goal of making College Park a top 20 college town by 2020. While much progress has been made toward this goal, many opportunities continue to exist to achieve that vision. The proposed project represents one of those opportunities.

The University District Vision plan encourages the community to continue creating a safer and greener community for families to live in, retain UMD start-ups, build up its local public education system, strengthen its network of hiking and biking trails, and

attract diverse and exciting business. The Northgate project is currently the site of an abandoned restaurant at 8430 Baltimore Avenue, which represents an eyesore along the corridor. Previous to the restaurant, the property was the location of a gas station, and contaminated soils continue to exist where the underground storage tanks were removed with petroleum residue leaching toward Paint Branch. The abandoned structure will be razed and the contaminated soils removed from the site as part of the redevelopment.

The project site also includes an existing fast food restaurant, located at 8510 Baltimore Avenue, which will also be razed as part of the development. Not only does the US 1 Corridor Sector Plan discourage auto centric, drive-through fast food restaurants, the Sector Plan also envisions this location as being the northern gateway to the University of Maryland campus. Northgate has been designed with architectural features which will establish a distinctive landmark clearly marking the entrance to the University area.

Another feature of the project is its goal of strengthening the network of hiking and biking trails. Currently, a pedestrian bridge exists at the rear of the student housing project located approximately 1,000 feet south of Northgate. There has been a desire to extend a pedestrian trail to the north and provide a clear trailhead along Baltimore Avenue. As part of the proposed project, this trail will be constructed. This trail will include security measures to ensure safety, will include a promenade along the rear of the Northgate building that will provide an overlook of Paint Branch and the campus, and will provide a connection to Baltimore Avenue along the southern boundary of the property. At Baltimore Avenue, a pocket park will be constructed which will provide a meeting spot, a place to call an Uber/Lyft or respite from a storm.

Northgate will also be designed to implement the most current stormwater management systems, replacing uses designed with no stormwater controls. The applicant is working with the Army Corps of Engineers to design the site to alleviate potential flooding and erosion along the property's western edge, which has been the subject of a recent Corps stabilization project. Finally, the building will be sustainable, achieving NGBS rating meeting the intent of the US 1 Sector Plan goal for green building techniques.

While the existing development, the brownfields conditions, and the location of the property adjacent to Paint Branch add substantial additional cost to alleviate, they present the opportunity to further implement the University District Vision and the US1 Corridor Sector Plan by marking the north end of campus, creating a safer environment, improving stormwater quality,

implementing green building techniques, expanding and improving access to hiking and biking trails and by bringing more residents to support local businesses. Northgate represents a unique opportunity to implement many of the goals of the University District Vision at a key location, one which today represents the development of the past, not the vision of the future.

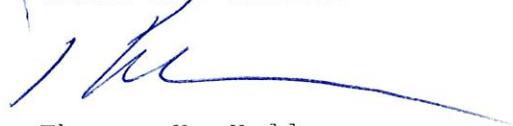
Finally, the applicant in this case is an affiliate of Gilbane Development Company ("Gilbane"). Gilbane has extensive experience in developing, building and managing student housing projects, with \$10.7 billion of experience serving over 120 colleges and universities. In addition, Gilbane has completed or currently has in development nearly 10,000 beds of student housing. With this experience, the Northgate project will be designed to serve the needs of undergraduate students, will be leased by the bedroom and will include the features and amenities desired in the highest quality facilities. Study rooms, recreational amenities, bedroom/bathroom parity and fully furnished units will ensure that the project is one of the more desirable options for undergraduate students, just steps from campus.

For these reasons, the applicant requests that, during its review of Detailed Site Plan (DSP-19025) for Northgate, the City also recommend to the County Council that it adopt a Resolution exempting the project from the school facilities surcharge. The project will have no impact on school capacity given the nature of the proposed use, and will contribute significantly to both the County and City tax base, which can be used to support many important needs.

Thank you for your consideration of this request, and we look forward to working with the City Council and City Staff to bring an exciting project to the City.

Thank you for your consideration of this request.

Very truly yours,  
GIBBS AND HALLER



Thomas H. Haller

cc: Scott Somers, City Manager  
Danielle M. Glaros

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Proforma Property Tax Bill  
Northgate development

**Projected value** \$ 80,925,000

<b>Taxes &amp; Fees:</b>	<b>Rate*</b>	<b>Amount</b>
PGC	\$ 0.926	\$ 749,366
PGC-Supplemental Education	0.040	32,370
		781,736
Park & Planning	0.294	<u>237,920</u>
<b>Total County related</b>		<b>1,019,655</b>
State of MD	0.112	90,636
Stormwater/Flood control	0.054	43,700
Wash.Sub.Transit	0.026	<u>21,041</u>
Total property tax excluding City		1,175,031
<b>College Park</b>	<b>0.325</b>	<b><u>263,006</u></b>
Total Property Taxes		<u>\$ 1,438,037</u>

**Current Assessed Value** \$ 2,836,800

<b>Taxes &amp; Fees:</b>	<b>Rate*</b>	<b>Amount</b>
PGC	\$ 0.926	\$ 26,269
PGC-Supplemental Education	0.040	1,135
		27,403
Park & Planning	0.294	<u>8,340</u>
<b>Total County related</b>		<b>35,744</b>
State of MD	0.112	3,177
Stormwater/Flood control	0.054	1,532
Wash.Sub.Transit	0.026	<u>738</u>
Total property tax excluding City		41,190
<b>College Park</b>	<b>0.325</b>	<b><u>9,220</u></b>
Total Property Taxes		<u>\$ 50,410</u>

Increase in taxes from development

		<u>754,332</u>
		<u>229,579</u>
		<u>983,911</u>
		<u>87,459</u>
		<u>42,168</u>
		<u>20,303</u>
		<u>1,133,841</u>
		<u>253,787</u>
		<u>\$ 1,387,627</u>

\* Based on FY2020 rates

# 20-R-01

Revitalization Tax  
Credit for Northgate  
Student Housing  
Project



CITY OF COLLEGE PARK, MARYLAND  
REGULAR COUNCIL MEETING

AGENDA ITEM 20-R-01

Prepared By: Terry Schum, Planning Director

Meeting Date: 1/14/2020

Presented By: Terry Schum

Consent Agenda: No

**Originating Department:** Planning, Community and Economic Development

**Action Requested:** Adoption of Resolution 20-R-01 to authorize a City Revitalization Tax Credit for the Northgate Student Housing Project

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

**Background/Justification:**

The Gilbane Development Company has applied for a City revitalization tax credit under Ordinance 12-O-10, which provides for a five-year credit on City real property taxes to encourage economic development in designated areas. The request is for the Northgate student housing project to be located at 8430 and 8510 Baltimore Avenue with 296 units (978 beds) and 1,200 square feet of retail. The project is required to meet a minimum of four out of ten eligibility criteria and meets the following seven criteria: land assembly, buyout of leases, commitment of funding for public infrastructure, meeting minimum green building requirements, location in a walkable node and demolition of vacant property. The project is eligible to receive a City tax credit at the discretion of the City Council.

**Fiscal Impact:**

Qualifying projects are eligible to receive a credit on the increased assessment attributed to the taxable improvements upon project completion. The maximum tax credit is an amount equal to 75% of the increased assessment of City tax imposed in the first year, 60% in the second year, 45% in the third year, 30% in the fourth year, and 15% in the fifth year.

Currently the properties are assessed at a value of \$2,836,800, and the estimated assessed value at project completion at the end of 2022 is \$80,925,000. The total increase in assessed value would be \$78,088,200, which given the City's current real property tax rate of \$.325 per \$100, results in a future estimated tax bill of \$263,006 upon completion.

The following depicts the tax credit if granted according to the amounts and terms described in Section 175-11 of the City Code:

Year 1 Credit at 75%:	\$190,340
Year 2 Credit at 60%:	\$152,272
Year 3 Credit at 45%:	\$114,204
Year 4 Credit at 30%:	\$ 76,136
Year 5 Credit at 15%:	\$ 38,068
<b>Estimated Total Five Year Credit:</b>	<b>\$571,020</b>

**Council Options:**

1. Approve Resolution 20-R-01 supporting a City Revitalization Tax Credit of an estimated \$571,020 over five years.
2. Approve alternate terms for a City Revitalization Tax Credit.
3. Do not approve a City Revitalization Tax Credit.

**Staff Recommendation:**

#1

**Recommended Motion:**

*I move that the City Council approve Resolution 20-R-01 to provide a Revitalization Tax Credit for the Gilbane Development Company for the Northgate project at 8430 and 8510 Baltimore Avenue for an estimated total of \$571,020 over five years.*

**Attachments:**

1. Resolution 20-R-01

**RESOLUTION OF THE MAYOR AND COUNCIL  
OF THE CITY OF COLLEGE PARK TO APPROVE A REVITALIZATION TAX  
CREDIT FOR THE REAL PROPERTIES LOCATED AT 8430 AND 8510 BALTIMORE  
AVENUE, COLLEGE PARK, FOR A PERIOD OF FIVE YEARS BEGINNING IN THE  
FIRST FISCAL YEAR AFTER COMPLETION**

WHEREAS, the State of Maryland, pursuant to 9-318(g) of the Tax-Property Article, Annotated Code of Maryland, has authorized the establishment of revitalization districts by resolution for the purpose of encouraging redevelopment; and

WHEREAS, Section 9-318(g) of the Tax-Property Article, Annotated Code of Maryland, also authorizes the City to grant a property tax credit against the City's real property tax for a property located within the revitalization district that is constructed or substantially redeveloped in conformance with adopted eligibility criteria and reassessed as a result of the construction or redevelopment at a higher value than that assessed prior to the construction or redevelopment; and

WHEREAS, the Mayor and Council determined that it was in the public interest to provide for the establishment of revitalization tax districts, to set the criteria for designation of such districts and to authorize the granting of a property tax credit against the City's real property tax for properties within a revitalization district and to adopt eligibility criteria for granting the credit and as a result adopted Chapter 175, "Taxation", Article V "Revitalization Tax Credit" of the City Code; and

WHEREAS, 8430 Baltimore Avenue LLC ("Gilbane"), as owner of the Properties located at 8430 and 8510 Baltimore Avenue, College Park, MD 20782 ("Properties"), has timely filed an application for a revitalization tax credit; and

WHEREAS, the Properties are located in Tax Credit District One, and so must meet four out of ten eligibility requirements; and

WHEREAS, the Properties are being combined into one parcel for the purposes of a re-development project as per Preliminary Plan of Subdivision PPS-4-19019 and Detailed Site Plan DSP-19025; and

WHEREAS, the Properties meet seven out of ten of the eligibility requirements; and

WHEREAS, the Properties will be reassessed at a higher value as a result of the redevelopment; and

WHEREAS, the Mayor and Council have determined that the requested tax credit should be granted.

**NOW THEREFORE BE IT RESOLVED** by the Mayor and Council of the City of College Park that, based upon the Application filed by Gilbane, and the information provided during the January 7, 2020, Council work session, that a five year Revitalization Tax Credit for the real property located at 8430 and 8510 Baltimore Avenue, beginning in the fiscal year following completion, to be reimbursed to Gilbane after proof of payment of the City taxes reflected on the County tax bill in each fiscal year, is approved as authorized in §175-11 of the City Code. Reimbursement of the Revitalization Tax Credit is subject to the conditions stated herein and in Chapter 175. No reimbursement of the real property taxes will occur prior to the receipt of such evidence.

**ADOPTED** by the Mayor and City Council of the City of College Park, Maryland at a regular meeting on the 14th day of January, 2020.

**EFFECTIVE** the 14th day of January, 2020.

**WITNESS:**

**THE CITY OF COLLEGE PARK**

\_\_\_\_\_  
Janeen S. Miller, CMC, City Clerk

\_\_\_\_\_  
Patrick L. Wojahn, Mayor

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

\_\_\_\_\_  
Suellen M. Ferguson, City Attorney

# 20-G-07

Approval of  
Council Retreat  
Agenda



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

**AGENDA ITEM 20-G-07**

**Prepared By:** Scott Somers  
City Manager

**Meeting Date:** January 14, 2020

**Presented By:** Scott Somers  
City Manager

**Consent Agenda:** Yes

**Originating Department:** City Manager's Office

**Action Requested:** Approve the agenda for the Mayor and Council's annual retreat, scheduled for January 18, 2020

**Strategic Plan Goal:** Goal #5 Effective Leadership

**Background/Justification:**

Several of our elected officials have participated in a phone interviews with Terrie Glass of Zelos LLC, the contractor hired to facilitate the Mayor and Council's annual retreat. The purpose of the phone interviews was to ascertain interest and discussion topics for this year's retreat. Attached for Council's consideration is a draft of the agenda based on elected official input.

**Fiscal Impact:**

NA.

**Council Options:**

1. Approved the draft agenda as written.
2. Amend and then approve the draft agenda.
3. Propose and consider approval of a different agenda.

**Staff Recommendation:**

Option #1

**Recommended Motion:**

*I move to approve the agenda for the Mayor and Council's annual retreat scheduled for January 18, 2020.*

**Attachments:**

Draft Mayor and Council Retreat Agenda



## City of College Park, Maryland City Council Retreat

Saturday, January 18, 2020, 10:30 – 3:30  
 Davis Hall, 9217 51<sup>st</sup> Avenue

### Agenda

Topic	Facilitator
Welcome	Scott Somers
Review of Agenda & Goals for Today <ol style="list-style-type: none"> <li>1. Team building -- Deepen your understanding of each other's perspectives</li> <li>2. Discussion of how you might want to modify how items get on the Council agenda</li> <li>3. Discussion of how to create more meaningful dialogue on issues both in Council meetings and work sessions</li> </ol>	Zelos, Terrie Glass
Opening Exercise	Zelos
Lessons on Perspectives (Team Building)	Zelos
Meeting Agendas – Ensuring efficiency and effectiveness of meetings <ul style="list-style-type: none"> <li>• What characteristics would describe an item you think should be on Council agenda?</li> <li>• What characteristics would describe an item you think should not be on Council agenda?</li> </ul>	Zelos
<b>BREAK</b>	
Meeting Agenda (continued) <ul style="list-style-type: none"> <li>• What can be resolved outside of Council meetings with staff?</li> <li>• What staff work needs to occur before an item should come to Council?</li> <li>• What should be the vetting process for a suggested agenda item?</li> </ul>	Zelos
Lessons on Perspectives (Team Building)	Zelos
Meeting Discussions – Ensuring efficiency and effectiveness of meetings <ul style="list-style-type: none"> <li>• Pros and cons of the queue vs. topic-based discussion</li> <li>• Should we impose time limits on speakers?</li> <li>• Would it help for the Mayor to be more directive around time management during discussions?</li> <li>• How can we help things move forward thoughtfully but efficiently?</li> </ul>	Zelos
<b>BREAK to get working lunch</b>	
Lessons on Perspectives (Team Building)	Zelos



Topic	Facilitator
Meaningful Dialogue – Coming to thoughtful decisions as a group, with rich dialogue informing us <ul style="list-style-type: none"><li>• Are there ways to create more thoughtful discussions among us?</li><li>• How can we collaborate more with each other?</li><li>• When difficult issues arise, are there different steps we could take to move efficiently and thoughtfully through them?</li></ul>	Zelos
Wrap up and next steps	Zelos and City

# 20-O-01

Introduction  
Bulk and Special Trash

CITY OF COLLEGE PARK, MARYLAND  
REGULAR COUNCIL MEETING

AGENDA ITEM 20-O-01



**Prepared By:** Scott Somers, City Manager  
Robert Marsili, Public Works Director

**Meeting Date:** January 14, 2020

**Presented By:** Scott Somers, City Manager  
Robert Marsili, Public Works Director

**Originating Department:** City Manager's Office

**Action Requested:** Introduce Ordinance 20-O-01 regarding changes to Chapters 119 and 161 concerning special trash, and other refuse, yard waste and recycling

**Strategic Plan Goal:** Goal 2: Environmental Sustainability; Goal 6: Excellent Services

**Background/Justification:**

As a result of on-going discussions and presentations on special trash and other refuse, yard waste and recycling collection issues, and results of the meetings where Council introduced Ordinance 19-O-14 on October 22, 2019 and conducted the public hearing on November 6, 2019, staff was requested to conduct further review of the language in the Ordinance. A new ordinance, 20-O-01 with respect to the collection of Special Trash and other refuse, yard waste and recycling collection issues, is attached for introduction, with an effective date of May 1, 2020.

This ordinance includes the following provisions:

1. No Contractor-generated construction materials will be collected
2. Small home-improvement material generated by the resident that is set out in the manner required will be collected
3. Soft and Woody Yard Waste that is set out in the manner required will be collected
4. Soft and Woody Yard Waste that is oversized and requires the use of a crane will be charged at a cost of \$100 per pick up, per hour
5. Certain materials set out for pick up will require a fee. These include:
  - a. Appliances - stoves, refrigerators, washers, dryers, dishwashers, dehumidifiers, furnaces, water heaters, grills, etc. - \$20 per item
  - b. Televisions and monitors - \$20 per item
  - c. Tires - \$4 per tire
6. Oversized, overweight, improperly sorted material, or pick-ups requiring use of a crane will be assessed a fee of \$100 per pick up, per hour. The City reserves the right to deny material pick up per discretion of Public Works Director.
7. Refuse Carts: The City will provide [one or two?] refuse cart for free. Each additional refuse cart will be assessed at \$50 per year
8. Recycling Carts: The City will provide additional recycling carts at no charge
9. Yard waste carts: The City will provide at cost of \$25.

Additional provisions that are included:

- Collection fees must be paid in advance.
- Material must be placed in organized and safe manner separated into like materials. Materials improperly set out will not be collected.
- Residents may continue to drop off bulky refuse items at Public Works during clean-up events.
- Only mattresses wrapped in plastic or placed in a plastic mattress bag will be collected.

These changes contribute to the City's sustainability efforts by encouraging residents to recycle and to reuse or donate items that are no longer used. City residents can also bring items for free to City clean-up events or to the Prince George's County landfill for disposal.

**Fiscal Impact:**

Fiscal impact will depend on Council direction. Removal of special trash items under the current program has a cost impact to City taxpayers. Any new fees would help to offset costs and improve the current inequitable system that allows and encourages overuse of an unlimited City service by certain residents.

**Council Options:**

1. Introduce Ordinance 20-O-01 with a start date of May 1, 2020 and schedule a public hearing for January 28, 2020.
2. Introduce Ordinance 20-O-01 with amendments and schedule a public hearing for January 28, 2020.
3. Do not take any action at this time.

**Staff Recommendation:**

Option #1

**Recommended Motion:**

*I move to introduce Ordinance 20-O-01 as drafted with a start date of May 1, 2020.*

**Attachments:**

1. New Ordinance 20-O-01

**ORDINANCE**  
**OF THE MAYOR AND COUNCIL OF THE CITY OF COLLEGE PARK,**  
**AMENDING CITY CODE CHAPTER 119, "REFUSE, YARD WASTE, SOLID**  
**WASTE AND SPECIAL TRASH" BY CHANGING THE NAME OF THE**  
**CHAPTER; REPEALING AND RE-ENACTING §119-1, "ADOPTION OF**  
**REGULATIONS", §119-3 "DUTIES OF OWNERS AND OCCUPANTS", § 119-4**  
**"MATERIALS ACCEPTABLE FOR COLLECTION", §119-5**  
**"RESPONSIBILITIES OF CITY", §119-6, "SPECIAL TRASH", §119-7,**  
**"SAFEGUARDS FOR COLLECTORS", §119-8, "TIPS AND GRATUITIES", §119-9,**  
**"RATES", §119-10, "REFUSE CARTS AND RECYCLING CONTAINERS", AND**  
**§119-11, "CLEAN UP MONTH", AND BY DELETING §119-12, "USED MOTOR**  
**OIL RECYCLING" AND RENUMBERING §119-13, "VIOLATIONS AND**  
**PENALTIES"; AMENDING CHAPTER 161, "RECYCLING", BY CHANGING**  
**THE NAME OF THE CHAPTER; REPEALING AND RE-ENACTING §161-2**  
**"DEFINITIONS" AND §161-3, "DUTIES OF OWNERS AND OCCUPANTS**  
**RECEIVING CITY SOLID WASTE COLLECTION SERVICES", AND ENACTING**  
**§161-9, "RECYCLING AND YARD WASTE CARTS"; AND AMENDING CHAPTER**  
**110, "FEES AND PENALTIES", BY REPEALING AND RE-ENACTING §110-1, "FEES**  
**AND INTERESTS" AND §110-2, "PENALTIES", TO CHANGE HOW SPECIAL**  
**TRASH IS COLLECTED, TO PROHIBIT PLACEMENT OF MATERIALS AT**  
**PROPERTIES THAT DID NOT GENERATE THE MATERIALS, TO SET FEES**  
**FOR COLLECTION AND FEES FOR REFUSE, RECYCLING AND YARD WASTE**  
**RECEPTACLES, AND PENALTIES FOR VIOLATIONS, AND TO**  
**CONSOLIDATE RECYCLING PROVISIONS INTO CHAPTER 161**

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

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

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

**WHEREAS**, the Mayor and Council adopted Chapter 119, “Refuse, Yard Waste, Solid Waste and Special Trash”, to establish and maintain a refuse collection and disposal service; and

**WHEREAS**, the Mayor and Council determined that it is in the public interest to amend Chapters 119 and 161 of the City Code to change how special trash is collected, to prohibit placement of materials at properties that did not generate the materials, to set fees for collection and fees for refuse, recycling and yard waste receptacles, and penalties for violations, and to consolidate recycling provisions into chapter 161.

**Section 1.** **NOW THEREFORE, BE IT ORDAINED AND ENACTED**, by the Mayor and Council of the City of College Park, that the title of Chapter 119, “Refuse, Solid Waste, Yard Waste and Special Trash” of the Code of the City of College Park be, and hereby is, amended to read as follows:

**Chapter 119**

Refuse, Solid Waste, [~~Yard Waste~~] and Special Trash

**Section 2.** **BE IT FURTHER ORDAINED AND ENACTED** by the Mayor and Council of the City of College Park that Chapter 119, §119-3 “Duties of owners and occupants”, be and it is hereby repealed, reenacted and amended to read as follows:

§119-1, “Adoption of regulations” be and it is hereby repealed, re-enacted and amended to read as follows:

§ 119-1 [~~Adoption of regulations.~~] SCOPE

The ~~[following regulations have been adopted by the City Council governing the collection of refuse in the incorporated City of College Park]~~ COLLECTION OF REFUSE, YARD WASTE, RECYCLING, SOLID WASTE, AND SPECIAL TRASH IN THE CITY IS GOVERNED BY THE PROVISIONS OF THIS CHAPTER. COLLECTION OF RECYCLING AND YARD WASTE IS ALSO GOVERNED BY THE PROVISIONS OF CHAPTER 163, "RECYCLING", AS AMENDED.

**Section 3.** BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that Chapter 119, §119-3 "Duties of owners and occupants", be and it is hereby repealed, reenacted and amended to read as follows:

§ 119-3 Duties of owners and occupants.

A. It shall be the duty of every owner or occupant of each private residence, apartment house, commercial establishment and any other place of business or residence using the refuse cart and recycling ~~[container]~~ CART system for garbage collection and recycling to comply with the APPLICABLE provisions of ~~[these regulations]~~ THIS CHAPTER AND CHAPTER 161.

B. All refuse carts ~~[and recycling containers]~~ shall be placed at the curb prior to 7:00 a.m. on scheduled refuse collection days. ~~[C]~~REFUSE Carts ~~[and recycling containers]~~ shall be placed, where possible, only on the grass adjacent to the curb. Carts ~~[and recycling containers]~~ shall be removed from the curb prior to 12:00 midnight on refuse collection day. CARTS SHALL BE STORED ON EACH PROPERTY IN THE REAR OR SIDE YARD.. Households with no one physically able to place carts at the curb and to remove them may request exemption from these requirements by presenting to the City a statement, in a form satisfactory to the City, that no person physically capable of moving the refuse cart to and from the curb resides on the premises.

C. All normal household refuse shall be placed in refuse carts ~~[, except that, should the volume of household refuse exceed the capacity of the cart, household refuse shall be placed in disposable containers beside the cart].~~

D. The placement in the refuse carts of rocks, sod, dirt, sand, vehicle parts, concrete or other construction materials, ROOF SHINGLES, yard waste, recyclable MATERIALS SUCH AS newspapers, glass, aluminum cans, plastic CONTAINERS, ~~[jars and jugs]~~ and

mixed paper, ~~which includes~~ INCLUDING WITHOUT LIMITATION junk mail, telephone books, computer paper, cardboard, magazines or books, AND SPECIAL TRASH is prohibited. Hazardous or flammable materials ~~[such as paints, oils, solvents and gasoline, as an example,]~~ shall not be placed in ANY CITY refuse, RECYCLING OR YARD WASTE carts ~~[or recyclable containers]~~. In addition to ~~the~~ ANY OTHER APPLICABLE penalties ~~[for violation of the provision]~~, any person violating this provision shall be deemed responsible for RESULTING damage or injury to collection crew members or the refuse. ~~[carts]~~ YARD WASTE or recycling CARTS ~~[containers]~~.

E. Refuse carts will be kept clean by the user.

~~[F. Grass and flower clippings, shall be placed in disposable bags approved by the City, adjacent to the curb. Bagged clippings shall be free of rocks, soil, tree limbs and other debris and weigh not more than 75 pounds.]~~

~~G. Tree limbs, branches, and shrubs shall be packed in bundles not more than [five] feet in length and weighing not more than 75 pounds and placed adjacent to the curb. Bundled items may be tied with rope, twine or string or contained in paper bags or Bundled items tied with wire will not be accepted.~~

~~H. Leaves shall be placed at the curb during posted collection periods. Leaf piles shall be placed away from cars and storm drains and be free of rocks, wires, and solid waste.]~~

**Section 4.** BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that Chapter 119, §119-4, “Materials acceptable for collection”, be and it is hereby repealed, re-enacted and amended to read as follows:

§ 119-4 Materials acceptable for collection. THE FOLLOWING ARE ACCEPTABLE FOR COLLECTION AS AUTHORIZED IN THIS CHAPTER.

A. REGULAR TRASH. Accumulations from the ordinary conduct of the household of the following materials will be acceptable for REGULAR TRASH collection:

1. Garbage (food wastes).
2. Trash and other LEGALLY PERMISSIBLE refuse GENERATED AT THE PROPERTY, NOT EXCEEDING 75 LBS., ~~(all refuse, other than garbage, which has been produced by the normal operation of a household)~~ THAT CAN BE REDUCED IN SIZE TO FIT INTO AND NOT DAMAGE THE REFUSE

CART, SO LONG AS THE CART LID CAN REMAIN FULLY CLOSED, except for those items listed in § 119-3D. ~~and~~

- 3. Domestic animal waste in plastic containers with lime in accordance with Prince George's County Health Department regulations.
- 4. ~~Yard waste placed as required by § 119-3.~~

B. BULKY TRASH. RESIDENTIAL WASTE THAT IS TOO LARGE OR NUMEROUS TO BE ACCEPTED DURING REGULARLY SCHEDULED TRASH COLLECTION AND IS NOT CLASSIFIED AS SPECIAL TRASH OR OVERWEIGHT, OVERSIZED OR IMPROPERLY SORTED. BULKY TRASH INCLUDES HOUSEHOLD ITEMS, FURNITURE, LAMPS, DIVANS, CHAIRS, AND MATTRESSES (ONLY IF WRAPPED IN PLASTIC OR PLACED IN A PLASTIC MATTRESS BAG). BULKY TRASH DOES NOT INCLUDE CONSTRUCTION AND DEMOLITION DEBRIS, EXCEPT HOME IMPROVEMENT MATERIALS GENERATED ONLY BY THE OCCUPANT.

C. SPECIAL TRASH. ELECTRONICS CONTAINING CRT; TELEVISIONS , MONITORS; AIR CONDITIONERS; APPLIANCES SUCH AS REFRIGERATORS AND FREEZERS (WHICH MUST HAVE DOORS REMOVED OR SECURED IN A MANNER THAT PROHIBITS THEM FROM CLOSING), STOVES, WASHERS, DRYERS, DISHWASHERS, DEHUMIDIFIERS, FURNACES, WATER HEATERS, COMPACTORS, GARBAGE DISPOSALS, MICROWAVES, OVENS, ITEMS CONTAINING FREON, R-12 OR ANY OTHER REFRIGERANT; GRILLS; AND TIRES WITHOUT RIM OR WHEEL.

D. OVERWEIGHT OVERSIZED AND IMPROPERLY SORTED ITEMS. OVERWEIGHT, OVERSIZED OR IMPROPERLY SORTED ITEMS THAT REQUIRE SPECIALIZED EQUIPMENT TO COLLECT UPON PAYMENT OF A FEE.

**Section 5. BE IT FURTHER ORDAINED AND ENACTED** by the Mayor and Council of the City of College Park that Chapter 119, §119-5, "Responsibilities of City" be and it is hereby repealed, re-enacted and amended to read as follows:

§ 119-5 Responsibilities of City.

~~[A. Carts will be provided by the City at no cost. Replacement carts will be provided by the City at no cost if the need for the replacement was not caused by owner abuse. Carts or container which are destroyed or become unusable in the sole judgment of the Public Works~~

~~Director, as a result of the acts or negligence of the user, shall be required to be replaced, and the user shall pay for the cost of replacement of the cart or container.~~

~~B.]~~ In accordance with the schedule established by the Department of Public Works ~~[and approved by]~~ AFTER NOTIFICATION TO the Mayor and Council, City refuse collectors will empty all refuse carts which have been placed on the curb by 7:00 a.m. and will return them to the curb. Residents may inquire about said schedule by contacting the Department of Public Works. Where households are exempt from the requirements to place carts at the curb, collectors will bring the carts from behind the house, empty them and return them to their behind-the-house locations.

~~[C. Yard waste. In accordance with the schedule established by the Department of Public Works [and approved by] the Mayor and Council, collectors will pick up yard waste placed adjacent to the curb, as follows:~~

- ~~(1) Grass and flower clippings shall be placed in disposable bags approved by the City. Bagged clippings shall be free of rocks, soil, tree limbs and other debris and weigh not more than 75 pounds.~~
- ~~(2) Tree limbs, branches, and shrubs packed in bundles not more than five feet in length and weighing not more than 75 pounds. Bundled items may be tied with rope, twine or string, or contained in paper bags or cardboard boxes. Bundled items tied with wire will not be accepted. The City preserves the right to chip all brush on site or remove it for processing.~~
- ~~(3) Leaves shall be placed at the curb during posted collection periods. Leaf piles shall be placed away from cars and storm drains and be free of rocks, wires, and solid waste.]~~

**Section 6. BE IT FURTHER ORDAINED AND ENACTED** by the Mayor and Council of the City of College Park that Chapter 119, §119-6, “Special trash” be and it is hereby repealed, re-enacted and amended to read as follows:

§ 119-6 COLLECTION OF BULKY TRASH, Special trash AND OVERWEIGHT, OVERSIZED OR IMPROPERLY SORTED ITEMS.

A. BULKY TRASH, Special trash AND OVERSIZED AND OVERWEIGHT ITEMS~~[-as described in Subsection B of this section,]~~ will be collected only BY APPOINTMENT, PAYMENT OF ANY REQUIRED FEE, AND ONLY if ~~[it is]~~ placed at the curb by 7:00 a.m. in a manner which, in the sole judgment of the City, permits safe handling by the collection crew without damaging collection equipment. ~~[Household items such as furniture, divans, chairs, and bedding shall be collected [on scheduled refuse collection days or by appointment.]~~

B. ~~[Special trash shall include household items such as appliances which cannot be dismantled, including dishwashers, clothes washers and dryers, stoves and hot water heaters. The City will also collect installed equipment such as radiators, boilers, furnaces, kitchen sinks, bathroom basins, commodes, tubs and vehicle parts.]~~ THE CITY MUST BE NOTIFIED OF THE TYPE AND NUMBER OF ITEMS WHEN A COLLECTION IS SCHEDULED. ALL ITEMS MUST BE SET OUT NEATLY AND SEPARATED BY TYPE FOR COLLECTION. BULKY TRASH WILL BE COLLECTED UP TO FOUR TIMES IN A CALENDAR YEAR FROM ANY ONE PROPERTY.

C. ~~[Air conditioners, heat pumps, tires and refrigerators will be collected as special trash, by appointment, at a cost to the resident established by the Mayor and Council in Chapter 110 of this Code.]~~ A SEPARATE FEE AS ESTABLISHED IN CHAPTER 110 WILL BE CHARGED FOR ITEMS OF SPECIAL TRASH TO BE COLLECTED. D. A SEPARATE FEE AS ESTABLISHED IN CHAPTER 110 WILL BE CHARGED FOR EACH DISPATCH OF EQUIPMENT FOR OVERWEIGHT, OVERSIZED OR IMPROPERLY SORTED MATERIALS TO BE COLLECTED.

E. ~~[The City will collect building materials, or waste by appointment. The City will not collect roofing shingles].~~  
CONSTRUCTION/DEMOLITION MATERIAL GENERATED BY ANY CONTRACTOR OR PERSON RECEIVING A FEE TO PERFORM A CONSTRUCTION/DEMOLITION PROJECT MAY NOT BE PLACED FOR COLLECTION BY THE CITY. THE OWNER AND OCCUPANT WILL BE REQUIRED TO PROPERLY MANAGE THE WASTE MATERIAL AND DEBRIS GENERATED AS A RESULT OF SUCH A PROJECT AND ARRANGE FOR ITS PROPER DISPOSAL.

F. PLACEMENT OF MATERIAL FOR COLLECTION AT A PROPERTY OTHER THAN THE PROPERTY THAT GENERATED THE MATERIAL IS PROHIBITED.

**Section 7.** **BE IT FURTHER ORDAINED AND ENACTED** by the Mayor and Council of the City of College Park that Chapter 119, §119-7, “Safeguards for collectors” be and it is hereby repealed, re-enacted and amended to read as follows:

§119-7 Safeguards for collectors.

A. All dogs or other animals that might interfere with collectors shall be confined on collection days.

B. Hazardous materials such as ~~[oil, paint, poison, caustics, explosives and pressurized tanks]~~ ACID, CAR BATTERIES OR ALKALINE HOUSEHOLD BATTERIES; ROOF SHINGLES, AMMUNITION; AUTOMOTIVE FLUIDS AND FUELS; CAUSTICS; CLEANING AGENTS; COOKING OIL; DRIVEWAY SEALERS; FIRE EXTINGUISHERS; FLUORESCENT LIGHT BULBS OR TUBES; INSECTICIDES, HERBICIDES AND FERTILIZERS; liquid latex and OIL-BASED PAINTS; PHOTOGRAPHIC CHEMICALS; POISONS; PRESSURIZED TANKS (PROPANE, HELIUM, ETC.); SMOKE DETECTORS; SOLVENTS, VARNISHES AND STAINS; AND SWIMMING POOL CHEMICALS are not acceptable AND MAY NOT BE PLACED for collection.

C. Any potentially dangerous materials ~~[, if not placed in the cart,]~~ should have sharp points removed or bent down, or be placed in disposable containers clearly labeled to indicate the hazard to the collector.

**Section 8. BE IT FURTHER ORDAINED AND ENACTED** by the Mayor and Council of the City of College Park that Chapter 119, §119-8, “Tips and gratuities” be and it is hereby repealed, re-enacted and amended to read as follows:

119-8 Tips and gratuities.

Tips and gratuities shall not be offered to City employees ~~[to perform special services].~~

**Section 9. BE IT FURTHER ORDAINED AND ENACTED** by the Mayor and Council of the City of College Park that Chapter 119, §119-9, “Rates” be and it is hereby repealed, re-enacted and amended to read as follows:

§ 119-9 Rates.

All fees for refuse collection will be payable annually in advance beginning July 1 each year and are as set forth in Chapter 110, Fees and Penalties. A prorated refund will be made upon 30 days' notice to discontinue service. New service will be prorated for the remainder of the year. ALL FEES FOR SPECIAL TRASH, AND OVERWEIGHT OR OVERSIZE ITEM COLLECTION SHALL BE PAID IN ADVANCE OF COLLECTION.

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**Section 10. BE IT FURTHER ORDAINED AND ENACTED** by the Mayor and Council of the City of College Park that Chapter 119, §119-10, “Refuse carts and recycling containers” be and it is hereby repealed, re-enacted, renamed and amended to read as follows:

§119-10 Refuse carts [and recycling containers].

[Each single family residence will be provided with one refuse cart and recycling container at no cost.] THE CITY WILL PROVIDE UP TO TWO REFUSE CARTS TO EACH SINGLE-FAMILY RESIDENCE AT NO COST. ADDITIONAL REFUSE CARTS WILL BE PROVIDED AT THE ANNUAL COST SET OUT IN CHAPTER 110.

Commented [SMF1]: Option #1

THE CITY WILL PROVIDE ONE REFUSE CART TO EACH SINGLE-FAMILY RESIDENCE AT NO COST, AND ONE ADDITIONAL REFUSE CART UPON REQUEST AT THE ANNUAL COST SET OUT IN CHAPTER 110.

Commented [SMF2]: Option #2

Apartment units and commercial establishments under contract for refuse collection by THE City will be provided refuse carts and recycling CARTS [containers] as needed. The number of carts [and containers] needed will be determined by the City. REPLACEMENT REFUSE CARTS WILL BE PROVIDED BY THE CITY AT NO COST IF THE NEED FOR THE REPLACEMENT WAS NOT CAUSED BY OWNER/OCCUPANT ABUSE. REFUSE CARTS WHICH ARE DESTROYED OR BECOME UNUSABLE, IN THE SOLE JUDGMENT OF THE PUBLIC WORKS DIRECTOR, AS A RESULT OF THE ACTS OR NEGLIGENCE OF THE USER, SHALL BE REQUIRED TO BE REPLACED, AND THE USER SHALL PAY FOR THE COST OF REPLACEMENT OF THE CART. THE CHARGE FOR ADDITIONAL OR REPLACEMENT REFUSE CARTS IS SET OUT IN CHAPTER 110.

**Section 11.** BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that Chapter 119, §119-11, “Cleanup month” be and it is hereby repealed, re-enacted and amended to read as follows:

**§ 119-11 Cleanup [month] EVENTS.**

A. Annually, the [Mayor and Council] CITY MANAGER will designate one OR MORE [month]DAY(S) as cleanup [month]EVENTS. The Public Works facility will be open during A DESIGNATED SATURDAY(S) [that month on Saturdays] for residents of College Park only to drop off household refuse. Use of the facility by nonresidents or commercial or industrial entities, regardless of residency, is prohibited.

B. Only nonhazardous material may be dropped off at the site. Hazardous waste, as identified in § 119-7B, will not be accepted, EXCEPT AS AUTHORIZED BY THE CITY.

**Section 12. BE IT FURTHER ORDAINED AND ENACTED** by the Mayor and Council of the City of College Park that Chapter 119, §119-12, “Used motor oil recycling” be and it is hereby repealed as follows:

~~[§ 119-12 **Used motor oil recycling.** A receptacle for recycling used motor oil only is provided year round at the Public Works facility and is available at all times. Oil shall be deposited in accordance with directions posted at the facility by the City.]~~

**Section 13. BE IT FURTHER ORDAINED AND ENACTED** by the Mayor and Council of the City of College Park that Chapter 119, §119-13, “Violations and penalties”, be and is hereby renumbered as §119-12.

**Section 14. BE IT FURTHER ORDAINED AND ENACTED** by the Mayor and Council of the City of College Park that the title of Chapter 161, “Recycling” of the Code of the City of College Park be, and hereby is, amended to read as follows:

**Chapter 161**

**Recycling AND YARD WASTE**

**Section 15. BE IT FURTHER ORDAINED AND ENACTED** by the Mayor and Council of the City of College Park that Chapter 161, §161-2, “Definitions” be and it is hereby repealed re-enacted and amended to read as follows:

**§ 161-2 Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

\* \* \* \* \*

**RECYCLABLE MATERIALS**

Materials required to be source separated and placed for collection as required by § 161-3 include:

A. – B. \* \* \* \* \*

~~[C. Electronics.]~~

~~[D.]~~C. Glass containers.

~~[E.]~~D. Metal, including aluminum, steel, and tin containers and cans, aluminum foil, and aluminum baking pans.

~~[F.]~~E. Mixed paper.

~~[G.]~~F. Newspaper.

~~[H.]~~G. Plastic containers (Nos. 1 through 7).

~~[I. Yard trim.]~~

\* \* \* \* \*

**YARD-~~TRIM~~ WASTE**

Organic, vegetative ~~[trim]~~ WASTE typically consisting of leaves, grass AND FLOWER clippings, weeds, thatch, and similar soft vegetative material, AND TREE LIMBS, BRANCHES AND SHRUBS.

\* \* \* \* \*

**Section 16.** BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that Chapter 161, §161-3, “Duties of owners and occupants receiving City solid waste services” be and it is hereby repealed re-enacted and amended to read as follows:

**§ 161-3 Duties of owners and occupants receiving City solid waste collection services.**

A. RECYCLING REQUIRED. All ~~[residents]~~ OCCUPANTS of, and owners of property within, the City who receive solid waste collection services from the City shall source separate recyclable materials from solid waste AND SHALL COMPLY WITH THE PROVISIONS OF THIS CHAPTER.

B. RECYCLABLE MATERIALS

1. RECYCLABLE MATERIALS (except ~~[electronics]~~ SPECIAL TRASH AND BULK TRASH AS DEFINED IN CHAPTER 119; TREE LIMBS, BRANCHES,

SHRUBS and OTHER yard (~~trim~~ WASTE) shall be placed in a City-issued RECYCLING cart. Cardboard shall be flattened and cut to size to fit in the recycling cart SO THAT THE LID CAN BE FULLY CLOSED. Cardboard quantities too large to fit in the cart must be flattened, bundled with string, and placed next to the recycling cart. Recyclable materials shall be placed loose in the recycling cart and not in PLASTIC bags. Containers shall be emptied, rinsed out and free of residue prior to placement in the cart for collection. Residents may request additional carts from the Director of Public Works to contain all routinely accumulating recyclable materials from collections. Filled carts shall not weigh more than 75 pounds.

2. ~~C.~~ All recycling carts shall be placed at the curbside by 7:00 a.m. on scheduled recycling collection days but not more than 24 hours prior to 7:00 a.m. on the scheduled collection day designated for the area in which the property is located. Carts shall be placed, where possible, ~~only on the grass~~ adjacent to the curb. ~~It is advised to keep carts at least three feet apart from each other, utility poles, fences, fire hydrants and other structures.~~ Carts that are blocked by vehicles or other obstructions ~~will~~ MAY not be collected. Carts shall be removed from the curb prior to 12:00 midnight on recycling collection days. Carts shall be stored on each property ~~at~~ IN the rear or side YARD ~~in such a manner as not to be visible from the public right of way in front of the residence~~.
3. ~~D.~~ Premises with no resident physically able to place and remove CARTS ~~bins~~ from the curb may request an exemption from these requirements by filing an annual application with the Director of Public Works.
4. ~~E.~~ Carts shall only be used for collection of recyclable materials and will be kept clean by the resident.
5. ~~F.~~ Residents planning on disposing of electronics must source separate these items from other recyclable materials and solid waste. A SPECIAL TRASH pickup must be scheduled for these items, which shall be placed at the curb on the scheduled day of collection. The City has discretion with respect to which items will be collected for electronics recycling based on market factors.
6. ALL RECYCLABLE MATERIALS SHALL BE PLACED INSIDE THE RECYCLING CART, EXCEPT AS OTHERWISE STATED IN 161-3B. CARTS SHALL NOT WEIGH MORE THAN 75 POUNDS.

#### C.~~G~~. YARD WASTE

1. With the exception of leaves placed for CURBSIDE collection during posted collection periods, yard trim, GRASS AND FLOWER CLIPPINGS generated by residents shall be placed in RECYCLABLE paper bags or ~~reusable container as~~ A YARD WASTE CART approved by the City and placed adjacent to the curb on

regularly scheduled collection days. Yard trim shall be free of rocks, soil, tree branches and other solid debris and not weigh more than 75 pounds. PERSONAL OR RESIDENT SUPPLIED ~~[R]~~Reusable containers must display a yellow yard trim decal provided by the City at no charge.

2. ~~[H. Brush, such as branches, limbs, sticks, twigs, and similar woody material, shall be packed in bundles tied with rope, twine or string, or placed in paper bags or reusable containers, and should be no more than five feet in length and not weigh more than 75 pounds. Bundled items tied with wire will not be collected. Tree stumps, trunks and limbs greater than 12 inches in diameter will not be collected.]~~  
ON SCHEDULED COLLECTION DAYS, TREE LIMBS, BRANCHES, AND SHRUBS MAY BE PLACED FOR COLLECTION AND SHALL BE PACKED IN BUNDLES, NOT TO EXCEED 25 IN NUMBER, OR PLACED IN THE YARD WASTE CART AND CUT TO FIT SO THAT THE LID WILL CLOSE. BUNDLES OF WOODY MATERIAL SHALL MEASURE LESS THAN 2' IN DIAMETER AND WEIGH NOT MORE THAN 50 POUNDS. BUNDLED TREE LIMBS, BRANCHES AND STICKS MAY NOT BE MORE THAN FOUR FEET IN LENGTH AND FOUR INCHES IN DIAMETER FOR INDIVIDUAL BRANCHES. BUNDLES SHALL BE PLACED ADJACENT TO THE CURB. BUNDLED ITEMS, INCLUDING SHRUBS, MUST BE TIED WITH BIODEGRADABLE MATERIALS SUCH AS ROPE, TWINE OR STRING, OR CONTAINED IN RECYCLABLE PAPER BAGS. NO MORE THAN 25 BAGS WILL BE COLLECTED AT ONE TIME. BUNDLED ITEMS TIED WITH WIRE WILL NOT BE ACCEPTED. UP TO 25 INDIVIDUAL LOG SECTIONS NOT TO EXCEED 12" IN LENGTH AND DIAMETER AND 50 LB. IN WEIGHT EACH, MAY BE PLACED AT THE CURB.
3. ~~[I.]~~Loose leaves may be placed at the curb during posted CURBSIDE COLLECTION PERIODS. LEAF PILES SHALL BE PLACED AT THE CURB BUT NOT IN THE STREET, away from CARS, storm drains and be free of rocks, wire, vines, or other solid debris. Leaves shall BE PLACED IN RECYCLABLE BAGS OR PLACED IN YARD WASTE CARTS at all other times during non-posted collection periods.

~~[J. All recyclable materials shall be placed inside the recycling cart, except as otherwise stated in this chapter IN 161-3B. [Recyclable materials placed on the ground or in unapproved containers will not be collected by the City. Filled c] Carts shall not weigh more than 75 pounds.]~~

4. THE 25-LOG MAXIMUM DOES NOT APPLY TO THE DEBRIS FROM BRANCHES OR TREES FALLING ONTO ABUTTING PROPERTY, IF ABUTTING PROPERTY OWNER PLACES AT CURB PROPERLY BUNDLED.

**Section 17. BE IT FURTHER ORDAINED AND ENACTED** by the Mayor and Council of the City of College Park that Chapter 161, §161-9, “Recycling and yard waste carts”

be and it is hereby enacted to read as follows:

§161-9 RECYCLING AND YARD WASTE CARTS

THE CITY WILL PROVIDE ALL REQUIRED RECYCLING CARTS AT NO CHARGE AND WILL PROVIDE YARD WASTE CARTS UPON REQUEST FOR A FEE. REPLACEMENT RECYCLING CARTS WILL BE PROVIDED BY THE CITY AT NO COST IF THE NEED FOR THE REPLACEMENT WAS NOT CAUSED BY OWNER ABUSE. RECYCLING CARTS WHICH ARE DESTROYED OR BECOME UNUSABLE IN THE SOLE JUDGMENT OF THE PUBLIC WORKS DIRECTOR, AS A RESULT OF THE ACTS OR NEGLIGENCE OF THE USER, SHALL BE REQUIRED TO BE REPLACED, AND THE USER SHALL PAY FOR THE COST OF REPLACEMENT OF THE CART. THE CHARGE FOR ADDITIONAL OR REPLACEMENT RECYCLING AND YARD WASTE CARTS IS SET OUT IN CHAPTER 110.

**Section 18. BE IT FURTHER ORDAINED AND ENACTED** by the Mayor and Council of the City of College Park that Chapter 110 “Fees and Penalties”, §110-1, “Fees and interest” be and is hereby repealed and reenacted with amendments to read as follows:

**§110-1 Fees and interests.**

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

Chapter/Section	Description	Fee/Interest
* * * *		
<b>Ch. 119</b>	<b>[Garbage, Rubbish and Refuse] REFUSE, SOLID WASTE AND SPECIAL TRASH</b>	
<b>§119-9</b>		

\* \* \* \*

**Reinstatement fee** \* \* \* \*

**Residential REGULAR TRASH collection**

\* \* \* \* \*

**Special trash:**

**Tires \$4.00 per tire**

<del>[Refrigerators, air conditioners,</del>	<del>[No charge for</del>
<del>Heat pumps]</del>	<del>collection of first</del>
	<b>Unit; \$35 for</b>
	<b>each additional</b>
	<b>unit]</b>

**ALL OTHER SPECIAL TRASH \$20.00 FOR EACH ITEM collected during a calendar year from an individual or owner of a dwelling unit at a specific address.**

**OVERWEIGHT, OVERSIZED OR NOT PROPERLY SORTED MATERIALS \$100 PER HOUR PER DISPATCH OF SPECIALIZED EQUIPMENT**

\* \* \* \* \*

**§119-10 REFUSE CARTS**

**REFUSE CARTS PER EACH IN EXCESS OF TWO CARTS REPLACEMENT PER EACH \$50 ANNUALLY \$50**

Commented [SMF3]: Option #1

**REFUSE CARTS (LIMITED TO ONE ADDITIONAL CART PER RESIDENCE) OR REPLACEMENT PER EACH \$50 ANNUALLY \$50**

Commented [SMF4]: Option #2

**Ch. 161 Recycling AND YARD WASTE**

**§161 -9 RECYLCING AND YARD WASTE CARTS**

<b>RECYCLING CART (FOR REPLACEMENT) YARD WASTE CART</b>	<b>AT COST  \$25.00</b>
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**Section 19.** 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 to read as follows:

**§110-2 Penalties.**

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

<b>Chapter/Section</b>	<b>Violation</b>	<b>Penalty</b>
<b>Chapter 119 [Garbage, Rubbish and Refuse] REFUSE, SOLID WASTE AND SPECIAL TRASH</b>		
<del>{§119 3F</del>	<del>First violation</del>	<del>\$25</del>
	<del>Subsequent violations in 12 months]</del>	<del>\$50</del>
[Remainder of] Chapter	First violation	\$100
	Subsequent violation in 12 months	\$200

**Ch. 161 Recycling**

<b>§161-3(G)</b>	<b>FIRST VIOLATION SECOND VIOLATION IN 12 MONTHS</b>	<b>\$25  \$50</b>
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**§161-6**

\* \* \* \*

Remainder of chapter \$25

**Section 20. 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 \_\_\_\_\_, 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 regular meeting 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 1<sup>st</sup> day of May, 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

**ORDINANCE**  
**OF THE MAYOR AND COUNCIL OF THE CITY OF COLLEGE PARK,**  
**AMENDING CITY CODE CHAPTER 119, “REFUSE, YARD WASTE, SOLID**  
**WASTE AND SPECIAL TRASH” BY CHANGING THE NAME OF THE**  
**CHAPTER; REPEALING AND RE-ENACTING §119-1, “ADOPTION OF**  
**REGULATIONS”, §119-3 “DUTIES OF OWNERS AND OCCUPANTS”, § 119-4**  
**“MATERIALS ACCEPTABLE FOR COLLECTION”, §119-5**  
**“RESPONSIBILITIES OF CITY”, §119-6, “SPECIAL TRASH”, §119-7,**  
**“SAFEGUARDS FOR COLLECTORS”, §119-8, “TIPS AND GRATUITIES”, §119-9,**  
**“RATES”, §119-10, “REFUSE CARTS AND RECYCLING CONTAINERS”, AND**  
**§119-11, “CLEAN UP MONTH”, AND BY DELETING §119-12, “USED MOTOR**  
**OIL RECYCLING” AND RENUMBERING §119-13, “VIOLATIONS AND**  
**PENALTIES”; AMENDING CHAPTER 161, “RECYCLING”, BY CHANGING**  
**THE NAME OF THE CHAPTER; REPEALING AND RE-ENACTING §161-2**  
**“DEFINITIONS” AND §161-3, “DUTIES OF OWNERS AND OCCUPANTS**  
**RECEIVING CITY SOLID WASTE COLLECTION SERVICES”, AND ENACTING**  
**§161-9, “RECYCLING AND YARD WASTE CARTS”; AND AMENDING CHAPTER**  
**110, “FEES AND PENALTIES”, BY REPEALING AND RE-ENACTING §110-1, “FEES**  
**AND INTERESTS” AND §110-2, “PENALTIES” TO CHANGE HOW SPECIAL**  
**TRASH IS COLLECTED, TO PROHIBIT PLACEMENT OF MATERIALS AT**  
**PROPERTIES THAT DID NOT GENERATE THE MATERIALS, TO SET FEES**  
**FOR COLLECTION AND FEES FOR REFUSE, RECYCLING AND YARD WASTE**  
**RECEPTACLES, AND PENALTIES FOR VIOLATIONS, AND TO**  
**CONSOLIDATE RECYCLING PROVISIONS INTO CHAPTER 161**

Deleted: AMENDED

Deleted: §119-2 “PLACES TO BE SERVED”

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

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

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

**WHEREAS**, the Mayor and Council adopted Chapter 119, “Refuse, Yard Waste, Solid Waste and Special Trash”, to establish and maintain a refuse collection and disposal service; and

**WHEREAS**, the Mayor and Council determined that it is in the public interest to amend Chapters 119 and 161 of the City Code to change how special trash is collected, to prohibit placement of materials at properties that did not generate the materials, to set fees for collection and fees for refuse, recycling and yard waste receptacles, and penalties for violations, and to consolidate recycling provisions into chapter 161.

**Section 1. NOW THEREFORE, BE IT ORDAINED AND ENACTED**, by the Mayor and Council of the City of College Park, that the title of Chapter 119, “Refuse, Solid Waste, Yard Waste and Special Trash” of the Code of the City of College Park be, and hereby is, amended to read as follows:

**Chapter 119**

Refuse, Solid Waste, ~~Yard Waste~~ and Special Trash

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**Section 2. BE IT FURTHER ORDAINED AND ENACTED** by the Mayor and Council of the City of College Park that Chapter 119, §119-3 “Duties of owners and occupants”, be and it is hereby repealed, reenacted and amended to read as follows:

§119-1, “Adoption of regulations” be and it is hereby repealed, re-enacted and amended to read as follows:

§ 119-1 [~~Adoption of regulations.~~] SCOPE

The ~~[following regulations have been adopted by the City Council governing the collection of refuse in the incorporated City of College Park]~~ COLLECTION OF REFUSE, YARD WASTE, RECYCLING, SOLID WASTE, AND SPECIAL TRASH IN THE CITY IS GOVERNED BY THE PROVISIONS OF THIS CHAPTER. COLLECTION OF RECYCLING AND YARD WASTE IS ALSO GOVERNED BY THE PROVISIONS OF CHAPTER 163, "RECYCLING", AS AMENDED.

**Section 3. BE IT FURTHER ORDAINED AND ENACTED** by the Mayor and Council of the City of College Park that Chapter 119, §119-3 "Duties of owners and occupants", be and it is hereby repealed, reenacted and amended to read as follows:

§ 119-3 Duties of owners and occupants.

A. It shall be the duty of every owner or occupant of each private residence, apartment house, commercial establishment and any other place of business or residence using the refuse cart and recycling ~~[container]~~ CART system for garbage collection and recycling to comply with the APPLICABLE provisions of ~~[these regulations]~~ THIS CHAPTER AND CHAPTER 161.

B. All refuse carts ~~[and recycling containers]~~ shall be placed at the curb prior to 7:00 a.m. on scheduled refuse collection days. ~~[C]REFUSE Carts [and recycling containers]~~ shall be placed, where possible, only on the grass adjacent to the curb. Carts ~~[and recycling containers]~~ shall be removed from the curb prior to 12:00 midnight on refuse collection day. **CARTS SHALL BE STORED ON EACH PROPERTY IN THE REAR OR SIDE YARD.** Households with no one physically able to place carts at the curb and to remove them may request exemption from these requirements by presenting to the City a statement, in a form satisfactory to the City, that no person physically capable of moving the refuse cart to and from the curb resides on the premises.

C. All normal household refuse shall be placed in refuse carts, ~~except that, should the volume of household refuse exceed the capacity of the cart, household refuse shall be placed in disposable containers beside the cart.~~

D. The placement in the refuse carts of rocks, sod, dirt, sand, vehicle parts, concrete or other construction materials, ROOF SHINGLES, yard waste, recyclable MATERIALS SUCH AS newspapers, glass, aluminum cans, plastic CONTAINERS, ~~[jars and jugs]~~ and

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mixed paper, ~~[which includes]~~ INCLUDING WITHOUT LIMITATION junk mail, telephone books, computer paper, cardboard, magazines or books, AND SPECIAL TRASH ~~is~~ prohibited. Hazardous or flammable materials ~~[, such as paints, oils, solvents and gasoline, as an example,]~~ shall not be placed in ANY CITY refuse, RECYCLING OR YARD WASTE carts ~~[or recyclable containers]~~. In addition to ~~[the]~~ ANY OTHER APPLICABLE penalties ~~[for violation of the provision]~~, any person violating this provision shall be deemed responsible for RESULTING damage or injury to collection crew members or the refuse. ~~[carts]~~ YARD WASTE or recycling CARTS ~~[containers]~~.

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E. Refuse carts will be kept clean by the user.

~~[F. Grass and flower clippings, shall be placed in disposable bags approved by the City, adjacent to the curb. Bagged clippings shall be free of rocks, soil, tree limbs and other debris and weigh not more than 75 pounds.]~~

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~~G. Tree limbs, branches, and shrubs shall be packed in bundles not more than [five] feet in length and weighing not more than 75 pounds and placed adjacent to the curb. Bundled items may be tied with rope, twine or string or contained in paper bags or Bundled items tied with wire will not be accepted.~~

~~H. Leaves shall be placed at the curb during posted collection periods. Leaf piles shall be placed away from cars and storm drains and be free of rocks, wires, and solid waste.]~~

**Section 4. BE IT FURTHER ORDAINED AND ENACTED** by the Mayor and Council of the City of College Park that Chapter 119, §119-4, “Materials acceptable for collection”, be and it is hereby repealed, re-enacted and amended to read as follows:

§ 119-4 Materials acceptable for collection. THE FOLLOWING ARE ACCEPTABLE FOR COLLECTION AS AUTHORIZED IN THIS CHAPTER.

A. REGULAR TRASH. Accumulations from the ordinary conduct of the household of the following materials will be acceptable for REGULAR TRASH collection:

1. Garbage (food wastes).
2. Trash and other LEGALLY PERMISSIBLE refuse GENERATED AT THE PROPERTY, NOT EXCEEDING 75 LBS. ~~(all refuse, other than garbage,~~

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~~which has been produced by the normal operation of a household) AND OTHER ITEMS THAT ARE OR CAN BE REDUCED IN SIZE TO FIT INTO AND NOT DAMAGE THE REFUSE CART, SO LONG AS THE CART LID CAN REMAIN FULLY CLOSED, except for those items listed in § 119-3D [and].~~

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- 3. Domestic animal waste in plastic containers with lime in accordance with Prince George's County Health Department regulations.
- 4. ~~[Yard waste placed as required by § 119-3.]~~

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B. BULKY TRASH. RESIDENTIAL WASTE THAT IS TOO LARGE OR NUMEROUS TO BE ACCEPTED DURING REGULARLY SCHEDULED TRASH COLLECTION AND IS NOT CLASSIFIED AS SPECIAL TRASH OR OVERWEIGHT, OVERSIZED OR IMPROPERLY SORTED. BULKY TRASH INCLUDES HOUSEHOLD ITEMS, FURNITURE, LAMPS, DIVANS, CHAIRS, AND MATTRESSES (ONLY IF WRAPPED IN PLASTIC OR PLACED IN A PLASTIC MATTRESS BAG). BULKY TRASH DOES NOT INCLUDE CONSTRUCTION AND DEMOLITION DEBRIS. EXCEPT HOME IMPROVEMENT MATERIALS GENERATED ONLY BY THE OCCUPANT.

C. SPECIAL TRASH. ~~ITEMS THAT REQUIRE FURTHER PROCESSING AND A FEE FOR PROPER DISPOSAL, INCLUDING WITHOUT LIMITATION, ELECTRONICS CONTAINING CRT: TELEVISIONS, MONITORS, AIR CONDITIONERS,~~ APPLIANCES SUCH AS REFRIGERATORS AND FREEZERS (WHICH MUST HAVE DOORS REMOVED OR SECURED IN A MANNER THAT PROHIBITS THEM FROM CLOSING), STOVES, WASHERS, DRYERS, DISHWASHERS, DEHUMIDIFIERS, FURNACES, WATER HEATERS, COMPACTORS, GARBAGE DISPOSALS, MICROWAVES, OVENS, ITEMS CONTAINING FREON, R-12 OR ANY OTHER REFRIGERANT, ~~GRILLS, AND TIRES WITHOUT RIM OR WHEEL.~~

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D. OVERWEIGHT OVERSIZED AND IMPROPERLY SORTED ITEMS. OVERWEIGHT, OVERSIZED OR IMPROPERLY SORTED ITEMS THAT REQUIRE SPECIALIZED EQUIPMENT TO COLLECT UPON PAYMENT OF A FEE.

**Section 5. BE IT FURTHER ORDAINED AND ENACTED** by the Mayor and Council of the City of College Park that Chapter 119, §119-5, "Responsibilities of City" be and it is hereby repealed, re-enacted and amended to read as follows:

§ 119-5 Responsibilities of City.

~~[A. Carts will be provided by the City at no cost. Replacement carts will be provided by the City at no cost if the need for the replacement was not caused by owner abuse. Carts or container which are destroyed or become unusable in the sole judgment of the Public Works Director, as a result of the acts or negligence of the user, shall be required to be replaced, and the user shall pay for the cost of replacement of the cart or container.~~

~~B.]~~In accordance with the schedule established by the Department of Public Works ~~[and approved by]~~ AFTER NOTIFICATION TO the Mayor and Council, City refuse collectors will empty all refuse carts which have been placed on the curb by 7:00 a.m. and will return them to the curb. Residents may inquire about said schedule by contacting the Department of Public Works. Where households are exempt from the requirements to place carts at the curb, collectors will bring the carts from behind the house, empty them and return them to their behind-the-house locations.

~~[C. Yard waste. In accordance with the schedule established by the Department of Public Works [and approved by] the Mayor and Council, collectors will pick up yard waste placed adjacent to the curb, as follows:~~

- ~~(1) Grass and flower clippings shall be placed in disposable bags approved by the City. Bagged clippings shall be free of rocks, soil, tree limbs and other debris and weigh not more than 75 pounds.~~
- ~~(2) Tree limbs, branches, and shrubs packed in bundles not more than five feet in length and weighing not more than 75 pounds. Bundled items may be tied with rope, twine or string, or contained in paper bags or cardboard boxes. Bundled items tied with wire will not be accepted. The City preserves the right to chip all brush on site or remove it for processing.~~
- ~~(3) Leaves shall be placed at the curb during posted collection periods. Leaf piles shall be placed away from cars and storm drains and be free of rocks, wires, and solid waste.]~~

**Section 6. BE IT FURTHER ORDAINED AND ENACTED** by the Mayor and Council of the City of College Park that Chapter 119, §119-6, “Special trash” be and it is hereby repealed, re-enacted and amended to read as follows:

§ 119-6 COLLECTION OF BULKY TRASH, Special trash AND OVERWEIGHT, OVERSIZED OR IMPROPERLY SORTED ITEMS.

A. BULKY TRASH, Special trash AND OVERSIZED AND OVERWEIGHT ITEMS~~[-as described in Subsection B of this section,]~~ will be collected only BY APPOINTMENT, PAYMENT OF ANY REQUIRED FEE, AND ONLY if ~~[it is]~~ placed at the curb by 7:00

a.m. in a manner which, in the sole judgment of the City, permits safe handling by the collection crew without damaging collection equipment. ~~[Household items such as furniture, divans, chairs, and bedding shall be collected [on scheduled refuse collection days or by appointment.]~~

B. ~~[Special trash shall include household items such as appliances which cannot be dismantled, including dishwashers, clothes washers and dryers, stoves and hot water heaters. The City will also collect installed equipment such as radiators, boilers, furnaces, kitchen sinks, bathroom basins, commodes, tubs and vehicle parts.]~~ THE CITY MUST BE NOTIFIED OF THE TYPE AND NUMBER OF ITEMS WHEN A COLLECTION IS SCHEDULED. ALL ITEMS MUST BE SET OUT NEATLY AND SEPARATED BY TYPE FOR COLLECTION. BULKY TRASH WILL BE COLLECTED UP TO FOUR TIMES IN A CALENDAR YEAR FROM ANY ONE PROPERTY.

C. ~~[Air conditioners, heat pumps, tires and refrigerators will be collected as special trash, by appointment, at a cost to the resident established by the Mayor and Council in Chapter 110 of this Code.]~~ A SEPARATE FEE AS ESTABLISHED IN CHAPTER 110 WILL BE CHARGED FOR ITEMS OF SPECIAL TRASH TO BE COLLECTED.

D. A SEPARATE FEE AS ESTABLISHED IN CHAPTER 110 WILL BE CHARGED FOR EACH DISPATCH OF EQUIPMENT FOR OVERWEIGHT, OVERSIZED OR IMPROPERLY SORTED MATERIALS TO BE COLLECTED.

E. ~~[The City will collect building materials, or waste by appointment. The City will not collect roofing shingles].~~

CONSTRUCTION/DEMOLITION MATERIAL GENERATED BY ANY CONTRACTOR OR PERSON RECEIVING A FEE TO PERFORM A CONSTRUCTION/DEMOLITION PROJECT MAY NOT BE PLACED FOR COLLECTION BY THE CITY. THE OWNER AND OCCUPANT WILL BE REQUIRED TO PROPERLY MANAGE THE WASTE MATERIAL AND DEBRIS GENERATED AS A RESULT OF SUCH A PROJECT AND ARRANGE FOR ITS PROPER DISPOSAL.

F. PLACEMENT OF MATERIAL FOR COLLECTION AT A PROPERTY OTHER THAN THE PROPERTY THAT GENERATED THE MATERIAL IS PROHIBITED.

**Section 7. BE IT FURTHER ORDAINED AND ENACTED** by the Mayor and Council of the City of College Park that Chapter 119, §119-7, "Safeguards for collectors" be and it is hereby repealed, re-enacted and amended to read as follows:

**Deleted:** THE CITY WILL COLLECT HOME IMPROVEMENT MATERIAL GENERATED ONLY BY THE OWNER OR OCCUPANT WHICH WEIGHS LESS THAN 75 LBS. AND CAN BE PLACED IN THE REFUSE CART WITH THE LID CLOSED. GLASS SHOULD BE WRAPPED SECURELY OR BOXED WHEN PLACED IN THE CART. ROOF SHINGLES MAY NOT BE PLACED FOR COLLECTION.¶

§119-7 Safeguards for collectors.

A. All dogs or other animals that might interfere with collectors shall be confined on collection days.

B. Hazardous materials such as ~~oil, paint, poison, caustics, explosives and pressurized tanks~~ ACID, CAR BATTERIES OR ALKALINE HOUSEHOLD BATTERIES; ~~ROOF SHINGLES~~, AMMUNITION; AUTOMOTIVE FLUIDS AND FUELS; CAUSTICS; CLEANING AGENTS; COOKING OIL; DRIVEWAY SEALERS; FIRE EXTINGUISHERS; FLUORESCENT LIGHT BULBS OR TUBES; INSECTICIDES, HERBICIDES AND FERTILIZERS; liquid latex and OIL-BASED PAINTS; PHOTOGRAPHIC CHEMICALS; POISONS; PRESSURIZED TANKS (PROPANE, HELIUM, ETC.); SMOKE DETECTORS; SOLVENTS, VARNISHES AND STAINS; AND SWIMMING POOL CHEMICALS are not acceptable AND MAY NOT BE PLACED for collection.

C. Any potentially dangerous materials~~[-if not placed in the cart,]~~ should have sharp points removed or bent down, or be placed in disposable containers clearly labeled to indicate the hazard to the collector.

**Section 8. BE IT FURTHER ORDAINED AND ENACTED** by the Mayor and Council of the City of College Park that Chapter 119, §119-8, “Tips and gratuities” be and it is hereby repealed, re-enacted and amended to read as follows:

119-8 Tips and gratuities.

Tips and gratuities shall not be offered to City employees ~~[to perform special services]~~.

**Section 9. BE IT FURTHER ORDAINED AND ENACTED** by the Mayor and Council of the City of College Park that Chapter 119, §119-9, “Rates” be and it is hereby repealed, re-enacted and amended to read as follows:

§ 119-9 Rates.

All fees for GENERAL refuse collection will be payable annually in advance beginning July 1 each year and are as set forth in Chapter 110, Fees and Penalties. A prorated refund will be made upon 30 days' notice to discontinue service. New service will be prorated for the remainder of the year. ALL FEES FOR SPECIAL TRASH, AND OVERWEIGHT OR OVERSIZE ITEM COLLECTION SHALL BE PAID IN ADVANCE OF COLLECTION.

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**Section 10. BE IT FURTHER ORDAINED AND ENACTED** by the Mayor and Council of the City of College Park that Chapter 119, §119-10, “Refuse carts and recycling containers” be and it is hereby repealed, re-enacted, renamed and amended to read as follows:

**§ 119-10 Refuse carts [and recycling containers].**

~~[Each single family residence will be provided with one refuse cart and recycling container at no cost.]~~ THE CITY WILL PROVIDE UP TO TWO REFUSE CARTS TO EACH SINGLE-FAMILY RESIDENCE AT NO COST. ADDITIONAL REFUSE CARTS WILL BE PROVIDED AT THE ANNUAL COST SET OUT IN CHAPTER 110.

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THE CITY WILL PROVIDE ONE REFUSE CART TO EACH SINGLE-FAMILY RESIDENCE AT NO COST, AND ONE ADDITIONAL REFUSE CART UPON REQUEST AT THE ANNUAL COST SET OUT IN CHAPTER 110.

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Apartment units and commercial establishments under contract for refuse collection by THE City will be provided refuse carts and recycling CARTS ~~[containers]~~ as needed. The number of carts ~~[and containers]~~ needed will be determined by the City. REPLACEMENT REFUSE CARTS WILL BE PROVIDED BY THE CITY AT NO COST IF THE NEED FOR THE REPLACEMENT WAS NOT CAUSED BY OWNER/OCCUPANT ABUSE. REFUSE CARTS WHICH ARE DESTROYED OR BECOME UNUSABLE, IN THE SOLE JUDGMENT OF THE PUBLIC WORKS DIRECTOR, AS A RESULT OF THE ACTS OR NEGLIGENCE OF THE USER, SHALL BE REQUIRED TO BE REPLACED, AND THE USER SHALL PAY FOR THE COST OF REPLACEMENT OF THE CART. THE CHARGE FOR ADDITIONAL OR REPLACEMENT REFUSE CARTS IS SET OUT IN CHAPTER 110.

**Section 11. BE IT FURTHER ORDAINED AND ENACTED** by the Mayor and Council of the City of College Park that Chapter 119, §119-11, “Cleanup month” be and it is hereby repealed, re-enacted and amended to read as follows:

**§ 119-11 Cleanup month.**

A. Annually, the ~~□~~ will designate one OR MORE DAY(S) as cleanup EVENTS. The Public Works facility will be open during A DESIGNATED SATURDAY(S) for residents of College Park only to drop off household refuse. Use of the facility by nonresidents or commercial or industrial entities, regardless of residency, is prohibited.

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B. Only nonhazardous material may be dropped off at the site. Hazardous waste, as identified in § 119-7B, will not be accepted. EXCEPT AS AUTHORIZED BY THE CITY.

**Section 12. BE IT FURTHER ORDAINED AND ENACTED** by the Mayor and Council of the City of College Park that Chapter 119, §119-12, “Used motor oil recycling” be and it is hereby repealed as follows:

~~[§ 119-12 **Used motor oil recycling.**  
A receptacle for recycling used motor oil only is provided year round at the Public Works facility and is available at all times. Oil shall be deposited in accordance with directions posted at the facility by the City.]~~

**Section 13. BE IT FURTHER ORDAINED AND ENACTED** by the Mayor and Council of the City of College Park that Chapter 119, §119-13, “Violations and penalties”, be and is hereby renumbered as §119-12.

**Section 14. BE IT FURTHER ORDAINED AND ENACTED** by the Mayor and Council of the City of College Park that the title of Chapter 161, “Recycling” of the Code of the City of College Park be, and hereby is, amended to read as follows:

**Chapter 161**

**Recycling AND YARD WASTE**

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**Section 15. BE IT FURTHER ORDAINED AND ENACTED** by the Mayor and Council of the City of College Park that Chapter 161, §161-2, “Definitions” be and it is hereby repealed re-enacted and amended to read as follows:

**§ 161-2 Definitions.**  
As used in this chapter, the following terms shall have the meanings indicated:

\* \* \* \* \*

**RECYCLABLE MATERIALS**

Materials required to be source separated and placed for collection as required by § 161-3 include:

A. – B. \* \* \* \* \*

~~C. Electronics.~~

~~D. C. Glass containers.~~

~~E. D. Metal, including aluminum, steel, and tin containers and cans, aluminum foil, and aluminum baking pans.~~

~~F. E. Mixed paper.~~

~~G. F. Newspaper.~~

~~H. G. Plastic containers (Nos. 1 through 7).~~

~~I. Yard trim.~~

\* \* \* \* \*

**YARD-~~TRIM~~ WASTE**

Organic, vegetative ~~trim~~ WASTE typically consisting of leaves, grass AND FLOWER clippings, weeds, thatch, and similar soft vegetative material, AND TREE LIMBS, BRANCHES AND SHRUBS.

\* \* \* \* \*

**Section 16.** BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that Chapter 161, §161-3, “Duties of owners and occupants receiving City solid waste services” be and it is hereby repealed re-enacted and amended to read as follows:

**§ 161-3 Duties of owners and occupants receiving City solid waste collection services.**

A. **RECYCLING REQUIRED.** All ~~residents~~ OCCUPANTS of, and owners of property within, the City who receive solid waste collection services from the City shall source separate recyclable materials from solid waste AND SHALL COMPLY WITH THE PROVISIONS OF THIS CHAPTER.

B. RECYCLABLE MATERIALS

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1. **RECYCLABLE MATERIALS** (except ~~SPECIAL TRASH AND BULK TRASH~~ AS DEFINED IN CHAPTER 119; ~~TREE LIMBS, BRANCHES, SHRUBS~~ and yard trim) shall be placed in a City-issued RECYCLING cart. Cardboard shall be flattened and cut to size to fit in the recycling cart SO THAT THE LID CAN BE FULLY CLOSED. Cardboard quantities too large to fit in the cart must be flattened, bundled with string, and placed next to the recycling cart. Recyclable materials shall be placed loose in the recycling cart and not in PLASTIC bags. Containers shall be emptied, rinsed out and free of residue prior to placement in the cart for collection. Residents may request additional carts from the Director of Public Works to contain all routinely accumulating recyclable materials between collections. Filled carts shall not weigh more than 75 pounds.

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2. All recycling carts shall be placed at the curbside by 7:00 a.m. on scheduled recycling collection days but not more than 24 hours prior to 7:00 a.m. on the scheduled collection day designated for the area in which the property is located. Carts shall be placed, where possible, adjacent to the curb. ~~[It is advised to keep carts at least three feet apart from each other, utility poles, fences, fire hydrants and other structures.]~~ Carts that are blocked by vehicles or other obstructions  ~~] MAY~~ not be collected.] Carts shall be removed from the curb prior to 12:00 midnight on recycling collection days. Carts shall be stored on each property  ~~] IN~~ the rear or side **YARD**.

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3. Premises with no resident physically able to place and remove CARTS ~~[bins]~~ from the curb may request an exemption from these requirements by filing an annual application with the Director of Public Works.

4. Carts shall only be used for collection of recyclable materials and will be kept clean by the resident.

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5. Residents planning on disposing of electronics must source separate these items from other recyclable materials and solid waste. A SPECIAL TRASH pickup must be scheduled for these items, which shall be placed at the curb on the scheduled day of collection. The City has discretion with respect to which items will be collected for electronics recycling based on market factors.

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6. ~~All recyclable materials shall be placed inside the recycling cart, except as otherwise stated in this chapter IN 161-3B. [Recyclable materials placed on the ground or in unapproved containers will not be collected by the City. Filled e]~~ Carts shall not weigh more than 75 pounds.

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**C. YARD WASTE**

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1. With the exception of leaves placed for CURBSIDE collection during posted collection periods, yard trim, GRASS AND FLOWER CLIPPINGS generated by residents shall be placed in **RECYCLABLE** paper bags or ~~[reusable container as]~~ A

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YARD WASTE CART approved by the City and placed adjacent to the curb on regularly scheduled collection days. Yard trim shall be free of rocks, soil, tree branches and other solid debris and not weigh more than 75 pounds. PERSONAL OR RESIDENT SUPPLIED [R] Reusable containers must display a yellow yard trim decal provided by the City at no charge.

2.  
[Brush, such as branches, limbs, sticks, twigs, and similar woody material, shall be packed in bundles tied with rope, twine or string, or placed in paper bags or reusable containers, and should be no more than five feet in length and not weigh more than 75 pounds. Bundled items tied with wire will not be collected. Tree stumps, trunks and limbs greater than 12 inches in diameter will not be collected.] ON SCHEDULED COLLECTION DAYS, TREE LIMBS, BRANCHES, AND SHRUBS MAY BE PLACED FOR COLLECTION AND SHALL BE PACKED IN BUNDLES, NOT TO EXCEED 25 IN NUMBER, OR PLACED IN THE YARD WASTE CART AND CUT TO FIT SO THAT THE LID WILL CLOSE. BUNDLES OF WOODY MATERIAL SHALL MEASURE LESS THAN 2' IN DIAMETER AND WEIGH NOT MORE THAN 50 POUNDS. BUNDLED TREE LIMBS, BRANCHES AND STICKS MAY NOT BE MORE THAN FOUR FEET IN LENGTH AND FOUR INCHES IN DIAMETER FOR INDIVIDUAL BRANCHES. BUNDLES SHALL BE PLACED ADJACENT TO THE CURB. BUNDLED ITEMS, INCLUDING SHRUBS, MUST BE TIED WITH BIODEGRADABLE MATERIALS SUCH AS ROPE, TWINE OR STRING, OR CONTAINED IN RECYCLABLE PAPER BAGS, NO MORE THAN 25 BAGS WILL BE COLLECTED AT ONE TIME. BUNDLED ITEMS TIED WITH WIRE WILL NOT BE ACCEPTED. UP TO 25 INDIVIDUAL LOG SECTIONS NOT TO EXCEED 12" IN LENGTH AND DIAMETER AND 50 LB. IN WEIGHT EACH, MAY BE PLACED AT THE CURB.

3. Loose leaves may be placed at the curb during posted CURBSIDE COLLECTION PERIODS. LEAF PILES SHALL BE PLACED AT THE CURB BUT NOT IN THE STREET away from CARS, storm drains and be free of rocks, wire, vines, or other solid debris. Leaves shall BE PLACED IN RECYCLABLE BAGS OR PLACED IN YARD WASTE CARTS at all other times during non-posted collection periods.

4.  
THE 25 LOG MAXIMUM DOES NOT APPLY TO THE DEBRIS FROM BRANCHES OR TREES FALLING ONTO ABUTTING PROPERTY, IF ABUTTING PROPERTY OWNER PLACES AT CURB PROPERLY BUNDLED.

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**Section 16. BE IT FURTHER ORDAINED AND ENACTED** by the Mayor and Council of the City of College Park that Chapter 161, §161-9, “Recycling and yard waste carts”

be and it is hereby enacted to read as follows:

§161-9 RECYCLING AND YARD WASTE CARTS

THE CITY WILL PROVIDE ALL REQUIRED RECYCLING CARTS AT NO CHARGE AND WILL PROVIDE YARD WASTE CARTS UPON REQUEST FOR A FEE. REPLACEMENT RECYCLING CARTS WILL BE PROVIDED BY THE CITY AT NO COST IF THE NEED FOR THE REPLACEMENT WAS NOT CAUSED BY OWNER ABUSE. RECYCLING CARTS WHICH ARE DESTROYED OR BECOME UNUSABLE IN THE SOLE JUDGMENT OF THE PUBLIC WORKS DIRECTOR, AS A RESULT OF THE ACTS OR NEGLIGENCE OF THE USER, SHALL BE REQUIRED TO BE REPLACED, AND THE USER SHALL PAY FOR THE COST OF REPLACEMENT OF THE CART. THE CHARGE FOR ADDITIONAL OR REPLACEMENT RECYCLING AND YARD WASTE CARTS IS SET OUT IN CHAPTER 110.

**Deleted:** EACH PROPERTY IS ENTITLED TO ONE YARD WASTE CART AT NO CHARGE. THE CITY WILL PROVIDE

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**Section 15. BE IT FURTHER ORDAINED AND ENACTED** by the Mayor and Council of the City of College Park that Chapter 110 “Fees and Penalties”, §110-1, “Fees and interest” be and is hereby repealed and reenacted with amendments to read as follows:

§110-1 Fees and interests.

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

Chapter/Section	Description	Fee/Interest
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\* \* \* \*

Ch. 119 [~~Garbage, Rubbish and Refuse~~] REFUSE, SOLID WASTE AND SPECIAL TRASH  
§119-9

\* \* \* \*

Reinstatement fee \* \* \* \*

Residential REGULAR TRASH collection

\* \* \* \* \*

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Special trash:

Tires \$4.00 per tire

[Refrigerators, air conditioners,	[No charge for
Heat pumps]	collection of first
	Unit; \$35 for
	each additional
	unit]

ALL OTHER SPECIAL TRASH	\$20.00 FOR EACH ITEM collected during a calendar year from an individual or owner of a dwelling unit at a specific address.
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OVERWEIGHT, OVERSIZED OR NOT PROPERLY SORTED MATERIALS	\$100 PER HOUR PER DISPATCH OF SPECIALIZED EQUIPMENT
--	--

\* \* \* \* \*

§119-10 REFUSE CARTS

REFUSE CARTS <u>PER EACH IN</u> <u>EXCESS OF TWO CARTS</u> REPLACEMENT PER EACH	\$50 <u>ANNUALLY</u>  \$50
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REFUSE CARTS <u>(LIMITED TO ONE</u> ADDITIONAL	\$50 <u>ANNUALLY</u>
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CART PER RESIDENCE) OR  
REPLACEMENT PER EACH \$50

**Ch. 161 Recycling AND YARD WASTE**

**§161 -9 RECYLCING AND YARD WASTE CARTS**

RECYCLING CART (FOR REPLACEMENT) YARD WASTE CART	AT COST  \$25.00
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**Section 16.** 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 to read as follows:

**§110-2 Penalties.**

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

Chapter/Section	Violation	Penalty
<b>Chapter 119 [Garbage, Rubbish and Refuse] REFUSE, SOLID WASTE AND SPECIAL TRASH</b>		
<del>§119-3F</del>	<del>First violation</del>	<del>\$25</del>
	<del>Subsequent violations in 12 months]</del>	<del>\$50</del>
<del>[Remainder of]</del> Chapter	First violation	\$100
	Subsequent violation in 12 months	\$200
<b>Ch. 161 Recycling</b>		
<b>§161-3(G)</b>	<b>FIRST VIOLATION</b>	<b>\$25</b>
	<b>SECOND VIOLATION IN 12 MONTHS</b>	<b>\$50</b>
<b>§161-6</b>		

\* \* \* \*

Remainder of chapter \$25

~~FIRST VIOLATION~~

~~SUBSEQUENT VIOLATION \$200~~

~~IN 12 MONTHS~~

**Section 16. 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 \_\_\_\_\_, 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 regular meeting 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 1<sup>st</sup> day of May, 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

# 20-0-02

Introduction  
Fee schedule for excess  
bulk trash pick-ups



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

**AGENDA ITEM 20-O-02**

**Prepared By:** Scott Somers, City Manager  
Robert Marsili, Public Works Director

**Meeting Date:** January 14, 2020

**Presented By:** Scott Somers, City Manager  
Robert Marsili, Public Works Director

**Originating Department:** City Manager's Office

**Action Requested:** Introduce Ordinance 20-O-02, implementing a Bulk Trash fee schedule for collection

**Strategic Plan Goal:** Goal 2: Environmental Sustainability; Goal 6: Excellent Services

**Background/Justification:**

As a result of on-going discussions and presentations on Special/Bulk Trash, the City Council is asked to introduce Ordinance 20-O-02 with respect to implementing a bulk trash fee schedule for collection of more than 29 items a year for single family rental units that utilize City trash services, and 20 items per year for single family owner occupied units, with an effective date of May 1, 2020.

This ordinance includes the following provisions:

- All bulky refuse collections must be scheduled in advance
- Quantity and type of items must be identified for bulky refuse collection when scheduling a collection
- Up to four bulky refuse collections per calendar year will be free of charge
- A maximum of 20 bulky refuse items collected per calendar year will be free of charge for single-family owner-occupied units
- A maximum of 29 bulky refuse items collected per calendar year will be collected free of charge for single family rental units that utilize City trash services
- Bulky refuse items must be set out neatly and separated by type
- Collection fees for bulky refuse items exceeding identified quantities or incurring a charge must be paid in advance

These changes contribute to the City's sustainability efforts by encouraging residents to recycle and to reuse or donate items that are no longer used. City residents can also bring items for free to City clean-up events or to the Prince George's County landfill for disposal.

**Fiscal Impact:**

Fiscal impact will depend on Council direction. Removal of special trash items under the current program has a cost impact to City taxpayers. Any new fees would help to offset costs and improve the current inequitable system that allows and encourages overuse of an unlimited City service by certain residents.

**Council Options:**

1. Introduce Ordinance 20-O-02 with a start date of May 1, 2020 and schedule a public hearing for January 28, 2020.
2. Introduce Ordinance 20-O-02, with amendments, and schedule a public hearing for January 28, 2020.
3. Do not take any action at this time.

**Staff Recommendation:**

Option #1

**Recommended Motion:**

*I move to introduce Ordinance 20-O-02 as drafted with a start date of May 1, 2020.*

**Attachments:**

1. New Ordinance 20-O-02

**ORDINANCE**  
**OF THE MAYOR AND COUNCIL OF THE CITY OF COLLEGE PARK,**  
**AMENDING CITY CODE CHAPTER 119, “REFUSE, SOLID WASTE AND**  
**SPECIAL TRASH” BY REPEALING AND RE-ENACTING §119-6, “SPECIAL**  
**TRASH”, AND §119-9, “RATES”; AND AMENDING CHAPTER 110, “FEES AND**  
**PENALTIES”, BY REPEALING AND RE-ENACTING §110-1, “FEES AND**  
**INTERESTS” TO CHANGE HOW BULKY TRASH IS COLLECTED, TO SET**  
**FEES FOR COLLECTION AND PENALTIES FOR VIOLATIONS.**

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

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

**WHEREAS**, the Mayor and Council adopted Chapter 119, “Refuse, Solid Waste and Special Trash”, to establish and maintain a refuse collection and disposal service; and

**WHEREAS**, the Mayor and Council determined that it is in the public interest to amend Chapters 119 and 110 of the City Code to change how bulky trash is collected, and to set fees for collection of bulky trash.

**Section 1. NOW THEREFORE, BE IT ORDAINED AND ENACTED**, by the Mayor and Council of the City of College Park, that Chapter 119, “Refuse, Solid Waste and

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

Special Trash”, §119-6, “Collection of bulky trash, special trash and overweight, oversized or improperly sorted items” be and it is hereby repealed, re-enacted and amended to read as follows:

§ 119-6 Collection of bulky trash, special trash and overweight, oversized or improperly sorted items.

A. - B. \* \* \* \*

C. A separate fee as established in Chapter 110 will be charged for items of special trash AND OF BULKY TRASH to be collected.

D. – F. \* \* \* \*

**Section 2.** BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that Chapter 119, “Refuse, Solid Waste and Special Trash”, §119-9, “Rates” be and it is hereby repealed, re-enacted and amended to read as follows:

§ 119-9 Rates.

All fees for refuse collection will be payable annually in advance beginning July 1 each year and are as set forth in Chapter 110, Fees and Penalties. A prorated refund will be made upon 30 days' notice to discontinue service. New service will be prorated for the remainder of the year. All fees for special trash, BULKY TRASH and overweight or oversize item collection shall be paid in advance of collection.

**Section 3.** BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that Chapter 110 “Fees and Penalties”, §110-1, “Fees and interest” be and is hereby repealed and reenacted with amendments to read as follows:

**§110-1 Fees and interests.**

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

Chapter/Section	Description	Fee/Interest
	* * * *	
<b>Ch. 119 Refuse, Yard Waste, Solid Waste and Special Trash</b>		
§119-9	* * * *	
	Non-residential collection:	* * * *
	<b>BULKY TRASH</b>	\$20.00 FOR EACH ITEM IN EXCESS OF 29 PER FISCAL YEAR FOR SINGLE-FAMILY AND APARTMENT RENTAL UNITS PAYING THE CITY FOR REGULAR TRASH COLLECTION. \$20.00 FOR EACH ITEM IN EXCESS OF 20 PER FISCAL YEAR FOR OTHER PROPERTIES
	Special trash:	* * * *

**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 \_\_\_\_\_, 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.

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**INTRODUCED** by the Mayor and Council of the City of College Park, Maryland at a regular meeting 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 1<sup>st</sup> day of July, 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

# 20-G-08

## Appointments to Boards and Committees

**Please note that the terms for these appointments will end on June 30, 2020**

**Councilmember Kabir:**

- Appoint Chunyang Ding to the Committee for a Better Environment

**Councilmember Mitchell:**

- Reappoint Bonnie McClellan to the Seniors Committee
- Reappoint Suchitra Balachandran to the CBE