



City of College Park Virtual Meeting Instructions Tuesday, August 11, 2020

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

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

Zoom Webinar ID: 923 9857 4069

Zoom Webinar Password: CPjoinMCM

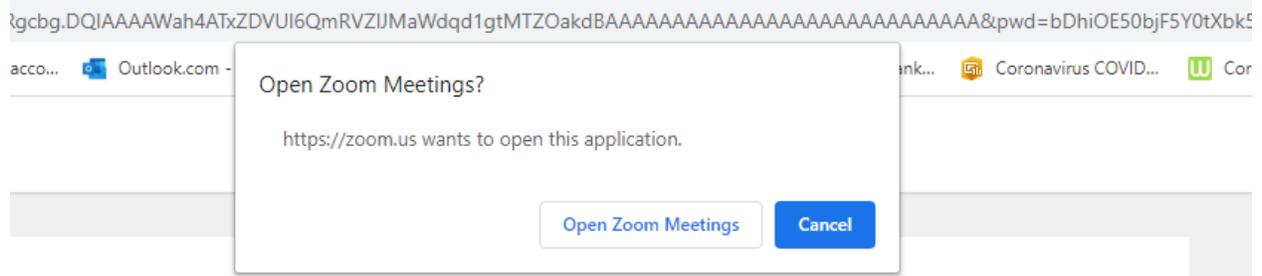
A few minutes before the meeting begins

- 1. To join the meeting by computer or mobile device:**
 - Click on the Zoom link above
 - If this is the first time you have joined a Zoom meeting and you do not get the prompt to “Open Zoom Meetings”, you will need to click the download & run Zoom link on the page you were taken to. Clicking the link will allow you to install the Zoom app on your device.
 - If you get the prompt to “Open Zoom Meetings”, click it to join the webinar.
- 2. To join the meeting by telephone:**
 - Dial 301-715-8592
 - Enter Meeting ID: 923 9857 4069, then press #
 - There is no Participant ID. Just press #
 - Enter Meeting Password: 419048, then press #

As an Attendee

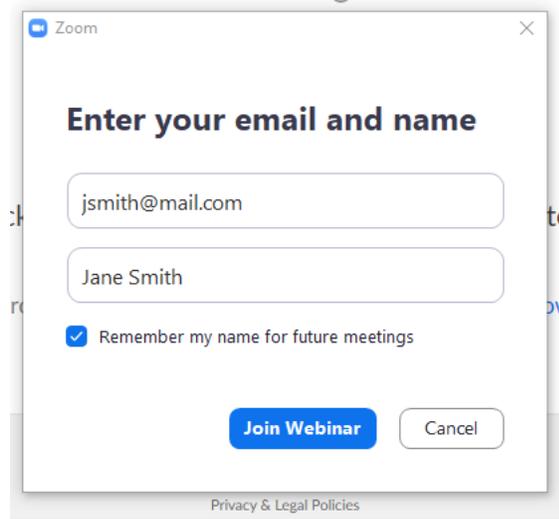
Joining a College Park Zoom webinar as an attendee will allow you to watch and listen to the webinar. Attendees can also use the Raise Hand button when the meeting is open for public comment. If the Host unmutes an attendee, that attendee will be able to speak to the webinar until they are muted again.

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

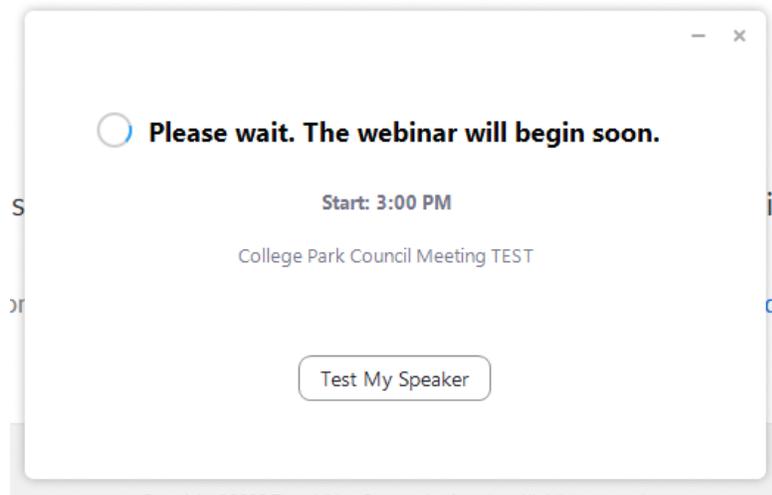


On the next screen, enter your email address and name, then click the “Join Webinar” button.

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



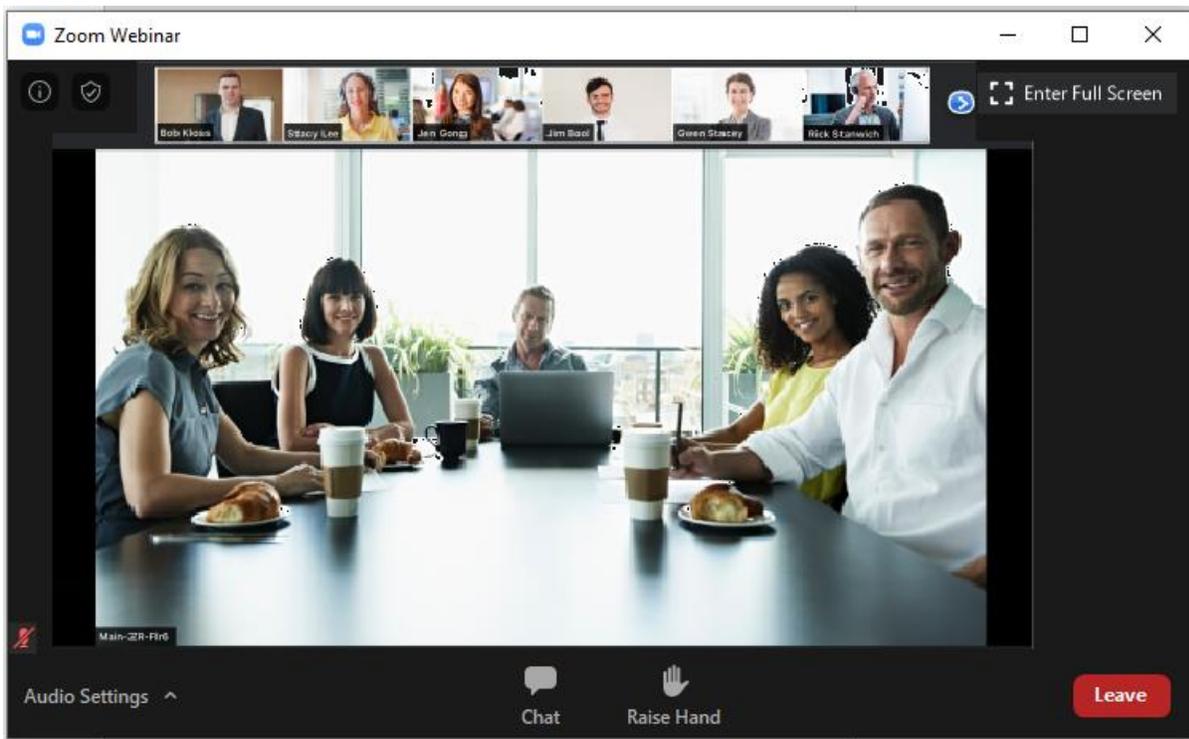
If the webinar is in the pre-meeting “Practice” mode and has not started to broadcast, you will get the following screen.



Once the webinar starts broadcasting, you will be taken into the webinar (see the next screenshot below.)

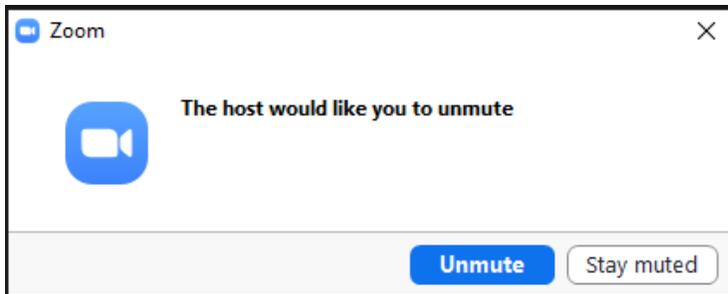
Note the “Raise Hand” Control in the lower part of the Zoom window.

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



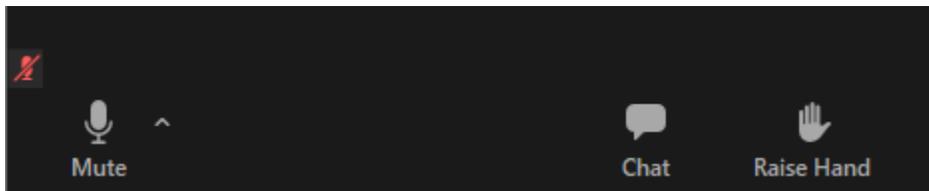
When the webinar is opened for public comment, you can click the “Raise Hand” control so that the Host will know that you would like to speak.

When it’s your turn to speak, you will be called upon to speak and you will get the following prompt:



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

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



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

Guidelines and Best Practices for participation

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



TUESDAY, AUGUST 11, 2020
CITY OF COLLEGE PARK

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

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

There will be a Closed Session following the meeting.

COLLEGE PARK MISSION STATEMENT

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

- 1. MEDITATION**
- 2. PLEDGE OF ALLEGIANCE:** Led by Councilmember Rigg
- 3. ROLL CALL**
- 4. ANNOUNCEMENTS/COMMENTS - MAYOR, COUNCIL, STUDENT LIAISON**
- 5. CITY MANAGER'S REPORT -**
- 6. ACKNOWLEDGMENTS**
- 7. PROCLAMATIONS AND AWARDS**
- 8. AMENDMENTS TO AND APPROVAL OF THE AGENDA**
- 9. PUBLIC COMMENT ON CONSENT AGENDA AND NON-AGENDA ITEMS** - Speakers are asked to provide their name and address for the record, and are given three minutes to address the Council.
- 10. PUBLIC HEARINGS 20-O-09**
 - A. Adoption of Ordinance 20-O-19, an Ordinance of the Mayor and Council of the City of College Park, Maryland, amending Chapter 4 "Administrative Organization", by repealing and Reenacting §4-3 "Departments" and §4-87"; Chapter 87, "Building Construction", §87-19 "Appeals"; Chapter 125, "Housing Regulations", §125-31 "Lakeland Urban Renewal Area"; Chapter 175 "Taxation", to change the name of the Planning, Community and Economic Development Department to the Planning and Community Development Department to recognize that Economic

Development is no longer a responsibility of the Department, and to make conforming changes.

11. PRESENTATIONS

A. Quarterly Financial Presentation

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

20-G-135	Approval of a Contract Amendment with NZI in the amount of \$82,458.00 for the construction of a pedestrian bridge at the end of Beechwood Road, subject to approval of the City Attorney, and authorization for the City Manager to sign.	Motion By: To: Second: Aye: Nay: Other:
20-G-136	Approval of a Driveway Apron Variance to Construct a Double Wide Concrete Curb-Cut and Driveway Apron at 4609 Clemson Road, subject to the homeowner entering into a Declaration of Covenants with the City in substantially the form attached.	
20-R-19	Adoption of a Resolution 20-R-19, extending the terms for advisory board members to September 30, 2020.	
20-R-20	Adoption of a Resolution 20-R-20, declaring Juneteenth a City Holiday.	
20-G-139	Authorize the City Manager to negotiate and enter into a 12-month agreement with the Hyattsville Community Newspaper, Inc. (soon to be called "Streetcar Suburbs Publishing, Inc.") in an amount not to exceed \$60,000 for advertising in the College Park Here & Now newspaper.	
20-G-141	Approval of modifications to the COVID-19 Small Business Assistance Grants Program and Approval of the College Park Business Voucher Program.	
20-G-140	Approval of the minutes from June 9, 2020 Regular Meeting, July 7, 2020 Worksession, and July 14, 2020 Regular Meeting	

13. ACTION ITEMS

20-G-137	Consideration of signing on to the Supreme Court Amicus Brief Opportunity in Case Challenging Philadelphia's Non-Discrimination Provisions - Kiaisha Barber, Director of Youth, Family and Senior Services	Motion By: To: Second: Aye: Nay: Other:
----------	--	--

20-G-138	Discussion of elementary, middle and high school award in honor of EAC member Doris Ellis – Kiaisha Barber, Director of Youth, Family and Senior Services	Motion By: To: Second: Aye: Nay: Other:
20-O-09	Adoption of Ordinance 20-O-19, an Ordinance of the Mayor and Council of the City of College Park, Maryland, amending Chapter 4 “Administrative Organization”, by repealing and Reenacting §4-3 “Departments” and §4-87”; Chapter 87, “Building Construction”, §87-19 "Appeals"; Chapter 125, “Housing Regulations”, §125-31 "Lakeland Urban Renewal Area"; Chapter 175 “Taxation”, to change the name of the Planning, Community and Economic Development Department to the Planning and Community Development Department to recognize that Economic Development is no longer a responsibility of the Department, and to make conforming changes – Scott Somers, City Manager	Motion By: To: Second: Aye: Nay: Other:

14. GENERAL COMMENTS FROM THE AUDIENCE

15. ADJOURN

Closed Session at the end of the meeting

Pursuant to the Maryland Annotated Code, General Provisions Article, Section 3-305, the Mayor and Council are providing notice that they will meet in a Closed Session after tonight’s meeting for the following purposes:

1. To consider a matter that concerns the proposal for a business to locate in the State.
2. Consult with Counsel to obtain legal advice

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

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

PUBLIC HEARING

20-0-09

ORDINANCE
OF THE MAYOR AND COUNCIL OF THE CITY OF COLLEGE PARK, MARYLAND,
AMENDING CHAPTER 4 “ADMINISTRATIVE ORGANIZATION”, BY REPEALING
AND REENACTING §4-3 “DEPARTMENTS” AND §4-87“; CHAPTER 87, “BUILDING
CONSTRUCTION”, §87-19 "APPEALS"; CHAPTER 125, “HOUSING
REGULATIONS”, §125-31 "LAKELAND URBAN RENEWAL AREA"; CHAPTER
175 “TAXATION”, TO CHANGE THE NAME OF THE PLANNING, COMMUNITY
AND ECONOMIC DEVELOPMENT DEPARTMENT TO THE PLANNING AND
COMMUNITY DEVELOPMENT DEPARTMENT TO RECOGNIZE THAT
ECONOMIC DEVELOPMENT IS NO LONGER A RESPONSIBILITY OF THE
DEPARTMENT, AND TO MAKE CONFORMING CHANGES.

WHEREAS, pursuant to Md. Code Ann., Art. 23A, §2, the City of College Park, Maryland (hereinafter, the “City”) has the power to pass such ordinances as it deems necessary to protect the health, safety and welfare of the residents of the municipality; and

WHEREAS, the Mayor and Council created the Planning, Community and Economic Development Department to administer community development, planning, economic development and urban renewal plans and housing assistance programs, and to serve as liaison to the Housing Authority; and

WHEREAS, in view of the importance of economic development to the City, the Mayor and Council have determined that it is in the public interest that the economic development staff report directly to the City Manager on business and development issues and opportunities in the City; and

WHEREAS, the Mayor and Council have determined that it is appropriate to change the name of the Planning, Community and Economic Development Department to the Planning 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

Community Department, and to make conforming changes, to give effect to the transfer of the responsibility for economic development to the office of the City Manager.

Section 1. NOW THEREFORE, BE IT ORDAINED AND ENACTED, by the Mayor and Council of the City of College Park, Maryland that Chapter 4 “Administrative Organization”, §4-3 “Departments” be, and is hereby, repealed and reenacted with amendments to read as follows:

§ 4-3. Departments.

The general government operations of the city shall be subdivided for administrative purposes in the following manner, each subdivision being designated a department and placed under the direct supervision of a department head appointed by the City Manager:

- (1) Finance Department.
- (2) Public Services Department.
- (3) Public Works Department.
- (4) Planning AND Community [~~and Economic~~] Development Department.
- (5) Youth, Family and Seniors Department.

B. The title of the several department heads shall be, respectively, as follows:

- (1) Finance Director.
- (2) Public Services Director.
- (3) Public Works Director.
- (4) Planning AND Community [~~and Economic~~] Development Director.
- (5) Youth, Family and Seniors Director.

Section 2. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that, §4-7 "Planning and Community Development Department", be, and is hereby, repealed and reenacted with amendments to read as follows:

§ 4-7. Planning AND Community [~~and Economic~~] Development Department.

The Planning AND Community [~~and Economic~~] Development Department shall be responsible for the following operations and such other operations as may hereafter be assigned thereto by the Mayor and Council and/or the City Manager:

- A. Administration of community development, planning and programs.
- B. Administration of urban renewal programs.
- C. Administration of housing assistance programs.
- D. Liaison with College Park Housing Authority.
- ~~E. Administration of economic development programs.]~~

Section 3. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that, §87-19 "Appeals", be, and is hereby, repealed and reenacted with amendments to read as follows:

§ 87-19 Appeals.

A. through F. * * * *

G. The Commission is hereby established as the body to act upon appeals from the Public Services Director's denial of a building permit as set forth above. The City's Planning AND Community [~~and Economic~~] Development Department shall assist the Commission with regard to fence appeals as set out in §15-20C as appropriate.

Section 4. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that, §125-31 "Lakeland Urban Renewal Area", be, and is hereby, repealed and reenacted with amendments to read as follows:

§ 125-31 Lakeland Urban Renewal Area.

The Public Services Department shall coordinate its efforts in the Lakeland Urban Renewal Area with the Planning AND Community [~~and Economic~~] Development Director so as to better effectuate the purposes of the Urban Renewal Program for the elimination and for the prevention of the development or spread of slums and blight and for an effective relocation program.

Section 5. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that Chapter 175, "Taxation", §175-12 "Application process", be, and is hereby, repealed and reenacted with amendments to read as follows:

§ 175-12 Application process.

The application process for a Level One or Level Two tax credit is as follows:

A. Submit preliminary application. An application for a City tax credit shall be submitted to the City [~~'s Planning, Community, and Economic Development Department~~] no later than the date of acceptance for a detailed site plan by the Maryland-National Capital Park and Planning Commission (M-NCPPC), if applicable, or the submission of a building permit application to Prince George's County. The application shall specify which evaluation criteria are being addressed by the applicant, the estimated value of the completed improvements, and any additional information requested by the City. All plans associated with the detailed site plan or building permit shall be submitted with the application.

B. City staff review. Upon receipt and acceptance of a completed application, [~~the City's Planning, Community, and Economic Development Department will refer~~] a copy of the application WILL BE REFERRED to the Finance Department. City staff will provide an eligibility report to the City Council with respect to the application for a tax credit subsequent to the detailed site plan review by the City Council. For projects that do not require a detailed site plan, staff will review building permit plans and schedule the application for review by the City Council at a City Council work session.

C. -D. * * * * *

Section 6. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that Chapter 175, "Taxation", §175-13 "Waiver", be, and is hereby, repealed and reenacted with amendments to read as follows:

§ 175-13 Waiver.

A. – B. * * * * *

C. In making application for a waiver, the applicant shall provide for consideration the information requested by the City [~~s Planning, Community, and Economic Development~~] staff.

Section 7. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that Chapter 190, "Zoning", §190-12 "Minor changes to approved special exceptions, in general", be, and is hereby, repealed and reenacted with amendments to read as follows:

190-12 Minor changes to approved special exceptions, in general.

A. The Commission and the Director of Planning AND Community [~~and Economic Development~~] Department are authorized to consider minor changes to site plans for approved special exceptions, as provided in this section and §§ 190-13, 190-14 and 190-15. The Director may authorize staff to take any action the Director may take under this section. Applicant shall also comply with Section 27-250.01 of the Prince George's County Zoning Ordinance.

B. – E. * * * * *

Section 8. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that Chapter 190, "Zoning", §190-14, "Limited minor changes by Planning Director", be, and is hereby, repealed and reenacted with amendments to read as follows:

§ 190-14 Limited minor changes by Planning Director.

A. The Director of Planning AND Community [~~and Economic~~] Development is authorized to recommend minor changes administratively, without public hearing, in cases listed in § 190-13,

but only if the proposed minor changes are limited in scope and nature, including an increase in gross floor area or land covered by a structure other than a building up to 10%. The Director shall deny any administrative approval request proposing site plan changes which will have a significant impact on adjacent property.

B. – G. * * * *

Section 9. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that Chapter 190, “Zoning”, §190-16 "Alternative Compliance", be, and is hereby, repealed and reenacted with amendments to read as follows:

§ 190-16 Alternative compliance.

A. – C. * * * *

D. A request for alternative compliance shall be submitted to the Director of Planning, AND Community [~~and Economic~~] Development (or designee) at the time the application is submitted. The Commission shall post the property with at least one durable sign giving notice of the application at least 15 days prior to the date on which the application will be considered. The contents of the sign and the number of signs required shall be determined by the Commission. All signs posted must be conspicuous and legible. The applicant is responsible for the maintenance of all signs. Notice of the application and date upon which it will be considered shall be sent, by certified mail, return receipt requested, to the owners of abutting property (including those properties directly across a street, alley or stream). Any request for a hearing on the said application must be received on or before the date of consideration.

E. – F. * * * *

G. In a situation where compliance with the Prince George's County Landscape Manual is not possible, and there is no feasible proposal for alternative compliance which is, in the judgment of the Director of Planning AND Community [~~and Economic~~] Development (or designee), equally effective than normal compliance, then the applicant may seek relief by applying for a departure from design standards in accordance with § 190-9.

H. * * * *

Section 10. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that Chapter 190, “Zoning”, §190-19 "Notification of residents", be, and is hereby, repealed and reenacted with amendments to read as follows:

§ 190-19 Notification of residents.

A. The Department of Planning AND Community [~~and Economic~~] Development shall provide notice of an application for a zoning action requested under this chapter to any City resident who registers with the Department.

B. To register, a resident shall provide the following to the Department of Planning AND Community [~~and Economic~~] Development: name; street address or e-mail address to which notice should be sent; and the geographical area that the resident wishes to receive notice about. Notice shall be sent by regular or e-mail, as designated by the City resident.

Section 11. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that, upon formal introduction of this proposed Ordinance, which shall be by way of a motion duly seconded and without any further vote, the City Clerk shall distribute a copy to each Council member and shall maintain a reasonable number of copies in the office of the City Clerk and shall post at City Hall, to the official City website, to the City-maintained e-mail LISTSERV, and on the City cable channel, and if time permits, in any City newsletter, the proposed ordinance or a fair summary thereof together with a notice setting out the time and place for a public hearing thereon and for its consideration by the Council.

Section 12. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that annual and bi-annual permits currently in effect shall be extended for the period of one year without additional permit fee required.

The public hearing, hereby set for 7:30 P.M. on the 11th day of August, 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 Mayor and Council Virtual Regular Meeting on the 14, day of July, 2020.

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

EFFECTIVE the _____ day of _____, 2020.

ATTEST:

CITY OF COLLEGE PARK

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

By: _____
Patrick L. Wojahn, Mayor

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

Suellen M. Ferguson, City Attorney



CITY OF COLLEGE PARK

OFFICE OF THE CITY CLERK

8400 BALTIMORE AVENUE SUITE 375 COLLEGE PARK, MD 20740 | 240.487.3501 | COLLEGE PARKMD.GOV

Notice of Public Hearing for Ordinance 20-O-09, introduced on July 14, 2020:

- Posted to City Website on July 16, 2020
- Posted on Cable Television Channel on July 16, 2020
- Sent to Constant Contact LISTSERV on July 16, 2020
- Advertised in the August 2020 Municipal Scene

ATTEST:

Janeen S. Miller

Janeen S. Miller, City Clerk



NOTICE OF PUBLIC HEARING
ORDINANCE [20-O-09](#)
August 11, 2020
7:30 P.M.
Virtual Meeting

ORDINANCE
OF THE MAYOR AND COUNCIL OF THE CITY OF COLLEGE PARK, MARYLAND,
AMENDING CHAPTER 4 “ADMINISTRATIVE ORGANIZATION”, BY REPEALING
AND REENACTING §4-3 “DEPARTMENTS” AND §4-87“; CHAPTER 87, “BUILDING
CONSTRUCTION”, §87-19 "APPEALS"; CHAPTER 125, “HOUSING
REGULATIONS”, §125-31 "LAKELAND URBAN RENEWAL AREA"; CHAPTER 175
“TAXATION”, TO CHANGE THE NAME OF THE PLANNING, COMMUNITY AND
ECONOMIC DEVELOPMENT DEPARTMENT TO THE PLANNING AND
COMMUNITY DEVELOPMENT DEPARTMENT TO RECOGNIZE THAT ECONOMIC
DEVELOPMENT IS NO LONGER A RESPONSIBILITY OF THE DEPARTMENT, AND
TO MAKE CONFORMING CHANGES.

A copy of this Ordinance may be obtained from the City Clerk’s Office by calling 240-487-3501, or from the City’s website: www.collegeparkmd.gov.

This Public Hearing will be held virtually on August 11, 2020. To obtain the meeting link or phone number to join the meeting, please visit the [Mayor and Council Meeting Page by clicking HERE](#). All interested parties will have the opportunity to be heard. Please note, participants will be muted during the meeting except during public comment.

If you are unable to participate in the meeting, you may submit written comment prior to the Public Hearing. In order to be received by the Council as part of the record, the comment must include the specific topic to which it relates and the full name and address of the person submitting the comment. Written comment should be submitted no later than 5:00 p.m. on the day of the hearing to cpmc@collegeparkmd.gov.

In accordance with the Americans with Disabilities Act, if you need special assistance, please contact the City Clerk’s Office and describe the assistance that is necessary.



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

AGENDA ITEM NUMBER 20-O-09

Prepared By: Scott Somers
City Manager

Meeting Date: August 11, 2020

Presented By: Scott Somers
City Manager

Consent Agenda: No

Originating Department: City Manager's Office

Action Requested: Hold a public hearing and then consider adoption of Ordinance 20-O-09 changing the name of the Planning, Community, and Economic Development Department to the Planning and Community Development Department AND changing the title of the Planning, Community, and Economic Development Director to the Planning and Community Development Director.

Strategic Plan Goal: Goal 3: High Quality Development and Reinvestment; Goal 6: Excellent Services

Background / Justification:

Ordinance 20-O-09 was introduced on July 14, 2020. Upgrading the Economic Development Coordinator position to a manage level position and having this position directly report to the City Manager signifies to the community the increased importance of economic development in College Park. It will be beneficial to the City to have direct reporting to the City Manager from a high-level professional on business and development issues and opportunities in the City. The current ordinance includes economic development as part of the Planning, Community, and Economic Development Department.

Some cities have the economic development function in Planning and some in the manager's office. My experience has been that it is more prominent and effective in the manager's office, in part due to some inherent tensions between the planning and economic development disciplines. After observing the process in College Park for nearly five years, I believe the City will benefit from the higher-level position and moving the economic development function from the planning and community development functions and putting the function directly under the City Manager.

If approved the title of the Planning, Community, and Economic Development Director would change to the Planning and Community Development Director.

Fiscal Impact: No direct fiscal impact.

Council Options:

1. Hold a public hearing and then consider adopting Ordinance 20-O-09 changing the name of the Planning, Community, and Economic Development Department to the Planning and Community Development Department AND changing the title of the Planning, Community, and Economic Development Director to the Planning and Community Development Director, and schedule a public hearing.
2. Introduce Ordinance 20-O-09 with amendments and schedule a public hearing.
3. Take no action, which will maintain the existing name of the Planning, Community, and Economic Development Department and the existing title of the Director.

Staff Recommendation:

Option #1.

Recommended Motion:

I move to adopt Ordinance 20-O-09 changing the name of the Planning, Community, and Economic Development Department to the Planning and Community Development Department AND changing the title of the Planning, Community, and Economic Development Director to the Planning and Community Development Director.

Attachments: Draft Ordinance 20-O-09

20-G-135

Approval of Contract Amendment with NZI

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



AGENDA ITEM 20-G-135

Prepared By: Scott Somers
City Manager

Meeting Date: August 11, 2020

Presented By: Scott Somers
City Manager

Consent Agenda: Yes

Originating Department: City Manager's Office

Action Requested: Approval of a Contract Amendment with NZI in the amount of \$82,458.00 for the construction of a pedestrian bridge at the end of Beechwood Road.

Strategic Plan Goal: Goal 4 – Quality Infrastructure

Background/Justification:

In December 2018 it was brought to the City's attention that there was no safe access to the City's recreational trolley trail from Beechwood Road. The trolley trail is situated on top of a berm that was once the path of the DC trolley train. A person would have to climb down and up a steep ravine that separates Beechwood Road from the Trolley Trail.

Staff hired a consultant to prepare two concept exhibits for review by the Calvert Hills Community in March, 2019. The community choose option 2, a location just north of the Beechwood Road that followed a dirt path.

The project was approved for design and construction during the City Council budget meetings for FY 2020. The design began almost immediately after the budget was passed. We just received our building permit this week from DPIE to begin construction.

The City has an existing contract with NZI, which constructs most of the City's pavement, curb, and sidewalk work and has constructed such projects for Prince George's County DPW&T. Staff therefore recommends that Council approve a contract amendment to the existing NZI contract to include construction of a pedestrian bridge at the end of Beechwood Road.

The tentative start date for this project is on or about September 1st. The project will take about 6 to 8 weeks to complete. Notice to Proceed (NTP) will be issued to the contractor as soon as the contract amendment is approved.

Fiscal Impact:

The contract amendment is for \$82,458.00 and will be expended from the CIP Fund.

Council Options:

1. Approve a contract amendment with NZI in the amount of \$82,458.00 for pedestrian bridge at the end of Beechwood Road
2. Amend and then approve a contract amendment with NZI in the amount of \$82,458.00.
3. Direct staff to conduct additional research.
4. Decide not to move forward at this time.

Staff Recommendation:

Option #1

Recommended Motion:

I move to approve a contract amendment with NZI in the amount of \$82,458.00, in substantially the form attached, for construction of a pedestrian bridge at the end of Beechwood Road.

Attachments:

Amended contract with NZI
Pedestrian Bridge Site Plan
NZI Proposal

THIRD AMENDMENT AND EXTENSION OF CP CONTRACT 17-01

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

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

WHEREAS, the City seeks to construct the Beechwood Road Pedestrian Bridge (“Project”); and

WHEREAS, on August 11, 2020, the Council approved an amendment of the scope of work of the Contract to include the construction of the Beechwood Road Pedestrian Bridge, and to extend the term of the Contract for this purpose, and it is the desire of the parties to amend the provisions of CP Contract 17-01 to reflect these agreed changes; and

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

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

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

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

I. SCOPE OF WORK

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

1. Construct the Miscellaneous Concrete Maintenance and/or Asphalt Resurfacing as set forth in the contract documents.
2. Provide the required labor and materials and install a pervious concrete sidewalk, and up to six pedestrian street lights, together with associated work, including landscaping, in conformance with the ESD/Paving Plan, WMATA Sidewalk, Baltimore Avenue and Albion Road Approved Permit set, issued 11/21/2017, attached hereto and incorporated by reference as Exhibit B. Contractor's proposal dated 11/6/2017 for the work is attached hereto and incorporated by reference as Exhibit C.
3. Provide the required labor and materials to complete the Trolley Trail and other improvements, per the plans as attached in Exhibit D, Site Plan, and Exhibit E, Proposal, both of which are incorporated herein by reference. The work required also includes removal of two trees at a unit cost of \$2500.00 per tree, which is included in the Contract Price.
4. Provide the required labor and materials to provide and install a 6 foot by 20 foot pre-fabricated pedestrian bridge at the end of Beechwood Road to allow pedestrian access to the City's Trolley Trail, as per plans attached as Exhibit F, Beechwood Road Pedestrian Bridge, Site Development Plan, and Exhibit G, NZI Proposal dated June 30, 2020, both of which are incorporated by reference.

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

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

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

The Contract has been extended through June 30, 2020, and through November 1, 2020, for completion of the Beechwood Road Pedestrian Bridge. Miscellaneous Concrete Maintenance and/or Asphalt Resurfacing shall be constructed as determined by the City Engineer. Installation

of the pervious concrete sidewalk and pedestrian street lights shall commence on December 11, 2017, and be completed within ten weeks of the start date. The Contractor shall commence work for the Trolley Trail and other improvements on or before July 1, 2020, and will complete the work on or before August 15, 2020. The Contractor shall commence work within ten days of notice to proceed, and will complete work within 30 days of commencement, and in any event on or before November 1, 2020 Provisions for liquidated damages for failure to comply with the Contract Time are set forth in the General Provisions.

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

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

The City contract price for the installation of the pervious concrete sidewalk, landscaping and pedestrian street lights is a sum not to exceed \$277,000.00. The contract price for the Trolley Trail and other work is a sum not to exceed \$68,554.88.00. The contract price for the Beechwood Road Pedestrian Bridge is a sum not to exceed \$82,500.00.

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

IV. CONTRACT DOCUMENTS

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

- Exhibit A – Capital Projects Grant Agreement
- Exhibit B ESD/Paving Plan, WMATA Sidewalk, Baltimore Avenue and Albion Road Approved Permit set, issued 11/21/2017, consisting of three sheets
- Exhibit C Proposal from NZI Construction Corp. dated 11/6/2017
- Exhibit D Site Plan for Trolley Trail
- Exhibit E NZI Proposal dated 5/15/20
- Exhibit F Beechwood Road Pedestrian Bridge, Site Development Plan
- Exhibit G NZI Proposal dated June 30, 2020

Request for Proposals
Bid or Proposal Forms and Affidavits
General Provisions
Special Provisions
Addenda
Permits
Bid Bond
Labor Standards and Wage Rates
Performance Bond
Labor and Materials Bond
Other Documents Contained within the Bid Specifications
Certifications and Affirmations Required by the City
Stormwater Management
Standard Details for Stormwater Management Construction, DER, Prince George's
County
Maryland SHA Manual of Traffic Controls for Highway Construction and Maintenance
Operation.
Manual on Uniform Traffic Control Devices for Streets and Highways
WSSC Standard Details for Construction
WSSC General Conditions and Standard Specifications
Prince George's County Department of Public Work's Transportation Standard Details
Maryland Department of Transportation, SHA, Standard Specifications for Construction
and Materials
M.S.H.A. Book of Standard Details
CDBG Program General Conditions for Operating Agencies and Third Party
Contractors
Minority Business Enterprise requirements

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

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

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

WITNESS:

NZI CONSTRUCTION CORPORATION

Joaquim Nazario, President

WITNESS/ATTEST:

CITY OF COLLEGE PARK

Janeen S. Miller, City Clerk

By: _____
Scott Somers, City Manager

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

By: _____
Suellen M. Ferguson, City Attorney

BEECHWOOD ROAD PEDESTRIAN BRIDGE SITE DEVELOPMENT PLAN

GENERAL NOTES:

- APPLICANT: CITY OF COLLEGE PARK
972 51st AVE.
COLLEGE PARK MD, 20740
- SITE DATA:
TAX MAP NUMBER: 41
PARCEL: NA
GRID: C1
SITE ADDRESS: BEECHWOOD ROAD AT RHODE ISLAND AVE.
ELECTION DISTRICT: BERWYN 21ST
DEED REFERENCE: 02196/00315
TOTAL SITE AREA: 1.2 ± AC.
 - CURRENT ZONING: R55
 - CURRENT USE: PUBLIC ROW FOR HIKER BIKER TRAIL AND ROAD
PROPOSED USE: PEDESTRIAN BRIDGE IN PUBLIC ROW
 - THIS SITE IS NOT LOCATED WITHIN THE CHESAPEAKE BAY CRITICAL AREA PER PRINCE GEORGES COUNTY GIS.
 - THIS SITE DISCHARGES TO THE NORTHEAST BRANCH.
 - NRI EQUIVALENCY AND WOODLAND CONSERVATION EXEMPTIONS ARE APPROVED.
 - SITE DEVELOPMENT CONCEPT PLAN CASE#187-2020-00 APPROVED ON MARCH 11, 2020.
 - THE PROPERTY SHOWN HEREON LOCATED IN ZONE 'X' (AREA OF MINIMAL FLOOD HAZARD) AS SHOWN ON F.I.R.M. COMMUNITY PANEL NO. 24033C0131E DATED 9/16/2016.
 - THE BOUNDARY SHOWN HEREON IS BASED UPON GIS MAPPING.
 - BUILDING LOCATIONS, PAVING, SOILS, FLOODPLAIN, TREELINE, AND HYDROGRAPHY SHOWN WAS DERIVED FROM PRINCE GEORGES COUNTY GIS DATA.
 - FIELD RUN TOPOGRAPHY WAS PROVIDED BY CHARLES P. JOHNSON AND ASSOCIATES, DATED 5/28/19.
 - WETLANDS DO NOT EXIST WITHIN 200' OF THE SITE PER DNR'S GIS DATA AND UFWS WETLANDS MAPPER.
 - NO FOREST EXISTS ON SITE.
 - TOTAL STEEP SLOPES GREATER THAN 15% AND LESS THAN 25% 0 AC.
 - TOTAL STEEP SLOPES GREATER THAN 25% 0 AC.
 - SITE SOILS BASED UPON NRCS WEB SOIL SURVEY:

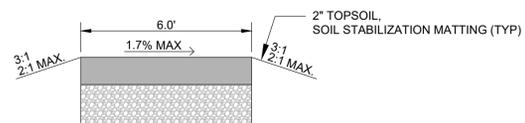
SYMBOL	NAME	K FACTOR	HYDRIC RATING	HYDROLOGIC RATING
BuB	BELTSVILLE URBAN LAND COMPLEX	0.37	0%	C

CONSTRUCTION NOTES:

- CALL MISS UTILITY AT 1-800-257-7777 48 HOURS PRIOR TO THE START OF WORK.
- EXCAVATED FOOTING EXCAVATION MATERIALS SHOULD BE PLACED ON THE HIGH SIDE OF EXCAVATION.
- STABILIZE AREAS DISTURBED FOR FOOTING CONSTRUCTION ADJACENT TO EXISTING SWALE SAME DAY. AVOID OPEN FOOTING EXCAVATIONS DURING TIMES OF ANTICIPATED FLOODING.
- DISTURBED AREAS TO BE PERMANENTLY STABILIZED WITH SOIL STABILIZATION MATTING.
- ANY DITCHES OR DRAINAGE WAYS DISTURBED DURING UTILITY CONSTRUCTION SHALL BE RESTORED TO ORIGINAL CONDITION.

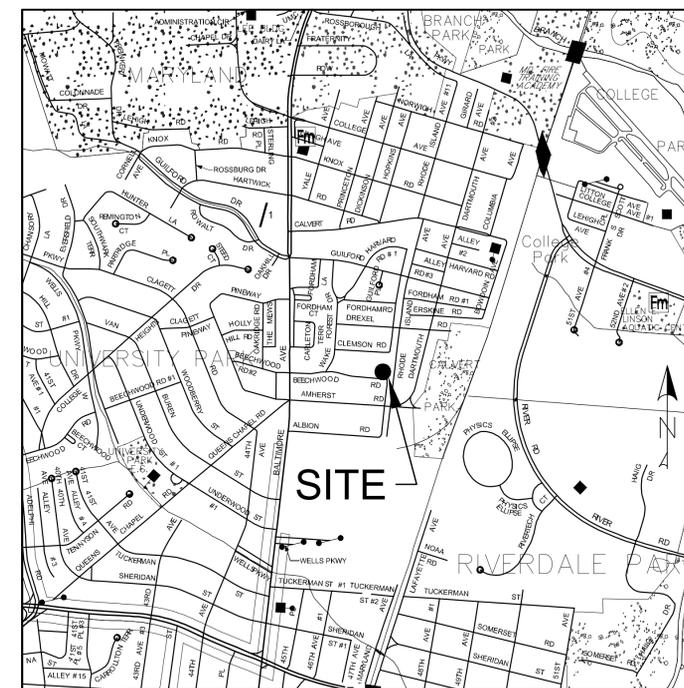
SEQUENCE OF CONSTRUCTION

- DELINEATE LOD CLEARLY IN THE FIELD PRIOR TO CONSTRUCTION. (1 DAY)
- INSTALL SILT FENCE, ALONG PERIMETER OF SITE AS SHOWN. (2 DAYS)
- WITH CITY INSPECTOR APPROVAL, CONSTRUCT FOOTINGS. AVOID DISTURBANCE OF EXISTING DRAINAGE SWALE. MAINTAIN USE OF EXISTING TRAIL THROUGHOUT. (3 DAYS)
- PERFORM ROUGH GRADING FOR AND PLACE SUBBASE FOR NEW TRAIL. MAINTAIN TRAIL ACCESS. AVOID DISTURBANCE OF EXISTING DRAINAGE SWALE. STABILIZE DISTURBED AREAS WITH TOPSOIL AND SOIL STABILIZATION MATTING. (2 WEEKS)
- WITH CITY INSPECTOR APPROVAL, CONSTRUCT BRIDGE. MAINTAIN USE OF EXISTING TRAIL THROUGHOUT. (3 DAYS)
- STABILIZE ANY REMAINING DISTURBED AREAS (2 DAYS)
- WITH INSPECTORS APPROVAL, REMOVE SILT FENCE AND STABILIZE. (2 DAYS)



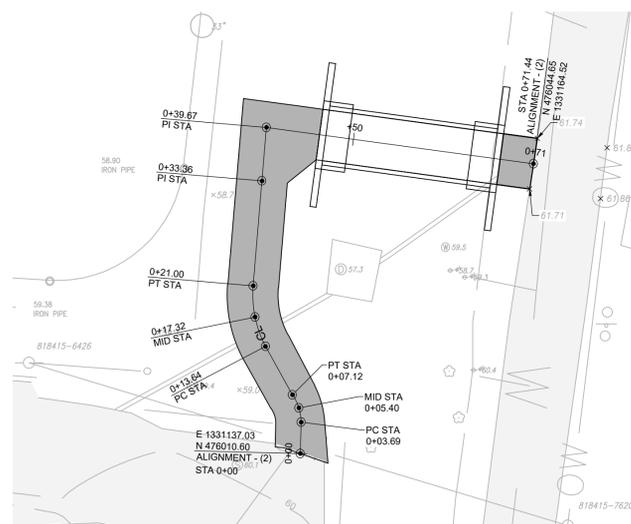
TYPICAL TRAIL PAVING SECTION
NTS

PAVING SECTION:
3" ASPHALT SURFACE COURSE, MSHA 12.5 MM PG 64-22
4" COMPACTED CR6



VICINITY MAP

1"=1000'



GEOMETRY PLAN

1"=10'



SITE PLAN

1"=10'

0 10 20 Feet

LEGEND

	SEWER MANHOLE
	STORM DRAIN MANHOLE
	UTILITY POLE
	GUY WIRE
	SIGN
	WATER VALVE
	FIRE HYDRANT
	BURIED SEWER LINE
	BURIED WATER LINE
	WOOD FENCE
	METAL HANDRAIL
	OVER HEAD WIRE
	REBAR AND CAP
	IRON PIPE
	BUSH
	SILT FENCE
	LIMIT OF DISTURBANCE
	PROPOSED CONTOUR
	PROPOSED SPOT GRADE

SHEET INDEX
C1 1 OF 3 SITE DEVELOPMENT PLAN
C2 2 OF 3 SITE DETAILS
S1 3 OF 3 STRUCTURAL DRAWINGS

PROFESSIONAL CERTIFICATION:
I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the state of Maryland License No. 19344,
Expiration Date: 8/25/2021.

NO.	REVISIONS	DATE

OWNER/DEVELOPER
CITY OF COLLEGE PARK
972 51st AVENUE
COLLEGE PARK MD, 20740

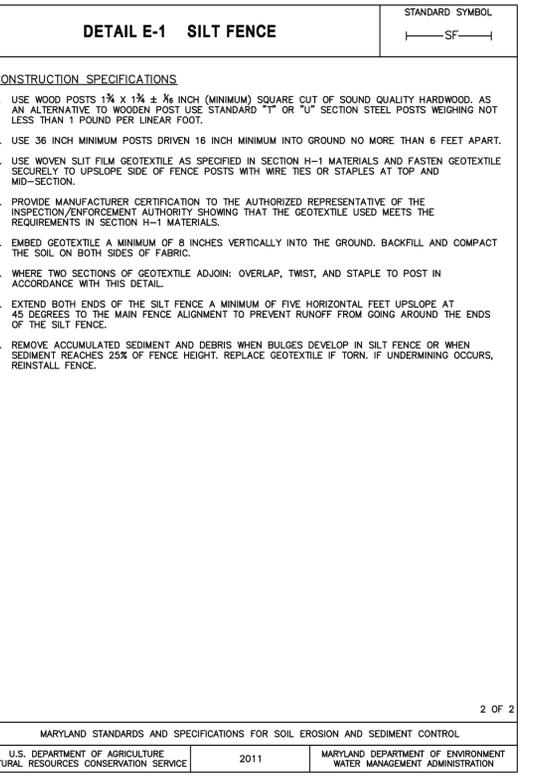
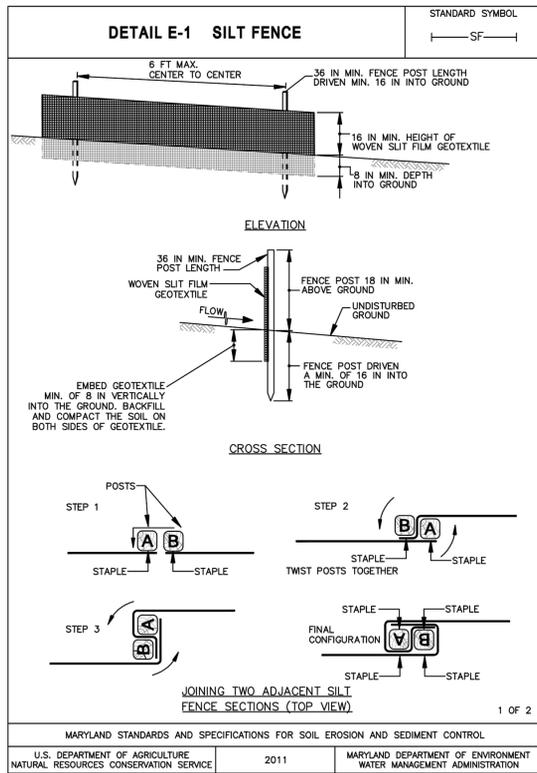
ENGINEER
GPI
GREENMAN-PEDERSEN, INC.
ENGINEERING AND CONSTRUCTION SERVICES
11,000 BROKENLAND PARKWAY, SUITE 500
COLUMBIA, MD 21044
443.753.5480

DRAWING TITLE
SITE DEVELOPMENT PLAN
PROJECT
BEECHWOOD ROAD PEDESTRIAN BRIDGE
21ST ELECTION DISTRICT, PRINCE GEORGES COUNTY, MARYLAND

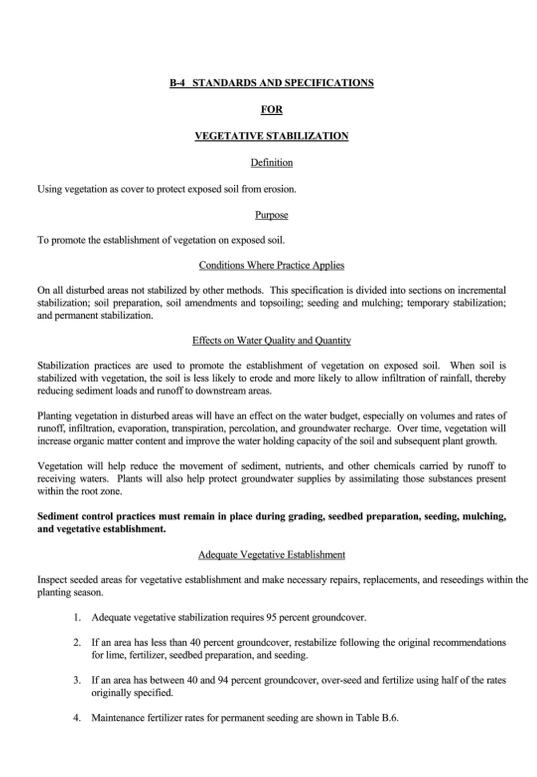
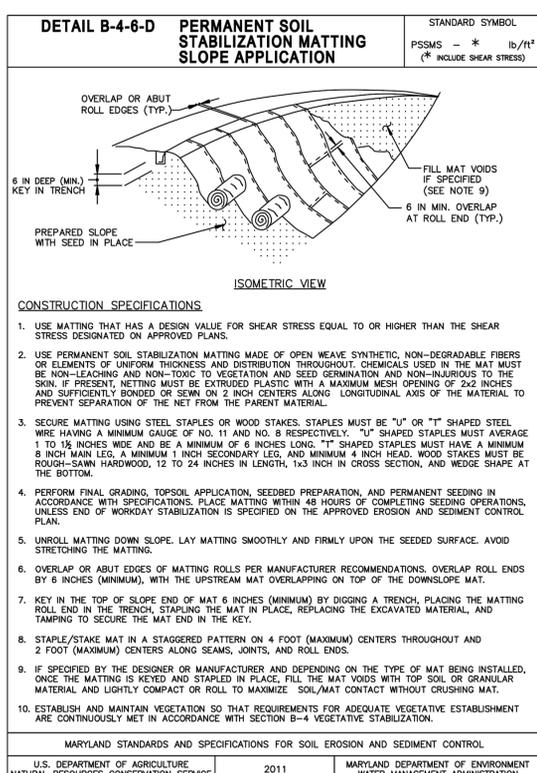


DRAFTING: RH CHECKED: BM
PLOT DATE: 9/6/19
PROJECT NUMBER: 2019010.00

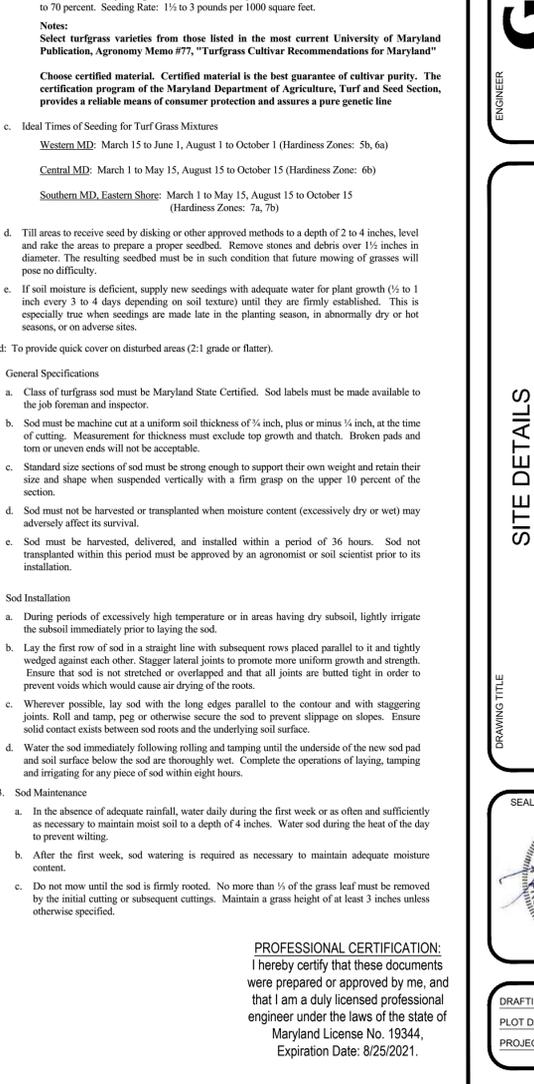
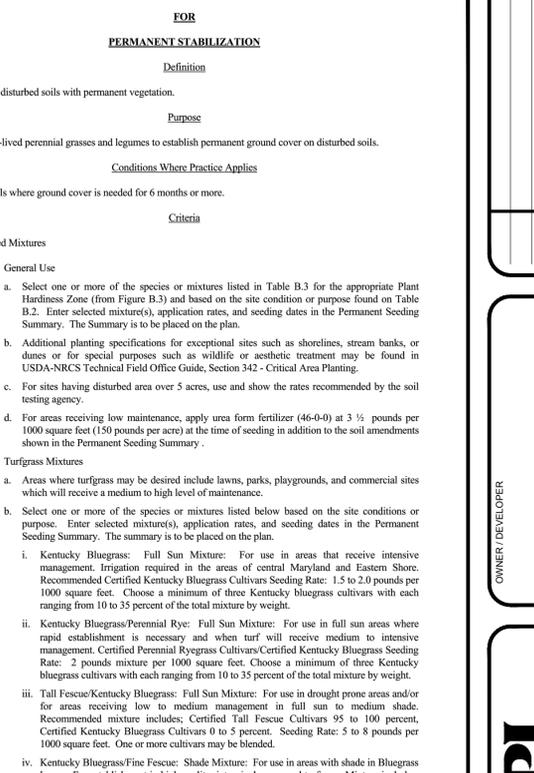
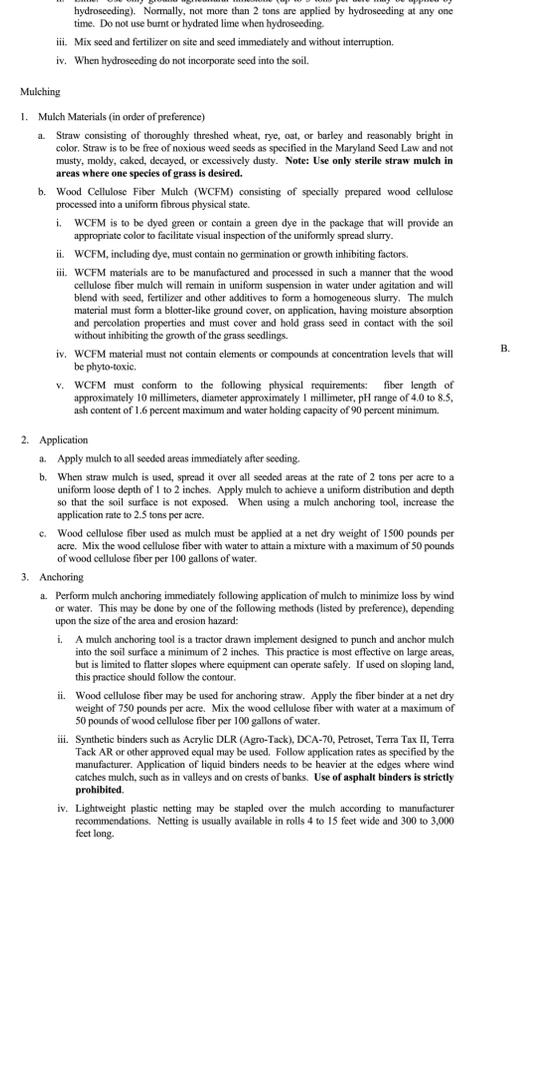
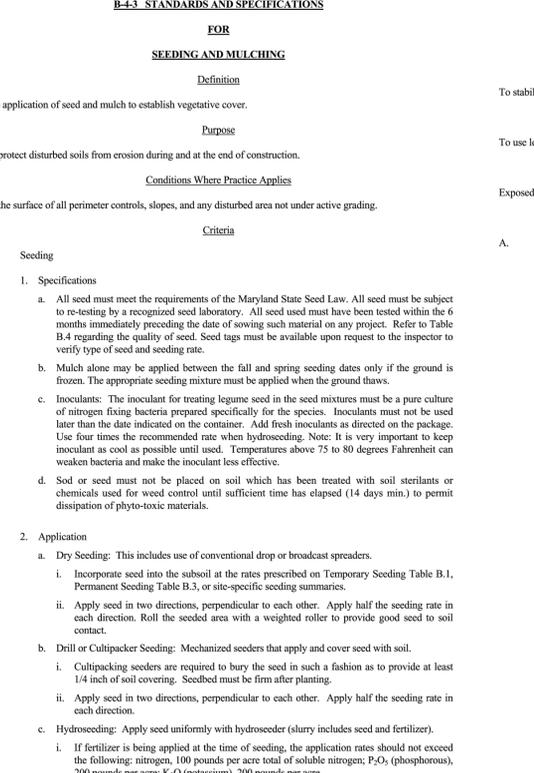
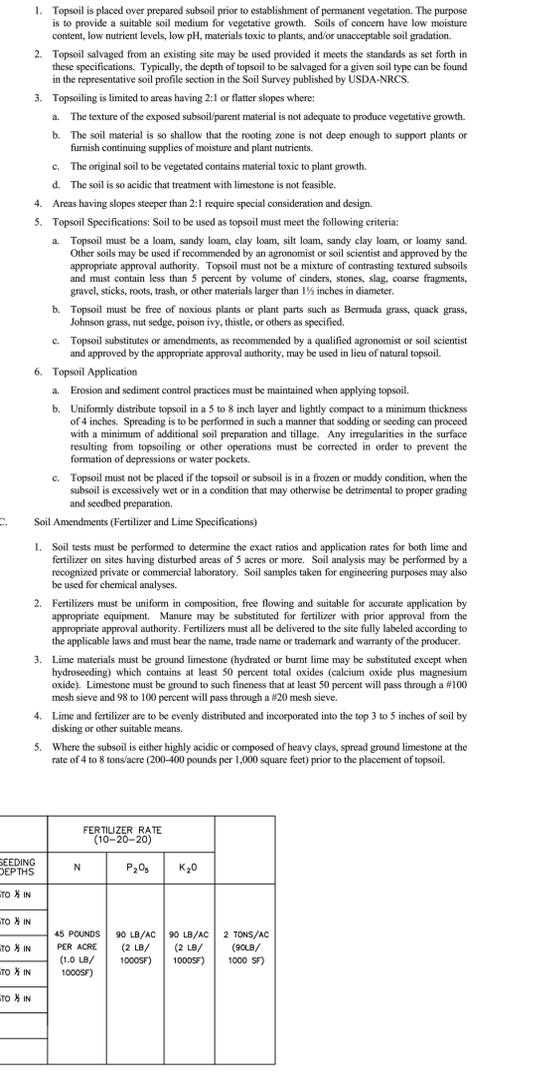
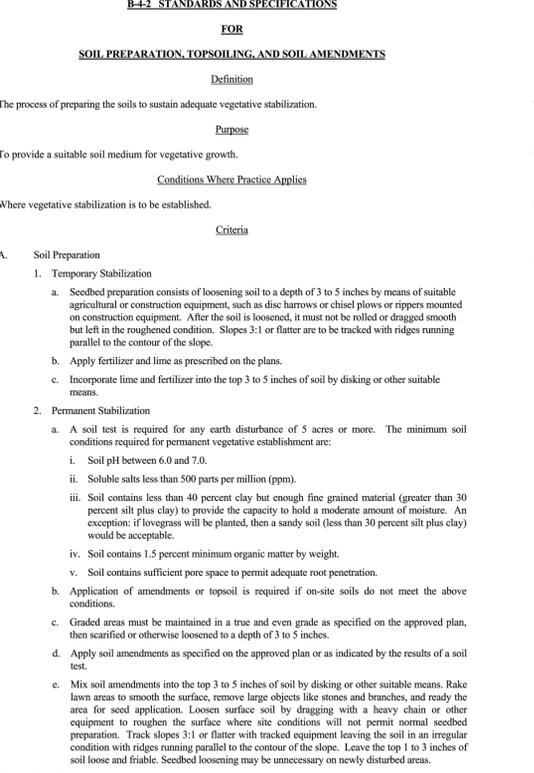
DRAWING
C1 SHEET
1 OF 3



TEMPORARY SEEDING SUMMARY					
HARDNESS ZONE (FROM FIGURE B.3): <u>7a</u>					
SEED MIXTURE (FROM TABLE B.1): <u>10</u>					
No.	SPECIES	Application Rate (lb/acre)	SEEDING DATES	SEEDING DEPTHS	FERTILIZER RATE (10-20-20)
	ANNUAL RYEGRASS (<i>Lolium perenne</i> sp. multiflorum)	40	FEB. 15 TO APRIL 30	0.5	436 LB/AC (10 LB/1000SF) 2 TONS/AC (20LB/1000 SF)
	BARLEY (<i>Hordeum vulgare</i>)	96	AUG. 15 TO NOV. 30	1.0	
	OATS (<i>Avena sativa</i>)	72		1.0	
	WHEAT (<i>Triticum aestivum</i>)	120		1.0	
	CEREAL RYE (<i>Setaria italica</i>)	112		1.0	
	FOXTAIL MILLET (<i>Setaria italica</i>)	30	MAY 1 TO AUG. 14	0.5	
	PEARL MILLET (<i>Pennisetum glaucum</i>)	20		0.5	



PERMANENT SEEDING SUMMARY					
HARDNESS ZONE (FROM FIGURE B.3): <u>7a</u>					
SEED MIXTURE (FROM TABLE B.1): <u>10</u>					
No.	SPECIES	Application Rate (lb/acre)	SEEDING DATES	SEEDING DEPTHS	FERTILIZER RATE (10-20-20)
	ORCHARDGRASS (<i>Dactylis glomerata</i>)	25		1/2 TO 1 IN	45 POUNDS PER ACRE (1.0 LB/1000SF) 90 LB/AC (2 LB/1000SF) 90 LB/AC (2 LB/1000SF) 2 TONS/AC (20LB/1000 SF)
	ORCHARDGRASS (<i>Dactylis glomerata</i>)	25		1/2 TO 1 IN	
	ORCHARDGRASS (<i>Dactylis glomerata</i>)	25		1/2 TO 1 IN	
	ORCHARDGRASS (<i>Dactylis glomerata</i>)	25		1/2 TO 1 IN	
	ORCHARDGRASS (<i>Dactylis glomerata</i>)	25		1/2 TO 1 IN	
	ORCHARDGRASS (<i>Dactylis glomerata</i>)	25		1/2 TO 1 IN	
	ORCHARDGRASS (<i>Dactylis glomerata</i>)	25		1/2 TO 1 IN	
	ORCHARDGRASS (<i>Dactylis glomerata</i>)	25		1/2 TO 1 IN	



REVISIONS

DATE

CITY OF COLLEGE PARK
927 FISKE AVENUE
COLLEGE PARK, MD. 20740

OWNER/DEVELOPER

ENGINEER

GPI

GREENMAN-PEDERSEN, INC.
ENGINEERING AND CONSTRUCTION SERVICES
11,000 BROKENLAND PARKWAY, SUITE 500
COLUMBIA, MD. 21044
443.753.5480

SITE DETAILS

DRAWING TITLE

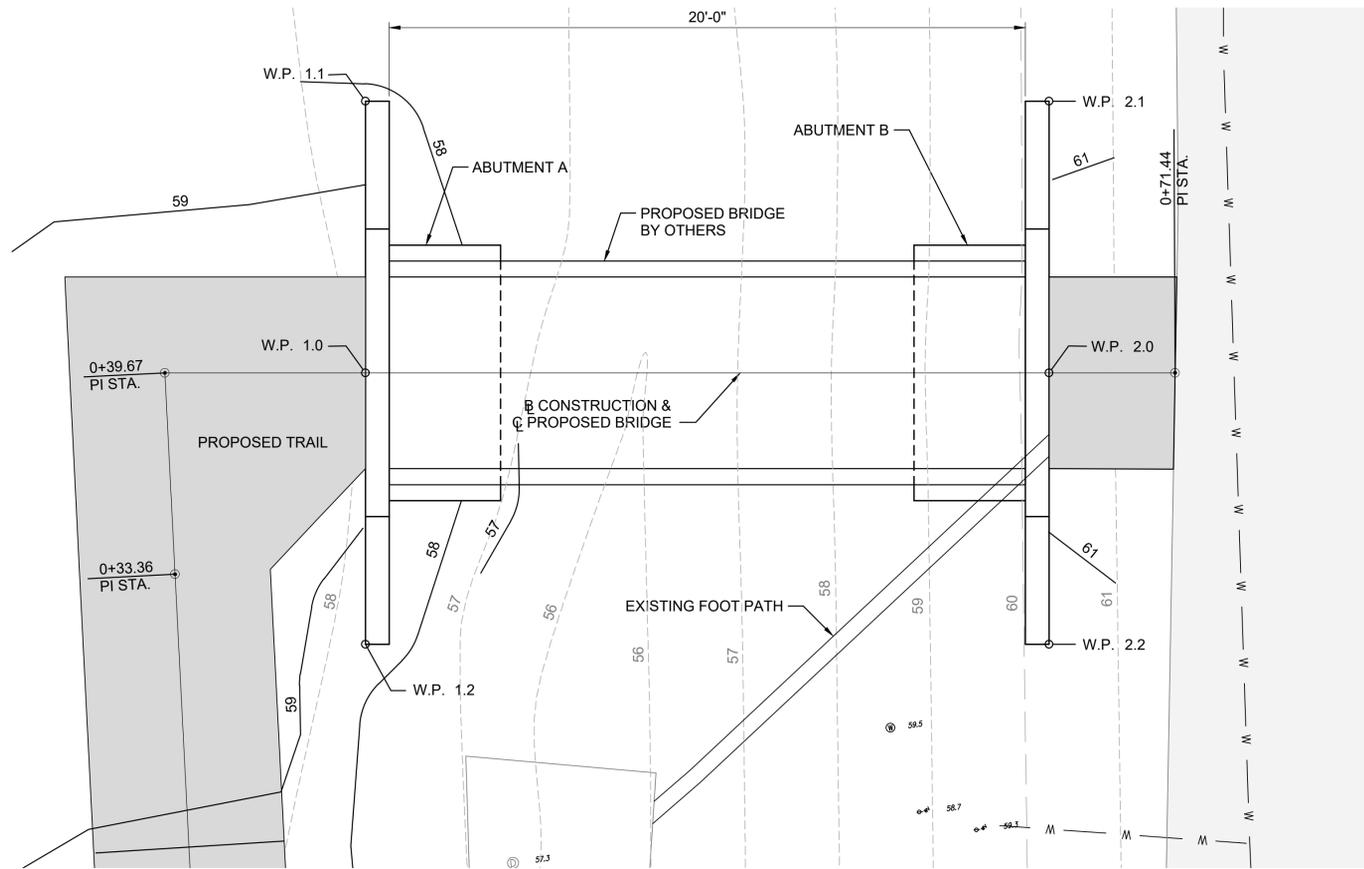
PROJECT

BEECHWOOD ROAD PEDESTRIAN BRIDGE
21ST ELECTION DISTRICT, PRINCE GEORGES COUNTY, MARYLAND

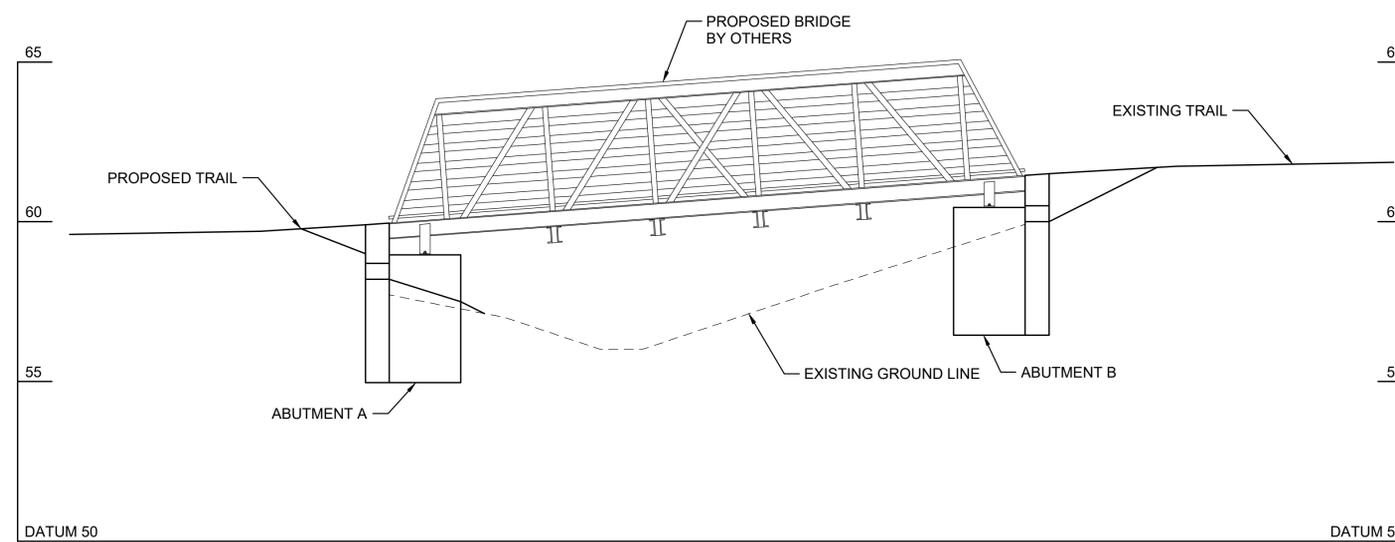
DRAFTING: RH CHECKED: BM
PLOT DATE: 9/6/19
PROJECT NUMBER: 20190100

DRAWING C2 SHEET 2 OF 3

PROFESSIONAL CERTIFICATION:
I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the state of Maryland License No. 19344, Expiration Date: 8/25/2021.



PLAN
SCALE: 3/8" = 1'-0"



ELEVATION
SCALE: 3/8" = 1'-0"

WORKING POINTS		
POINT	NORTH	EAST
W.P. 1.0	476,048.0702	1,331,139.2815
W.P. 1.1	476,056.4933	1,331,140.4221
W.P. 1.2	476,039.6470	1,331,138.1409
W.P. 2.0	476,045.1851	1,331,160.5870
W.P. 2.1	476,053.6083	1,331,161.7276
W.P. 2.2	476,036.7620	1,331,159.4464

GENERAL NOTES

SPECIFICATIONS: MDOT SHA STANDARD SPECIFICATIONS FOR CONSTRUCTION AND MATERIALS, DATED JULY 2019.

DESIGN: AASHTO LRFD BRIDGE DESIGN SPECIFICATIONS, DATED 2017.

LOADING: LRFD GUIDE SPECIFICATIONS FOR THE DESIGN OF PEDESTRIAN BRIDGES, 2nd EDITION, 2015 INTERIM REVISIONS.

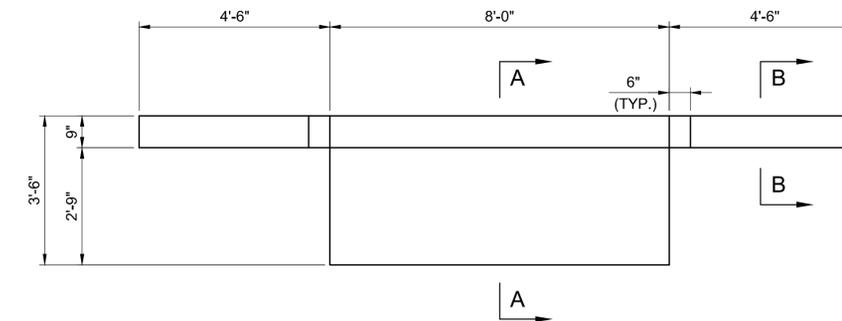
CONCRETE: CONCRETE COMPRESSIVE STRENGTH FOR DESIGN SHALL BE: $f_c = 3,000$ psi FOR ELEMENTS USING MIX NO. 3.

ALL CONCRETE SHALL BE MIX NO. 3 (3,500 psi).

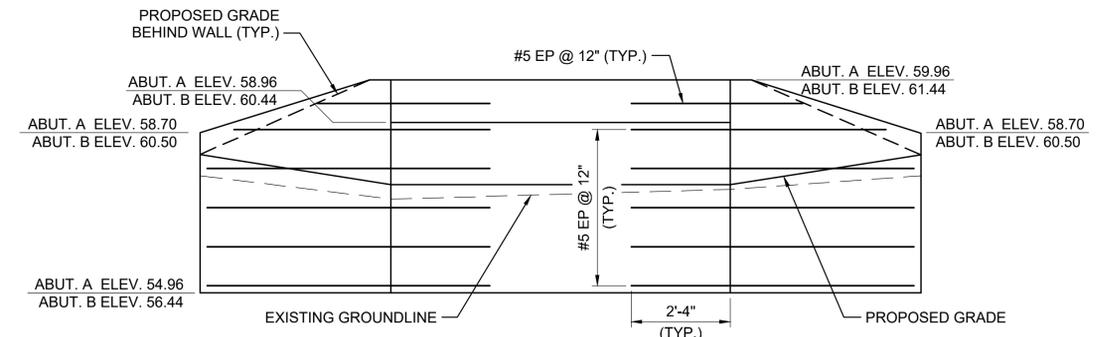
REINFORCING STEEL: REINFORCING STEEL SHALL CONFORM TO ASTM A 615 GRADE 60, WITH A YIELD STRENGTH FOR DESIGN OF $f_y = 60,000$ psi.

REINFORCING STEEL SHALL BE EPOXY COATED WHEN NOTED WITH AN EP IN THE PLANS.

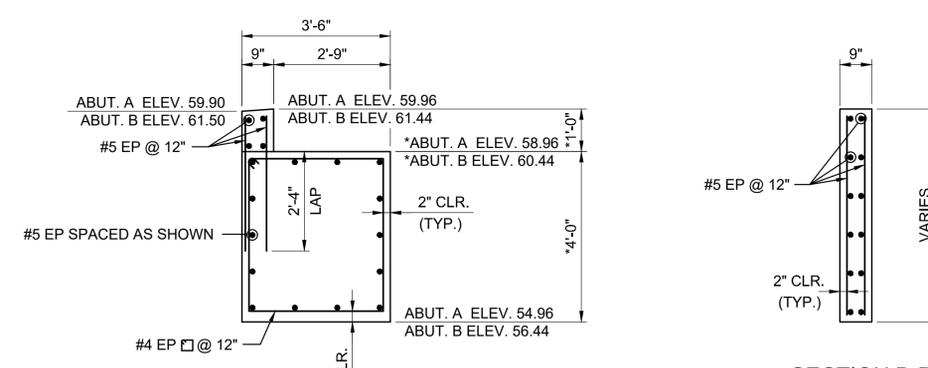
FOR TIES AND STIRRUPS, STANDARD ACI BENDING TOLERANCES ARE MODIFIED TO PLUS (+) ZERO INCHES, MINUS (-) NORMAL ACI BENDING TOLERANCES.



ABUTMENT PLAN
SCALE: 1/2" = 1'-0"



ELEVATION
SCALE: 1/2" = 1'-0"



SECTION A-A
SCALE: 1/2" = 1'-0"

SECTION B-B
SCALE: 1/2" = 1'-0"

*PENDING FINAL DETAILS FROM BRIDGE MANUFACTURER.

PROFESSIONAL CERTIFICATION
I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 49811, EXPIRATION DATE: 08/25/2020

NO.	DATE	REVISIONS

OWNER / DEVELOPER
CITY OF COLLEGE PARK
9275 FOX AVENUE
COLLEGE PARK MD, 20740

ENGINEER
GPI
GREENMAN-PEDERSEN, INC.
ENGINEERING AND CONSTRUCTION SERVICES
11,000 BROKENLAND PARKWAY, SUITE 500
COLUMBIA, MD 21044
443.753.5480

DRAWING TITLE
GENERAL PLAN AND ELEVATION
PROJECT
BEECHWOOD ROAD PEDESTRIAN BRIDGE
21ST ELECTION DISTRICT, PRINCE GEORGE'S COUNTY, MARYLAND



DRAFTING: BSB CHECKED: KWS
PLOT DATE: 9/6/19
PROJECT NUMBER: 2019010.00

NZI CONSTRUCTION CORP.

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

PROPOSAL

DATE	OUR JOB No.
6/30/2020	20-01
SHIP TO:	
Beechwood Road Pedestrian Bridge College Park, MD	

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

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

Qty	Description	Unit	Total
1 ls	Mobilization / Demobilization	\$5,000.00	\$5,000.00
72 lf	Silt Fence	\$5.00	\$360.00
1 ls	Excavation, Hauling, and Disposal of Material	\$2,800.00	\$2,800.00
1 ls	Select Fill and Grading	\$2,300.00	\$2,300.00
1 ls	4" GAB Subbase	\$1,350.00	\$1,350.00
1 ls	3" HMA Path	\$3,500.00	\$3,500.00
1 ls	Topsoil	\$2,000.00	\$2,000.00
1 ls	Seed & Curlex	\$1,600.00	\$1,600.00
1 ls	Concrete Abutments & Wingwalls	\$27,500.00	\$27,500.00
1 days	Crane for Unloading and Setting Up Bridge (up to 2 days)	\$2,800.00	\$2,800.00
2 days	NZI Installation of Bridge	\$3,900.00	\$7,800.00
1 ls	Pre-Fabricated Bridge per specs	\$30,448.00	\$30,448.00
TOTAL PROPOSED AMOUNT			\$82,458.00

Payment to be made as follows: 30 Days Net Invoice

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

Signature: Nelson Nazario
 Nelson Nazario
 NZI Construction Corp.

Acceptance of Proposal

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

Signature: _____

Signature: _____

Date of Acceptance: _____

20-G-136

**Approval of Driveway Apron
4609 Clemson Rd**



**CITY OF COLLEGE PARK, MARYLAND
WORKSESSION AGENDA ITEM**

AGENDA ITEM: 20-G-136

Prepared By: Steven E Halpern, City Engineer

Meeting Date: August 11, 2020

Presented By: Steven E Halpern, City Engineer

Proposed Consent Agenda: Yes

Originating Department: Engineering

Issue Before Council: Driveway Apron Variance to Construct a Double Wide Concrete Curb-Cut and Driveway Apron at 4609 Clemson Road, subject to the homeowner entering into a Declaration of Covenants with the City in substantially the form attached.

Strategic Plan Goal: Goal 4: Quality Infrastructure

Background/Justification:

Attached is an e-mail letter dated July 15, 2020 from PJ Brennan, owner of the property at 4609 Clemson Road, requesting permission to construct a double wide concrete curb-cut and driveway apron.

City policy requires staff to review requests for non-standard driveway aprons (those that differ from the City standard) and recommend approval or disapproval to the Mayor and Council. Mr. Brennan is requesting permission to replace an existing single wide driveway apron with a double wide curb-cut and driveway apron. The City standard is a singlewide concrete driveway apron and curb-cut. Standard attached. It is the intent of the policy established by the Mayor and Council on March 26, 1996 to have the property owners of non-standard driveway aprons assume financial responsibility for the replacement of that portion of the driveway apron in excess of the City Standard, and to convey this responsibility to all future owners of the property if the variance request is approved.

4609 Clemson Road is located in the Calvert Hills subdivision and is found between Wake Forest and Rhode Island Avenue. Clemson Road is through street that is 29 feet wide, 600 feet long, fronts 13 homes, and is located within parking permit zone 7. Parking is allowed on both sides of the street and there is a good number of student rentals in the immediate area.

The double wide driveway apron and driveway will be constructed to the eastside of the house.

It is staff's opinion that the construction of a double wide driveway apron and curb-cut will not impact current or future on-street parking or affect traffic operations in anyway.

Mr. Brennan is agreeable with the condition that a Declaration of Covenants be a condition for granting approval for constructing a double wide concrete driveway apron and recognizes that the property owner shall be solely responsible for all construction costs associated with this work.

Based on staffs review of Mr. Brennan's request for permission to construct a double wide concrete driveway apron and curb-cut, it is recommended that his request be granted.

Fiscal Impact:

None

Council Options:

1. Grant Mr. Brennan's request to construct a non-standard double wide curb-cut and driveway apron, and enter into a Declaration of Covenants.
2. Do not approve Mr. Brennan's request.
3. Direct staff to conduct additional research.
4. Table action to a later Council meeting.

Staff Recommendation:

Option #1

Recommended Motion:

Approval of a request for a non-standard double wide concrete curb-cut and driveway apron at 4609 Clemson Road, subject to the homeowner entering into a Declaration of Covenants with the City.

Attachments:

1. E-mail letter dated July 15, 2020 from Mr. Brennan
2. Location Map
3. City Standard: Singlewide Driveway Apron and Curb Cut
4. Property map
5. Declaration of Covenants

4609 Clemson - Double-wide Driveway

🕒 You replied on Thu 7/16/2020 7:26 AM

PB

PJ Brennan <pbrennan81@gmail.com>

Wed 7/15/2020 10:12 AM

To: Steve Halpern

Cc: Nick Brennan <njbrennan@gmail.com>; Scott Somers



Hi Steve,

Nick and I would like to eliminate the driveway running into the garage at 4609 Clemson Road and create a double wide driveway that is one car-length deep. This will eliminate a lot of the existing impervious surface and require a change to the curb cut. The additional space will be to the east of the existing driveway, therefore there will not be any new driveway in front of the structure.

Recently, parking was restricted on Wake Forest Drive, which has pushed the parking demand down the east-west streets - making on-street parking more challenging. The off-street parking will allow Nick and I to park closer to our home, which creates greater safety for us when we unload our kids from the car.

Please let us know if you support this request and steps forward.

--

pj brennan

202|288|5569

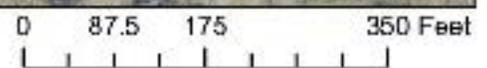
4609 Clemson Rd

Location Map

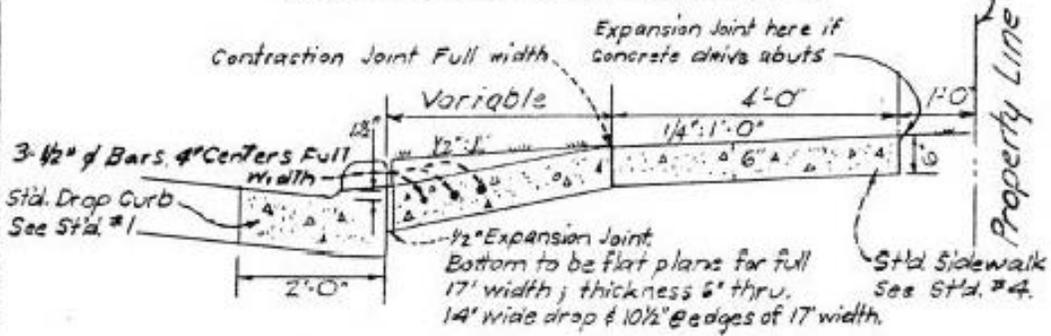
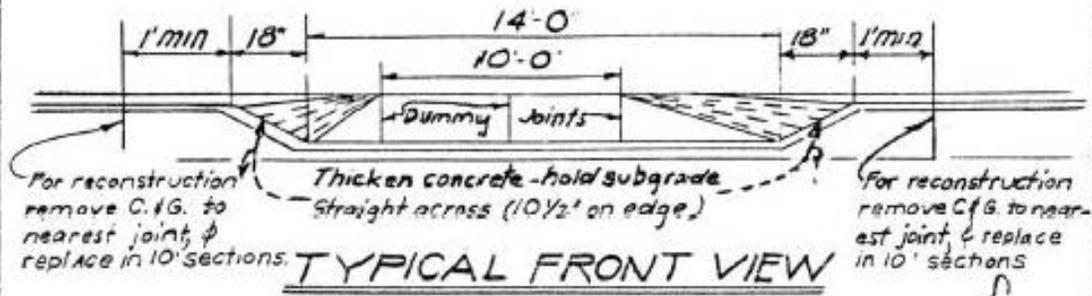
Created by: College Park Engineering
Source: College Park GIS, M-NCHPL
Created: 3/31/2020



4609
Clemson Rd



STANDARD DRIVEWAY ENTRANCE STANDARD NO 2



TYPICAL CROSS SECTION

SPECIFICATION SUMMARY:

1. Subgrade thoroughly compacted with vibratory or pneumatic compactor - unsatisfactory material replaced with S.R.C. Spec. G.P. - 1.
2. Concrete shall not be placed on frozen subgrade.
3. Forms - steel or wood - subject to approval of Municipal Engineer.
4. Hair broom finish & clear cure
5. Concrete - air entrained, 6 1/2 bag portland cement concrete, Max. Slump - 4 inches.
6. Special attention is called to thickened edges.

7. All expansion joint material shall be pre-moulded, non-extrudable, asphalt impregnated.

City of College Park

APPROVED

DATE: Jan 24 1972

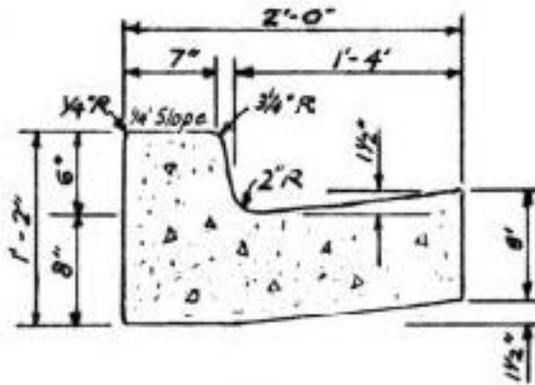
MAYOR

ENGINEER

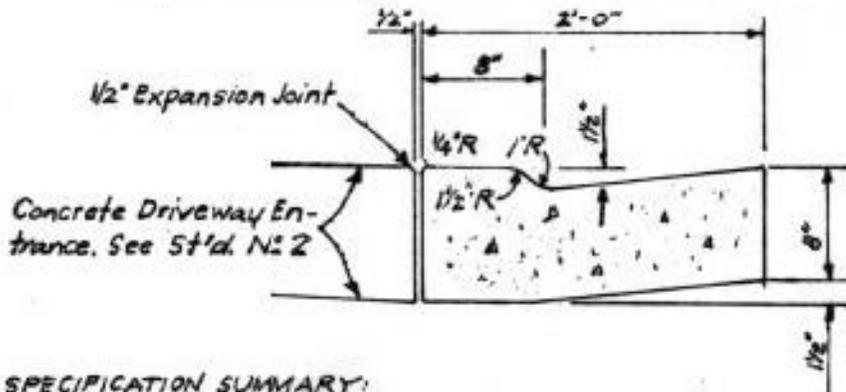
<p>GREENHORNE & O'MARA CIVIL ENGINEERS — LAND SURVEYORS 6715 Kenilworth Ave Silverdale, Md. Arling '72</p>	Drawn by <u>JM</u>	Scale <u>as shown</u>	Date <u>Jan, 1972</u>
	Checked by	Job No.	File No.
	Approved by		<u>M-1159-L</u>

COMBINATION CONCRETE CURB & GUTTER STANDARD NO. 1

Scale 1" = 1'-0"



Standard Sections to be 10' Length. Sections to be Min of 4' Length.
Premoulded expansion joint at intervals not to exceed - 40 feet



SPECIFICATION SUMMARY:

1. Subgrade thoroughly compacted with vibratory or pneumatic compactor - unsatisfactory material replaced with S.R.C. Spec. G.P. - 1.
2. Concrete shall not be placed on frozen subgrade.
3. Forms - steel or wood subject to approval of Municipal Engineer.
4. Camel's hair brush finish & clear cure.
5. Concrete - Air Entrained, 6 1/2 bag portland cement concrete, Max. Slump = 4 inches.
6. Backfill - mechanically compacted in accordance with S.R.C. Spec. 31.07 - Tamped fill.

DROP CURB

City of College Park

APPROVED:

DATE: May 24, 1977

St. Clair Thomas
MAYOR

H. N. L. Jones
ENGINEER

GREENHORNE & O'MARA
CIVIL ENGINEERS - LAND SURVEY
8919 Kenilworth Ave. Riverdale, Md.
AP1101 7-2122

Drawn by

Scale 1" = 1'-0"

Date Jan. 1977

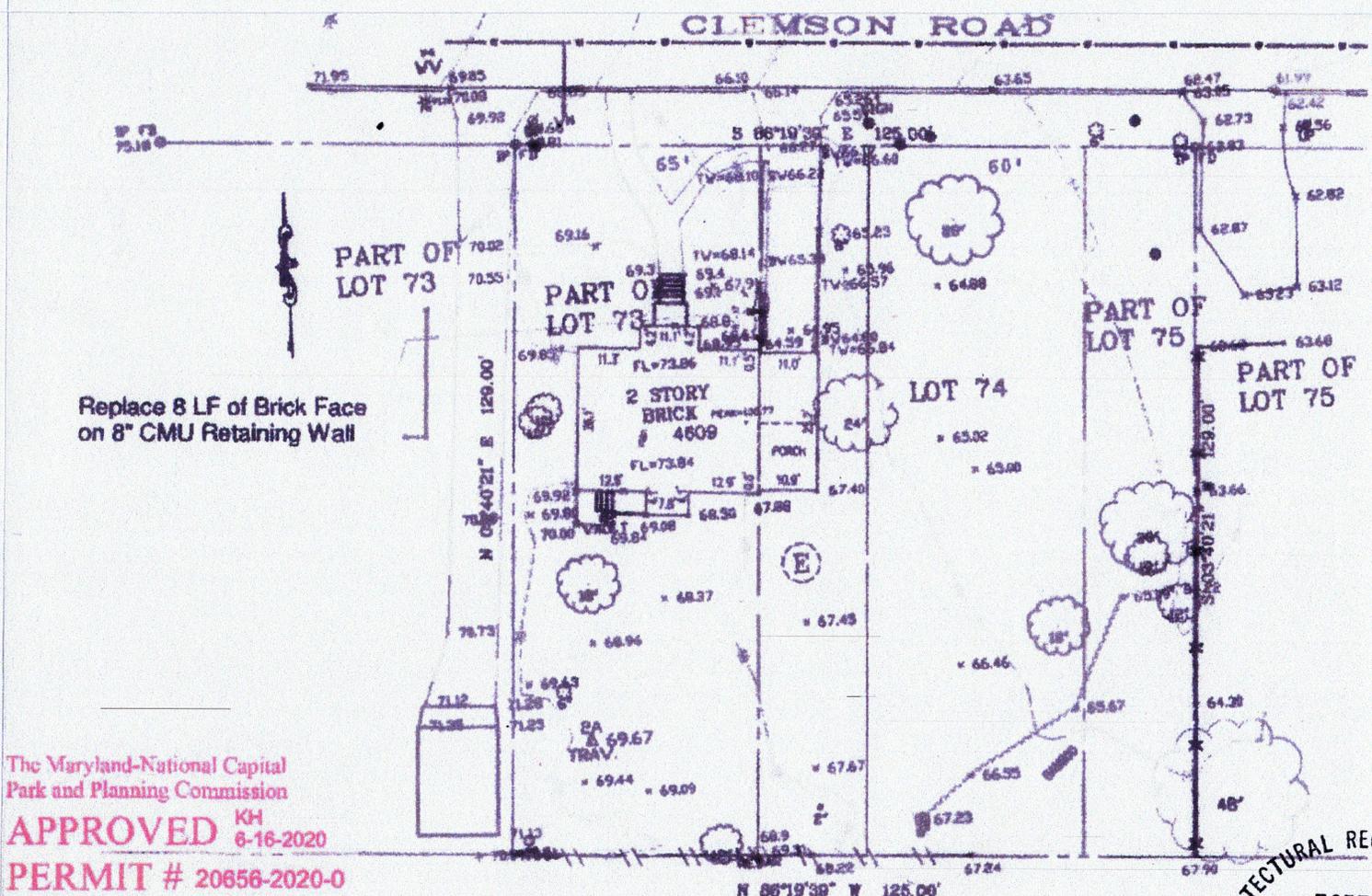
Checked by

Job No.

File No.

Approved by

M-1150-L



Replace 8 LF of Brick Face on 8" CMU Retaining Wall

The Maryland-National Capital Park and Planning Commission
APPROVED KH
 6-16-2020
PERMIT # 20656-2020-0

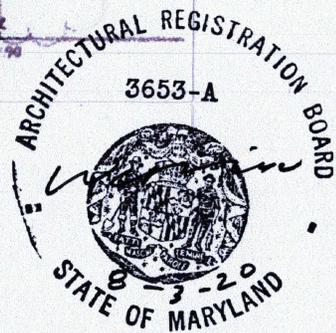
OK to repair/replace existing retaining wall in-kind

PROPERTY INFO:
 4609 Clemson Road
 College Park, MD 20740

Dist 21 Acct No. 2425676
 Map 0042 Grid 00D1 Parcel 0000
 Sub 3200 Sect A Block E Plat A-0770
 Neighborhood 21053200.17

NOTE:

IN LIEU OF "REPLACING 8 L.F. OF BRICK FACING ON THE 8" CMU RETAINING WALL" AT THE WEST SIDE OF THE DRIVEWAY AS DESCRIBED AND SHOWN ABOVE - DUE TO THE CURRENT DETERIORATED CONDITION OF THE BRICK AND CMU RETAINING WALLS AT BOTH SIDES OF THE DRIVEWAY, REMOVE BOTH WALLS IN THEIR ENTIRETY (APPROX. 34 L.F. EACH), REMOVE THE ENTIRE EXISTING 9'-8" WIDE ASPHALT DRIVEWAY (APPROX. 48 L.F.), REMOVE THE EXISTING 8' WIDE GARAGE DOOR AND PROVIDE THE FOLLOWING: NEW 20' WIDE x 25' LONG CONC. DRIVEWAY, NEW 12" MASONRY WALL INFILL AT THE EXIST. GARAGE DOOR OPENING (INC. 2 NEW WINDOWS), NEW FILL AND GRADING (FOR POSITIVE DRAINAGE) ACROSS THE PREVIOUS LOC. OF THE RETAINING WALLS AND EXIST. DRIVEWAY (NEW FILL NEXT TO 12" MAS. WALL INFILL AT GARAGE DOOR OPENING: 4' MAX. HT. AT WEST SIDE GRADED TO 2' MAX. HT. AT EAST SIDE) AND NEW CONC. AND CMU AREAWAY (3'-8" x 7'-6", INC. 3 STEPS; PLUS 3'-0" x 3'-8" CONC. TOP LANDING) FOR EXTER. ACCESS TO PREV. GARAGE SPACE



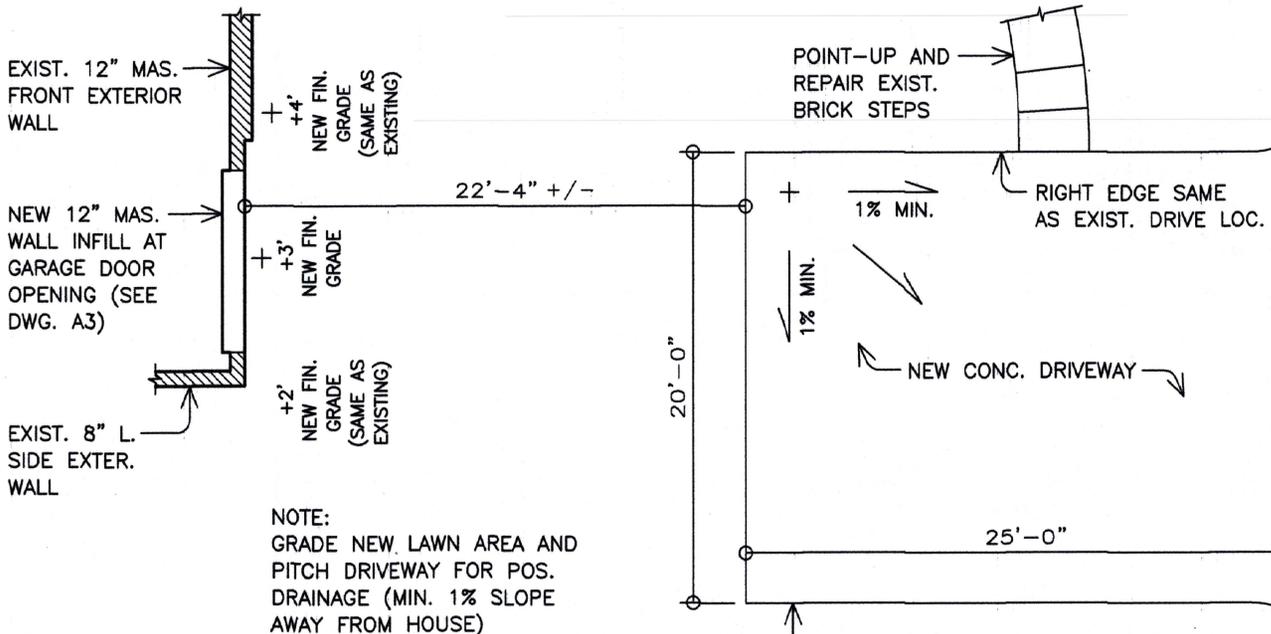
ORIG. PERMIT DWG. W/NOTE
 ABOUT SCOPE OF WORK MODIFIC.

job no. 2003
 drwn. WR
 date 8-3-20
 scale (not std.)

Warren Righter
 architectural services
 7900 hammond parkway
 laurel, md 20723 240-271-1765

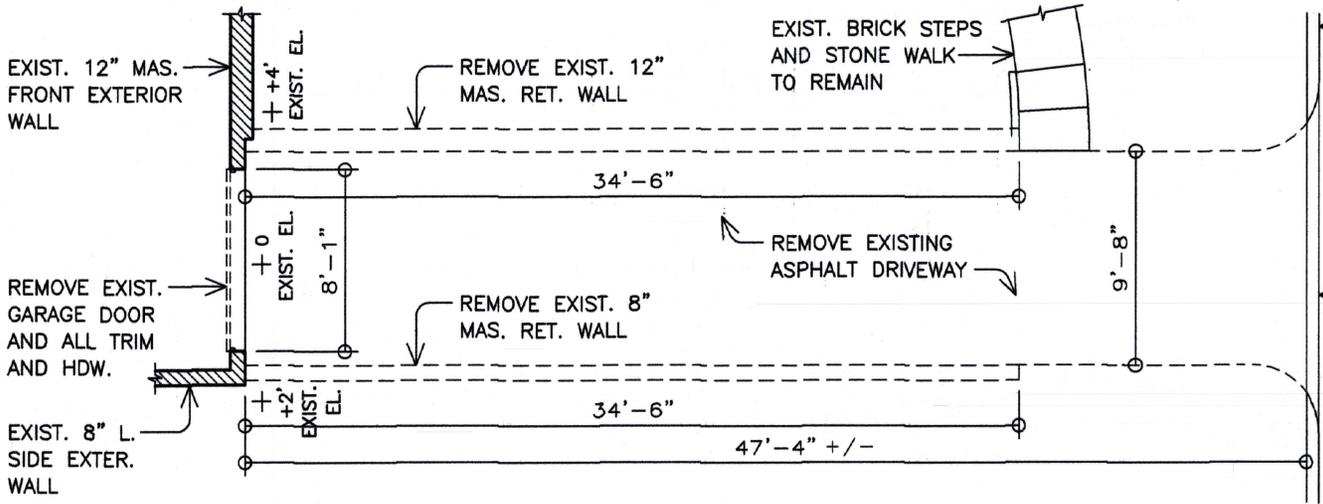
A1

4609 CLEMSON ROAD
 COLLEGE PARK
 MARYLAND 20740



CONC. 6" MIN. THICKNESS;
4,000 (MIN.) PSI; 4-6% AIR ENTR.
6 x 6 - 8/8 WWM STL. REINF. (MIN.)
AT MID DEPTH OF SLAB; ON 6" (MIN.)
CRUSHED STONE BASE; PROVIDE CONTROL
JOINTS AT MID-PT. OF WIDTH AND 1/3
POINTS OF LENGTH; BROOM FINISH; USE
OF CURING COMPOUND PERMITTED

2
A2
NEW PLAN
1/8"=1'-0"



1
A2
EXIST./DEMO PLAN
1/8"=1'-0"

ARCHITECTURAL REGISTRATION BOARD
3653-A
STATE OF MARYLAND
8-3-20

RET. WALL AND DRIVE PLANS		COLLEGE PARK MARYLAND 20740
job no. 2003	drwn. WR	4609 CLEMSON ROAD
date 8-3-20	scale 1/8"=1'-0"	MARYLAND 20740
Warren Righter architectural services 7900 hammond parkway laurel, md 20723 240-271-1765	A2	

DECLARATION OF COVENANTS

THIS DECLARATION OF COVENANTS, is made this ____ day of _____, 2020 by Patrick J. Brennan and Nicholas J. Brennan, jointly and severally, (hereinafter referred to as the "Declarant"), in favor of the CITY OF COLLEGE PARK (the "City") a municipal corporation of the State of Maryland.

WHEREAS, the Declarant is the owner of certain real property situated within the City of College Park, referenced as Tax Account Number 21-2425676, map 42, grid D1, with the address of 4609 Clemson Road, College Park, Maryland, being the same property referenced in a Deed recorded at Liber 36100, folio 584 among the Land Records of Prince George's County, Maryland (the "Property"); and

WHEREAS, the Declarant intends to construct a double width driveway pad and wishes to construct a double width driveway apron, on the Property; and

WHEREAS, the City standard provides for one driveway/apron with a seventeen-foot (17') width at the street and a ten foot (10') width at the property line; and

WHEREAS, the construction of a double width driveway apron by the Declarant requires approval by the Mayor and Council; and

WHEREAS, the Mayor and City Council of the City of College Park have reviewed the Declarant's application for a building permit to allow a double width driveway apron and have approved same, conditioned upon the Declarant providing perpetual maintenance of the double width driveway apron, to be evidenced by the execution of this Declaration of Covenants.

NOW, THEREFORE, in consideration of the premises, the sum of \$1.00 and other good and valuable consideration, the receipt of which is acknowledged, Declarant hereby declares that the Property is and 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 Property or any part thereof, and shall inure to the benefit of and be enforceable by the City, its successors and assigns.

1. Declarant shall be solely responsible for the construction of the double width driveway apron located on the Property, which shall comply with all City and County requirements. All costs and expenses associated with the construction of the driveway and driveway apron shall be borne by the Declarant.

2. Declarant and his successors and assigns shall be solely responsible to the City for all costs and expenses associated with the maintenance of the double width driveway apron.

3. The Property shall be held, conveyed, encumbered, sold, leased, rented, used and/or occupied subject to the terms and provisions of this Declaration.

4. Declarant hereby agrees to indemnify and hold the City harmless from and against any and all claims, causes of action, liability, damages and/or expenses associated with the installation and maintenance of the second driveway and driveway apron on the Property, except as otherwise stated herein.

5. Each person accepting a deed, lease or other instrument conveying any interest in the Property shall be bound by the terms of this Declaration, which shall run with the land, whether or not the same is incorporated or referred to in such deed, lease or instrument and this Declaration 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.

IN WITNESS WHEREOF, Patrick J. Brennan and Nicholas J. Brennan, jointly and severally, and the City have caused these presents to be executed, sealed and delivered.

WITNESS/ATTEST:

DECLARANT:

Patrick J. Brennan

STATE OF MARYLAND)

) ss:

COUNTY)

I HEREBY CERTIFY, that on this __ day of _____ 2020, before me, a Notary Public in and for the State aforesaid, personally appeared Patrick J. Brennan, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same for the purposes therein contained.

WITNESS my hand and Notarial Seal.

_____(SEAL)
Notary Public
My Commission Expires:_____

WITNESS/ATTEST:

DECLARANT:

Nicholas J. Brennan

STATE OF MARYLAND)

) ss:

COUNTY)

I HEREBY CERTIFY, that on this __ day of _____ 2020, before me, a Notary Public in and for the State aforesaid, personally appeared Nicholas J. Brennan, known to me (or

satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same for the purposes therein contained.

WITNESS my hand and Notarial Seal.

_____(SEAL)
Notary Public
My Commission Expires:_____

WITNESS/ATTEST:

CITY OF COLLEGE PARK

Janeen S. Miller, CMC, City Clerk

By:_____
Scott Somers, City Manager

STATE OF MARYLAND)
) ss:
COUNTY OF)

I HEREBY CERTIFY that on this ____ day of _____, 2020, before me, the subscriber, a Notary Public in the State and County aforesaid, personally appeared Scott Somers, who acknowledged himself to be the City Manager of the City of College Park, and that he, as such City Manager, being authorized so to do, executed the foregoing Declaration of Covenants for the purposes therein contained by signing, in my presence, the name of said City of College Park, by himself, as City Manager.

WITNESS my hand and notarial seal.

_____(SEAL)
Notary Public
My Commission Expires:_____

THIS IS TO CERTIFY that the within instrument has been prepared under the supervision of the undersigned Maryland attorney-at-law duly admitted to practice before the Court of Appeals of Maryland.

Suellen M. Ferguson

After recording, please return to:

Suellen M. Ferguson, Esq.
Council, Baradel, Kosmerl & Nolan, P.A.
125 West Street, 4th Floor
Annapolis, MD 21404

20-R-19

Approval of Resolution to Extend Terms for Advisory Board Members



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

AGENDA ITEM 20-R-19

Prepared By: Yvette Allen,
Assistant City Clerk

Meeting Date: August 11, 2020

Presented By: Scott Somers,
City Manager

Consent Agenda: Yes

Originating Department: Mayor and Council

Action Requested: Approve a Resolution to extend the terms for advisory board members from August 15, 2020 to September 30, 2020.

Strategic Plan Goal: Goal 5: Effective Leadership

Background / Justification:

The City Council adopted Resolution 19-R-22 in November 2019 to adopt the recommendations of the Committee on Committees. That resolution set the expiration dates of all advisory board terms to June 30, 2020, in order to set consistent terms. The City began an advertising campaign seeking applications for vacant positions. The City Council anticipated making new appointments at the June 9 meeting to become effective on July 1, 2020.

In June, the City Council determined they needed more time to solicit applications, and adopted Resolution 20-R-15 on June 9, 2020 to extend the terms of advisory board members to August 15, in anticipation of making appointments on August 11. The City Council has now determined that more time is required to review the applications that have been received. It is proposed to extend the current advisory board terms to September 30, and to make the new appointments at the meeting on September 22, with an effective date of October 1.

Fiscal Impact:

None.

Council Options:

1. Adopt Resolution 20-R-19 to extend the current terms of advisory board members to September 30.
2. Consider a different timeline.
3. Take no action and allow terms to expire August 15.

Staff Recommendation:

#1

Recommended Motion:

I move to adopt Resolution 20-R-19 to extend the current terms of advisory board members to September 30, 2020.

Attachments:

20-R-19

RESOLUTION OF THE MAYOR AND COUNCIL
OF THE CITY OF COLLEGE PARK
TO EXTEND THE TERM
FOR ADVISORY BOARD MEMBERS TO SEPTEMBER 30, 2020

WHEREAS, the City of College Park is ably assisted by many volunteers who dedicate their time and energy by serving on City advisory boards; and

WHEREAS, the Mayor and Council appointed the Committee on Committees to review the purposes, functions, and rules for City advisory boards; and

WHEREAS, the Committee on Committees issued recommendations in 2019 which were adopted by Resolution 19-R-22 in November 2019; and

WHEREAS, Resolution 19-R-22 set the expiration date for the terms of all advisory board members as June 30, 2020, in order to establish consistent terms; and

WHEREAS, the Mayor and Council received applications to fill vacancies on City advisory boards and had intended the new appointments to become effective on July 1, 2020; and

WHEREAS, in order to receive additional applications, the Mayor and Council adopted Resolution 20-R-15 on June 9, 2020 to extend advisory board terms to August 15, anticipating that new appointments would be made on August 11; and

WHEREAS, the Mayor and Council have now determined that it is in the public interest to extend the terms of advisory board members to September 30, with the goal of making new appointments in September with an effective date of October 1.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the City of College Park that the expiration date for the current terms of advisory board members be extended from August 15, 2020 to September 30, 2020.

ADOPTED by the Mayor and City Council of the City of College Park, Maryland at a regular meeting on the 11th day of August, 2020.

EFFECTIVE the 11th day of August, 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-R-20

Adoption of Resolution Declaring Juneteenth a City Holiday



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

AGENDA ITEM 20-R-20

Prepared By: Teresa Way-Pezzuti
HR Generalist

Meeting Date: 08/11/2020

Presented By: Scott Somers
City Manager

Consent Agenda: Yes

Originating Department: Administration

Action Requested: Consider approving a Resolution to establish June 19 aka Juneteenth of each year as a City holiday observing the historical significance of June 19, 1865.

Strategic Plan Goal: Goal 1: One College Park
Goal 5: Effective Leadership
Goal 6: Excellent Services

Background/Justification: Americans of all colors, creeds, cultures, religions, and countries of origin share a common love of and respect for freedom, as well as a determination to protect their right to freedom through democratic institutions, by which the tenets of freedom are guaranteed and protected. The nineteenth of June, or "Juneteenth Independence Day," coupled with Independence Day on the fourth of July completes the "cycle of freedom" for America's Independence Day observances.

Fiscal Impact: The cost of an additional holiday for employees is the cost of a day's pay with no productivity. The City will negotiate trading two holidays, that occur every four years, for one additional annual holiday.

Council Options:

1. Approve a Resolution to establish June 19 of each year as a City holiday observing the historical significance of June 19, 1865 as Juneteenth Independence Day, or Juneteenth.
2. Amend and then approve a Resolution to establish June 19 of each year as a City holiday observing the historical significance of June 19, 1865 as Juneteenth Independence Day, or Juneteenth.
3. Do not establish June 19 as a City holiday.

Staff Recommendation:

#1

Recommended Motion:

I move to approve a Resolution to establish June 19 of each year as a City holiday observing the historical significance of June 19, 1865 as Juneteenth Independence Day, or Juneteenth.

Attachments:

Resolution 20-R-20

**RESOLUTION OF THE MAYOR AND COUNCIL
OF THE CITY OF COLLEGE PARK
TO DESIGNATE JUNETEENTH INDEPENDENCE DAY, OR JUNETEENTH, TO
BE CELEBRATED ANNUALLY ON JUNE 19**

WHEREAS, on January 1, 1863, President Abraham Lincoln issued the Emancipation Proclamation, setting in motion the end of slavery in the United States; and

WHEREAS, more than two and a half years after the Emancipation Proclamation was signed by President Abraham Lincoln on September 22, 1862, Major General Gordon Granger issued General Order Number 3, on June 19, 1865, declaring that, in accordance with the Emancipation Proclamation, all enslaved people were free with “absolute equality of rights and rights of property between former masters and those enslaved”; and

WHEREAS, beginning in 1866, African-Americans who had been slaves in Texas celebrated June 19, commonly known as "Juneteenth" or "Juneteenth Independence Day", as inspiration and encouragement for future generations; and

WHEREAS, celebration of the end of slavery, which became known as Juneteenth, is the oldest known public celebration of the end of slavery in the United States; and

WHEREAS, after more than 150 years of its annual celebration, Juneteenth has been officially recognized by the President and the Congress of the United States as Juneteenth Independence Day; and

WHEREAS, the Mayor and Council have determined it is in the public interest to recognize the historical significance of Juneteenth and the observance of the end of slavery

as part of the history and heritage of the United States by celebrate Juneteenth Independence Day, or Juneteenth, annually on June 19.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the City of College Park that June 19 in each year be and is hereby recognized as Juneteenth Independence Day, or Juneteenth; and

BE IT FURTHER RESOLVED, by the Mayor and Council of the City of College Park, that paid leave for employees, subject to the substitution of Juneteenth Independence Day for the election day and inauguration day holidays currently in place for employees, be and it is hereby authorized.

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

EFFECTIVE the ___ day of ___, 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-139

Agreement with Hyattsville
Community Newspaper
For Advertisement

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



AGENDA ITEM NUMBER 20-G-139

Prepared By: Bill Gardiner
Assistant City Manager
Ryna Quinones
Communications & Events Manager

Meeting Date: August 11, 2020

Presented By: Ryna Quinones
Communications & Events Manager

Proposed Consent Agenda: Yes

Originating Department: Administration / Communications

Action Requested: Authorize the City Manager to negotiate and enter into a 12-month agreement with the Hyattsville Community Newspaper, Inc. (soon to be called "Streetcar Suburbs Publishing, Inc.") in an amount not to exceed \$60,000 for advertising in the College Park Here & Now newspaper.

Strategic Plan Goal: One College Park

Background/Justification:

The College Park Here & Now Newspaper debuted in May 2020. The independent, community focused periodical is mailed to City residents and businesses once a month. Articles are provided by newspaper staff, as well as volunteer contributors who live in College Park and the region. The City has no control at all over the paper's news content. The responses and comments about the paper from residents that staff has received have been generally very positive, and staff appreciates another communication tool that provides information to all residents about the City.

The City contracted with the newspaper for an initial five-month term for four pages of advertising space in each edition to place City announcements, Council actions, and information about upcoming City activities. As a community newspaper the total advertising space cannot exceed 50 percent of the newspaper (the paper is 16 pages). The City's initial contract for this advertising space was at the rates below.

\$6,500 for the first month; \$6,000 for the second month; \$5,500 for the third month;
\$5,000 for the fourth month; and \$4,500 for the fifth month.

The newspaper anticipated that the monthly rate for this new contract would be much less than the average rate of \$5,500 for the first five months. Small, local businesses are important advertisers for the College Park Here & Now—it contributes to the mission of building community and the paper's rates are more affordable compared to other media. However, due to COVID-19's impact on the business community, advertising revenue has significantly diminished. Many small businesses have closed, and most others are reducing expenditures.

Because of the reduced advertising revenue at this time, and the relatively fixed expenditures for producing, printing and mailing the newspaper, the College Park Here and Now is requesting the City pay \$5,000 per issue for its ad space to ensure the paper's continuation. The paper agrees that this rate will be reviewed after six months to determine if total advertising revenue has increased to a level that would enable the City's rate to be reduced.

The term of the current contract could be extended, or a new contract could be signed for a 12-month term and in an amount not to exceed \$60,000. The current contract allows either party to terminate the agreement with a 90-day notice.

Fiscal Impact:

Advertising in the newspaper was budgeted for \$45,000 in the FY21 budget which would cover the cost through the end of the FY21 (June 30, 2021).

Council Options:

1. Direct staff to negotiate and sign a 12-month agreement for newspaper advertising as described above in an amount not to exceed \$60,000.
2. Request additional information regarding the newspaper advertising.
3. Decline to pay for advertising in the paper which would lead to the demise of the newspaper.

Staff Recommendation:

1

Recommended Motion: *I move to authorize the City Manager to negotiate and sign an extension of the current contract or a new agreement, subject to City Attorney review, in an amount not to exceed \$5,000 per month with the Hyattsville Community Newspaper, Inc. for four pages of City advertising in each newspaper edition. The advertising rate will be reviewed after six months.*

Attachments: None

20-G-141

Approval of Modifications to COVID-19 Grants Program



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

AGENDA ITEM NUMBER 20-G-141

Prepared By: Gary Fields
Finance Director

Meeting Date: August 11, 2020

Presented By: Gary Fields
Finance Director

Consent Agenda: Yes

Originating Department: Finance

Action Requested: Approval of modifications to the COVID-19 Small Business Assistance Grants Program and Approval of the College Park Business Voucher Program.

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

Background / Justification:

On May 26, 2020, the City Council approved five COVID-19 economic assistance programs as recommended by the Economic Assistance Subcommittee and City staff. Those programs were: Small Business Assistance Grants; Business Promotional Assistance; Emergency Financial Aid to Families, Senior Citizens, and Other Individuals; Additional Funding for Non-Profits Such as Meals on Wheels and the College Park Food Bank; and Modified Business Assistance and Façade Improvement Program

The Small Business Assistance Grants has been in place since mid-June and has not generated as many applicants as anticipated. In order to provide more financial assistance to City businesses, staff is recommending that two of the requirements/criteria to apply and be eligible for the grant be modified as follows:

- 1) The restriction that a business could not be part of a national franchise/chain be removed.
- 2) The restriction that a business have 25 or less full-time equivalent employees be increased to 50 or less.

The City Council also approved, in principle, a Business Promotional Assistance Program, with total funding of \$200,000. The purpose of the program was to assist small businesses with economic support or costs of business interruption caused by required closures, voluntary closures to promote social distancing, or affected by decreased customer demand due to COVID-19 by attracting/incentivizing customers to patronize local businesses. However, Council delayed final approval until additional details of a program were developed. Following numerous staff discussions and research, the following Business Voucher Program is recommended:

The City proposes to offer business vouchers through a marketing and promotions company, Yiftee, Inc. (see attached proposal and agreement).

We ask that City Council authorize the City Manager to enter into an agreement with Yiftee, subject to approval of the City Attorney in an amount up to \$200,000. The initial deposit will be \$10,000 which will be replenished in \$10,000 increments up to the \$200,000 previously approved by Council, based on demand.

Once an agreement has been reached between the City and Yiftee, the City will provide a lump sum to be held in escrow to fund the value and costs of the vouchers. As this will be funded through the CARES Act, the program requires a sunset date of December 31st, 2020. Any money remaining in escrow on this date will be returned to the City, minus a 10% restocking fee.

The program would provide \$25 vouchers to residents and others that request them. They can only be used at approved local businesses. Each \$25 voucher costs the city \$1.25 (\$0.50 + 3% of voucher value). There are no monthly fees. With a \$200,000 budget, we can provide up to 7,619 vouchers. The initial \$10,000 deposit would provide 380 vouchers.

The City can determine merchant eligibility and staff recommends that the same criteria for the Small Business Assistance grants, as modified, be used. The City provides a list of merchants to Yiftee, who will work with merchants to get them set up in the program. This program cannot differentiate between categories of purchases, only merchants. (i.e. we cannot exclude the alcohol portion of the bill if the voucher is used at a restaurant).

It is likely that the Program could launch within 2 weeks of approval. Getting businesses to sign up is the main implementation task of the City.

Fiscal Impact: Funding for both of these programs is expected to be reimbursed by Prince George's County through the CARES Act.

Council Options:

1. Approve the two modifications to the COVID-19 Small Business Assistance Grants Program and approve the College Park Business Voucher Program and authorize the City Manager to enter into an agreement with Yiftee, subject to approval of the City Attorney, as recommended by City staff.
2. Amend and then approve modifications to the COVID-19 Small Business Assistance Grants Program and Approval of the College Park Business Voucher Program.
3. Approve modifications to the COVID-19 Small Business Assistance Grants Program.
4. Approve the College Park Business Voucher Program.
5. Take no action at this time.

Staff Recommendation:

#1.

Recommended Motion:

I move to approve the two modifications to the COVID-19 Small Business Assistance Grants Program and approve the College Park Business Voucher Program, including authorizing the City Manager to enter into an agreement with Yiftee, subject to approval of the City Attorney, as recommended by City staff.

Attachments:

1. Yiftee Community Card Customer Agreement
2. Yiftee Program Description and Proposal

Community Card Customer Agreement

THIS AGREEMENT (the "Agreement") is made effective as of June __, 2020 (the "Effective Date") by and between Yiftee Inc., a Delaware corporation, with an address at 325 Sharon Park Drive #215, Menlo Park, CA 94025 ("Yiftee") and _____ with an address at _____ ("Customer"). The parties agree as follows:

1. Definitions.

1.1 "Merchant" means a merchant, prospect or other contact that may be using or desire to use Yiftee Services to redeem eGifts.

1.2 "Participant" means a Merchant who has opted to participate in a Community Card by running an Activation Card and agreeing to the Merchant Agreement.

1.3 "Yiftee Services" means Yiftee's gift-giving platform. It is the technology foundation for Community Cards.

1.4 "Purchaser" means a person or entity that purchases or redeems eGifts.

1.5 "eGift" means a digital virtual gift voucher used as payment for goods or services at a Participant.

1.6 "Offer" or "Offers" mean specific benefits that Participants provide to consumers who use their Community Cards in their store, as determined by the Participants and posted on their eGift Card web page.

2. Merchant Enrollment.

2.1 Merchant Enrollment Obligations

(a) Customer will collect a set of Merchants who have elected to participate in the Yiftee Services. Each Merchant must agree to the Yiftee Merchant Agreement located on the Yiftee.com website. Merchants who have not agreed to the Merchant Agreement will not be able to utilize the Yiftee Services to redeem eGifts. Customer will upload into the Yiftee Services or provide the names of the Merchants who intend to participate to Yiftee. Upon the agreed upon launch date, the billing for the Yiftee Services will begin ("Commencement Date"). This billing will include the agreed-upon cost for each Participant or group thereof as defined in Appendix A.

(b) Yiftee will provide to Customer or directly to Merchants, upon receipt of the set of Merchant names in 2.1a, a set of unique Activation Cards to be run by each Merchant. Customer will inform Merchants of their individual Activation Card and provide instructions on its use. Additionally, Customer will inform Merchants that running the Activation Card implies consent to the Merchant Agreement located on the Yiftee.com website.

(c) As Merchants run the Activation Cards, they will be included in the set of Merchants enabled to participate in the Yiftee Services, i.e. the Participants. Participant may also post their Offers to be available for eGift Card holders who redeem gifts in their stores.

(d) Yiftee will bill Customer or Merchants as described in Appendix A. Customer can add or remove Participants and fees will be adjusted accordingly, if applicable. There will be no retroactive adjustments allowed by Yiftee (that is, a cancelled Participant's billing obligation will result in that Participant's cost to Customer, as defined in Appendix A, to be eliminated beginning only on the next annual billing cycle). A Participant may be added to the list of Participants at any time ("Enrollment Time"), with billing adjustment for said Participant to begin immediately and to be included in the current month's billing.

(e) Each party shall comply with good, ethical and moral business practices and all applicable laws and regulations in engaging in any activities here under.

(f) Fees and payment terms applicable to the subject matter here under shall be as set forth in Appendix A. Customer is not entitled to compensation other than what is described in Appendix A.

(g) Customer is responsible and liable for any disputes or liability arising out of its relationships with Merchants and Participants.

2.2 Yiftee Materials.

Yiftee may provide Customer with certain materials for use in conjunction with promoting the Yiftee Services here under ("Yiftee Materials"). No rights or licenses, express or implied, are granted in those Yiftee Materials or otherwise, except as expressly and unambiguously set forth in this Agreement.

2.3 Limited Licenses.

Subject to the terms and conditions of this Agreement, Yiftee hereby grants to Customer, a non-exclusive, non-transferable, non-assignable, non-sublicensable right and license to access and use the Yiftee Services and Yiftee Materials solely for the purposes of Customer's performance of this Agreement.

2.4 Trademark License.

Subject to the terms and conditions of this Agreement, Yiftee hereby grants Customer and Customer hereby grants Yiftee a non-exclusive, non-transferable, non-assignable, non-sublicensable, royalty-free license to use Yiftee's or Customer's name, trade names, trademarks, service marks, and logos (collectively, a party's "Marks") solely in connection with Customer's and Yiftee's promotion and marketing of the Yiftee Services, subject to written usage guidelines, if any, made mutually available.

3. Ownership. As between the parties, Yiftee owns all right, title and interest in and to the Yiftee Services, Yiftee's Marks and the Yiftee Materials. Customer owns all right, title and interest in and to Customer's Marks.

4. Warranties Disclaimer. YIFTEE AND ITS LICENSORS MAKE NO WARRANTIES TO CUSTOMER, EXPRESS OR IMPLIED, AND SPECIFICALLY DISCLAIM ALL IMPLIED WARRANTIES OF MERCHANTABILITY, NONINFRINGEMENT, AND FITNESS FOR A PARTICULAR PURPOSE, AND ALL WARRANTIES ARISING OUT OF USAGE OR TRADE, COURSE OF DEALING AND COURSE OF PERFORMANCE.

5. Liability Limitation. EXCEPT FOR LIABILITY ARISING UNDER SECTION 7, NEITHER PARTY (NOR IT'S LICENSORS) WILL BE LIABLE OR OBLIGATED WITH RESPECT TO ANY SUBJECT MATTER OF THIS AGREEMENT OR UNDER ANY CONTRACT, TORT, STRICT LIABILITY OR OTHER LEGAL OR EQUITABLE THEORY, WHETHER OR NOT ADVISED OF THE POSSIBILITY OF SUCH DAMAGES WHATSOEVER, FOR ANY SPECIAL, INDIRECT, INCIDENTAL, EXEMPLARY, PUNITIVE, RELIANCE OR CONSEQUENTIAL DAMAGES, INCLUDING LOSS OF PROFITS, REVENUE, DATA OR USE AND IN NO EVENT SHALL EITHER PARTY'S

LIABILITY EXCEED THE GREATER OF \$500 OR THE AMOUNTS PAID AND/OR PAYABLE BY YIFTEE TO CUSTOMER (AND/OR BY CUSTOMER TO YIFTEE, IF PAYMENTS ARE PAYABLE BY CUSTOMER TO YIFTEE IN ACCORDANCE WITH PROPOSAL) HEREUNDER IN THE TWELVE (12) MONTH PERIOD PRECEDING THE APPLICABLE CLAIM.

6. Term and Termination.

6.1 Term. This Agreement shall be effective as of the Effective Date and shall continue in full force on an annual period from the Effective Date, and thereafter shall automatically renew annually, unless and until either party terminates this Agreement pursuant to Section 6.2.

6.2 Termination.

(a) Either party may, at its option, terminate this Agreement upon thirty (30) days written notice to the other party for any reason or for no reason whatsoever.

(b) Either party may terminate this Agreement if the other party materially breaches a term of this Agreement and fails to cure such breach within fifteen (15) days after receipt of written notice of such breach from the non-breaching party.

(c) Participants are obligated to honor all outstanding eGifts issued by Yiftee for the entire duration of those eGift's validity periods. Termination does not relieve Participants from honoring conditions outlined in the Merchant Agreement.

6.3 Effect of Termination. Upon any termination: (a) Customer shall immediately cease all promotion of the Yiftee Services and shall immediately return to Yiftee, or at the option of Yiftee, destroy, all Confidential Information (as defined below) of Yiftee disclosed to Customer, Yiftee Materials, and any Yiftee Services, hardware and software provided to Customer here under, (b) Yiftee shall immediately return to Customer, or at the option of Customer, destroy, all Confidential Information of Customer disclosed to Yiftee here under, and (c) all licenses granted under this Agreement shall immediately cease. The following Sections shall survive termination and remain in effect 1, 3, 4, 5, 6.3, 7 and 8. Any termination of this Agreement shall be without prejudice to any other rights or remedies available under this Agreement or at law.

7. Confidentiality. Because of this Agreement, the parties may have access to information that is confidential to the disclosing party ("Confidential Information"). Confidential Information shall include, without limitation, Purchaser lists and information relating to the parties' products and pricing and all information designated as confidential by the disclosing party at the time of disclosure. A party's Confidential Information shall not include any information which (i) becomes generally publicly available through no wrongful act or omission of the receiving party; (ii) is lawfully acquired by the receiving party from a third party without any breach of a confidentiality obligation; or (iii) is independently developed without use of or reference to the disclosing party's Confidential Information. Each party agrees to maintain the confidentiality of the other party's Confidential Information using the same degree of care that it uses with regard to its confidential information of like nature, but in no event less than reasonable care, and to protect as a trade secret any portion of the other party's Confidential Information by preventing any unauthorized copying, use, distribution, installation or transfer of possession of such information. If required by law, the receiving party may disclose Confidential Information of the disclosing party, but will give adequate prior notice of such disclosure to the disclosing party to permit the disclosing party to intervene and to request protective orders or other confidential treatment therefor. The parties acknowledge that money damages will not be an adequate

remedy if this Section 7 is breached and, therefore, either party may, in addition to any other legal or equitable remedies, seek an injunction or other equitable relief against such breach or threatened breach without the necessity of posting any bond or surety.

8. Non-solicitation

During the term of this Agreement, neither party will (on behalf of itself or any other person or entity) solicit any Purchaser or Merchant of the other party to restrict, limit, or terminate such Purchaser's or Merchant's participation in the other party's products and services.

9. Miscellaneous

9.1 Choice of Law. This Agreement shall be governed by and construed in accordance with the laws of the State of California, without regard to the provisions of the conflict of laws thereof. The parties will resolve any disputes in the state or federal courts located in Santa Clara County, California, to whose exclusive jurisdiction and venue they irrevocably submit. Notwithstanding anything to the contrary, either party may pursue injunctive or other equitable relief in any court of competent jurisdiction.

9.2 Notices. Any notice or other communication required or permitted in this Agreement shall be in writing and shall be deemed to have been duly given on the day of service if served personally or by facsimile transmission with confirmation, or three (3) days after mailing if mailed by First Class mail, registered or certified, postage prepaid, and addressed to the respective parties at the addresses set forth above, or at such other addresses as may be specified by either party pursuant to the terms and provisions of this section.

9.3 Assignment. Customer may not assign or otherwise transfer, without the prior written consent of Yiftee, its rights, duties or obligations under this Agreement to any person or entity, in whole or in part. Yiftee may freely assign or otherwise transfer this Agreement in connection with the sale of all or substantially all of its business or assets. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors and permitted assigns.

9.4 Severability. Any provision of this Agreement that is determined to be unenforceable or unlawful shall not affect the remainder of the Agreement and shall be severable therefrom, and the unenforceable or unlawful provision shall be limited or eliminated to the minimum extent necessary to that this Agreement shall otherwise remain in full force and effect and enforceable.

9.5 Entire Agreement. This Agreement constitutes the entire agreement between the parties and supersedes any and all prior agreements between them, whether written or oral, with respect to the subject matter hereof, and may not be amended, modified or provision hereof waived, except in a writing signed by the parties hereto. No waiver by either party, whether express or implied, of any provision of this Agreement, or of any breach thereof, shall constitute a continuing waiver of such provision or a breach or waiver of any other provision of this Agreement.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the Effective Date.

Customer (Print): YIFTEE, INC.

By: By:

Name, Title: Name, Title: Donna Novitsky, Yiftee CEO

Community Card Customer Agreement

APPENDIX A

Pricing

Customer and Participants are not required to pay Yiftee a subscription fee or a revenue share. Yiftee does not take a percentage of the cards that are redeemed in the Participants' stores.

Charges:

Purchasers pay the face value of the card plus a \$1+5% of the eGift Card value eDelivery fee at the time of purchase. Bulk purchases of five hundred dollars (\$500) or more, and enterprise accounts may deposit funds into their Yiftee eGifting accounts by check or ACH and receive a reduced eDelivery fee of \$0.50+3% of the eGift Card value provided credit card purchases are disabled on the account.

Participants pay Mastercard processing fees for a card-not-present (CNP) transaction upon redemption. Yiftee does not control these fees, they are set by the Merchant Acquirer who is their credit card processor.

Subject to applicable laws, Yiftee will implement a monthly maintenance fee on eGift Cards that have been inactive (i.e. no spending on the Card) for periods of greater than 12 months. This will be made clear to cardholders on the face of the eGift Card when implemented, as is required by law.

Yiftee eGift Cards do not generally expire. Subject to applicable laws, in some cases eGift Cards given by corporations or merchants as promotions, rewards and awards may have expiration dates. In the case of eGift Cards expiring, Yiftee retains 10% of the original eGift Card value not to exceed the remaining unspent funds and refunds the balance to the purchaser's Yiftee eGift Card account. eDelivery fees are not refunded.

Participants may choose, at their discretion, to post Offers to encourage Purchasers to use their Community Cards in their stores.

Participants may choose, at their discretion, to offer rebates as fund raisers to local groups such as schools, churches and other non-profits. Such programs are an incentive for the local groups to sell Community Cards to their members, and for the Purchasers to use them in specific stores who are offering rebates. Yiftee will work with the Participants and Purchasers to execute such programs.

No tipping is allowed on Yiftee eGift Cards.



“Support Local Business” College Park Gifting Campaign Program Description and Proposal

To: Luke Benson, Planning Intern, City of College Park
By email: lukesbenson@gmail.com

It is Yiftee’s pleasure to submit this description and proposal for your consideration.

Program description: Create College Park Community Card and send out a custom number of \$25 College Park Community Cards to residents to be spent locally

Benefits of a Community Card

- Community Card is free to set up and has no subscription fee
- Restricts spending to specific local merchants as determined by customer
- Custom branding for your card’s webpage and your card
- Available to anyone to buy as a gift or for themselves, friends and family
- Fast, easy setup and secure operation

Features of Program

- Give bulk gifts customized to your program and budget
- Send out as few or as many gift cards seamlessly via email, text and/or print
- Set an expiration date on cards to encourage spending. Unused funds will be recycled back into the your Yiftee account, minus a restocking fee
- Residents and local companies can continue to buy your community card and support local businesses – especially beneficial at the holiday season
- Yiftee handles customer and merchant support via support@yiftee.com

Program Logistics

- Information required is detailed below. Yiftee will invoice customer for gift and eDelivery fee funding. Customer provides payment via check, ACH or wire transfer, which is loaded into their Yiftee account. Any unspent or returned funds can be refunded by check, or re-sent as new gifts
- Yiftee will send out cards via email, text or customer can print them out for hand delivery. Yiftee services will assist with delivery due to high volume
 - Note: Having email addresses or cell phone numbers for all recipients will allow lost cards to be replaced and monthly reminders to be sent automatically to encourage spending



Pricing

- No subscription cost to the city or merchants, no set-up fees
- Consumers can redeem the full value of the card
- Merchants will receive the full value of the purchase minus normal Mastercard CNP fees
- Standard eDelivery fee is \$1+5% of card value. Yiftee is offering a reduced eDelivery fee of \$0.50 plus 3% of value per card (no credit card payments permitted at this rate)
- Promotional, award and reward gifts may expire, at organizer’s discretion, to encourage faster usage. If gifts expire, a restocking fee is applied of 10% of gift value – any expired funds over that are returned to customer’s account.
- For gifts that do not expire, unless prohibited by law, a \$3.00 inactivity fee will be deducted monthly from Voucher balance starting the 1st day after 12 consecutive months of inactivity. Yiftee sends reminders wherever possible to encourage card usage.

Program specifics, to be provided.

Number of gifts:

Value per gift:

Message to send with the gift:

Signature on the gift:

Expiration period or date, if any:

Number of reminders to send if sent by email or text message:

Recipient names and emails to be provided by spreadsheet if delivered by email. For large quantities of gifts, Yiftee services will assist with sending to avoid unnecessary delays.

We are honored to present this proposal and work with you to deliver these gifts to your community. Please feel free to ask questions and offer any suggestions. We are happy to work with you to ensure the program is a great success. Upon our mutual agreement, please sign off on this document to document your agreement.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the Effective Date.

Effective date: _____

Customer (Print): YIFTEE, INC.

By: By:

Name, Title: Donna Novitsky, Yiftee CEO

Address: 325 Sharon Park Dr, #215
Menlo Park, CA 94025



Phone:

(650)-533-0938

email:

donna@yiftee.com

20-G-140

Approval of Minutes

MINUTES
Regular Meeting of the College Park City Council
Tuesday, June 9, 2020
7:30 p.m. – 10:17 p.m.

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

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

ABSENT: None.

ALSO PRESENT: Scott Somers, City Manager; Bill Gardiner, Assistant City Manager; Janeen S. Miller, City Clerk; Suellen Ferguson, City Attorney; Bob Ryan, Director of Public Services; Terry Schum, Director of Planning; Kiaisha Barber, Director of Youth, Family and Senior Services; Gary Fields, Director of Finance; Jim Miller, Parking Enforcement Manager; Adam Rosenbaum, Student Liaison; Julia Nikhinson, Deputy Student Liaison.

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

ANNOUNCEMENTS/COMMENTS:

Councilmember Kabir announced a virtual community-police meeting next Monday to take resident input on how we can further improve relations between the community and law enforcement. He added that the North College Park Community Association would hold their monthly meeting as a virtual meeting on Thursday.

Councilmember Kennedy noted that the Committee on Committees (Kennedy, Mitchell, Mackie and Wojahn) met earlier with Ms. Barber regarding the Youth Advisory Commission. They will return in September with proposals.

Councilmember Brennan thanked staff for coordination with SHA on the MD 430/Greenbelt Road construction - two pedestrian refuges have been added. He added that tractor-trailers are consistently at LIDL between midnight and 4 a.m. and asked if staff can take a look.

Councilmember Dennis announced the PGCPD District 1 Coffee Club tomorrow at 9 a.m. via Zoom and said after tomorrow they will begin their summer schedule: 2nd and 4th Wednesdays in July and August.

Councilmember Mackie referred residents to the County website to see updates on what's allowed/not allowed re the COVID-19 pandemic.

Councilmember Mitchell discussed the situation with traffic back-up from Starbucks onto Cherry Hill Road and gave kudos to the Complete Count Committee for their virtual business roundtable.

Mayor Wojahn said that the UMD group housing numbers have been submitted to the census. He announced the new Mayor of New Carrollton, and said Berwyn Heights is also having elections.

CITY MANAGER’S REPORT: Mr. Somers said the City turned 75 but due to COVID-19 we were not able to have our parade. Information about grant programs for COVID-19 assistance is on our website. The first round of virtual Strategic Plan focus groups was held on Saturday; the next opportunity is June 20. Mosquito spraying has been cancelled; the City and CBE will do some outreach on how to mitigate mosquitoes. The City’s 4th of July event has been cancelled.

Councilmember Kabir asked whether the improvements to the intersection just north of Greenbelt Road/Rhode Island Avenue have been funded? The response was that the study was funded but not the design. Councilmember Kabir asked if a letter would help move it forward? Mr. Halpern will check.

AMENDMENTS TO AND APPROVAL OF THE AGENDA

- Motion by Councilmember Kabir seconded by Councilmember Kennedy to add a letter in support of “8 can’t wait” policing strategies to the agenda. Added as Item 20-G-113 with a vote of 8-0.
- Motion by Councilmember Dennis seconded by Councilmember Day to add a discussion to the agenda tonight about a Community Town Hall meeting/public forum to take community input and to address community concerns re policing and other current events. Goal would be to develop a city-wide action planning going forward. Added as Item 20-G-114 with a vote of 8-0.
- Motion by Councilmember Mitchell seconded by Councilmember Mackie to add to the agenda tonight a letter to UMD/PG County requesting a local COVID testing in conjunction with UMD. Councilmember Mitchell will prepare the letter. Added as Item 20-G-115 to the Consent agenda with a vote of 8-0.
- Motion to approve the agenda as amended by Councilmember Dennis seconded by Councilmember Mitchell. Motion passed 8-0.

PUBLIC COMMENT ON CONSENT AGENDA AND NON-AGENDA ITEMS

Carol Macknis, resident: Provided positive comments on Saturday’s public forum on the Strategic Plan. She said College Park is not alone in having Post Office problems: Laurel and Berwyn Heights also report problems; perhaps we should work together. We should have parades.

PUBLIC HEARINGS:

A. Ordinance 20-O-08, An Ordinance Of The Mayor And Council Of The City Of College Park Amending Chapter 110 “Fees And Penalties”, By Repealing And Reenacting §110-1 “Fees And Interests” And §110-2, “Penalties”; And Chapter 151, “Permit Parking”, By Repealing And Reenacting §151-2, “Petition Requirements”, §151-4 Issuance Of Permits And § 151-6 Return Of Parking Permits; Refund Of Permit Fee And Loss Of Refund For Failure To Return, To Delete The Annual And Bi-Annual Permit Parking Fee In Residential Zones.

Mr. Ryan said this ordinance will make changes to Chapters 110 and 151 to eliminate the residential permit parking fee of \$10/year. No other changes are proposed to the permit zones or number of permits; this is just to eliminate the fee. Permit Parking is an effective tool to minimize overcrowded parking on residential streets, and any obstacle caused by the \$10 fee will be removed.

Comments from the audience:

Carol Macknis, resident: Spoke in support of the ordinance and discussed the optimum number of passes that should be made available so as not to overpark the street.

Maxine Gross, resident: Spoke in support of the ordinance; permit zones are a necessity for certain neighborhoods.

David Gray, resident: This is a valuable service for certain neighborhoods, and they should be charged. Otherwise, the cost is borne by every taxpayer, even those who are not using it. He is concerned about the license plate registration and what is being done with the data that is collected. You haven't talked about that process yet and it needs to be addressed.

Stuart Adams, resident: He doesn't have a problem paying the \$10 but understands some people have a concern about that. We need to think about encouraging positive action – is this meeting our strategic goals?

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

PRESENTATIONS: Presentation on the City's ClearGov financial transparency dashboard –

Gary Fields, Director of Finance and Anna Balcora from ClearGov: Mr. Fields said this is the culmination of a 2-year process to find financial transparency software for the City website. We selected ClearGov and have worked with them for the last 6 months on developing this dashboard. Anna Balcora from ClearGov demoed the software. The site will be updated quarterly; it will go live immediately. Councilmember Dennis asked if a comparison with neighboring municipalities can be added? – Yes. Councilmember Kennedy asked them to clarify this is for a fiscal year – they will. Councilmember Kabir asked about the cost? Mr. Fields said the annual fee of \$5,500 is in the budget.

CONSENT AGENDA: A motion was made by Councilmember Mitchell and seconded by Councilmember Rigg to adopt the Consent Agenda, which included the following:

20-G-106	Approval of a request for a stop sign on Muskogee Street at Narragansett Parkway.
20-G-107	Approval of a request for a stop sign on Cree Lane at 51st Avenue.
20-G-108	Approval of a motion to postpone National Night Out to Tuesday, October 6; to change the August Worksession date back to Tuesday, August 4; and change the October Worksession date to Wednesday, October 7 after NNO.
20-G-109	Approval of a letter to Prince George's County requesting prioritization of planning and design of Phases 2 and 3 of US 1 Reconstruction.

20-G-112	Approval of a letter to the State requesting funding for planning and design of Phases 2 and 3 of US 1 Reconstruction.
20-G-110	Approval of Minutes from the April 7, 2020 Worksession; and the April 7, 2020 Special Session.
20-R-15	Adoption of a Resolution extending the terms for advisory board members to August 15, 2020.
20-G-115	ADDED TO AGENDA: A Letter to Prince George’s County, the state of Maryland, and the University of Maryland requesting a local COVID testing site.

Motion passed 8-0.

ACTION ITEMS

20-R-16 Resolution in defense of Black lives and endorsing a commitment to enact policies that unequivocally defend Black lives and aim to undo the effects of systemic racism in College Park

Mr. Gardiner said City staff have been participating in the Government Alliance for Race and Equity (GARE) project, sponsored by COG. The City team is chaired by Bill Gardiner and Kiaisha Barber. Ms. Barber spoke about the Resolution. This was drafted in response to the Mayor and Council’s request to make a statement on systemic and structural racism that is plaguing our country and more particularly the black community. In drafting the Resolution, she drew upon her work with the GARE group.

A motion was made by Councilmember Kabir and seconded by Councilmember Mitchell to adopt Resolution 20-R-16 that acknowledges structural racism and the resulting racial inequality in College Park and our country, and that commits the City to review its policies and actions to eliminate barriers to equality and to ensure all people have equal opportunity in College Park.

Comments from the audience:

Maxine Gross, resident: [Mayor Wojahn played the video submitted by Ms. Gross.] Ms. Gross said Council should adopt Resolution 20-R-16 in defense of black lives and aim to undo the effects of systematic racism in College Park. She asked Council to formally establish racial and social justice as guiding principles for the City of College Park and requested that the tenets of these philosophies be placed on the table each time a decision is made by the City. She continued that the City should take formal responsibility for the harm done to the Lakeland community and make a formal apology to the residents of Lakeland in its diaspora, and with them, carry out a program of restorative justice. She said the video reflected a taste of the community destroyed by the actions of the City of College Park.

Rashida Tyler, resident: Ms. Tyler testified in support of 20-R-16, and additionally in support of the “8-Can’t Wait” policy proposals [next agenda item]. She supports the City sending letters to the five police agencies with jurisdiction in the City requesting stating support of the proposals. The City should create a local task force to review 9-1-1 data and police complaints; regularly provide citizens

with data about police complaints and use of force in College Park; and support any legislation that eliminates qualified immunity for police officers.

Ray Ranker, resident: He echoed comments by Ms. Tyler and Ms. Gross. Council should consider a commission or other mechanism to dig deep into this, do important research, and come up with proposals.

Councilmember Mitchell applauds the Council for this the first step. Sen. Will Smith is putting together a task force and we should have a similar local task force to examine these issues, perhaps as part of our Strategic Plan.

Councilmember Kabir says this is just a few sentences but it is a small step in the right direction against all forms of racism and systemic bigotry. We should engage our community in a serious dialogue. He discussed the historic Lakeland Community and said we should do everything possible to restore the heritage of this community.

A motion was made by Councilmember Rigg and seconded by Councilmember Mitchell to amend the Resolution by inserting the following language:

- **The Mayor and Council acknowledge and apologize for our City's past history of oppression, particularly with regards to the Lakeland community, and actively seek opportunities for accountability and truth-telling about past injustice, and aggressively seek opportunities for restorative justice.**
- **Past practice and policy of the City of College Park have systematically disadvantaged black residents and the historically black community of Lakeland.**

The amendment passed 8-0.

Mayor Wojahn discussed the importance of this moment and our next steps. He wondered whether, between the worldwide pandemic and this moment when, once again, the systemic, consistent and persistent racism and killing of black people has become so apparent, we would look back on this moment as the time our lives changed because of the pandemic or changed because of the murder of George Floyd and the related events. Moving forward, it will be up to each of us to ensure that the events of the last two weeks will have just as much impact as the pandemic on our daily lives. We should look at how much of a burden we put on our police to address all of our society's failures. Who are we expecting to take care of our social problems right now? This is just the beginning of the discussion we need to have. He looks forward to hearing from our staff on the GARE project and having the discussion of next steps and how we move forward. He read the Resolution into the record.

The motion passed 8-0.

20-G-113 Letter in support of 8 can't wait.

A motion was made by Councilmember Kabir and seconded by Councilmember Mitchell to send letters to the 5 police agencies with jurisdiction in the City in support of the 8 can't wait reforms, which are:

1. Requiring officers to report unnecessary force used by fellow police officers
2. Restricting higher levels of force to be used only in extreme situations
3. Banning shooting at moving vehicles
4. Requiring officers to intervene to stop another officer from using excessive force
5. Forcing officers to exhaust all other reasonable alternatives before using deadly force
6. Requiring officers to give a verbal warning before shooting
7. Requiring officers to deescalate situations before they turn extreme/deadly
8. Banning chokeholds and strangleholds

Comments from the Audience:

Maxine Gross, resident: Encouraged Council to adopt this measure [hard to hear.]

Ray Ranker, resident: In support of this motion and asked if we have any control over the police that we contract with.

Mr. Somers said our contract officers follow the Prince George's County General Orders.

Councilmember Kennedy asked us to request a response from each agency about whether these measures are already in place or what their position is on enacting them.

Councilmember Rigg said society expects our police departments to take on a lot of responsibility that is beyond law enforcement. They have a difficult job. We need to make sure we strike the right balance.

The motion passed 8-0.

20-G-114 Discussion of a public forum/town hall to take community input on policing and racial disparity and to get input on how to address these matters going forward.

A motion was made by Councilmember Dennis and seconded by Councilmember Day that Council work with staff to format a public forum to take input and gather ideas as we go forward to satisfy some of the resolutions that were made earlier tonight. Further discussions would hone and further identify goals, objectives and strategies to address some of the current social issues we face.

There was no comment from the audience.

Councilmember Day said we need to treat everyone with the respect and humanity of people who care about each other, and said we are a diverse community and a diverse Council. He discussed the concept of "reaction v. response" and said we have done a lot of reaction. It is time now for true

response and true actions to meet the needs of tomorrow. Defunding the police is a disaster waiting to happen. We need to work with our law enforcement agencies to get the solution right. It won't happen overnight. He welcomes a town hall.

The motion passed 8-0.

20-G-111 Approve a recommendation to the Prince George's County Planning Board for approval, with conditions, of Detailed Site Plan 19068 for student housing development known as 'The Standard at College Park' located at 4321 Hartwick Road, and approval of a Declaration of Covenants.

Ms. Schum reminded Council that there were two outstanding issues from last week's Worksession:

1. the partial waiver of the County's tree canopy requirement, and 2. the type/level of energy certification proposed:

1: The Applicant no longer needs a partial waiver from the tree canopy coverage ordinance. They now will exceed the requirement. The ordinance was amended to allow street trees along the right-of-way to be counted. They will go from 44 trees to 67 trees. Proposed condition #2 has been eliminated but they need to update their DSP to show these calculations.

2: LEED vs. NGBS. The Applicant proffered NGBS certification and provided a matrix to help Council understand the differences. Staff confirmed that Park & Planning has in the past accepted NGBS silver as an equivalent for LEED silver certification, in relation to Sector Plan requirements. Staff is not proposing any changes in conditions.

Ms. Ferguson discussed the DOC. Two issues remained: 1) whether the Public Use Easement would be with the City or Park and Planning, and we have agreement on that. 2) The City's standard provision referencing LEED. She said that the LEED decision is a Park and Planning decision, so it would not be appropriate for us to accept the substitute language from the applicant. Our standard language says, "LEED Silver or equivalent" and it will be decided by P&P. We can use our standard provision and add that the Applicant is requesting NGBS. She added that the developer must comply with all provisions of the DOC to get the tax credit.

A motion was made by Councilmember Day and seconded by Councilmember Rigg that the City Council recommend approval of Detailed Site Plan 19068 with conditions in accordance with the staff recommendation and the Declaration of Covenants and Agreement in substantially the form attached.

Chris Hatcher, on behalf of applicant, said that Ms. Ferguson's representations that the applicant is in agreement with the conditions are accurate.

The motion passed 8-0

20-O-08 Adoption of Ordinance 20-O-08, An Ordinance Of The Mayor And Council Of The City Of College Park Amending Chapter 110 “Fees And Penalties”, By Repealing And Reenacting §110-1 “Fees And Interests” And §110-2, “Penalties”; And Chapter 151, “Permit Parking”, By Repealing And Reenacting §151-2, “Petition Requirements”, §151-4 Issuance Of Permits And § 151-6 Return Of Parking Permits; Refund Of Permit Fee And Loss Of Refund For Failure To Return, To Delete The Annual And Bi-Annual Permit Parking Fee In Residential Zones

A motion was made by Councilmember Rigg and seconded by Councilmember Kennedy to adopt Ordinance 20-O-08.

Councilmember Rigg reflected on some of the public comment we received on this item. We need a more thoughtful approach to parking in the City. This is an opportunity to delete one barrier to permit parking, but all residents would be paying for permit parking in certain neighborhoods.

Mayor Wojahn asked what the marginal additional cost is of conducting a permit parking system without hang tags and permit fees. Mr. Somers said that is a separate discussion that will be held at a later date. Mr. Miller said the annual cost of the new AIMS software for license plate recognition is approximately \$35-40K. This does not include maintenance and support after the first year. LPR is for reading tag information for the purpose of enforcing residential permit zones. The data are not shared with a 3rd party. The purpose is to make process of enforcing our neighborhoods more effective and more efficient. Some residents don't like having a City hangtag. With LPR, nothing needs to be displayed.

Mr. Somers said if the hang tag were eliminated, that's a savings of about \$18,000. If the City eliminates the \$10 fee, that is a loss of \$25,000.

Mayor Wojahn asked if the LPR system has other benefits beyond the parking enforcement system? Mr. Miller said it could, depending on what we get.

Councilmember Dennis said it takes a lot of residents in a neighborhood to put their minds together on a permit parking solution. This Ordinance is a step toward solving a bigger problem.

Councilmember Kabir said there are mixed feelings about permit parking and acknowledged comment on both sides of the issue. He thinks dropping the fee will be easier on staff. Having the City absorb the cost is like a “for the common good” scenario.

Councilmember Brennan spends a lot of time trying to address resident concerns about dense on-street parking, but there is often resistance to permit parking. One reason is the fee, but the other is convenience. As a City we subsidize things all the time for other services. We need to have a broader conversation about permit parking and enforcement options.

Councilmember Kennedy said we are taking away a fee without knowing the full cost of the new program in the future. She would like to see the bigger financial picture associated with the next step.

Mr. Ryan said there has been a 1.5 FTE reduction in staff. We could add more neighborhoods in the future without having to add staff.

Councilmember Mackie asked what is the obstacle: cost or inconvenience? Mr. Ryan has heard it's the cost and having to remember to display the tag. He added that we already collect license plate information to issue the hang tag.

Mr. Miller said regardless of the process, we still obtain the same type of information when a resident applies for a permit. The purchase of the software module is a one-time purchase; there is an annual maintenance/support cost. The parking enforcement vehicles will have to be outfitted with the LPR software.

The motion passed 8-0.

ADJOURN: Mayor Wojahn read the Closed Session statement. A motion was made by Councilmember Rigg and seconded by Councilmember Dennis to adjourn the Regular Meeting and enter into a Closed Session, and with a vote of 8-0, Mayor Wojahn adjourned the meeting at 10:17 p.m.

CLOSED SESSION
June 9, 2020

Pursuant to the statutory authority of the Maryland Annotated Code, General Provisions Article, Section 3-305, the Mayor and Council met in a Closed Session after the meeting on June 9, 2020 for the following purpose: To consider a matter that concerns the proposal for a business to locate in the State.

At 10:17 p.m., at the end of the regularly scheduled Council Meeting, a motion was made by Councilmember Rigg and seconded by Councilmember Dennis to enter into the closed session. The motion passed 8-0 and after a recess the City Council began the closed session at 10:23 p.m. Due to the COVID-19 Pandemic, this was a virtual meeting. Mayor Wojahn was the designated Open Meetings trainee.

The Mayor and all Councilmembers were present. In addition, the meeting was attended by City Manager Scott Somers, Assistant City Manager Bill Gardiner, City Clerk Janeen Miller, City Attorney Suellen Ferguson, and Planning Director Terry Schum.

The Mayor and Council discussed a lease agreement and the possibility of a business locating in the City. No action was taken.

ADJOURN: At 10:51 p.m., on a motion by Councilmember Kennedy and seconded by Councilmember Rigg, and a vote of 8-0, the closed session was adjourned.

CLOSED SESSION
June 2, 2020

Pursuant to the statutory authority of the Maryland Annotated Code, General Provisions Article, Section 3-305, the Mayor and Council met in a Closed Session after the meeting on June 2, 2020 for the following purposes: To consult with Counsel to obtain legal advice; To consider a matter that concerns the proposal for a business to locate in the State; To discuss the appointment of individuals over whom this public body has jurisdiction.

At 9:32 p.m., at the end of the regularly scheduled Worksession, a motion was made by Councilmember Brennan and seconded by Councilmember Mackie to enter into the closed session. The motion passed 7-0 (Rigg absent) and after a recess the City Council began the closed session at 9:39 p.m. Due to the COVID-19 Pandemic, this was a virtual meeting. Mayor Wojahn was the designated Open Meetings trainee.

Mayor Wojahn and Councilmembers Kabir, Kennedy, Brennan, Dennis, Day, Mackie and Mitchell were present. Councilmember Rigg was absent. In addition, the meeting was attended by City Manager Scott Somers, Assistant City Manager Bill Gardiner, City Clerk Janeen Miller, and City Attorney Suellen Ferguson.

The Mayor and Council discussed a lease agreement and the possibility of a business locating in the City. No action was taken.

The Mayor and Council discussed appointments of individuals to advisory boards. No action was taken.

ADJOURN: At 10:16 p.m., on a motion by Councilmember Kabir and seconded by Councilmember Brennan, and a vote of 7-0, the closed session was adjourned.

WORKSESSION MINUTES
College Park City Council
Tuesday, July 7, 2020
7:30 p.m. – 11:26 p.m.

Due to the COVID-19 Pandemic, this was a Virtual Meeting.
[Due to technical difficulties, this meeting was not cablecast or streamed.]

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

ABSENT: Councilmember Mitchell.

ALSO PRESENT: Scott Somers, City Manager; Bill Gardiner, Assistant City Manager; Janeen S. Miller, City Clerk; Suellen Ferguson, City Attorney; Terry Schum, Director of Planning; Kiaisha Barber, Director of Youth, Family and Senior Services; Frank Pacifico, Assistant Director Public Works; Adam Rosenbaum, Student Liaison; Julia Nikhinson, Deputy Student Liaison.

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

City Manager's Report: Mr. Somers said the new economic development manager has been hired and will begin in August; discussed the Strategic Plan survey; said COVID-19 assistance grants are available; announced the book giveaway on Saturday at the College Park Food Bank sponsored by the City's Education Advisory Committee.

Amendments to and Approval of the Agenda:

- A motion was made by Councilmember Mackie and seconded by Councilmember Rigg to add discussion of a letter to the County and Sheriff's office to reevaluate the no-knock warrant process. The motion passed 7-0.
- A motion was made by Councilmember Kabir and seconded by Councilmember Mackie to add a Proclamation for Juneteenth National Freedom Day. The motion passed 7-0.
- A motion was made by Councilmember Rigg and seconded by Councilmember Mackie to approve the agenda as amended. The motion passed 7-0.

Discussion Items:

- 1 **Proclamations:** Mayor Wojahn read the following:
 - a. the City of College Park Proclamation in Honor of LGBTQ+ Pride Month June 2020;
 - b. the City of College Park Proclamation in Honor of Juneteenth National Freedom Day.
- 2 **Detailed Site Plan 19042 for Branchville Gardens multi-family apartment building and approval of a Declaration of Covenants:** Dan Lynch, Attorney for the applicant, Cruz Development Corporation. Ms. Schum reviewed the history of this project which goes back to the 1980s. The project was previously called Branchville Crossing or Branchville Corner. She said the turning radius for the Branchville Fire Department is not shown on the final plat. She reviewed the various agreements that date back to 1987 and 1988, and the history from 2015-2016. She said the existing fence erected in 2016 will be removed if this DSP is approved.

Councilmember Rigg asked what currently binds the City with this parcel. Ms. Schum said different requirements are in effect now and this is a de novo review. Councilmember Brennan asked about paragraph 14 in the agreement between Cruz development and the Berwyn District Civic Association from 1987: does that language still apply? Ms. Ferguson said she understands that to mean that if what the two parties have agreed to is not acceptable to the public authorities that have to approve them, the parties will attempt to work together reach their goals. That agreement is not binding on the City.

Ms. Bader reviewed the staff report. This is a 7-story, 81-unit, affordable housing project. The Planning Board date is July 23.

Councilmember Mackie asked if the parking is considered adequate for this number of units. Ms. Bader said yes, it meets the standard of 128 spaces.

Councilmember Brennan asked about the offsite tree planting requirement: will the trees be in the City boundaries? Ms. Bader said the County has a prioritization system and the location has not been determined. Councilmember Brennan asked if the trees can be kept in the City, even if on private property. Ms. Schum said there is currently a separate conversation with M-NCPPC about suitable locations for tree planting and she will keep the Council informed. Councilmember Brennan asked about providing connectivity to the recreational amenities that are in walking distance to this site. Ms. Schum acknowledged that the site is limited in what it has to offer because most of the green space is for stormwater management. She said we are seeking a sidewalk on the eastern boundary to help connect to the area of Duvall Field. Councilmember Brennan asked about sustainability. Ms. Schum said there is no County requirement for this project because of its location and zone.

Mayor Wojahn asked if the sidewalk connects to the crosswalk across University Blvd? Ms. Schum said there is a storm drain outflow pipe which impedes connectivity. There is interest in discussing the addition of a crosswalk with the applicant.

Councilmember Rigg asked what the staff recommendation is about the turning radius. Ms. Bader said we want to upgrade/improve the existing condition by keeping the curb cut and adding a reinforced sidewalk. We may need a public access easement. He asked about safety of pedestrians in that area. On-site amenities were discussed. Ms. Schum said the applicant met the County requirement for providing recreational facilities by paying a fee-in-lieu in 1988. Councilmember Rigg wants to make sure that the County is not double-counting trees being planted in mitigation of the airport tree loss.

Councilmember Kabir asked about the turning radius area. Ms. Schum said it will be south of the sidewalk but will adjoin the sidewalk and there may be times that the fire department may have to traverse the sidewalk. This is on City right-of-way; not on private property. Ms. Schum said the City Engineer measured the site and believes the area is adequate but that the fire department may feel differently. The goal is to accommodate the fire department in the City right-of-way.

Dan Lynch, Attorney for the applicant, and Civil engineer Barry Caisson: This project started in another form in the 1980s. They approached the City again in 2015 regarding the financing and a fence. They took the fence to Circuit Court and prevailed. The Branchville Volunteer Fire Department filed an adverse possession claim against Cruz, and again Cruz prevailed. This property is unusual because of the zone it is in – the R-10 zone. The current proposal is

approximately 10 units less than approved in 1988. Standards have changed since then. They are providing 2-tiered structured parking which enables them to comply with the parking requirement. The only deviation from the zoning ordinance is the alternative compliance for landscape, which has been approved. They agree with the proposed conditions. The only concern is about the public art; he has not had a chance to discuss with his client.

Councilmember Brennan is excited about the opportunity to introduce affordable housing in the City. He asked about sustainability. Mr. Lynch said their application to the state for financing addresses sustainability and he will provide that information. Councilmember Brennan asked if they believe the prior agreement between the BDCA and Cruz still stands. Mr. Lynch said that document was drafted for the special exception/variance related to the prior development, neither of which moved forward, so in his opinion, it is not relevant today. He is willing to reach out to the BDCA. Cruz development has its own management company. Councilmember Brennan said the community is concerned about the impact of this project to the operation of the fire department and discussed the turning radius. He asked if there is an opportunity to work this out. Mr. Lynch believes the turning radius is met in the City right-of-way. He is not aware of any incident with the fire department not being able to get in or out of their bays with the fence that is currently there. Councilmember Brennan hopes that there can be a conversation with the fire department to understand their concerns.

Councilmember Dennis asked if we could predict how construction of the building might impact fire department operations. Ms. Schum said the applicant will have to work with the City Engineer to discuss staging areas and construction parking during the permit process with the City. The sidewalk will be done in a phased manner so as not to impact operations. They will coordinate with the fire department.

Councilmember Mackie asked what measures are taken to ensure this is low income housing into the future and asked if they did a shadow study. Mr. Lynch said they shared the program with City staff. The existing trees are 35 feet tall and already creating a shadow.

To agenda next week – Brennan.

3. Detailed Site Plan 18047 for the College Park Marriott located at Campus Drive and River Road: Ms. Schum said this is an application by Republic Properties for a 5-story, 161 room hotel with 80 surface parking spaces and ground floor retail. Council supported the Preliminary Plan in January. There were conditions placed on property at that time, some of which are carried forward in this application. This is the first project in the College Park Aviation Village neighborhood and will be the beginning of redevelopment in this area. The site is in the flood plain and the infrastructure in this area is substandard, so this is an opportunity to create a new neighborhood.

Ms. Bader reviewed the staff report. The Planning Board date is July 30. This site is currently a County-owned surface parking lot. The Applicant has received a determination of no-hazard from the FAA. She reviewed the conditions that staff supports, and the modifications that staff does and does not support.

Councilmember Rigg asked about the design and elevation of the street level retail fronting Campus Drive. He is skeptical that outdoor dining is optimal at this location due to proximity to the road and the sun exposure.

Art Horne, attorney for the applicant; David Bickel, Civil Engineer: The hotel industry has been hit hard by COVID-19 and they are watching the industry closely. They follow the design standards of the Marriott Corporation. The retail is under 7,000 square feet. The Staff recommendations/conditions the applicant does not agree with:

- The pylon sign – they would like the flexibility to keep that. Marriott wants the visibility.
- Parking - The developer wants the additional parking spaces on Lehigh in case there is an overflow of parking in the area. Lehigh Road already has cars parked on it and they are attempting to park as many cars on site rather than on Lehigh. They would like to see those parking spaces stay.
- Re Streetscape lighting – M-NCPPC has some street lighting on Cpl. Frank Scott Drive and the applicant has no objection to doing the same thing, but prefers language that says “to the extent practicable;” they will work with staff.

Councilmember Rigg asked about the retail. Mr. Horne said it is market driven. Councilmember Rigg expressed concerns about parking and the free-standing pylon sign.

Councilmember Day said other people are using that surface lot at this time – where are those cars going to park? Parking in that area needs to be addressed.

To agenda next week - Day

4. Discussion of request by College Park Housing Authority to lease land adjacent to Attick Towers (Parcel 92) free-of-charge to expand the existing parking lot - Michelle Johnson, Executive Director; Bob Catlin, Chair, College Park Housing Authority; Massoud Towhidi, Capital Development Design, Inc.; and the Housing Authority Commissioners.

Mr. Somers reviewed the staff report. The request is to add 12 parking spots on the City’s property at the corner. Currently zoned for open space.

Ms. Johnson: The building has 108 units and 44 parking spaces for residents and staff. The building houses low-income seniors and disabled persons. Some residents park across the street, which is dangerous. They are requesting to use City land free-of-charge for additional parking.

Mr. Massoud Tawhidi, civil engineer: He said 16 additional parking spaces were approved on the property in 2015 but not built. Mayor Wojahn asked why they weren’t built, and why they are asking for City land for 12 spaces when they haven’t built the 16 spaces that were previously approved. Mr. Somers said we hadn’t heard about that before tonight so that wasn’t taken into account when we proposed alternative designs. Mayor Wojahn suggested staff and the CPHA go back to the drawing board based on the information that there are 16 additional spaces approved but not been built.

Commissioner Bob Catlin said the 2015 parking project was stopped because of other financial needs at the building. He believes those permits have expired. He doesn’t see the need for 28 (12 + 16) additional spaces.

Mr. Towhidi said residents didn’t want to lose green space around the building to add the 16 spaces that were previously approved.

Mayor Wojahn asked staff and the Housing Authority to continue to meet off-line and bring forward a proposal that they agree on. Possibly return future W/S.

5. Discussion of Government Alliance on Race and Equity (GARE) policy and project: Team members Kiaisha Barber, Tracey Clayton, Bill Gardiner, Frank Pacifico and Teresa Way-Pezzuti Bill Gardiner, Assistant City Manager and Kiaisha Barber, Director of Youth, Family and Senior Services:

The team reviewed the PowerPoint presentation (attached).

[At 10:33 p.m., Motion to extend meeting, Dennis/Kennedy 7-0.]

Potential next steps:

- Look at examples of what other communities have done.
- Have additional conversations going forward.
- GARE cohort cut short by COVID and ended June 2020. Consider continued participation in coming year.
- Look at racial composition of staff, committee membership.
- Recommend policies that would lead to more equitable committee membership and hiring.
- Resolution spoke to issues specific to the Lakeland community – hear from those members.
- Analyze results of staff survey.

Council discussion:

- Forming a Council Committee or Task Force:
 - Support in general;
 - Involving the Lakeland community specifically:
 - Look at what allowed that to happen in the first place
 - Conversation about how to make that right
 - How can we attract and retain black committee members?
 - Should have a lot of community input, be forward-thinking
 - Should be action-oriented for the near- to mid-term
- How do we have Community Conversations – how residents interact with one another, how we can help that discourse.
- Broader discussion of communities of color that aren't black – widen the lens to include other racial and ethnic minorities
- Further Council discussion about how to address Lakeland
- Need to have the conversation within our Council first
- Look at how we conduct community engagement – good opportunity with our Strategic Plan. Work with our consultants to make sure we are meeting that goal
- The lens should be used to look at all of our actions and policies to understand what the impacts are. Always focusing on enforcement can lead to disparate impacts and exacerbate existing disparities. Is there a tool to help us as decision makers (senior staff and Council) to look through that lens?
- Include strategy for engaging low-English proficiency populations

[At 11:00 p.m., motion to suspend the rules and continue the meeting, Day/Kennedy, 7-0]

Return in next two months.

ADD: Letter to County and Sheriff’s office re no-knock warrants: Councilmember Mackie wants the City to send a letter to encourage the reevaluation of the no-knock warrant process to keep residents and officers safe. We don’t want a repeat of what happened to Breonna Taylor. Councilmember Day said we need to be careful—we don’t want to tell them what to do. Encourage them to review their policies and perhaps work toward elimination of no-knock warrants. Mackie will draft. To Agenda next week - Consent.

7. Mayor and Councilmember Comments

- Kabir – D1 and D4 are hosting a community conversation on CB-48-2020 re property tax cap.
- Kabir – next Monday is the monthly community police meeting at 7:30. Virtual.
- Kennedy – Council Member Dernoga is holding a community gathering about the Stone property. Virtual.
- Dennis – Coffee Club 2nd and 4th Wednesday of the month in summer. Virtual.
- Dennis – Thursday, Lakeland Civic Association, 6:30, regular meeting. Virtual.
- Mayor – MML virtual conference last month; Council Member Glaros is interested in how we support our social services.

The Mayor read a statement from the Mayor and Council about an approval in error of a Revitalization Tax Credit for the Northgate project (attached).

8. City Manager's Comments: Mr. Somers responded to the statement read by the Mayor.

ADJOURN: On a motion by Councilmember Kennedy and seconded by Councilmember Rigg, the Worksession was adjourned at 11:26.

[The previously announced Closed Session was not held.]

Janeen S. Miller	Date
City Clerk	Approved

MINUTES
Regular Meeting of the College Park City Council
Tuesday, July 14, 2020
7:30 p.m. – 9:30 p.m.

Due to the COVID-19 Pandemic, this was a virtual meeting

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

ABSENT: None.

ALSO PRESENT: Scott Somers, City Manager; Bill Gardiner, Assistant City Manager; Janeen S. Miller, City Clerk; Suellen Ferguson, City Attorney; Terry Schum, Director of Planning; Robert Marsili, Director of Public Works; Bob Ryan, Director of Public Services; Jim Miller, Parking Enforcement Manager; Brenda Alexander, Assistant Director of Public Works; Katie Hart, Community Development Planner; Adam Rosenbaum, Student Liaison; Julia Nihkinson, Deputy Student Liaison.

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

ANNOUNCEMENTS:

Councilmember Kabir reviewed the monthly community police meeting held last night; the next meeting will be August 10 at 7:30.

Councilmember Mitchell asked about a study being done on the Paint Branch Trail by the CPCUP. Mr. Somers provided information about the study on east side of the Paint Branch in the midtown area, north of the Gilbane project.

Councilmember Mackie reminded residents that the City website and Municipal Scene has information about upcoming virtual meetings of interest.

CITY MANAGER’S REPORT: Mr. Somers said:

- The Education Advisory Committee public forum with Joshua Thomas originally scheduled for tomorrow night has been postponed to July 29.
- We have awarded 27 grants for Small Business Assistance for \$30,000, and 14 grants for individual/family assistance for \$5,000 from CARES Act funds.
- There is a “Lay-on-the-table” item in virtual red folder re: Erie Street and 49th Avenue.
- The Town of Berwyn Heights is requesting agenda items for the July 22 Four Cities Virtual Meeting.

AMENDMENTS TO AND APPROVAL OF THE AGENDA

- Motion by Kennedy/second by Mitchell to move 20-G-124 (Award of Contract to WGCI for construction of Hollywood Dog Park) to Consent. 8-0.

- Motion by Rigg/second by Mackie to add a letter to support the designation of the TEED house as an historic site. 20-G-129 to Consent. 8-0.
- Motion by Mitchell/second by Kabir to add to the agenda a letter to the County Council about CB 48 re Homestead Property Tax Credit re clarity on referendum language. 20-G-130. 8-0.
- Motion by Brennan/second by Dennis to remove from the agenda item 20-G-127, Detailed Site Plan 19042 for Branchville Gardens multi-family apartment building and approval of a Declaration of Covenants. Applicant has requested a delay. 8-0.
- Motion by Rigg/second by Brennan to remove 20-G-122 from the agenda. The applicant’s request was withdrawn. 8-0.
- Motion by Rigg/second by Mackie to add a letter to PG Dept of Public Health and County Executive asking for more rigorous enforcement of COVID-19 restrictions re public gatherings in bars, restaurants and house parties in the City. 20-G-131 to Consent. 8-0.
- Motion by Rigg/second by Day to add to the agenda a letter to the County Executive on the status of the Calvert Hills Drainage Project. 20-G-132 to Consent. 8-0.
- Motion by Mitchell/second by Kennedy to remove the Kittleson presentation on the Upper Midtown Transportation and Land Use Study from the agenda. 7-0-1 (Rigg abstained).
- Request by Day to pull item 20-G-126 (Letters to Prince George’s County Police and Prince George’s County Sheriff’s Departments in reference to “No-Knock Warrants”) from the Consent agenda and place under Action items for discussion. (No vote required.)
- Motion by Dennis/second by Mitchell to adopt the agenda as amended. 8-0.

PUBLIC COMMENT ON CONSENT AGENDA AND NON-AGENDA ITEMS:

Carol Macknis, resident: Regarding the thank-you letter to the World Central Kitchen, meals were provided to more seniors than just those in Spellman House and Attick Towers. More organizations should be thanked, i.e. Sardi’s, our County officials, and volunteers.

Rachel Logan, reporter for College Park Here and Now newspaper: Asked how she can find out about an item that was removed from the agenda. Mr. Somers will follow up with her.

Kevin Cabrera, new Director of the College Park Aviation Museum: Mr. Cabrera introduced himself.

Thomas Tanner, Branchville Fire Department: Confirmed that the Branchville Gardens item was removed from the agenda.

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

20-G-116	Approval of Coronavirus Relief Fund (CRF) Agreement with Prince George’s County, related Spending Plan, and approval of hazard duty pay for our refuse and recycling collection workers during the mandated shutdown (includes only certain payrolls in March, April and May 2020) (COVID-19) and that the City Manager be authorized to sign the agreement.
-----------------	---

20-R-17	Resolution Of The Mayor And Council Of The City Of College Park Adopting The Recommendation Of The Advisory Planning Commission Regarding Variance Application Number CPV-2020-04, 9621 52nd Avenue, College Park, Maryland, Recommending Approval Of A Variance From The Prince George’s County Zoning Ordinance Sec. 27-442(E), Table IV, Which Specifies A Minimum Front Yard Setback Of 25-Feet In The R-55 Zone, To Construct A Roof Over A Front Porch.
20-G-117	Approval of a motion to authorize the cancellation of College Park Day due to the COVID-19 Pandemic.
20-R-18	Approval of City participation in the Wyland National Mayor’s Challenge for Water Conservation August 1 – 31, 2020 (delayed from April due to COVID-19).
20-G-123	Approval to extend the micro-mobility pilot program contract with VeoRide.
20-G-125	Approval of a Thank You letter to World Central Kitchen for providing free meals to residents at Attick Towers and Spellman House.
20-G-119	Approval of minutes from the March 3, 2020 Worksession; the March 3, 2020 Special Session; the April 14, 2020 Regular Meeting; the April 28, 2020 Regular Meeting; the May 5, 2020 Special Session; the May 5, 2020 Worksession; the May 12, 2020 Regular Meeting; the May 19, 2020 Special Session; the May 19, 2020 Worksession; the May 26, 2020 Regular Meeting; the June 2, 2020 Worksession.
20-G-129	Approval of a letter to support the designation of the TEED house as an historic site.
20-G-131	Approval of a letter to PG Dept of Public Health and County Executive asking for more rigorous enforcement of COVID-19 restrictions re public gatherings in bars, restaurants and house parties in the City.
20-G-132	Approval of a letter to the County Executive on the status of the Calvert Hills Drainage Project Consent Is it still on track.

The motion passed 8-0.

20-G-124: A motion was made by Councilmember Kennedy and seconded by Councilmember Rigg to approve item 20-G-124, Award of contract CP-20-07 to WGCI Enterprises for construction of Hollywood Dog Park subject to the approval of the City Attorney and authorize the City Manager to sign, as an additional Consent Agenda item. The motion passed 8-0.

ACTION ITEMS

20-G-120 Consideration of a request for an exemption from Prohibited Vehicle laws for a Ford van at 9019 St. Andrew's Place

Mr. Ryan said this is a request by the homeowner to park a normally restricted vehicle at 9019 St. Andrew's Place. Mr. Miller described the request by the homeowner to park his Ford van on the street. He is self-employed and this is his work vehicle.

A motion was made by Councilmember Mitchell and seconded by Councilmember Mackie to grant the exemption from the prohibited vehicle ordinance for this vehicle.

The applicant was not in attendance. There was no comment from the audience or the Council.

The motion passed 8-0.

20-G-121 Consideration of a request for an exemption from Prohibited Vehicle laws for two Ford vans at 5106 Berwyn Road

Mr. Miller described the request by the homeowner to park two normally restricted vehicles on the street. He is self-employed and these are his work vans. Mr. Miller said the applicant stated that only one will be parked on the street at any given time with the other parked in the driveway. The applicant was not present.

Councilmember Rigg asked if we should reconsider which vehicles are included under the Prohibited Vehicle ordinance. Mr. Somers said staff will look into this.

Councilmember Brennan asked if this item came forward because of a complaint. Staff said no, however vehicles were previously cited for being parked on the grass in the rear of this property which is what led to this request.

Councilmember Brennan said parking in this area of Berwyn Road is limited. He thinks the ordinance is in place because large work vans tend to take up more space than an average car. He added that this home has a rear driveway and garage. This is a difficult area for additional street parking. We should explore other alternatives first.

Councilmember Kabir asked if we have a process in place to notify the neighbors to get their input when requests like this are submitted. Mr. Miller said staff does not notify the neighbors.

Staff can work with the homeowner on other alternatives before bringing the request forward to park on the street

A motion to table this item was made by Councilmember Brennan and seconded by Councilmember Dennis. Motion passed 8-0.

20-G-128 Approval of a recommendation to the Prince George’s County Planning Board of support with conditions for the Detailed Site Plan 18047 for the College Park Marriott located at Campus Drive and River Road

Ms. Bader said this is a five story Marriott Residence Inn with 161 hotel rooms, 7,000 sq. ft. of retail, and 80 surface parking spaces. Since the Worksession last week, City Staff has revised their support of the parking space modifications to approve two additional spaces, but still recommends removing the 8 parking spaces from Lehigh. All other conditions remain the same. The Applicant agrees with the proposed staff conditions. The Planning Board date has been changed to September 24 to allow the applicant to request a departure regarding the provision of a 3rd loading space and to add parking spaces.

Art Horne, representing the applicant and David Bickel, civil engineer.

A motion was made by Councilmember Day and seconded by Councilmember Rigg that the City Council recommend approval of Detailed Site Plan 18047 with conditions in accordance with the staff recommendation dated July 10, 2020.

Councilmember Day said this will be a great addition to the City and the property will be well used given its location across from the College Park Metro

There were no comments from the audience or the Council.

The motion passed 8-0.

20-O-09 Introduction of Ordinance 20-O-09, an ordinance to change the name of the Planning, Community and Economic Development Department to the Planning and Community Development Department and to change the title of the Department Director

Mr. Somers said this is a housekeeping item to change the name of the Department and the title of the Department’s Director to reflect that the Economic Development position has been upgraded and moved into City Manager’s office. The new Economic Development Manager starts August 10. He added that this Ordinance touches several different sections of the Code where the title of this department appears.

A motion was made by Councilmember Rigg and seconded by Councilmember Brennan to introduce Ordinance 20-O-09.

Mayor Wojahn stated that the virtual Public Hearing will be held on Tuesday, August 11, 2020 at 7:30 p.m.

20-G-126 Approval of letters to Prince George’s County Police and Prince George’s County Sheriff’s Departments in reference to “No-Knock Warrants”

[This item was removed from the Consent Agenda for discussion.]

A motion was made by Councilmember Mackie seconded by Councilmember Brennan to approve the attached letters to the County Chief of Police and Sheriff regarding the use of “no knock” search warrants, and to authorize the Mayor to sign and send the letters.

Ms. Mackie said this letter would be beneficial to our police force and our citizens.

There were no comments from the audience.

A motion was made by Councilmember Day and seconded by Councilmember Rigg to postpone this letter indefinitely.

Councilmember Day said this letter has not been discussed with the full Council, that the incident that prompted the letter is over 4 months old and did not happen in College Park, and he thinks there is a better way to handle it. He would like us to discuss this at the Four Cities meeting to see if they want to work on this with us. There was a high-profile incident regarding a no-knock warrant in a neighboring town, so it seems relevant to the Four Cities. The County has instituted a police reform task force to receive comments; we should provide our comments to the task force at the proper time. We have sent so many letters to the police lately; we should have a clear and concise message.

Councilmember Kabir said the County task force will submit their report by October. He is fine with postponing this but we should set a time when we are going to bring it back.

Council asked staff to find out about the Task Force’s comment period and to schedule this item appropriately.

Councilmember Mitchell agrees with the amendment. She would like to see this discussed at the Four Cities Meeting first and hopes we can address this by September.

Councilmember Brennan thinks it’s always a good time to raise attention to policies that might need to be explored. The way that the letter is written is not controversial and asks them only to explore the policy issue. There is an opportunity to elaborate on it in the future to the Task Force.

Councilmember Rigg discussed his experience assisting with the execution of “No-Knock Warrants.” He would like to hear more discussion about the matter so he supports the amendment.

Mayor Wojahn noted that it was exactly 12 years ago at a Four Cities meeting that we received word about Mayor Calvo of Berwyn Heights being detained by police and that his dogs were shot and killed when the warrant was served. Mayor Calvo was falsely accused and what happened is an example of a no-knock warrant that went horribly wrong. He is glad that we are proceeding cautiously and will engage with the County through the process they are setting up.

The motion to postpone passed 7 - 1 (Mackie opposed).

20-G-130 Request for letter to Prince George's County re CB-48-2020 re Homestead Property Tax Credit re clarity for language

Councilmember Mitchell requested that the City Council send a letter to the Prince George's County Council to look at the language they propose to place on the ballot in the fall so that it will be as clear to the voters as possible. The County Council is discussing this on July 21, and if approved, will go on the ballot in November. There is concern that the language may not be clear when it goes on the ballot.

Councilmember Day clarified that the letter is not taking a position on the matter, just asking for clarity of the language they put on the ballot. Councilmember Mitchell said that is correct.

Mayor Wojahn asked what part of the language is unclear; without us proposing suggested alternative language, our letter is vague.

Councilmember Mitchell said there are two sentences they are using and some on the County Council have asked for clarification to make sure the common person who goes to the ballot box is clear on what they are voting for.

Mayor Wojahn agreed that in general the homestead tax credit is confusing.

Councilmember Kennedy thinks they are in the middle of the process and the letter would be premature at this point. She suggests we table this until they decide to put the measure on the ballot.

Councilmember Kabir said this bill is hugely important. He displayed the language in CB-48-2020 and said we can ask that the language be as comprehensible as possible. He thinks this request is timely.

Councilmember Day doesn't see the harm in asking the County Council to do what we would do in the situation, which is to make it clear to the people who are voting on the issue.

Councilmember Dennis asked if this would be a binding or non-binding referendum. He thinks we can help our City residents understand the full meaning, intent and consequence of the question proposed by our County Council.

Councilmember Mackie said it's a neutral letter and that it is our duty to help our citizens understand what they are voting on. She finds the language confusing.

Councilmember Kabir said the outcome of the vote would be final.

Councilmember Kennedy is concerned that we would be inserting ourselves in a political conversation between two sides, because our two County Councilmembers are on opposite sides of the matter.

Ms. Ferguson said they have a duty to make sure the language is clear and to provide the citizens with an explanation. She referred to the explanation of the Homestead Tax Credit on the SDAT website.

Mayor Wojahn said we could suggest that the County develop a mailing to the homeowner.

The Mayor and Council suggested edits to the letter.

A motion was made by Councilmember Rigg and seconded by Councilmember Kabir to approve a letter in substantially the form discussed to ask the County Council to ensure that any language related to the proposed Charter Amendment be made as clear as possible.

Councilmember Rigg said this is an important issue and we need to be clear on the impacts of the legislation.

There were no comments from the audience.

Councilmember Mackie encouraged the Council’s support; people have a hard time voting on issues like this when they aren’t clear.

Councilmember Dennis echoed Ms. Mackie’s comments and said each of us should help to make sure our residents are informed. The work doesn’t stop tonight.

The motion passed 8-0.

ADJOURN: A motion was made by Councilmember Brennan and seconded by Councilmember Mitchell to adjourn into closed session to consider a matter that concerns the proposal for a business to locate in the State and to consult with Counsel to obtain legal advice. Mayor Wojahn said the Council will not return to public session after the Closed Session. The motion passed 8-0 and the Regular Meeting was adjourned at 9:30 p.m.

Janeen S. Miller	Date
City Clerk	Approved

CLOSED SESSION
July 14, 2020

Pursuant to the statutory authority of the Maryland Annotated Code, General Provisions Article, Section 3-305, the Mayor and Council met in a Closed Session after the meeting on July 14, 2020 for the following purposes: To consider a matter that concerns the proposal for a business to locate in the State; To Consult with Counsel to obtain legal advice.

At 9:30 p.m., at the end of the regularly scheduled Council Meeting, a motion was made by Councilmember Brennan and seconded by Councilmember Mitchell to enter into the closed session. The motion passed 8-0 and after a recess the City Council began the closed session at 9:40 p.m. Due to the COVID-19 Pandemic, this was a virtual meeting. Mayor Wojahn was the designated Open Meetings trainee.

The Mayor and all Councilmembers were present. In addition, the meeting was attended by City Manager Scott Somers, Assistant City Manager Bill Gardiner, City Clerk Janeen Miller, and City Attorney Suellen Ferguson.

The Mayor and Council discussed a lease agreement, the possibility of a business locating in the City, and received legal advice from the City Attorney on these matters. No action was taken.

ADJOURN: At 10:09 p.m., on a motion by Councilmember Dennis and second by Councilmember Brennan, and a vote of 8-0, the closed session was adjourned.

CLOSED SESSION
June 24, 2020

Pursuant to the statutory authority of the Maryland Annotated Code, General Provisions Article, Section 3-305, the Mayor and Council met in a Closed Session on June 24, 2020 for the following purposes: To consider a matter that concerns the proposal for a business to locate in the State; To Consult with Counsel to obtain legal advice.

During a Special Meeting held on June 24, 2020, a motion was made by Councilmember Dennis and seconded by Councilmember Mitchell to enter into the closed session. The motion passed 7-0 (Councilmember Rigg absent for the vote but present for the Closed Session) and after a recess the City Council began the closed session at 7:05 p.m. Due to the COVID-19 Pandemic, this was a virtual meeting. Mayor Wojahn was the designated Open Meetings trainee.

The Mayor and all Councilmembers were present for the Closed Session. In addition, the meeting was attended by City Manager Scott Somers, Assistant City Manager Bill Gardiner, City Clerk Janeen Miller, Planning Director Terry Schum and City Attorney Suellen Ferguson.

The Mayor and Council discussed a tax credit for a new development and received legal advice from the City Attorney on the matter. No action was taken.

ADJOURN: At 8:03 p.m., on a motion by Councilmember Dennis and second by Councilmember Kennedy, and a vote of 8-0, the closed session was adjourned.

20-G-137

Consideration of signing on to
the Supreme Court Amicus
Brief Opportunity in Case
Challenging Philadelphia's
Non-Discrimination
Provisions

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



AGENDA ITEM NUMBER 20-G-137

Prepared By: Kiaisha Barber
Youth, Family and Senior Services Director

Meeting Date: 8/11/2020

Presented By: Kiaisha Barber
Youth, Family and Senior Services Director

Consent Agenda: No

Originating Department: Youth, Family and Senior Services

Action Requested: Consideration of authorizing the City Attorney, on behalf of the City, to sign the Supreme Court Amicus Brief in support of the City of Philadelphia in a Case Challenging Philadelphia's Non-Discrimination Provisions

Strategic Plan Goal: Goal 5- Effective Leadership
Goal 6 - Excellent Services

Background/Justification:

An *amicus* brief will be filed by the City of New York in the case of *Fulton v. City of Philadelphia*. It involves the denial of a preliminary injunction against the City of Philadelphia, requested by a non-government entity (Catholic Social Services, or CSS) that had a contract with the City to assist in identifying eligible parents to accept children in foster care. As noted in the summary of the brief, "Philadelphia has long partnered with private foster-care agencies, including faith-based ones, to assist in the administration of the foster-care system under uniform, renewable, one-year contracts. Like all city contractors, agencies may not discriminate on the basis of, among other grounds, race, religion, or sexual orientation, when performing under the contract". The City of College Park has a similar requirement for certain contracts.

CSS refused to consider same sex couples as parents suitable for placement of foster children, stating they believe certifying same-sex couples would "endorse" the couple's relationship as acceptable, which is barred by their religious beliefs. Philadelphia terminated its relationship with CSS for these services. This request for an injunction by CSS to prevent Philadelphia from terminating the contract was denied at the federal district and circuit court levels and is now to be taken up by the Supreme Court.

This collision between religious beliefs and Philadelphia's need to act in a non-discriminatory way is relevant to decisions the City of College Park makes. After review by the City Attorney, there are no legal concerns with the City joining in the *amicus* brief that supports Philadelphia's position.

A response from our municipality to support this brief by the August 17th deadline is requested.

Fiscal Impact:
none

Council Options:

1. Authorize the City Attorney to sign, on behalf of the City, the amicus brief in the case of *Fulton v. City of Philadelphia*
2. Request more information before joining the amicus brief
3. Decline to join the amicus brief at this time

Staff Recommendation:

This is Mayor and Council policy decision.

Potential Motion:

*I move that the City Council authorize the City Attorney to add the City to the amicus brief in the case of *Fulton v. City of Philadelphia*.*

Attachments:

20-G-138

Discussion of Elementary, Middle, and High School Awards

20-O-09

Adoption of Ordinance



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

AGENDA ITEM NUMBER 20-O-09

Prepared By: Scott Somers
City Manager

Meeting Date: August 11, 2020

Presented By: Scott Somers
City Manager

Consent Agenda: No

Originating Department: City Manager's Office

Action Requested: Hold a public hearing and then consider adoption of Ordinance 20-O-09 changing the name of the Planning, Community, and Economic Development Department to the Planning and Community Development Department AND changing the title of the Planning, Community, and Economic Development Director to the Planning and Community Development Director.

Strategic Plan Goal: Goal 3: High Quality Development and Reinvestment; Goal 6: Excellent Services

Background / Justification:

Ordinance 20-O-09 was introduced on July 14, 2020. Upgrading the Economic Development Coordinator position to a manage level position and having this position directly report to the City Manager signifies to the community the increased importance of economic development in College Park. It will be beneficial to the City to have direct reporting to the City Manager from a high-level professional on business and development issues and opportunities in the City. The current ordinance includes economic development as part of the Planning, Community, and Economic Development Department.

Some cities have the economic development function in Planning and some in the manager's office. My experience has been that it is more prominent and effective in the manager's office, in part due to some inherent tensions between the planning and economic development disciplines. After observing the process in College Park for nearly five years, I believe the City will benefit from the higher-level position and moving the economic development function from the planning and community development functions and putting the function directly under the City Manager.

If approved the title of the Planning, Community, and Economic Development Director would change to the Planning and Community Development Director.

Fiscal Impact: No direct fiscal impact.

Council Options:

1. Hold a public hearing and then consider adopting Ordinance 20-O-09 changing the name of the Planning, Community, and Economic Development Department to the Planning and Community Development Department AND changing the title of the Planning, Community, and Economic Development Director to the Planning and Community Development Director, and schedule a public hearing.
2. Introduce Ordinance 20-O-09 with amendments and schedule a public hearing.
3. Take no action, which will maintain the existing name of the Planning, Community, and Economic Development Department and the existing title of the Director.

Staff Recommendation:

Option #1.

Recommended Motion:

I move to adopt Ordinance 20-O-09 changing the name of the Planning, Community, and Economic Development Department to the Planning and Community Development Department AND changing the title of the Planning, Community, and Economic Development Director to the Planning and Community Development Director.

Attachments: Draft Ordinance 20-O-09

ORDINANCE
OF THE MAYOR AND COUNCIL OF THE CITY OF COLLEGE PARK, MARYLAND,
AMENDING CHAPTER 4 “ADMINISTRATIVE ORGANIZATION”, BY REPEALING
AND REENACTING §4-3 “DEPARTMENTS” AND §4-87“; CHAPTER 87, “BUILDING
CONSTRUCTION”, §87-19 "APPEALS"; CHAPTER 125, “HOUSING
REGULATIONS”, §125-31 "LAKELAND URBAN RENEWAL AREA"; CHAPTER
175 “TAXATION”, TO CHANGE THE NAME OF THE PLANNING, COMMUNITY
AND ECONOMIC DEVELOPMENT DEPARTMENT TO THE PLANNING AND
COMMUNITY DEVELOPMENT DEPARTMENT TO RECOGNIZE THAT
ECONOMIC DEVELOPMENT IS NO LONGER A RESPONSIBILITY OF THE
DEPARTMENT, AND TO MAKE CONFORMING CHANGES.

WHEREAS, pursuant to Md. Code Ann., Art. 23A, §2, the City of College Park, Maryland (hereinafter, the “City”) has the power to pass such ordinances as it deems necessary to protect the health, safety and welfare of the residents of the municipality; and

WHEREAS, the Mayor and Council created the Planning, Community and Economic Development Department to administer community development, planning, economic development and urban renewal plans and housing assistance programs, and to serve as liaison to the Housing Authority; and

WHEREAS, in view of the importance of economic development to the City, the Mayor and Council have determined that it is in the public interest that the economic development staff report directly to the City Manager on business and development issues and opportunities in the City; and

WHEREAS, the Mayor and Council have determined that it is appropriate to change the name of the Planning, Community and Economic Development Department to the Planning 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

Community Department, and to make conforming changes, to give effect to the transfer of the responsibility for economic development to the office of the City Manager.

Section 1. NOW THEREFORE, BE IT ORDAINED AND ENACTED, by the Mayor and Council of the City of College Park, Maryland that Chapter 4 “Administrative Organization”, §4-3 “Departments” be, and is hereby, repealed and reenacted with amendments to read as follows:

§ 4-3. Departments.

The general government operations of the city shall be subdivided for administrative purposes in the following manner, each subdivision being designated a department and placed under the direct supervision of a department head appointed by the City Manager:

- (1) Finance Department.
- (2) Public Services Department.
- (3) Public Works Department.
- (4) Planning AND Community [~~and Economic~~] Development Department.
- (5) Youth, Family and Seniors Department.

B. The title of the several department heads shall be, respectively, as follows:

- (1) Finance Director.
- (2) Public Services Director.
- (3) Public Works Director.
- (4) Planning AND Community [~~and Economic~~] Development Director.
- (5) Youth, Family and Seniors Director.

Section 2. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that, §4-7 "Planning and Community Development Department", be, and is hereby, repealed and reenacted with amendments to read as follows:

§ 4-7. Planning AND Community [~~and Economic~~] Development Department.

The Planning AND Community [~~and Economic~~] Development Department shall be responsible for the following operations and such other operations as may hereafter be assigned thereto by the Mayor and Council and/or the City Manager:

- A. Administration of community development, planning and programs.
- B. Administration of urban renewal programs.
- C. Administration of housing assistance programs.
- D. Liaison with College Park Housing Authority.
- ~~E. Administration of economic development programs.]~~

Section 3. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that, §87-19 "Appeals", be, and is hereby, repealed and reenacted with amendments to read as follows:

§ 87-19 Appeals.

A. through F. * * * *

G. The Commission is hereby established as the body to act upon appeals from the Public Services Director's denial of a building permit as set forth above. The City's Planning AND Community [~~and Economic~~] Development Department shall assist the Commission with regard to fence appeals as set out in §15-20C as appropriate.

Section 4. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that, §125-31 "Lakeland Urban Renewal Area", be, and is hereby, repealed and reenacted with amendments to read as follows:

§ 125-31 Lakeland Urban Renewal Area.

The Public Services Department shall coordinate its efforts in the Lakeland Urban Renewal Area with the Planning AND Community [~~and Economic~~] Development Director so as to better effectuate the purposes of the Urban Renewal Program for the elimination and for the prevention of the development or spread of slums and blight and for an effective relocation program.

Section 5. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that Chapter 175, "Taxation", §175-12 "Application process", be, and is hereby, repealed and reenacted with amendments to read as follows:

§ 175-12 Application process.

The application process for a Level One or Level Two tax credit is as follows:

A. Submit preliminary application. An application for a City tax credit shall be submitted to the City [~~'s Planning, Community, and Economic Development Department~~] no later than the date of acceptance for a detailed site plan by the Maryland-National Capital Park and Planning Commission (M-NCPPC), if applicable, or the submission of a building permit application to Prince George's County. The application shall specify which evaluation criteria are being addressed by the applicant, the estimated value of the completed improvements, and any additional information requested by the City. All plans associated with the detailed site plan or building permit shall be submitted with the application.

B. City staff review. Upon receipt and acceptance of a completed application, [~~the City's Planning, Community, and Economic Development Department will refer~~] a copy of the application WILL BE REFERRED to the Finance Department. City staff will provide an eligibility report to the City Council with respect to the application for a tax credit subsequent to the detailed site plan review by the City Council. For projects that do not require a detailed site plan, staff will review building permit plans and schedule the application for review by the City Council at a City Council work session.

C. -D. * * * * *

Section 6. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that Chapter 175, "Taxation", §175-13 "Waiver", be, and is hereby, repealed and reenacted with amendments to read as follows:

§ 175-13 Waiver.

A. – B. * * * * *

C. In making application for a waiver, the applicant shall provide for consideration the information requested by the City [~~s Planning, Community, and Economic Development~~] staff.

Section 7. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that Chapter 190, "Zoning", §190-12 "Minor changes to approved special exceptions, in general", be, and is hereby, repealed and reenacted with amendments to read as follows:

190-12 Minor changes to approved special exceptions, in general.

A. The Commission and the Director of Planning AND Community [~~and Economic Development~~] Department are authorized to consider minor changes to site plans for approved special exceptions, as provided in this section and §§ 190-13, 190-14 and 190-15. The Director may authorize staff to take any action the Director may take under this section. Applicant shall also comply with Section 27-250.01 of the Prince George's County Zoning Ordinance.

B. – E. * * * * *

Section 8. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that Chapter 190, "Zoning", §190-14, "Limited minor changes by Planning Director", be, and is hereby, repealed and reenacted with amendments to read as follows:

§ 190-14 Limited minor changes by Planning Director.

A. The Director of Planning AND Community [~~and Economic~~] Development is authorized to recommend minor changes administratively, without public hearing, in cases listed in § 190-13,

but only if the proposed minor changes are limited in scope and nature, including an increase in gross floor area or land covered by a structure other than a building up to 10%. The Director shall deny any administrative approval request proposing site plan changes which will have a significant impact on adjacent property.

B. – G. * * * *

Section 9. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that Chapter 190, “Zoning”, §190-16 "Alternative Compliance", be, and is hereby, repealed and reenacted with amendments to read as follows:

§ 190-16 Alternative compliance.

A. – C. * * * *

D. A request for alternative compliance shall be submitted to the Director of Planning, AND Community [~~and Economic~~] Development (or designee) at the time the application is submitted. The Commission shall post the property with at least one durable sign giving notice of the application at least 15 days prior to the date on which the application will be considered. The contents of the sign and the number of signs required shall be determined by the Commission. All signs posted must be conspicuous and legible. The applicant is responsible for the maintenance of all signs. Notice of the application and date upon which it will be considered shall be sent, by certified mail, return receipt requested, to the owners of abutting property (including those properties directly across a street, alley or stream). Any request for a hearing on the said application must be received on or before the date of consideration.

E. – F. * * * *

G. In a situation where compliance with the Prince George's County Landscape Manual is not possible, and there is no feasible proposal for alternative compliance which is, in the judgment of the Director of Planning AND Community [~~and Economic~~] Development (or designee), equally effective than normal compliance, then the applicant may seek relief by applying for a departure from design standards in accordance with § 190-9.

H. * * * *

Section 10. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that Chapter 190, “Zoning”, §190-19 "Notification of residents", be, and is hereby, repealed and reenacted with amendments to read as follows:

§ 190-19 Notification of residents.

A. The Department of Planning AND Community [~~and Economic~~] Development shall provide notice of an application for a zoning action requested under this chapter to any City resident who registers with the Department.

B. To register, a resident shall provide the following to the Department of Planning AND Community [~~and Economic~~] Development: name; street address or e-mail address to which notice should be sent; and the geographical area that the resident wishes to receive notice about. Notice shall be sent by regular or e-mail, as designated by the City resident.

Section 11. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that, upon formal introduction of this proposed Ordinance, which shall be by way of a motion duly seconded and without any further vote, the City Clerk shall distribute a copy to each Council member and shall maintain a reasonable number of copies in the office of the City Clerk and shall post at City Hall, to the official City website, to the City-maintained e-mail LISTSERV, and on the City cable channel, and if time permits, in any City newsletter, the proposed ordinance or a fair summary thereof together with a notice setting out the time and place for a public hearing thereon and for its consideration by the Council.

Section 12. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that annual and bi-annual permits currently in effect shall be extended for the period of one year without additional permit fee required.

The public hearing, hereby set for 7:30 P.M. on the 11th day of August, 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 Mayor and Council Virtual Regular Meeting on the 14, day of July, 2020.

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

EFFECTIVE the _____ day of _____, 2020.

ATTEST:

CITY OF COLLEGE PARK

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

By: _____
Patrick L. Wojahn, Mayor

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

Suellen M. Ferguson, City Attorney



NOTICE OF PUBLIC HEARING
ORDINANCE [20-O-09](#)
August 11, 2020
7:30 P.M.
Virtual Meeting

ORDINANCE
OF THE MAYOR AND COUNCIL OF THE CITY OF COLLEGE PARK, MARYLAND,
AMENDING CHAPTER 4 “ADMINISTRATIVE ORGANIZATION”, BY REPEALING
AND REENACTING §4-3 “DEPARTMENTS” AND §4-87“; CHAPTER 87, “BUILDING
CONSTRUCTION”, §87-19 "APPEALS"; CHAPTER 125, “HOUSING
REGULATIONS”, §125-31 "LAKELAND URBAN RENEWAL AREA"; CHAPTER 175
“TAXATION”, TO CHANGE THE NAME OF THE PLANNING, COMMUNITY AND
ECONOMIC DEVELOPMENT DEPARTMENT TO THE PLANNING AND
COMMUNITY DEVELOPMENT DEPARTMENT TO RECOGNIZE THAT ECONOMIC
DEVELOPMENT IS NO LONGER A RESPONSIBILITY OF THE DEPARTMENT, AND
TO MAKE CONFORMING CHANGES.

A copy of this Ordinance may be obtained from the City Clerk’s Office by calling 240-487-3501, or from the City’s website: www.collegeparkmd.gov.

This Public Hearing will be held virtually on August 11, 2020. To obtain the meeting link or phone number to join the meeting, please visit the [Mayor and Council Meeting Page by clicking HERE](#). All interested parties will have the opportunity to be heard. Please note, participants will be muted during the meeting except during public comment.

If you are unable to participate in the meeting, you may submit written comment prior to the Public Hearing. In order to be received by the Council as part of the record, the comment must include the specific topic to which it relates and the full name and address of the person submitting the comment. Written comment should be submitted no later than 5:00 p.m. on the day of the hearing to cpmc@collegeparkmd.gov.

In accordance with the Americans with Disabilities Act, if you need special assistance, please contact the City Clerk’s Office and describe the assistance that is necessary.



CITY OF COLLEGE PARK

OFFICE OF THE CITY CLERK

8400 BALTIMORE AVENUE SUITE 375 COLLEGE PARK, MD 20740 | 240.487.3501 | COLLEGEPAKMD.GOV

Notice of Public Hearing for Ordinance 20-O-09, introduced on July 14, 2020:

- Posted to City Website on July 16, 2020
- Posted on Cable Television Channel on July 16, 2020
- Sent to Constant Contact LISTSERV on July 16, 2020
- Advertised in the August 2020 Municipal Scene

ATTEST:

Janeen S. Miller

Janeen S. Miller, City Clerk