



MAY 27, 2014
CITY OF COLLEGE PARK
COUNCIL CHAMBERS

7:15 P.M.

Public Hearing – 14-O-03

An Ordinance of the Mayor and Council of the City Of College Park, Amending Chapter 87, "Building Construction" To Add §87-25, "Installation and Maintenance of Underground Utilities in City Rights Of Way" And Amending Chapter 110, "Fees and Penalties," §110-1 "Fees and Interests" To Include the Fees Imposed Under §87-25

7:30 P.M.

MAYOR AND COUNCIL MEETING
AGENDA

MEDITATION

PLEDGE OF ALLEGIANCE: Councilmember Wojahn

ROLL CALL

MINUTES: None

ANNOUNCEMENTS

ACKNOWLEDGMENT OF DIGNITARIES

ACKNOWLEDGMENT OF NEWLY APPOINTED BOARD AND COMMITTEE MEMBERS:

Swearing in of Robert Catlin to the College Park Housing Authority

AWARDS

PROCLAMATIONS

AMENDMENTS TO THE AGENDA

CITY MANAGER'S REPORT: Joe Nagro

STUDENT LIAISON'S REPORT: Catherine McGrath

- Farewell to Student Liaison Catherine McGrath at the End of Her Term

COMMENTS FROM THE AUDIENCE ON NON-AGENDA ITEMS

PRESENTATIONS:

**Recognition of Outstanding Essayists
in the Maryland Municipal League's "If I Were Mayor, I Would...." Essay Contest**

Al Huda School Winner:	Mohammed Abdul Mujeeb
Berwyn Christian School Winner:	Reza Abediyeh
Friends Community School Winner:	Allison Keen
Hollywood Elementary School Winner:	Mia Ivatury
Holy Redeemer School Winner:	Sheila McGee
Paint Branch Elementary School Winner:	Juan Perez

CONSENT AGENDA

- | | | |
|---------|--|---|
| 14-G-54 | Approval of an exclusive contract with Legal Resources, Inc. | Motion by:
To: Adopt
Second:
Aye: _____ Nay: _____
Other: _____ |
| 14-R-11 | Resolution Of The Mayor And Council Of The City Of College Park, Maryland Adopting The Recommendations Of The Advisory Planning Commission Regarding Variance Application Number CPV-2014-01, 8805 Patricia Court, College Park, Maryland, Recommending Approval Of A Variance From Section 27-120.01 (C) Of The Prince George's County Zoning Ordinance, "Front Yards Of Dwellings," To Expand A Driveway In The Front Yard By Adding An Additional 4 Feet In Width And 17 Feet In Length | |
| 14-G-55 | Approval of an I-Net- ICBN Agreement for use of Fiber Optic Cable | |
| 14-G-56 | City Sustainability Plan | |

ACTION ITEMS

- | | | |
|---------|---|--|
| 14-O-02 | Adoption of 14-O-02, an Ordinance of the Mayor and Council of the City of College Park, Maryland to Adopt the Fiscal Year 2015 Operating and Capital Budget of the City of College Park, Maryland | Motion by: Mitchell
To: Adopt
Second:
Aye: _____ Nay: _____
Other: _____ |
| 14-O-03 | Adoption of 14-O-03, An Ordinance Of The Mayor And Council Of The City Of College Park, Amending Chapter 87, "Building Construction" To Add §87-25, "Installation And Maintenance Of Underground Utilities In City Rights Of Way" And Amending Chapter 110, "Fees And Penalties ", §110-1 "Fees And Interests" To Include The Fees Imposed Under §87-25 | Motion by:
To: Adopt
Second:
Aye: _____ Nay: _____
Other: _____ |

- 14-G-57 Approval of a letter to the Prince George's County Planning Board with the City's comments and recommendations on the Preliminary College Park-Riverdale Park Transit District Development Plan.
Motion by: Day
To: Adopt
Second:
Aye: _____ Nay: _____
Other: _____
- 14-G-58 Approval of an Award of Contract to Charles P. Johnson and Associates, Inc. in an amount not to exceed \$45,000 for engineering services – Duvall Field Concession/Restroom Building.
(Requires a super majority vote).
Motion by: Wojahn
To: Adopt
Second:
Aye: _____ Nay: _____
Other: _____
- 14-G-59 Approval of an Award of Contract to Romtec, Inc. in an amount not to exceed \$115,000 for supply, design and shipping of the Duvall Field Concession/Restroom Building.
Motion by: Wojahn
To: Adopt
Second:
Aye: _____ Nay: _____
Other: _____
- 14-G-60 Adoption of FY 2015 Action Plan (of the 2010 – 2015 Strategic Plan)
Motion by: Mitchell
To: Adopt
Second:
Aye: _____ Nay: _____
Other: _____
- 14-O-04 Introduction of 14-O-04, an Ordinance of the Mayor and Council of the City of College Park Adding Chapter 71 "Human Rights" to Prohibit Discrimination Based On Age, Race, Color, Creed, Pregnancy, Religion, National Origin, Ancestry, Disability, Marital Status, Sex, Sexual Orientation, Gender Identity Or Physical Characteristic and to Extend this Protection to Employment, Housing and Real Estate Transactions and Public Accommodations. **(The Public Hearing is scheduled for July 8 at 7:00 p.m.)**
Motion by: Wojahn
To: Introduce
Second:
- 14-O-05 Introduction Of 14-O-05, an Ordinance of the Mayor and Council of the City of College Park, Amending Chapter 69, "Purchasing Procedures" By Adding Section 69-6, "Equal Benefits" And Section 69-7 "Non-Discrimination By City Contractors" To Require That Contractors Seeking City Contracts Provide Equal Benefits To Employees and Their Dependents and that City Contractors Not Discriminate In Employment. **(The Public hearing is scheduled for July 8 at 7:15 p.m.)**
Motion by: Wojahn
To: Introduce
Second:
- 14-G-61 Appointment to Boards and Committees
Motion by:
To: Adopt
Second:
Aye: _____ Nay: _____
Other: _____

COUNCIL COMMENTS

COMMENTS FROM THE AUDIENCE

ADJOURN

In accordance with the Americans With Disabilities Act, if you need special assistance, you may contact the City Clerk's Office at 240-487-3501 and describe the assistance that is necessary. This agenda is subject to change. For current information, please contact the City Clerk.

Public Hearing

14-O-03

**An Ordinance of the Mayor and Council
of the City Of College Park, Amending
Chapter 87, “Building Construction” To
Add §87-25, “Installation and
Maintenance of Underground Utilities in
City Rights Of Way” And Amending
Chapter 110, “Fees and Penalties,”
§110-1 “Fees and Interests” To Include
the Fees Imposed Under §87-25**

AN ORDINANCE
OF THE MAYOR AND COUNCIL OF THE CITY OF COLLEGE PARK, AMENDING
CHAPTER 87, "BUILDING CONSTRUCTION" TO ADD §87-25, "INSTALLATION
AND MAINTENANCE OF UNDERGROUND UTILITIES IN CITY RIGHTS OF WAY"
AND AMENDING CHAPTER 110, "FEES AND PENALTIES ", §110-1 "FEES AND
INTERESTS" TO INCLUDE THE FEES IMPOSED UNDER §87-25

WHEREAS, pursuant to §5-201 *et seq.* of the Local Government Article, Annotated Code of Maryland, the City of College Park, Maryland (hereinafter, the "City") has the power to pass such ordinances as it deems necessary to assure the good government of the municipality, and to protect and preserve the municipality's property; and

WHEREAS, pursuant to §5-211 of the Local Government Article, Annotated Code of Maryland, the City of College Park also has the express power to establish and enforce a building code; and

WHEREAS, pursuant to this authority, the City enacted Chapter 87 "Building Construction" to adopt a building code; and

WHEREAS, certain utilities seek to place fiber optic cable and conduits under the improved and unimproved City rights of way; and

WHEREAS, the underground use of City rights of way creates an administrative burden on the City with respect to installation and maintenance in the right of way; and

WHEREAS, the Mayor and Council have determined that it is in the public interest to assess a fee and/or require placement of fiber for City use as part of the permitting process for such use of the rights of way, and to require that contractors/owners comply with certain conditions and sign an agreement.

Section 1. NOW, THEREFORE, BE IT ORDAINED AND ENACTED, by the Mayor and Council of the City of College Park, Maryland, that Chapter 87 "Building Construction",

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

§87-25, "Installation and Maintenance of Underground Utilities in City Rights of Way" of the Code of the City of College Park be, and is hereby, adopted to read as follows:

§87-25. INSTALLATION AND MAINTENANCE OF UNDERGROUND UTILITIES IN CITY RIGHTS OF WAY

A. APPLICATION: THE REQUIREMENTS OF THIS SECTION ARE IN ADDITION TO THE OTHER PROVISIONS OF THIS CHAPTER. A UTILITY THAT HAS BEEN GRANTED THE RIGHT BY LAW OR WRITTEN AGREEMENT TO LOCATE WITHIN CITY RIGHTS OF WAY IS EXEMPT FROM THIS SECTION, AS ARE UTILITY CONNECTIONS TO ADJACENT PROPERTIES FOR EXISTING WATER, ELECTRIC, TELEPHONE OR NATURAL GAS SERVICE. IF NOT EXEMPTED, THE REQUIREMENTS AND PROVISIONS OF THIS SECTION APPLY TO ALL UTILITY COMPANIES AND UTILITY FACILITIES, WHETHER PRIVATELY OR PUBLICLY OWNED.

B. AUTHORIZATION REQUIRED. EXCEPT FOR EMERGENCIES, NO WORK SHALL BE PERFORMED ON ANY COVERED FACILITY LOCATED UNDER THE PUBLIC RIGHT-OF-WAY WITHOUT A PERMIT ISSUED IN ACCORDANCE WITH THIS CHAPTER AND A RIGHT-OF-WAY USE AGREEMENT SIGNED BY THE OWNER OF THE INSTALLATION. ANY SUCH WORK THAT IS PERFORMED THAT IS NOT IN COMPLIANCE WITH THIS SECTION SHALL BE REMOVED BY THE OWNER OF THE INSTALLATION IMMEDIATELY UPON DEMAND BY THE CITY, AND THE OWNER SHALL RESTORE THE PUBLIC RIGHT-OF-WAY TO ITS CONDITION PRIOR TO THE PERFORMANCE OF THE UNAUTHORIZED WORK. ALL SUCH RESTORATION WORK SHALL BE AT THE SOLE COST AND EXPENSE OF THE OWNER OF THE

INSTALLATION, WHICH SHALL ALSO BE RESPONSIBLE FOR REIMBURSING THE CITY FOR ANY AND ALL COSTS AND EXPENSES THAT IT MAY INCUR ARISING OUT OF OR RELATING TO SUCH UNAUTHORIZED WORK. A PERMIT AND AGREEMENT SHALL BE REQUIRED FOR EACH ENTITY TO COVER THE FOLLOWING WORK PERFORMED ON ITS EXISTING OR NEW FACILITIES LOCATED WITHIN PUBLIC RIGHTS-OF-WAY OR EASEMENTS UNDER THE JURISDICTION OF THE CITY:

1. ROUTINE MAINTENANCE OF EXISTING UTILITY FACILITIES.
2. REPAIRS TO EXISTING UTILITY FACILITY INFRASTRUCTURE.
3. UNDERGROUND UTILITY FACILITY CONSTRUCTION WITHIN CITY RIGHTS OF WAY.

THE OWNER OF THE UTILITY FACILITY WHICH IS BEING MAINTAINED OR REPAIRED SHALL BE RESPONSIBLE FOR OBTAINING THE MAINTENANCE UTILITY PERMIT.

C. ADMINISTRATIVE FEE: IN ADDITION TO A PERMIT FEE AS REQUIRED UNDER CHAPTER 110 OF THE CITY CODE, THE OWNER OF THE PROPOSED INSTALLATION SHALL PAY AN ADMINISTRATIVE FEE TO THE CITY AS FOLLOWS:

1. COST OF CONSTRUCTION IS LESS THAN \$25,000.00 - \$1,000.00
2. COST OF CONSTRUCTION IS MORE THAN \$25,000.00 - \$2,000.00

IN LIEU OF AN ADMINISTRATIVE FEE, THE PERMIT APPLICANT MAY PROVIDE IF ACCEPTABLE TO THE CITY, AND /OR THE CITY MAY REQUIRE, INSTALLATION OF DARK FIBER AND CONDUIT FOR PERMANENT OWNERSHIP AND USE BY THE

CITY. IN THIS CASE, THE CITY SHALL HAVE FULL AND EXCLUSIVE RIGHT TO OWN, USE AND MAINTAIN THE FIBER AND CONDUIT.

D. INDEMNIFICATION. THE PERMITTEE SHALL INDEMNIFY, DEFEND, AND HOLD HARMLESS THE CITY, IT'S AGENTS, SERVANTS, EMPLOYEES AND CONTRACTORS, FROM AND AGAINST ANY AND ALL LOSSES, CLAIMS, SUITS OR DEMANDS FOR DAMAGES TO PROPERTY OR PERSONS ARISING OUT OF PERMITTEE'S USE OF THE RIGHTS-OF-WAY, UNLESS SUCH LOSS, CLAIM, SUIT OR DEMAND FOR DAMAGES IS CAUSED BY THE NEGLIGENCE OR WILLFUL MISCONDUCT OF THE CITY, ITS AGENTS, SERVANTS, EMPLOYEES, AGENTS OR CONTRACTORS.

Section 2

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

§110-1 "Fees and interests"

Chapter/Section	Description	Fee/Interest
	* . * * * *	
Ch. 87 Building Construction		
	* * * * *	

§87-25

CONSTRUCTION COST LESS THAN \$25,000.00 - \$1,000.00
 CONSTRUCTION COST MORE THAN \$25,000.00 - \$2,000.00

CAPS/BOLD : 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

* * * *

Section 3

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 publish this proposed ordinance or a fair summary thereof in a newspaper having a general circulation in the City of College Park together with a notice setting out the time and place for a public hearing thereon and for its consideration by the Council. The public hearing, hereby set for 7:15 P.M. on the 27 day of May **2014**, 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. As soon as practicable after adoption, the City Clerk shall have a fair summary of the Ordinance and notice of its adoption published in a newspaper having a general circulation in the City of College Park and available at the City's offices. This Ordinance shall become effective on June 17, 2014 provided that a fair summary of this Ordinance is published at least once prior to the date of passage and once as soon as practical after the date of passage in a newspaper having general circulation in the City.

INTRODUCED by the Mayor and Council of the City of College Park, Maryland at a regular meeting on the 22 day of April, 2014.

ADOPTED by the Mayor and Council of the City of College Park, Maryland at a regular meeting on the _____ day of _____, 2014.

EFFECTIVE the _____ day of _____, 2014.

ATTEST:

CITY OF COLLEGE PARK,

Janeen S. Miller, CMC, City Clerk

Andrew M. Fellows, Mayor

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

Suellen M. Ferguson, City Attorney

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Asterisks * * * : Indicate matter remaining unchanged in existing law but not set forth in Ordinance

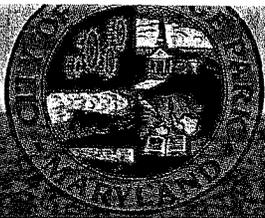


**NOTICE OF PUBLIC HEARING
ORDINANCE 14-O-03
TUESDAY, MAY 27, 2014
2ND FLOOR COUNCIL CHAMBERS
CITY HALL, 4500 KNOX ROAD
7:15 P.M.**

**AN ORDINANCE
OF THE MAYOR AND COUNCIL OF THE CITY OF COLLEGE
PARK, AMENDING CHAPTER 87, "BUILDING CONSTRUCTION" TO ADD
§87-25, "INSTALLATION AND MAINTENANCE OF UNDERGROUND
UTILITIES IN CITY RIGHTS OF WAY" AND AMENDING CHAPTER 110,
"FEES AND PENALTIES", §110-1 "FEES AND INTERESTS TO INCLUDE
THE FEES IMPOSED UNDER §87-25**

Copies of this Ordinance may be obtained from the City Clerk's Office,
4500 Knox Road, College Park, MD 20740, call 240-487-3501, or visit
www.collegeparkmd.gov.

Posted:
Bulletin Board 4-25-14
Cable 4-25-14
Website 4-28-14



MUNICIPAL

4500 KNOX ROAD, COLLEGE PARK, MARYLAND 20740-3500

www.collegeparkmd.gov

May 8, 2014

City Hall Bulletin Board

MAYOR AND COUNCIL MEETINGS

SATURDAY, MAY 10, 2014

8:00 A.M. COUNCIL/STAFF RETREAT AT FRIENDS COMMUNITY SCHOOL

TUESDAY, MAY 13, 2014

7:00 P.M. PUBLIC HEARING ON CONSTANT YIELD TAX RATE

7:10 P.M. PUBLIC HEARING ON 14-O-02, THE PROPOSED FY 2015 BUDGET

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

NOTICE OF PUBLIC HEARING ORDINANCE 14-O-03

TUESDAY, MAY 27, 2014 - 7:15 P.M.
2ND FLOOR COUNCIL CHAMBERS
CITY HALL, 4500 KNOX ROAD

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF COLLEGE PARK, AMENDING CHAPTER 87, "BUILDING CONSTRUCTION" TO ADD §87-25, "INSTALLATION AND MAINTENANCE OF UNDERGROUND UTILITIES IN CITY RIGHTS OF WAY" AND AMENDING CHAPTER 110, "FEES AND PENALTIES", §110-1 "FEES AND INTERESTS" TO INCLUDE THE FEES IMPOSED UNDER §87-25

Copies of this Ordinance are available on the City's website at www.collegeparkmd.gov or from the City Clerk's Office, 4500 Knox Road, College Park, MD 20740, or call 240-487-3501.

Works Dept...
240-487-3590
collegeparkmd.gov

USED
4
MEMORIAL DAY

and recycling will occur one day later
Tuesday, May 27
Wednesday, May 28
Thursday, May 29
Any items will only be scheduled for

**NOTICE OF PUBLIC HEARING
CONSTANT YIELD TAX RATE
TUESDAY, MAY 13, 2014 - 7:00 P.M.**
2ND FLOOR COUNCIL CHAMBERS
CITY HALL, 4500 KNOX ROAD

**NOTICE OF PUBLIC HEARING
ORDINANCE 14-O-02
TUESDAY, MAY 13, 2014 - 7:10 P.M.**
2ND FLOOR COUNCIL CHAMBERS
CITY HALL, 4500 KNOX ROAD

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF COLLEGE PARK, MARYLAND TO ADOPT THE FISCAL YEAR 2015 OPERATING AND CAPITAL BUDGET OF THE CITY OF COLLEGE PARK, MARYLAND

The budget ordinance was introduced on April 22, 2014 and is available on the City's website at www.collegeparkmd.gov or from the City Clerk's Office, 4500 Knox Road, College Park, MD 20740, or call 240-487-3501.

BIKE TO WORK DAY

FRIDAY, MAY 16, 2014 FROM 6:30 A.M. - 9:00 A.M.

MAKE A PIT STOP IN THE PARKING LOT OF CITY HALL
4500 KNOX ROAD, COLLEGE PARK

Please join us for Bike to Work Day. We will have refreshments, prizes, information about biking in the area, and bike mechanics to inspect your ride! Free T-shirt to all who pre-register online at: <http://www.biketoworkmetrodcc.org> and select College Park City Hall as your pit-stop.

For more information contact: Steve Beavers, Community Development Coordinator, City of College Park, 240-487-3541, sbeavers@collegeparkmd.gov

CHILD CARE SURVEY

The College Park City-University Partnership, the nonprofit local development corporation jointly sponsored by University of Maryland and the City of College Park, is considering creating new child care options for local residents and UMD faculty, staff and students. To measure demand and learn of your interest, they have developed an online survey on child care needs. To learn more and to access the survey, please visit the City's website at www.collegeparkmd.gov and click on "Child Care Survey" under Latest News. Please complete the brief survey by Tuesday, May 13.

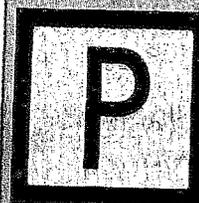
For more information you may contact Valerie Woodall, CPCUP Program Associate, at vwoodall@collegeparkpartnership.org.

MEMORIAL DAY CEREMONY

Monday, May 26, 2014

Veteran's Memorial at the corner of US Route 1 (Baltimore Ave.) and Greenbelt Road
11:00 am to 12:00 pm.

The guest speaker will be Mr. Brian Bertges, a veteran and Coordinator for Veteran's Student Life at the University of Maryland. Attendees are welcome to bring pictures of family members who are or were veterans. Pictures will be displayed on tables for others to see before and after the ceremony. We will also be collecting old American flags to be properly disposed of by the American Legion



**COLLEGE PARK
DOWNTOWN PARKING
GARAGE
CORNER OF YALE AVENUE
& KNOX ROAD**

301-441-8141
301-659-6295
240-988-7763
301-220-1640
301-474-6270
301-741-1962
301-742-4442
240-391-8678
240-460-7620
CALLED NUMBERS
POLICE 911
ES
sville Station) 301-699-2630
mergency Svcs. 301-352-1200
..... 301-459-9088
..... 301-345-3101
..... 301-405-3555
..... 301-441-2647
..... 301-474-1550
www.bvfc011.com
..... 301-901-9112
www.cpvfd.org
..... 1-877-737-2662
..... 301-206-4002
..... 301-499-8520

CITY OF COLLEGE PARK
NOTICE OF MEETINGS
MAYOR AND COUNCIL

RECEIVED



MAY 21 2014

LaTara Harris
Regional Director
External & Legislative Affairs

~~City of College Park~~
~~Administration Office~~
1120 20th St., N.W. - Suite 800
Washington, D.C. 20036
Tel: 202-457-3829
Cell: 202-304-7319
E-Mail: LaTara.Harris@att.com

May 20, 2014

Mayor and City Council of College Park, Maryland
4500 Knox Road
College Park, Maryland 20740

Re: Opposition to Ordinance 14-O-03

To the Honorable Mayor and City Council:

AT&T respectfully requests that the City of College Park not adopt proposed Ordinance 14-O-03, which, among other things, would require some telecommunications providers seeking a right-of-way ("ROW") approval to either pay a fee of \$1,000 or \$2,000, depending upon the cost of the project, or provide the city permanent ownership of dark fiber for the City's "full and exclusive" use. This ordinance is troublesome not only in its discriminatory impact on telecommunications providers but also because it occurs in the context of the City's continuing failure to approve a September 2013 request for ROW approval to install a fiber-optic line needed to upgrade AT&T's wireless service in the northern part of the City.

The proposal is discriminatory on its face because it would not apply to a telecommunications company that has been "granted the right by law or written agreement to locate within city rights of way." As a result, the proposal would plainly establish a two-tier scheme under which some providers are placed at a competitive disadvantage over others. Thus, for example, if a new business wanted to get competitive bids from several companies for a dedicated fiber-optic line, one group of potential bidders would be subject to the contribution requirements of the proposed ordinance while a preferred group would not. In the long-run, the disadvantaged firms would not compete. Such a result cannot be reconciled with the interests of the City to encourage as many firms as possible to invest in the City's infrastructure.

The bill is also troublesome in the context of the City's refusal to approve a request submitted by an AT&T affiliate in September 2013 to install a 1,600-foot fiber-optic line to serve AT&T's cell tower at 8150 Baltimore Avenue. That cable is needed to improve service reliability and to upgrade service to thousands of AT&T customers who live and work within a one-mile radius of the tower, including the entire University of Maryland campus and Berwyn Heights. Here, too, the City is placing AT&T at a competitive disadvantage – and is denying its own constituents the benefits of competition.

The great strides that have occurred in the American economy in the past 20 years are in large part attributable to national policies that created a competitive playing field for telecommunications companies. Such policies have led to unprecedented investments in the wireline and wireless infrastructure that have provided individuals, businesses, and institutions a wide and growing array of services at market-based prices. State or local proposals that have the effect of picking winners and losers among telecommunications competitors are inconsistent with the public interest in fostering investment and expanding telecommunications markets.

No telecommunications firm seeking to invest in College Park should be subject to discriminatory policies or unreasonably long delays in securing ROW approvals. The interests of College Park's residents, businesses, and institutions are best served by the City exercising its right-of-way authority in a competitively neutral manner. For all of these reasons, we ask you to reject Ordinance 14-O-03.

Respectfully,

A handwritten signature in cursive script that reads "La Tara Harris".

La Tara Harris

**Swearing in of
Robert Catlin to the
College Park Housing
Authority**



FORMAL APPOINTMENT OF COMMISSIONER
TO THE COLLEGE PARK HOUSING AUTHORITY
AND OATH OF OFFICE

Pursuant to the provisions of Article 44A, Section I-207 of the Annotated Code of Maryland, I hereby appoint you Robert T. Catlin as Commissioner of the College Park Housing Authority to serve for a term of five (5) years to expire May 1, 2019.

Andrew M. Fellows
Mayor

OATH
Given by Mayor
or
Clerk of the Circuit Court

Do you Robert Catlin take oath according to law that you will fully and faithfully perform the duties of Commissioner of the College Park Housing Authority?

Given this 27th day of May, 2014.

Janeen S. Miller, City Clerk
Attest

14-G-54

**Approval of an
exclusive contract with
Legal Resources, Inc.**



Memo

To: Mayor and Council

Through: Joseph Nagro *JN*

From: Jill Clements *JC*

Date: May 14, 2014

Re: Legal Resources Contract

ISSUE

The City's five-year contract with Legal Resources is due for renewal on July 1, 2014. We have been able to obtain a lower monthly premium for our employees and to eliminate the enrollment fee for the next contract by participating in the Metropolitan Council of Governments agreement with Legal Resources. Although there is no cost to the City for this voluntary employee benefit, the City gives Legal Resources an exclusive agreement and, therefore, this contract must be approved by the City Council.

SUMMARY

Legal Resources provides comprehensive legal coverage, services, and expertise from a network of law firms for a flat monthly fee. It is an optional benefit for any employee who works more than 20 hours per week for the City. The enrolled employee pays the full cost of the plan, and the City makes payroll deductions for the premiums and submits the payment to Legal Resources. Legal Resources has been an optional benefit for City employees for more than ten years and fourteen employees currently participate. Our City attorney has reviewed the contract for legal sufficiency.

RECOMMENDATION

Staff recommends that the Council authorize the City Manager to contract with Legal Resources to offer prepaid legal services to City employees through an Employer Participation Agreement in substantially the form attached.

ATTACHMENTS: Draft Employer Participation Agreement; Draft Employer Participation Agreement Addendum; and Addendum to Legal Resources Standard Employer Participation Agreement

LEGAL RESOURCES GROUP PLAN PAYROLL DEDUCTION

EMPLOYER PARTICIPATION AGREEMENT

This Agreement, dated below, by and between **LEGAL BENEFITS MARYLAND - LP, DBA Legal Resources** ("Legal Resources"), a Maryland Corporation, a subsidiary of Legal Resources of Virginia, Inc., and **City of College Park** ("Employer /Participating Sponsor").

Whereas, Legal Resources is in the business of administering a Legal Services Plan ("Plan"), and Employer agrees to become a Participating Sponsor of this Plan;

The parties hereto agree as follows:

1. All employees who enroll in the Plan (also known as "participating employees" or "primary members") will be charged by Legal Resources a one-time enrollment fee of \$0. This fee offsets printing, administration, and processing costs for new participating employees. A welcome packet is mailed to the participating employee's home address along with membership card(s) prior to the Coverage Effective Date of May 1.
2. Employer agrees that participating employees will pay for the Plan through monthly payroll deduction, in advance of the coverage month. Membership in the Plan is based on 12 month cycles and shall automatically renew for 12 months on the anniversary of the Coverage Effective Date unless Employer gives cancellation notice to Legal Resources in writing 30 days prior to the coverage anniversary date noted in paragraph 1.
3. Employer agrees to provide administrative support by collecting, through payroll deduction, all monthly payments. Employer will remit monthly payments to Legal Resources in advance of the coverage month.
4. Monthly Rate: During this five (5) year Agreement, participating employees will receive a special rate of \$18.00 per month. Newly hired employees may be enrolled within 30 days from the time they are deemed to be eligible for other employee benefits and will receive the special monthly rate for the remainder of the five (5) year rate guarantee. The monthly rate shall be subject to renegotiation at the conclusion of the five (5) year term as noted in paragraph 10.
5. Employer will not offer or endorse another prepaid legal services program for its employees or prospective employees during the term of this Agreement.
6. Employer agrees to allow Legal Resources access to its employees for the initial benefit presentation and further agrees to allow Legal Resources ongoing access for open enrollments annually for a benefit presentation to any employee not enrolled in the Plan.
7. Legal Resources agrees to provide all legal services stated in the Legal Resources Master Plan Contract and to respond to any requests as defined in the Contract. The Employer has the right to terminate this Agreement at any time if Legal Resources does not perform as defined in the Master Plan Contract.

8. LIMITATION: Legal Resources provides no benefits or services of any kind to participating employees or their qualifying dependents (also known as "members") with respect to any employer/employee disputes or controversies or any matters involving participating employees, their spouses or dependents against the Participating Sponsor.
9. Employer's responsibilities are limited to those set forth in Articles 2, 3, 5 and 6 of this Agreement, therefore, Employer assumes no responsibility whatsoever for any of the legal services provided under the Plan.
10. This Agreement is for a term of five (5) years. The effective date of this Agreement is the latter of the dates below. This Agreement will automatically renew from year to year thereafter unless terminated by either party by giving written notice to the other at least 90 days prior to the anniversary of the Agreement's effective date.

City of College Park:

Signature

Title

Date

Legal Benefits of Maryland, LP:

Signature

Title

Date

The Legal Resources Master Plan is licensed by LEGAL RESOURCES OF VIRGINIA, INC.

**LEGAL RESOURCES GROUP PLAN
PAYROLL DEDUCTION**

EMPLOYER PARTICIPATION AGREEMENT ADDENDUM

This Addendum to the Employer Participation Agreement made this ____ day of _____ 2014, by and between **LEGAL BENEFITS MARYLAND- LP, DBA Legal Resources** ("Legal Resources"), a Maryland Corporation, a subsidiary of Legal Resources of Virginia, Inc., and **City of College Park** ("Employer /Participating Sponsor").

This Addendum outlines the additional services Legal Resources will provide the employees of **City of College Park**.

1. Parent Coverage- The Parent Benefit provides a twenty-five percent (25%) discount on customary and usual attorney fees for parents of the primary member and for the parents of the primary member's spouse. In order to be eligible for the Parent Benefit, parents must reside in an area where a Legal Resources Network Law Firm is available.

City of College Park:

Legal Benefits of Maryland, LP:

Signature

Signature

Title

Title

Date

Date

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14-R-11

**Resolution Of The Mayor And Council Of
The City Of College Park, Maryland
Adopting The Recommendations Of The
Advisory Planning Commission Regarding
Variance Application Number CPV-2014-01,
8805 Patricia Court, College Park,
Maryland, Recommending Approval Of A
Variance From Section 27-120.01 (C) Of
The Prince George's County Zoning
Ordinance, "Front Yards Of Dwellings," To
Expand A Driveway In The Front Yard By
Adding An Additional 4 Feet In Width And
17 Feet In Length**



Office of the Mayor and Council
City of College Park
4500 Knox Road
College Park, Maryland 20740
Telephone: (240) 487-3501
Facsimile: (301) 699-8029

**NOTICE OF FINAL DECISION
of the
MAYOR AND COUNCIL
of the
CITY OF COLLEGE PARK**

RE: Case No. CPV-2014-01 Name: Santos Baires Rodriguez & Sandra Baires

Address: 8805 Patricia Court, College Park, MD 20740

Enclosed herewith is a copy of the Resolution setting forth the action taken by the Mayor and Council of the City of College Park in this case on the following date:

May 27, 2014.

CERTIFICATE OF SERVICE

This is to certify that on May 29, 2014, the attached Resolution was mailed, postage prepaid, to all persons of record.

NOTICE

Any person of record may appeal the Mayor and Council decision within thirty (30) days to the Circuit Court of Prince George's County, 14735 Main Street, Upper Marlboro, MD 20772. Contact the Circuit Court for information on the appeal process at (301) 952-3655.

Janeen S. Miller, CMC
City Clerk

Copies to: Advisory Planning Commission
City Attorney
Applicant
Parties of Record

PG Co. DER, Permits & Review Section
M-NCPPC, Development Review Division
City Public Services Department

RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLLEGE PARK, MARYLAND ADOPTING THE RECOMMENDATIONS OF THE ADVISORY PLANNING COMMISSION REGARDING VARIANCE APPLICATION NUMBER CPV-2014-01, 8805 PATRICIA COURT, COLLEGE PARK, MARYLAND, RECOMMENDING APPROVAL OF A VARIANCE FROM SECTION 27-120.01 (C) OF THE PRINCE GEORGE'S COUNTY ZONING ORDINANCE, "FRONT YARDS OF DWELLINGS," TO EXPAND A DRIVEWAY IN THE FRONT YARD BY ADDING AN ADDITIONAL 4 FEET IN WIDTH AND 17 FEET IN LENGTH.

- WHEREAS,** the City of College Park, Maryland (hereinafter, the "City") has, pursuant to Ordinance Number 11-O-03 (hereinafter, the "Ordinance"), and in accordance with Section 27-924 of the Prince George's County Zoning Ordinance (hereinafter, "Zoning Ordinance"), enacted an ordinance which sets forth procedural regulations governing any or all of the following: departures from design and landscaping standards, parking and loading standards, sign design standards, and variances for lot size, setback, and similar requirements for land within the corporate boundaries of the City, alternative compliance from landscaping requirements, certification, revocation, and revision of nonconforming uses, and minor changes to approved special exceptions; and
- WHEREAS,** the City is authorized by the Ordinance to grant an application for a waiver or variance for lot size, setback, and similar requirements where, by reason of exceptional narrowness, shallowness, shape, topography, or other extraordinary situation or condition of the specific parcel of property, the strict application of the Zoning Ordinance would result in peculiar and unusual practical difficulties or an exceptional or undue hardship upon the owner of the property, and a variance can be granted without substantial impairment of the intent, purpose and integrity of the General Plan or Master Plan; and
- WHEREAS,** the Advisory Planning Commission (hereinafter "APC") is authorized by the Ordinance to hear requests for variances from the terms of the Zoning Ordinance with respect to lot size, setback, and other requirements from which a variance may be granted by the Prince George's County Board of Appeals, including variances from Section 27-120.01 (c) of the Prince George's County Zoning Ordinance, and to make recommendations to the Mayor and Council in connection therewith; and
- WHEREAS,** the Prince George's County Zoning Ordinance Section 27-120.01 (c) stipulates that no parking space, parking area, or parking structure other than a driveway no wider than its associated garage, carport, or other parking structure may be built in the front yard or a dwelling, except a townhouse or multifamily dwelling, in the area between the front street line and the sides of the dwelling; and
- WHEREAS,** the Mayor and Council are authorized by the Ordinance to accept or deny the recommendation of the APC with respect to variance requests; and
- WHEREAS,** on April 27, 2014, Santos Baires Rodriguez and Sandra Baires (hereinafter, the "Applicants"), submitted an application for a variance

from Section 27-120.01(c) to permit construction of a 4 feet by 17 feet driveway expansion in front of the house at the premises known as 8805 Patricia Court, College Park, Maryland (“the Property”); and

WHEREAS, on May 1, 2014, the APC conducted a hearing on the merits of the application, at which time the APC heard testimony and accepted evidence, including the staff report and Exhibits 1 – 7 with respect to whether the subject application meets the standards for granting a variance set forth in the Ordinance.

WHEREAS, based upon the evidence and testimony presented, the APC voted 6-0-0 to recommend that the variance be granted; and

WHEREAS, the Mayor and Council have reviewed the recommendation of the APC as to the Application and in particular have reviewed the APC’s findings of fact and conclusions of law; and

WHEREAS, no exceptions have been filed; and

WHEREAS, the Mayor and Council are in agreement with and hereby adopt the findings of fact and conclusions of law of the APC as to the Application as follows:

Section 1 Findings of fact:

- 1.1 The property is located at 8805 Patricia Court in the University View (Patricia Court) subdivision.
- 1.2 The property is part of the West College Park Citizens Association.
- 1.3 The property is zoned R-55.
- 1.4 The existing driveway has two 3.5-foot wide paved tracks that can accommodate 1-2 cars (one behind the other). This driveway is partially in the front yard of the dwelling (±156 square feet) and was constructed on the South side of the front yard of the property which due to the configuration of the subject lot and Patricia Court cul-de-sac, is significantly shorter than the North side of the front yard of the property.
- 1.5 The Applicant is proposing to widen the driveway in the front yard by paving an additional 4 feet by 17 feet area (68 square feet) resulting in a total front yard encroachment of 224 square feet.
- 1.6 The Applicant is also proposing to fill-in the graveled area between the two concrete tracks with concrete and expand the driveway southward to the property line.
- 1.7 The Applicant stated the purpose of the request is to widen an existing driveway to provide an expanded parking area in the front yard to accommodate 3 vehicles. The household contains 5 working adults with 5 cars.
- 1.8 The property is located at the end of a cul-de-sac resulting in an irregular shape for the front property line as it curves around the cul-de-sac.
- 1.9 The property has an area of 7,820 SF or .18 acres.

- 1.10 The property is improved with a 1,418 square foot, one-story frame single-family house.
- 1.11 The subject house was constructed in 1962.
- 1.12 The property has a concrete sidewalk that leads from the driveway to a concrete stairway to the house.
- 1.13 The immediate neighborhood of Patricia Court is zoned R-55, single-family residential, but the adjoining neighborhood is zoned R-80 with older parcels of various shapes and sizes.
- 1.14 Patricia Court consists of 18 lots. Four (4) lots (22%) have driveways located, in part, within the front yard. Six (6) lots (33%) have double-wide driveways.
- 1.15 There are a large number of cars that park on the street on Patricia Court, making finding parking difficult. This difficulty is exacerbated by the fact that six (6) lots (33%) on Patricia Court are currently rentals which can rent up to five (5) unrelated persons. There is no permit parking on Patricia Court.
- 1.16 Ms. Virginia Vance testified that she has lived on Patricia Court since 1969. She testified that she rented the subject property to Mr. Baires and recently sold it to him. She testified that parking is permitted only on one side of Metzerott Road (Patricia Court adjoins Metzerott Road) which parking is limited by nearby Acredale Park users, thus further limiting the availability of parking on Metzerott Road. Ms. Vance also testified that permit parking has been proposed to the residents of Patricia Court in the past; however, they have not supported the proposal.
- 1.17 Perpendicular parking in the Patricia Court cul-de-sac creates difficulty for City Public Works vehicles including trash trucks and snow plows from servicing the properties.

Section 2 Conclusions of Law

The APC makes the following conclusions of law with regard to CPV-2014-01, request for a variance from Section 27-120.01 (c) of the Prince George's County Zoning Ordinance, "Front Yards of Dwellings," to expand a driveway in the front yard to a width of four (4) feet and a length of seventeen (17) feet:

- 2.1 The property has an exceptional shape. The frontage is on a cul-de-sac resulting in a curved front property line. The driveway is built at the curved part of the lot where the front yard is shallowest. This limits the number of vehicles that can park in a single lane.
- 2.2 The strict application of the County Zoning Ordinance will result in undue hardship upon the property owner by making it more difficult for the household to park their vehicles close to their home. There are 5 working adults in the house and each of them has a vehicle. The

Applicant is seeking the variance in order to be able to park 3 of their 5 vehicles off-street because of the limited parking availability.

- 2.3 Granting the requested variance will not impair the intent and purpose of the applicable County General Plan or County Master Plan because similarly configured driveways are characteristic of Patricia Court and a majority of the front yard will be retained as green space.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the City of College Park, Maryland that the findings of fact and conclusions of law of the APC are hereby adopted and a variance to the parking area requirements prohibiting driveways in the front yard is granted to allow the applicant to construct a 4 foot by 17 foot driveway expansion to the existing driveway, in the front yard.

ADOPTED, by the Mayor and Council of the City of College Park, Maryland at a regular meeting on the 27th day of May 2014.

CITY OF COLLEGE PARK,
MARYLAND

Janeen S. Miller, CMC
City Clerk

Andrew M. Fellows, Mayor

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

Suellen M. Ferguson
City Attorney

14-G-55

**Approval of an I-Net-
ICBN Agreement for
use of Fiber Optic
Cable**

MEMORANDUM

To: Mayor and Council

From: Suellen M. Ferguson, Esq.

CC: Joe Nagro, City Manager

Date: May 16, 2014

Re: **Agreement with Prince George's County for Use of Fiber Optic Cable**

ISSUE:

The City is a member of the Prince George's County Intergovernmental Network Community Coordinating Committee ("PGINCCC"), which governs the use of the I-Net. The I-Net was built by Comcast as part of its obligations under the franchise agreement and is subject to an indefeasible right of use by the County and a number of municipalities, including the City. The I-Net is a fiber optic network connecting the County and the said municipalities and is used for government communications. As part of the I-Net, the City controls intranet fiber which connects City buildings, including City Hall and the Public Works building. Recently, the County, using federal grant funding, constructed an additional fiber network, referenced as the ICBN. The County has offered to allow the City use of two ICBN fibers to access the College Park Tower in return for use of two fibers of City intranet fiber to eventually access the Hyattsville OTN.

SUMMARY:

The ICBN is a less extensive network than the I-Net, and is confined to the areas inside the beltway. In the future, it is contemplated that the I-Net and ICBN, although not jointly owned, would be jointly run through the PGINCCC, at least with respect to the governmental side. In order to extend their resources and create redundancy in the system, the County has asked to use City intranet fiber from the Public Works building to City Hall, and from there to the hub in Hyattsville, for a connection to the I-Net. In return, the County will allow the City to use two strands of ICBN fiber from the Public Works building to the College Park Tower, and from there along at least two paths that would allow the City to access the I-Net and ICBN.

The I-Net has a procedure to authorize use of I-Net fiber, known as the CRF process. The County is following that process to obtain approval of the use of the I-Net fiber. A copy of that request, and the diagram that provides a schematic of the connection, is attached. The use of City fiber is contingent on the Council's approval and the approval of the County for use of the ICBN fiber by the City. The County also has a CRF process for use of ICBN fiber. The City's use of ICBN fiber is also in process. A copy of the ICBN CRF and schematic, which shows the authorized City use of fiber, is attached.

The ICBN fiber allows the City redundancy as to some connections with the City. For example, if power went out at City Hall, all intranet connections throughout the City would be out. If a server is placed at Public Works, a connection to the I-Net could be obtained either through City Hall, or if that path is not available, out through the College Park Tower and through ICBN fiber to the I-Net. These paths are shown on the schematic.

RECOMMENDATION:

That the Council approve the use by the County of two strands of intranet fiber between Public Works and City Hall, and from there to the Hyattsville OTN in return for use of two strands of ICBN fiber from the Public Works building to the College Park Tower and onto the ICBN system for a redundant path to the I-Net.

(ICBN Fiber Request Form) (I-CRF)

To be filled by ICBN project official

I-CRF #

Date: 4/28/14

Section I: I-CRF requestor information

Agency name/Department name	City of College Park / IT Department		
Authorized requestor name, title	Sarah Price, IT Manager	Phone	240-487-3529
Signature	<i>Sarah Price</i>	Email	sprice@collegeparkmd.gov
Technical contact name, title	Youssef Oulahyane, IT Tech	Phone	240-487-3531
		Email	youla@collegeparkmd.gov

Section II: Project Overview

Project title	City of College Park Redundant Connection to I-Net via College Park Tower
Request type	<input checked="" type="checkbox"/> New ICBN fiber resource use <input type="checkbox"/> Change in existing ICBN fiber resource use
Street address where ICBN fiber requested	9217 51 st Ave (Public Works building)
Purpose of project	Provide redundant connection to I-Net for the City of College Park
Users affected	City of College Park

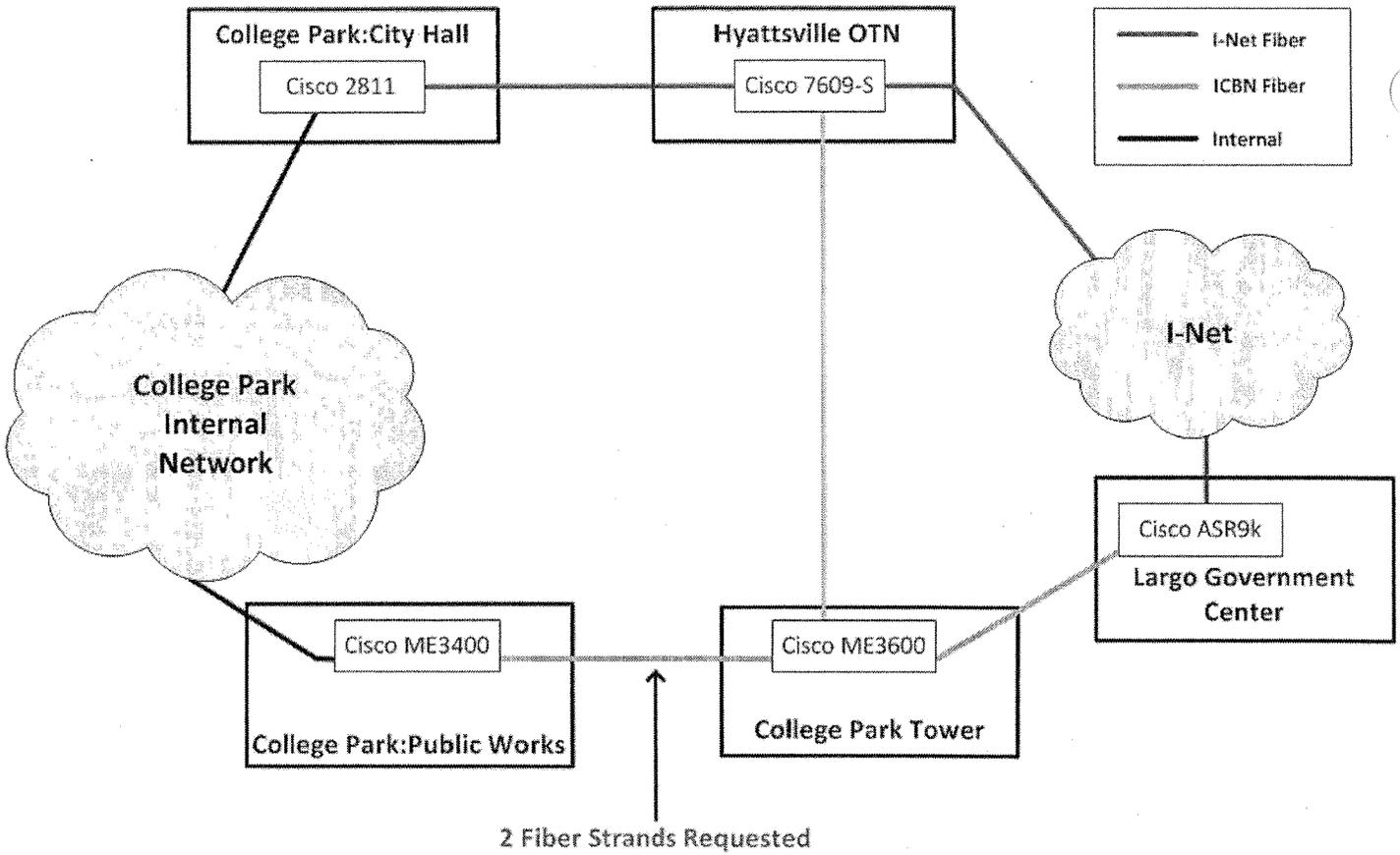
Section III: Project Description

Requirements <i>Fiber resources (number of strands requested), access to facility, equipment used, etc.</i>	Light two strands of ICBN fiber between College Park Public Works Department and College Park Tower. Place a Cisco ME3400 device at College Park Public Works to connect to the Cisco ME3600 at College Park Tower. I-Net staff will manage the ME3400.		
Design and Details <i>Attach diagram showing fiber interconnection and termination locations. Describe any changes or additions to the current network.</i>	I-Net staff will install and light a Cisco ME3400 device at College Park Public Works facility. This will provide redundant connectivity from the College Park internal network to I-Net via ICBN fiber to College Park Tower. This will supplement and provide failover for College Park's existing connectivity to I-Net through its connection from College Park City Hall to Hyattsville OTN. See attached network diagram.		
Start Date		End Date	
Initial Cost	\$	Recurring Cost	\$
Initial Savings	\$	Recurring Savings	\$

Section IV: CRF Approval

Name	Title	Date Approved
Lakisha Pingshaw	ICBN Program Manager, OIT	
Jayson Loveless	Network Infrastructure Manager, OIT	

College Park New Fiber Connection



I-Net Connectivity Request Form (CRF)

CRF v.04/04/2013

CRF # 2014-06

Date 5/1/2014

Section I: CRF requestor information

Agency Name	Office of Information Technology (OIT) Click here to enter text.		
Department Name	Broadband Services		
Authorized Requestor Name	Lakisha Pingshaw	Title	ICBN Program Manager
Signature			
Technical Contact	Jayson Loveless	Phone	301-883-5124
		Email	jmlloveless@co.pg.md.us

Section II: Project Overview

Project Title	I-Net fiber usage to connect ICBN backbone to I-Net backbone (College Park)
Request Type	<input checked="" type="checkbox"/> New I-Net fiber resource use <input type="checkbox"/> Change I-Net fiber resource use <input type="checkbox"/> New OTN Rackspace use <input type="checkbox"/> Change OTN Rackspace use <input type="checkbox"/> Add new site to I-Net network <input type="checkbox"/> Data exchange using I-Net backbone (If this box is checked, please complete section III below)
Purpose of Project	Request permission from existing I-Net sites (College Park Public Works, College Park City Hall) to use 2 spare strands of I-Net fiber for ICBN backbone connectivity to I-Net backbone
Users affected	None
Locations <i>Include street address</i>	College Park City Hall - 4500 Knox Rd, College Park ; College Park Public Works - 9219 51st Ave., College Park

Section III: Complete this section only if the project includes data exchange across the I-Net backbone:

Data Owner	N/A
Approval to use data from data owner?	Yes <input type="checkbox"/> <i>If yes, please attach relevant authorization document/s</i> No <input type="checkbox"/>
Data User(s)	N/A

Section IV: Project Description

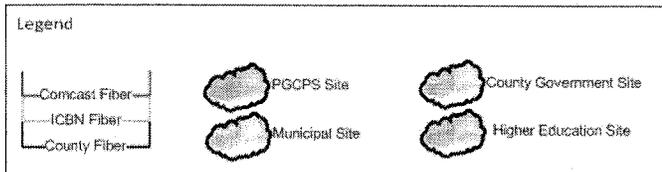
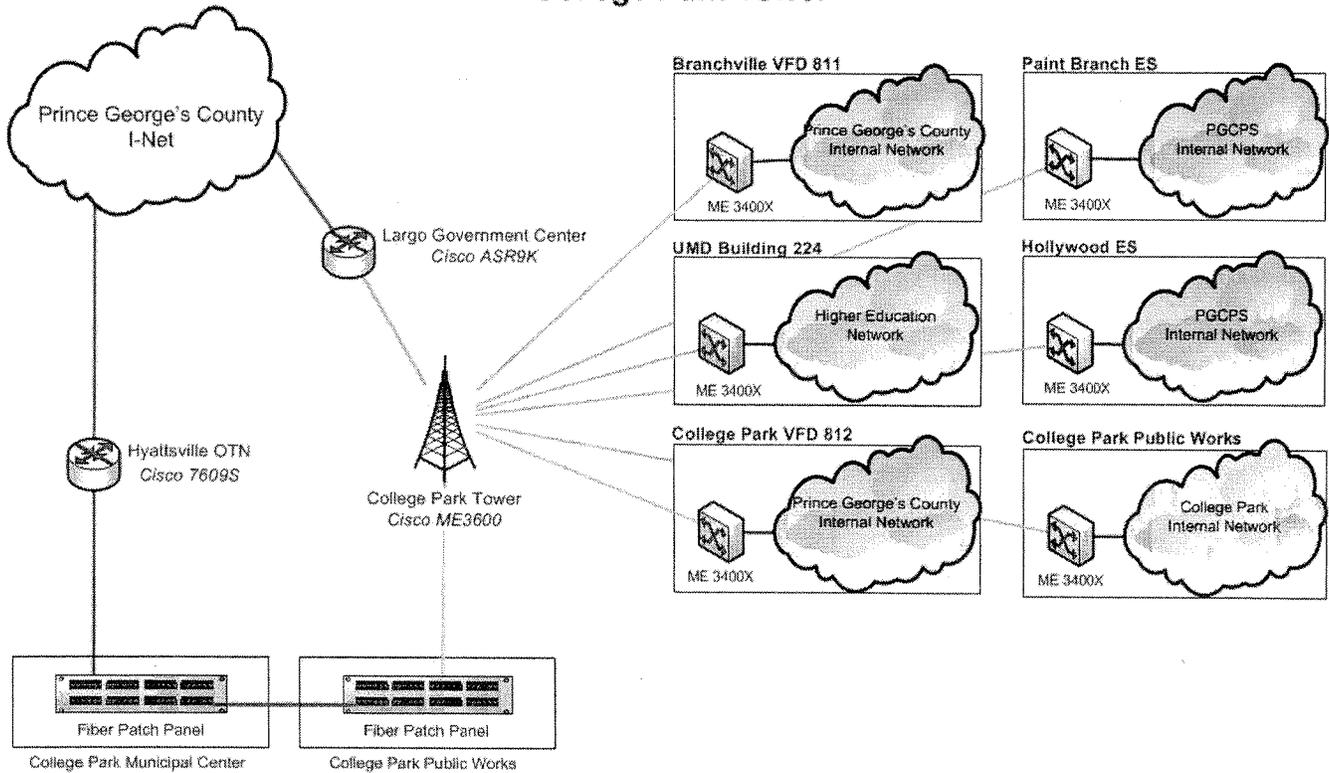
Requirements <i>Fiber resources, Comcast headend access, OTN rack space, scheduled downtime, firewall port requirements, IP addresses, etc.</i>	Access to a pair of spare I-Net fiber strands between College Park Public Works Department and College Park City Hall, and another pair of fiber between College Park City Hall and Hyattsville OTN		
Design and Details <i>Attach diagram and describe any changes or additions to the current network.</i>	2 spare strands of I-Net fiber would be used from College Park Public Works to College Park City Hall. Another two strands would connect from College Park City Hall to Hyattsville OTN. This will allow the ICBN backbone at College Park tower to be connected to the Hyattsville OTN via this pair of fiber. This connectivity will facilitate connection to 5 ICBN sites. Please see the attached network drawing for details. The network design was approved in CRF 2012-6. This CRF is being resubmitted with the attached agreement from College Park because the original CRF has expired after one year.		
Start Date	Click here to enter a date.	End Date	Click here to enter a date.

Initial Cost	\$Click here to enter cost.	Recurring Cost	\$Click here to enter cost.
Initial Savings	\$Click here to enter savings.	Recurring Savings	\$Click here to enter savings.

Section V: CRF Approval

Committee	Date Presented to Committee	Date Approved by Committee
Technical Committee		
Policy Committee		
Executive Committee		

College Park Tower



Created: 8/21/13 TW
Updated: 9/04/13 EB

14-G-56

Sustainability Plan

TO: Mayor and Council
FROM: Bill Gardiner, Assistant City Manager
THROUGH: Joe Nagro, City Manager
DATE: May 22, 2014
SUBJECT: Council May 27, 2014 Consent Item on City Sustainability Items

Issue:

Council authorization for staff to draft a City sustainability plan and identify resources that will assist in this effort.

Summary:

By approval of the Consent item, "City Sustainability Plan," the Council endorses the staff recommendations in the Gardiner May 16, 2014 memo to Council and authorizes the following actions:

- Creation of an inter-departmental task force to draft the framework for a City sustainability plan, and
- Identification of resources to assist the City in this effort, such as the University of Maryland's Partnership for Action Learning in Sustainability program (PALS).

Recommendation:

City Council authorization of these two actions will enable the City to develop a more comprehensive approach to sustainability than the City has pursued. Staff will provide follow-up information regarding a proposed schedule and process. The drafting of a sustainability plan for Council consideration will require input from all departments, numerous committees, residents, and partners outside the City.

To: Mayor Andrew Fellows and City Council
From: Bill Gardiner, Assistant City Manager *BG*
Through: Joe Nagro, City Manager *JN*
Re: Recommendations Regarding City's Sustainability Initiatives
Date: May 16, 2014

Issue:

The City has initiated numerous projects supporting sustainability, and has adopted policies and goals that could lead to additional programs. These projects often cross departments, and range from on-going functions such as composting and recycling to ambitious goals regarding environmental conservation, protection, restoration, and energy efficiency. Additionally, many City committees are involved in some aspect of sustainability, such as the Committee for a Better Environment (CBE), the Tree and Landscape Board, the Sustainable Maryland Certified Green Team, the Ad Hoc Committee on Business Recycling, and the Farmers Market committee.

The Assistant City Manager, under the direction of the City Manager, has been designated responsibility for consolidating and coordinating City sustainability programs and policies, and preparing such materials for Council consideration. In an April 11, 2014 memo to the Mayor and Council (attached for reference), I noted some of the programs and policies referenced above, and included some recommendations for Council to consider. Matt Popkin, a UMD graduate student and Sustainability Intern for the City, gave a presentation to Council on April 22, 2014 on College Park emissions and sustainability planning in comparable U.S. cities and at the University of Maryland.

Summary

The City Council is requested to provide direction to staff on the recommendation below (modified from the recommendations in the April 11 memo) regarding the City's sustainability initiatives.

Recommendation:

City Council authorize the creation of an inter-departmental task force, with input from relevant City committees and collaborating entities (such as the University of Maryland), to carry out the following:

- Draft the framework for a City sustainability plan.
- Identify sustainability resources that could partner with the City, such as national organizations that assist local governments develop sustainability plans, and the University of Maryland's "Partnership for Action Learning in Sustainability" program (PALS). The PALS program matches identified City needs with specific UMD courses and students. It may be able to assist the City identify / research best practices related to sustainability.

City Council authorization of these two actions will enable staff to begin a more comprehensive approach to sustainability than the City has pursued, and staff would provide follow-up information regarding a proposed schedule and process. The drafting of a sustainability plan for Council consideration will require input from all departments, numerous committees, residents, and partners outside the City.

To: Mayor Andrew Fellows and City Council
From: Bill Gardiner, Assistant City Manager *RB*
Matthew Popkin, City Sustainability Intern *MP*
Through: Joe Nagro, City Manager *JN*
Re: Sustainability Initiatives and Recommended Next Steps
Date: April 11, 2014

Issue:

The City has initiated a growing number of projects supporting sustainability, and has endorsed vision statements and adopted policies and goals that could lead to additional programs. Given the variety of current projects, interest in new projects, and the scope of policy statements, the Council should consider steps to unify the initiatives in order to facilitate coordination and implementation of these efforts.

Summary:

The City's 2010-2015 Strategic Plan includes the goal to "Lead the community in environmental conservation, protection, restoration, and energy efficiency." Steps taken to meet the Strategic Plan targets include the following:

- The City Council endorsed the University District Vision including the goal of "Making College Park a Sustainable Top 20 College Town by 2020."
- City Council resolutions related to reductions in energy usage and increases in renewable energy production.
- The City is Sustainable Maryland Certified.
- The City has supported projects or research related to storm water improvements, expanded recycling, composting, emissions reductions, stream clean-ups, community gardens, permaculture, and education / outreach.

Some of these initiatives are grant-funded and tied to specific projects, and others are much broader in scope and not connected to specific actions or funding. Many City-created or affiliated entities, such as the Committee for a Better Environment, CPCUP University District work groups, Neighborhood Stabilization and Quality of Life Work Group, Farmers Market Committee, Recreation Board, Sustainable Maryland Certified Green Team, and the Tree and Landscape Board are involved with sustainability efforts.

In 2008 the University of Maryland adopted a 10-year strategic plan that includes the goal of being widely recognized as a national model for a Green University, and in 2009 the University adopted its Climate Action Plan (http://rs.acupcc.org/site_media/uploads/cap/278-cap.pdf). College Park has an opportunity to collaborate with, and benefit from the University's resources and experience. University communities such as the Town of Chapel Hill, NC have also developed sustainability plans.

The Assistant City Manager, under the direction of the City Manager, is responsible for consolidating and coordinating City sustainability programs and policies, and preparing such materials for Council consideration. Below are additional actions to enhance the City's effectiveness in this area.

Recommendation:

Based on a review of the College Park programs and policies, the sustainability plans of several cities, metrics and policies used by some communities and UMD, and conversations with staff, Council members, committee members, and UMD staff, it is recommended that the Council consider adopting one or more of the steps below.

Short-term Recommendations:

- Authorize an expanded Green Team (consider adding a UMD Office of Sustainability member and/or UMD researchers, residents with professional experience sustainability programs, local government, and/or finance) to draft the framework for a sustainability plan to meet emissions targets for the City (similar to what other communities have done) and to present the draft plan for Council discussion.

Mid-term Recommendations:

- Based on preliminary recommendations by the Green Team, develop an agreement with the UMD "Partnership for Action Learning in Sustainability" program that identifies specific College Park needs in the area of sustainability, and matches those needs with specific UMD courses and students to identify best practices for the City to meet the targeted goals. This program could be initiated by College Park, or College Park could collaborate with nearby communities.
- Update the Sustainability Goals of the University District 2020 Vision (in collaboration with the CPCUP).
- Request the Green Team to identify specific additional goals for Sustainable Maryland Certified, in anticipation of future higher levels of certification and the completion of the current goals.
- Explore joining a program such as STAR (*Sustainability Tools for Assessing and Rating Communities*; see attachment) to facilitate the implementation and measurement of the City's sustainability efforts.

ATTACHMENTS

1. List of current City documents and policies directly related to sustainability
2. List of current City initiatives related to sustainability

1. City of College Park Guiding Documents and Policies Related to Sustainability

Goal III of the 2010 – 2015 Adopted Strategic Plan:

Lead the community in environmental conservation, protection, restoration, and energy efficiency.

Sustainable Maryland Certified

Application process 2011 – 2012; three-year Action Plan, 2013-2015

City Resolution 13-R-26

Adopting an Energy Efficiency Policy to reduce electricity consumption by 15 percent from the baseline year within five years and establishing an Energy Efficiency Action Plan.

City Resolution 13-R-27

Adopting a Renewable Energy Production Policy to take a leadership role in renewable energy generation, become a Maryland Smart Energy Community, and develop a Renewable Energy Action Plan to help the City meeting 20 percent of its electrical demand in buildings with renewable energy generation by 2022.

University District Vision for 2020

Making College Park a Sustainable Top 20 College Town by 2020

“The University District offers its community a high quality of life including a safe and secure environment, access to world-class K-12 schools, and attractive commercial districts that serve families and students alike. The District enjoys excellent pedestrian and bicycle access, public transportation options, and efficient roads and parking. Finally, the University District exemplifies a leading “green” community, utilizing sustainable building practices, green technologies, and a strong commitment from the community to protect, preserve, and enhance natural resources.”

2. City of College Park Current Initiatives Related to Sustainability

Sustainable Maryland Certified Implementation Plan (Green Team Three-Year Action Plan)

Maryland Smart Energy Communities Grant (energy efficiency and renewable energy production)

Bikeshare Grant and Bike to Work Day

Business Recycling Grant and policies

On-going recycling and composting activities

Electronics and appliance recycling activities

Hollywood Gateway Park as a demonstration project
Proposed Trolley Trail Permaculture site

Complete Streets Plan

Bicycle Routes Plan

Street Tree Plantings

Safe Routes to Schools Sidewalk Improvements

UM Shuttle Participation

Green Team Action Plan

Collaboration with the Environmental Finance Center on Stormwater Issues

Collaboration with the Low-Impact Development Center on Innovative Stormwater Design Pilot Projects

14-O-02

Adoption of 14-O-02, an Ordinance of the Mayor and Council of the City of College Park, Maryland to Adopt the Fiscal Year 2015 Operating and Capital Budget of the City of College Park, Maryland

Ordinance to Adopt the FY2015 Operating and Capital Budget

Mr. Mayor:

I move to adopt Ordinance 14-O-02,

**AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF
COLLEGE PARK, MARYLAND TO ADOPT THE FISCAL YEAR 2015
OPERATING AND CAPITAL BUDGET OF THE CITY OF COLLEGE PARK,
MARYLAND**

Additional comments:

The budget Ordinance was introduced on April 22nd and a public hearing was held on May 13th. The Ordinance reflects the combination of the FY2015 City Manager's requested budget and budget changes made by Mayor & Council during budget worksessions.

Total General Fund revenues of \$15,094,904 include operating revenues of \$14,707,087, an interfund transfer from the Parking Debt Service Fund of \$314,815, and use of unassigned reserve of \$73,002. Total General Fund expenditures are \$15,094,904.

In the Parking Debt Service Fund, total revenues are \$250,000 and total expenditures are \$314,815.

There will be no change in property tax rates, fines or fees. The tax rates for real and personal property tax will be set at 33.5 and 83.8 cents per \$100 of assessed valuation, respectively.

The total 5-year Capital Improvement Program is \$35,118,764.

By adoption of this Ordinance, the FY2015 Pavement Management Plan and Pay Plan are hereby adopted. Also, by adoption of this Ordinance, the City includes its employees in the Employees' Pension System of the State of Maryland as of July 1, 2014 and authorizes payment of retirement benefits into the said pension system, and further authorizes payment for eligibility service and creditable service in the said pension system equal to 60% of an eligible employee's period of employment with the City prior to July 1, 2014, on the terms and conditions set forth in State law.

The budget ordinance will be effective July 1, 2014.

ORDINANCE 14-O-02

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF
COLLEGE PARK, MARYLAND TO ADOPT THE FISCAL YEAR 2015
OPERATING AND CAPITAL BUDGET OF THE CITY OF COLLEGE PARK,
MARYLAND

BE IT ORDAINED, by the Mayor and Council of the City of College Park, Maryland, that the following sums and amounts are hereby appropriated for the fiscal year beginning July 1, 2014 and ending June 30, 2015, the said revenues being used to defray expenses and operations of the City of College Park, Maryland in accordance with the following schedule:

General Fund

Revenues

Taxes

Real Property Taxes	\$ 6,661,185
Personal Property Taxes	801,000
Income Taxes	1,550,000
Other Local Taxes	650,000
State Shared Taxes	113,583
County Shared Taxes	450,000

Licenses & Permits

Business Licenses	43,000
Other Licenses & Permits	814,934
Utility Franchise Fees	310,000

Intergovernmental

Federal Grants	0
State Grants	193,605
County Grants	44,717

Charges for Services

General Government Charges	7,200
Highways & Streets	524,300
Sanitation & Waste Removal	413,824
Health Charges	12,000

Fines & Fees

Fines	1,921,900
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Miscellaneous Revenues

Investment Earnings	94,459
Property & Equipment Rental	98,500
Sale of Fixed Assets	1,000
Other Revenues	<u>1,880</u>

Total Operating Revenues \$ 14,707,087

Non-Revenue Receipts

Interfund Transfer from Parking Debt Service Fund	314,815
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Use of Unassigned Reserve	<u>73,002</u>
<i>Total Revenues</i>	<u>\$ 15,094,904</u>

Expenditures

General Government	\$ 3,160,265
Public Services	3,725,973
Planning, Community & Economic Development	638,146
Youth, Family & Senior Services	1,124,202
Public Works	5,096,819
Contingency	10,000
Debt Service	558,274
Interfund Transfer to Capital Projects Fund	<u>781,225</u>

<i>Total Expenditures</i>	<u>\$ 15,094,904</u>
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Parking Debt Service Fund

Revenues

Highways & Streets	
Parking Meter Revenue	\$ 205,000
Fines	
Parking Fines Revenue	<u>45,000</u>

<i>Total Revenues</i>	<u>\$ 250,000</u>
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Expenditures

Interfund Transfer to General Fund	<u>\$ 314,815</u>
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<i>Total Expenditures</i>	<u>\$ 314,815</u>
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BE IT FURTHER ORDAINED that:

1. The tax levy be, and the same is hereby set at thirty-three and 5/10 cents (\$0.335) per one hundred dollars (\$100.00) of full value assessment on all taxable real property located within the corporate limits of the City of College Park, Maryland;
2. The tax levy be, and the same is hereby set at eighty-three and 8/10 cents (\$0.838) per one hundred dollars (\$100.00) of full value assessment on all taxable personal property located within the corporate limits of the City of College Park, Maryland;
3. In addition to the projected General Fund operating revenue of \$14,707,087, the sum of \$314,815 is transferred from the Parking Debt Service Fund and the sum of \$73,002 is appropriated from prior years' unassigned fund balance;

4. The net speed enforcement camera revenues, after recovery of the costs of implementing and administering the program, are allocated solely for public safety purposes, including pedestrian safety programs;
5. The above listing of revenues and expenditures represents a summary of the detailed material contained in a document entitled "City Manager's Requested Operating and Capital Budget for Fiscal Year 2015", with amendments; said document and any amendments thereto are incorporated herein by this reference;
6. By adoption of this Ordinance, the FY2015 Pavement Management Plan and the FY2015 Pay Plan (including Job Class Table and Pay Table) contained in the FY2015 requested operating budget with amendments, if any, are hereby adopted by this reference;
7. By adoption of this Ordinance, the City includes its employees in the Employees' Pension System of the State of Maryland as of July 1, 2014 and authorizes payment of retirement benefits into the said pension system, and further authorizes payment for eligibility service and creditable service in the said pension system equal to 60% of an eligible employee's period of employment with the City prior to July 1, 2014, on the terms and conditions set forth in State law;
8. The Unrestricted Capital Projects Fund and Restricted Capital Projects Fund reserve accounts shall be re-appropriated as required in order to fund the projects included in the Capital Improvement Plan as adopted by this Ordinance;
9. The Capital Budget and the Five Year Capital Improvement Plan for Fiscal Year 2015 in the amount of \$35,118,764, as listed and described in the capital projects fund section of the "City Manager's Requested Operating and Capital Budget for Fiscal Year 2015" with amendments is hereby adopted;
10. The Parking Debt Service Fund is hereby budgeted for fiscal year 2015. This fund was established in fiscal year 2008 to receive 50% of the additional parking meter revenue generated from the FY2008 increase in parking meter rates. Beginning in FY2011, this fund also receives the \$2.50 increase in parking tickets for expired meter and overtime parking. The revenues retained in the Parking Debt Service Fund will be used to offset debt service costs on the parking garage debt;
11. Personal property tax accounts delinquent for a period of ninety (90) days shall be assessed a \$100.00 late payment penalty;
12. Should any section of this Ordinance be determined to be invalid, such invalidity shall not affect any other sections; and
13. This Ordinance shall become effective at the expiration of twenty (20) calendar days following its adoption or July 1, 2014, whichever is later.

AND BE IT FURTHER ORDAINED by the Mayor and Council of the City of College Park, Maryland that, upon introduction of this Ordinance, the City Clerk shall distribute a copy of same to each council member and shall publish a fair summary of this Ordinance in a newspaper having general circulation in the City, together with a notice setting out the time and place for a public hearing hereon and for its consideration by the City Council.

A public hearing was held on this budget Ordinance at 7:10 p.m. on the 13th day of May, 2014 in the Council Chambers, City Hall, 4500 Knox Road, College Park, Maryland. The public hearing followed the date the "City Manager's Requested Operating and Capital Budget for Fiscal Year 2015" was available for inspection by the public by at least two (2) weeks, and was held in connection with a regular Council meeting. All persons interested had an opportunity to be heard. After the public hearing, the Council may adopt the proposed budget Ordinance, with or without amendment, without the need for further advertising or public hearings.

Introduced on the 22nd day of April, 2014

Adopted on the _____ day of May, 2014

Effective on the 1st day of July, 2014

Andrew M. Fellows, Mayor

ATTEST:

Janeen S. Miller, CMC, City Clerk

APPROVED AS TO FORM:

Suellen M. Ferguson, City Attorney

14-O-03

Adoption of 14-O-03, An Ordinance Of The Mayor And Council Of The City Of College Park, Amending Chapter 87, "Building Construction" To Add §87-25, "Installation And Maintenance Of Underground Utilities In City Rights Of Way" And Amending Chapter 110, "Fees And Penalties ", §110-1 "Fees And Interests" To Include The Fees Imposed Under §87-25

AN ORDINANCE
OF THE MAYOR AND COUNCIL OF THE CITY OF COLLEGE PARK, AMENDING
CHAPTER 87, "BUILDING CONSTRUCTION" TO ADD §87-25, "INSTALLATION
AND MAINTENANCE OF UNDERGROUND UTILITIES IN CITY RIGHTS OF WAY"
AND AMENDING CHAPTER 110, "FEES AND PENALTIES ", §110-1 "FEES AND
INTERESTS" TO INCLUDE THE FEES IMPOSED UNDER §87-25

WHEREAS, pursuant to §5-201 *et seq.* of the Local Government Article, Annotated Code of Maryland, the City of College Park, Maryland (hereinafter, the "City") has the power to pass such ordinances as it deems necessary to assure the good government of the municipality, and to protect and preserve the municipality's property; and

WHEREAS, pursuant to §5-211 of the Local Government Article, Annotated Code of Maryland, the City of College Park also has the express power to establish and enforce a building code; and

WHEREAS, pursuant to this authority, the City enacted Chapter 87 "Building Construction" to adopt a building code; and

WHEREAS, certain utilities seek to place fiber optic cable and conduits under the improved and unimproved City rights of way; and

WHEREAS, the underground use of City rights of way creates an administrative burden on the City with respect to installation and maintenance in the right of way; and

WHEREAS, the Mayor and Council have determined that it is in the public interest to assess a fee and/or require placement of fiber for City use as part of the permitting process for such use of the rights of way, and to require that contractors/owners comply with certain conditions and sign an agreement.

Section 1. NOW, THEREFORE, BE IT ORDAINED AND ENACTED, by the Mayor and Council of the City of College Park, Maryland, that Chapter 87 "Building Construction",

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

§87-25, "Installation and Maintenance of Underground Utilities in City Rights of Way" of the Code of the City of College Park be, and is hereby, adopted to read as follows:

§87-25. INSTALLATION AND MAINTENANCE OF UNDERGROUND UTILITIES IN CITY RIGHTS OF WAY

A. APPLICATION: THE REQUIREMENTS OF THIS SECTION ARE IN ADDITION TO THE OTHER PROVISIONS OF THIS CHAPTER. A UTILITY THAT HAS BEEN GRANTED THE RIGHT BY LAW OR WRITTEN AGREEMENT TO LOCATE WITHIN CITY RIGHTS OF WAY IS EXEMPT FROM THIS SECTION, AS ARE UTILITY CONNECTIONS TO ADJACENT PROPERTIES FOR EXISTING WATER, ELECTRIC, TELEPHONE OR NATURAL GAS SERVICE. IF NOT EXEMPTED, THE REQUIREMENTS AND PROVISIONS OF THIS SECTION APPLY TO ALL UTILITY COMPANIES AND UTILITY FACILITIES, WHETHER PRIVATELY OR PUBLICLY OWNED.

B. AUTHORIZATION REQUIRED. EXCEPT FOR EMERGENCIES, NO WORK SHALL BE PERFORMED ON ANY COVERED FACILITY LOCATED UNDER THE PUBLIC RIGHT-OF-WAY WITHOUT A PERMIT ISSUED IN ACCORDANCE WITH THIS CHAPTER AND A RIGHT-OF-WAY USE AGREEMENT SIGNED BY THE OWNER OF THE INSTALLATION. ANY SUCH WORK THAT IS PERFORMED THAT IS NOT IN COMPLIANCE WITH THIS SECTION SHALL BE REMOVED BY THE OWNER OF THE INSTALLATION IMMEDIATELY UPON DEMAND BY THE CITY, AND THE OWNER SHALL RESTORE THE PUBLIC RIGHT-OF-WAY TO ITS CONDITION PRIOR TO THE PERFORMANCE OF THE UNAUTHORIZED WORK. ALL SUCH RESTORATION WORK SHALL BE AT THE SOLE COST AND EXPENSE OF THE OWNER OF THE

INSTALLATION, WHICH SHALL ALSO BE RESPONSIBLE FOR REIMBURSING THE CITY FOR ANY AND ALL COSTS AND EXPENSES THAT IT MAY INCUR ARISING OUT OF OR RELATING TO SUCH UNAUTHORIZED WORK. A PERMIT AND AGREEMENT SHALL BE REQUIRED FOR EACH ENTITY TO COVER THE FOLLOWING WORK PERFORMED ON ITS EXISTING OR NEW FACILITIES LOCATED WITHIN PUBLIC RIGHTS-OF-WAY OR EASEMENTS UNDER THE JURISDICTION OF THE CITY:

1. ROUTINE MAINTENANCE OF EXISTING UTILITY FACILITIES.
2. REPAIRS TO EXISTING UTILITY FACILITY INFRASTRUCTURE.
3. UNDERGROUND UTILITY FACILITY CONSTRUCTION WITHIN CITY RIGHTS OF WAY.

THE OWNER OF THE UTILITY FACILITY WHICH IS BEING MAINTAINED OR REPAIRED SHALL BE RESPONSIBLE FOR OBTAINING THE MAINTENANCE UTILITY PERMIT.

C. ADMINISTRATIVE FEE: IN ADDITION TO A PERMIT FEE AS REQUIRED UNDER CHAPTER 110 OF THE CITY CODE, THE OWNER OF THE PROPOSED INSTALLATION SHALL PAY AN ADMINISTRATIVE FEE TO THE CITY AS FOLLOWS:

1. COST OF CONSTRUCTION IS LESS THAN \$25,000.00 - \$1,000.00
2. COST OF CONSTRUCTION IS MORE THAN \$25,000.00 - \$2,000.00

IN LIEU OF AN ADMINISTRATIVE FEE, THE PERMIT APPLICANT MAY PROVIDE IF ACCEPTABLE TO THE CITY, AND /OR THE CITY MAY REQUIRE, INSTALLATION OF DARK FIBER AND CONDUIT FOR PERMANENT OWNERSHIP AND USE BY THE

CITY. IN THIS CASE, THE CITY SHALL HAVE FULL AND EXCLUSIVE RIGHT TO OWN, USE AND MAINTAIN THE FIBER AND CONDUIT.

D. INDEMNIFICATION. THE PERMITTEE SHALL INDEMNIFY, DEFEND, AND HOLD HARMLESS THE CITY, IT'S AGENTS, SERVANTS, EMPLOYEES AND CONTRACTORS, FROM AND AGAINST ANY AND ALL LOSSES, CLAIMS, SUITS OR DEMANDS FOR DAMAGES TO PROPERTY OR PERSONS ARISING OUT OF PERMITTEE'S USE OF THE RIGHTS-OF-WAY, UNLESS SUCH LOSS, CLAIM, SUIT OR DEMAND FOR DAMAGES IS CAUSED BY THE NEGLIGENCE OR WILLFUL MISCONDUCT OF THE CITY, ITS AGENTS, SERVANTS, EMPLOYEES, AGENTS OR CONTRACTORS.

Section 2

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

§110-1 "Fees and interests"

Chapter/Section	Description	Fee/Interest
	* * * * *	
Ch. 87 Building Construction		
	* * * * *	

§87-25

CONSTRUCTION COST LESS THAN \$25,000.00 - \$1,000.00
 CONSTRUCTION COST MORE THAN \$25,000.00 - \$2,000.00

CAPS/BOLD : 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

* * * *

Section 3

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 publish this proposed ordinance or a fair summary thereof in a newspaper having a general circulation in the City of College Park together with a notice setting out the time and place for a public hearing thereon and for its consideration by the Council. The public hearing, hereby set for 7:15 P.M. on the 27 day of May **2014**, 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. As soon as practicable after adoption, the City Clerk shall have a fair summary of the Ordinance and notice of its adoption published in a newspaper having a general circulation in the City of College Park and available at the City's offices. This Ordinance shall become effective on June 17, 2014 provided that a fair summary of this Ordinance is published at least once prior to the date of passage and once as soon as practical after the date of passage in a newspaper having general circulation in the City.

INTRODUCED by the Mayor and Council of the City of College Park, Maryland at a regular meeting on the 22 day of April, 2014.

ADOPTED by the Mayor and Council of the City of College Park, Maryland at a regular meeting on the _____ day of _____, 2014.

EFFECTIVE the _____ day of _____, 2014.

ATTEST:

CITY OF COLLEGE PARK,

Janeen S. Miller, CMC, City Clerk

Andrew M. Fellows, Mayor

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

Suellen M. Ferguson, City Attorney

14-G-57

**Approval of a letter to the
Prince George's County
Planning Board with the City's
comments and
recommendations on the
Preliminary College Park-
Riverdale Park Transit District
Development Plan**

I move that the City Council approve a letter with comments and recommendations on The Preliminary College Park-Riverdale Park Transit District Development Plan (TDDP). The letter shall serve as the City's written testimony for the public hearing before the Prince George's County Planning Board on May 29, 2014.

Comments:

- The process for updating the 1997 College Park-Riverdale Park TDDP began last May and involved several community workshops and a series of stakeholder group meetings. The Planning Board hearing will be followed by a District Council public hearing in September with final approval of the plan in October 2014.
- The vision for the metro area is for a transformation from an auto and suburban-oriented office and industrial area into a vibrant, walkable, mixed-use center. It includes new residential neighborhoods and a revitalized M Square Research Park that capitalize on public transit, existing recreational amenities, historic features and affiliation with the University of Maryland.
- The City supports this vision, in general, but has several recommendations for improving the plan that are contained in the letter.

May 27, 2014

Ms. Redis Floyd
Clerk of the County Council
County Administration Building
14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772

Re: Preliminary College Park-Riverdale Park Transit District Development Plan (TDDP)

Dear Ms. Floyd:

The Mayor and Council of the City of College Park approved the following comments and recommendations on the Preliminary College Park-Riverdale Park TDDP at a regular meeting on May 27, 2014. They are listed by topic area and page number for your convenience.

Vision – Page 31

Comment: The City concurs with the overall vision for the area but objects to some of the neighborhood boundaries and terminology used in the TDDP.

Recommendation:

- Extend the TOD Core boundary to 52nd Avenue (including the CASTL building). Change the neighborhood name to be more descriptive of the specific location since the entire district is proposed for transit-oriented development. Consider the name “Metro Core” as this neighborhood is within a five-minute walk of the Metro Station.
- End the boundary of the College Park Aviation Village at 52nd Avenue and create a new neighborhood designation for the O-S-zoned property owned by M-NCPPC on both sides of Paint Branch Parkway. This area contains the Aviation Museum, Wells-Linson Complex and most of the College Park Tennis Center. Calling it the “Culture and Recreation Area” might be more appropriate.
- Eliminate the Greenway Corridor neighborhood.
- Expand the Research Core neighborhood to include the remainder of the former Greenway Corridor neighborhood east of 52nd Avenue and south of the Wells-Linson Complex and to include the University of Maryland-owned property south of River Road and east of Rivertech Court.

A map is attached showing these new neighborhood boundaries.

Achieving the Vision – Pages 35-36

Comment: Existing and approved development in M Square represents sprawl and is an outdated approach to university-affiliated research parks. This approach is inconsistent with attracting the creative class or millennial generation. M Square could

be retrofitted with liner buildings along the surface parking lots and include a mix of uses and building types as well as shared parking.

Recommendation:

- Do not extend expired Detailed Site Plans (DSP's) unless they are amended to comply with the TDDP.
- Mention the College Park City-University Partnership (CPCUP) as one of the champions of this plan who could assist the University of Maryland with a retrofit strategy for M Square.

Land Use and Urban Design – Pages 39-60

Comment: The City is generally supportive of the strategies listed in this section particularly the creation of a signature transit plaza, greenway corridor and urban conservation park. A few of the strategies (parking and green building practices for instance) are not adequately reflected in the Transit District Standards.

Recommendation:

- Revise the Proposed Land Use Map 8 to show mixed-use predominately residential in the area of the College Park Aviation Village north of Paint Branch Parkway now shown as mixed use. Show the proposed urban conservation park area as open space rather than mixed use.
- Delete strategy 2.4 that prohibits expansion of the TDOZ boundaries. Current law (Section 27-548.09.01 of the Zoning Ordinance) requires any change of a TDOZ boundary to be heard by the District Council which should provide adequate safe guards.
- Enhance the illustrative drawing of the proposed transit plaza shown on page 49 by labeling the important features (purple line route, bus route and bays, hardscape plaza, lawn area and retail).
- Revise strategy 1.3 on page 55 that calls for buildings up to 12 stories to front the greenway. Limit building heights in the TDDP to 8 stories with the tallest buildings along Paint Branch Parkway and River Road, not the greenway.

Transportation and Mobility – Pages 61-83

Comment: Some of the strategies in this section are brought forward from the 1997 TDDP and others are fresh ideas. Some of the recommendations such as the establishment of a Transportation Demand Management District (TDMD) and a Transportation Management Authority (TMA) have been included in other county plans but never implemented. These and other strategies will continue to be hard to implement without an influx of financial resources, extensive intergovernmental coordination and/or mandatory requirements. The City strongly supports the establishment of a Parking Management District and improved bicycle accommodations.

Recommendation:

- Provide more specific information on the height limitations and other regulations that impact the College Park Airport under Aviation on page 68.
- Eliminate strategy 1.2 on page 81 that calls for the establishment of phased maximum parking ratios that allow more generous parking to be built up to the year 2025 with more stringent parking ratios following this date. This strategy contradicts other narrative in this section which reports the overall parking utilization in the district as 60-75% when the optimal utilization should be 85-90% and also states that a number of existing developments have provided too much parking. In addition, the Purple Line is slated to open in 2020 providing even more transit options to lower the demand for parking.
- Eliminate or revise strategy 1.3 on page 81 that allows developments to exceed the already generous parking ratios up to 2025 if certain criteria are met. The City recommends a different parking schedule for the TDDP (see Transit District Standards) that would lower the parking ratio and eliminate timeframes. Strategy 1.3 could be effectively utilized with lower ratios.
- Eliminate strategy 1.4 on page 81 that calls for district wide parking caps. While this may seem like a good idea, unless there is a district wide parking manager, it will be difficult to enforce and may serve to disadvantage development in the long term. Instead, parking ratios should be lowered and a strategy for the construction of shared parking garages proposed.

Environmental Infrastructure/Healthy Communities/Parks and Recreation – Pages 85-107

Comment: The City believes the proposed Urban Conservation Park would provide many environmental, economic and social benefits for the district and supports the strategies proposed to explore funding opportunities to acquire and build this park as well as the other urban parks envisioned in each neighborhood.

Recommendation:

- Strengthen strategy 3.1 on page 105 to ensure that the land needed to develop the proposed urban park system is dedicated or acquired.
- Revise strategy 4.2 on page 107 to include the construction of 52nd Avenue between Paint Branch Parkway and the Aviation Museum as well as bicyclist and pedestrian facilities to improve direct access and visibility to the museum.

Economic Prosperity - Pages 111-121

Comment: The information in this section was based on two alternate market analyses of phased future growth and build out to the year 2040. While there are some interesting tables here, particularly on jobs and best practice research parks, the results of the market study forecasts are not summarized.

Recommendation:

- Add one or more tables showing the base market forecasts for residential, retail, office and hotel uses for the two alternate market approaches.
- Revise the first paragraph on page 118 under residential development to define “medium to high-density-multifamily development” in terms of the number of dwelling units per acre.

Housing and Neighborhoods/Community Heritage/Public Facilities – Pages 123-133

Comment: The City agrees that the new residential population proposed in this area will create further demand for schools, recreational and health facilities. Some of the proposed strategies are well intentioned but are not specific or strong enough to be implemented.

Recommendation:

- Add a strategy for the consideration of daycare facilities in conjunction with a new school or major new office development.
- Add a strategy for density bonuses for new development projects that provide any of the following: 1) public open space or plaza; 2) affordable housing; 3) public art; 4) performing arts space; 5) LEED Silver or higher certification.
- Revise strategy 2.1 on page 128 to clarify the intent of appropriate height transitions closest to the Old Town College Park and Calvert Hills neighborhoods and provide a diagram to illustrate this.

Implementation/Revitalization and Economic Development Tools – Pages 137-158

Comment: The City generally agrees with the recommendations in this section but has some concerns about the emphasis on an overall district brand when the district encompasses two municipalities and M Square already utilizes a strong branding approach. The proposed new residential neighborhoods also lend themselves to separate branding efforts.

Recommendation:

- Revise the approach under Step One on page 138 to include a process for joint development review of new projects and coordination of official positions to the extent possible.
- Consider renaming this plan area and the classification of the area in the General Plan to begin the branding process. The proposed renaming to the College Park/University of Maryland Metro/M Square Purple Line Regional Transit District is unwieldy. The “Pearl District” in Portland is an example of area branding that is short and descriptive.
- Add the new Regional Institution Strategic Enterprise Zone Program (RISE) legislation recently approved by the State to the list of economic development tools.

Zoning Map Amendment Changes – Pages 167-183

Comment: The City supports the proposed zoning changes but notes that residential uses under the M-U-I zone are limited to 48 dwelling units per acre unless accompanied by another land use. It is important to clarify the density ranges desired in the TDOZ by referring to the number of dwelling units per acre, not just the number of stories.

Recommendation:

- Consider using the following best practices for expressing density: 12-40 du/acre for townhouses; 20-75 du/acre for low rise multifamily; and 50-150 du/acre for mid-rise multifamily including residential over commercial.

Building Form – Pages 194-207

Comment: In general, these pages should be reorganized to reduce the amount of narrative and place regulations in simple tables. Much of the information is not presented in a user-friendly manner and is repeated in hard-to-read diagrams.

Recommendation:

- Consolidate the two diagrams on page 194 into one. The parking setback line needs to be explained or removed from the diagram.
- Revise the diagram on page 195 to show the dimensions within each zone and clarify the location of the face of curb which should fall between the parking zone and step-off zone.
- Reconsider the use of curb lines instead of rights-of-way for establishing build-to lines in order to avoid confusion.
- Revise Map 22, Building Heights, to reflect a maximum height in the transit district of 8 stories, not 12. The tallest buildings, 5-8 stories, should be permitted along Paint Branch Parkway and River Road with 2-5 stories permitted in other areas except where only townhouse development is desired (2-3 stories). These should be considered typical building heights in these areas and allow for some variation including both lower buildings and taller buildings (if awarded as part of a density bonus).
- Clarify the requirement for a transition in building heights along the western edge of the TOD Core (page 200). Delete the diagrams on this page.
- Revise the height from 4-6 stories to 2-5 stories in the College Park Aviation Village behind the Paint Branch Parkway frontage (page 201). Delete the diagrams on this page.
- Delete page 202 in its entirety to eliminate the Greenway Corridor neighborhood.
- Revise the building heights in the Research Core to 5-8 stories along River Road and 2-5 stories behind (page 203). Delete the diagrams on this page.
- Delete the requirement for a building stepback above eight stories (eight stories should be the maximum height) on page 206. Replace the drawings on this page with buildings that more closely conform to the vision.
- Add a drawing and explanation to illustrate the type of height transition that is envisioned between the rail lines and River Road in the TOD Core.

Parking – Pages 208-212

Comment: The entire TDOZ will be within a ten-minute walk of transit once the Purple Line is constructed (2020). Having different parking requirements for ¼ mile and ½ mile distances, and prior to 2025 and after 2025, seems unnecessary and overly complicated. The proposed parking requirements are greater than the requirements in the 1997 TDDP and in the 2010 US 1 Corridor Sector Plan and are contrary to the plan vision of minimizing parking and vehicle travel. The City is concerned that setting a parking maximum for the TDOZ will serve to disadvantage or preclude later development and that a better strategy is to lower the parking maximums for all land uses.

Recommendation:

- Eliminate Table 19 on page 208 and substitute the parking schedule used for Walkable Nodes in the US1 Corridor Sector Plan. Retain the criteria for exceeding the maximum parking ratios only if the parking ratios are lowered.
- Eliminate the transit district-wide parking maximums (Table 20 on page 209).
- Delete the last sentence on page 210 under Transportation Adequacy (otherwise agree with the APF strategy).
- Ensure that the surface parking lot setback requirements are measured by the same standard as build-to lines (curb line or property line).

Architectural Elements – Pages 213-218

Comment: The City concurs with these standards with the exception that all signs in the TDOZ should be mandated to conform to the signage standards even the refacing of existing signs (TDOZ applicability, page 187).

Sustainability and the Environment – Pages 219-221

Comment: Construction of the Purple Line may make the implementation of the short term recommendations for complete street accommodations infeasible. The impact of the right-of-way needed for the Purple Line on the west side of River Road needs to be addressed in relation to the required build-to line which may need to be increased. The parking lane and wide sidewalk between the Purple Line travel way and the roadway should be reexamined to minimize the overall width of the right-of-way. A center line platform would be preferable.

Table of Uses – Pages 233-289

Recommendation: The City agrees with the Table with the following exceptions:

- Prohibit gas stations (page 234).
- Prohibit drive-through windows associated with a bank, savings and loan or other lending institution (page 235).

- Provide clarification for why an office of a certified massage therapist is a permitted use (page 236) but a massage establishment is prohibited (page 239).

Thank you for the opportunity to comment and participate in the planning process.

Sincerely,

Andrew M. Fellows,
Mayor

②

COLLEGE PARK
AVIATION VILLAGE

③

CULTURE &
RECREATION

①

METRO CORE

④

RESEARCH CORE

⑤

RIVERDALE PARK
URBAN VILLAGE



14-G-58

**Approval of an Award of
Contract to Charles P. Johnson
and Associates, Inc. in an
amount not to exceed \$45,000
for engineering services –
Duvall Field
Concession/Restroom
Building.
(Requires a super majority
vote).**

MOTION: I move to authorize the award of a contract to Charles P. Johnson and Associates in the not to exceed amount of \$45,000.00, to provide civil engineering services for a prefabricated concession/restroom building and plaza area at Duvall Field, and to approve a contract with Charles P. Johnson and Associates in substantially the form attached. The City Manager is authorized to sign the contract.

Comments:

- The Boys and Girls Club was awarded a \$75,000 matching grant from the State of Maryland for the renovation of the entire Duvall Field complex, including the concession building. These state funds will expire on June 1, 2014 unless the grant funds have been encumbered.
- City staff has located a company, Romtec, Inc., which pre-engineers and builds restroom/concession buildings.
- Certain engineering work is required to prepare plans to obtain a building permit to install the building manufactured by Romtec, Inc. Charles P. Johnson is already under contract with the City, however, not for these engineering services. The contract must be approved by a six members of the Council as a sole source award.
- Approval of this contract is necessary to encumber the funds prior to the deadline.

14-G-59

**Approval of an Award of
Contract to Romtec, Inc. in an
amount not to exceed \$115,000
for supply, design and
shipping of the Duvall Field
Concession/Restroom
Building.**

MOTION: I move to authorize the award of a contract to Romtec, Inc., in the not to exceed amount of \$115,000.00, for the supply, design and shipping of the Duvall Field Concession/Restroom Building, with related plans and documents, and to approve a contract with Romtec, Inc., in substantially the form attached. The City Manager is authorized to sign the contract.

Comments:

- The Boys and Girls Club was awarded a \$75,000 matching grant from the State of Maryland for the renovation of the entire Duvall Field complex, including the concession building. These state funds will expire on June 1, 2014 unless the grant funds have been encumbered.
- City staff has located a company, Romtec, Inc., which pre-engineers and builds restroom/concession buildings. The proposed price is \$115,000.00. Romtec, Inc., is a pre-approved General Services Administration contractor, and so the City can ride this contract without being required to go out to bid under the City Code.
- The scope of work for the contract is to design, supply and deliver the restroom/concession building, including required concrete footings, foundation and slab, and related plans and documents. The building will be installed by a separate contractor. As a result, this contract is conditioned upon sufficient funding, and work will not begin until a notice to proceed is issued by the City.
- Approval of this contract is necessary to encumber the funds prior to the deadline.

14-G-60

**Adoption of FY 2015 Action
Plan (of the 2010 – 2015
Strategic Plan)**

I move for the adoption of the FY 2015 Action Plan in accordance with the goals of the 2010-2015 Strategic Plan.

Comments:

Our annual action plan encourages us to identify what we can accomplish in a year to reach our long term goals. The Council has reviewed the updates to the FY2014 Action Plan, and has reviewed a prior draft of the proposed FY2015 Action Plan. The plan before Council has been modified to reflect Council input. This is the final action plan of the 2010 – 2015 Strategic Plan.

Council intends to initiate a new strategic planning process this Fall.

FY 2015 Draft May 23, 2014
City of College Park Strategic Plan 2010 – 2015
FY 2015 Action Plan

This action plan aligns with the Strategic Plan adopted by City Council August 10, 2010. As an annual road map for strategic plan implementation, this action plan intentionally focuses on a relatively manageable and strategic set of actions for approximately one fiscal year. Most of the steps included in this plan are assumed to have a finite scope (ideally within 1 year) and are strategically oriented towards change and improvement in College Park. Before the end of FY 2015, City Council and City Staff will develop a new five-year strategic plan and the first year action plan. Most steps in this action plan are in addition to ongoing daily operations and recurring annual activities in the City.

Resource needs indicate those resources required beyond existing staff and staff time.

To date, City Council and City Staff annually have reviewed and updated the action plan in conjunction with the budget development process. Action steps not completed in one year have carried forward into to the next year. The FY 2015 Action Plan should bring most items to a close as it is the final year of this strategic planning period.

Following is a list of organization and initiative abbreviations that may appear throughout the action plan. The organizations represent some of the many supporting partners of the City identified in the strategic plan.

ATHA – Anacostia Trails Heritage Area
CBE – Committee for a Better Environment
COG – Metropolitan Washington Council of Governments
COPS – Community Oriented Police Services
CPAE – College Park Arts Exchange
CPNW – College Park Neighborhood Watch
CPCUP – College Park City-University Partnership
DCPMA – Downtown College Park Management Authority
DPIE – Department of Planning, Inspections, and Enforcement
DOT – Department of Transportation
EAC – Education Advisory Committee
EPA – Environmental Protection Agency
ESL – English as a Second Language
HUD – Department of Housing & Urban Development
MHAA – Maryland Heritage Areas Authority
M-NCPPC – Maryland-National Capital Park & Planning Commission

NSQLWG – Neighborhood Stabilization and Quality of Life Workgroup
PG DPW&T- Prince George's County Department of Public Works & Transportation

PGPD - Prince George's County Police Department
PGPOA Prince George's Property Owners Association
SHA – State Highway Administration
SRTSP – Safe Routes to School Program
TMA – Transportation Management Authority
UMD – University of Maryland
UMPD – University of Maryland Police Department
WMATA – Washington Metro Area Transit Authority

YSB – Youth Services Bureau

TBD – To Be Determined

NOTE to May 23, 2014 document: Changes made to May 16 version per Council consensus. New items underlined.

Goal I: Consistent high quality and cost-effective public services that contribute to a safe and welcoming City for all.

Objective 1: Improve public safety and reduce crime by utilizing contract police officers, collaborating with other police agencies, and encouraging community participation.

Action Recommendations:

Major Action Steps	Responsibility	Begin Timeframe	Deadline	Other Resource Needs	Status Update
a. Consider expanding security cameras to additional streets <u>in the Lakeland and Berwyn areas, and conduct an analysis of priority areas for possible future expansion of the system.</u>	City Council, Public Services	Q1	Q4		Council approved purchase of three additional cameras and two license plate readers. Installation expected to be complete by September 2014.* <u>In June 2014 City will apply for funding to pay for cameras in the Lakeland and Berwyn areas.</u>
b. Review and implement, where applicable, <u>B and C priority level recommendations and considerations, and explore D priority level recommendations</u> related to public safety from the NSQLWG and from the CPCUP Public Safety Workgroup.	City Council, Neighborhood Stabilization Committee, Public Services	Q1	Q4		Code of Student Conduct has been expanded City-wide (and everywhere on or off-campus). C-MAST monthly meetings re-convened. NSQLWG has been re-established (as the Neighborhood Stabilization Committee) with quarterly meetings beginning in April 2014. It has approximately 30 members, including the Mayor and Council.
c. <u>Assess effectiveness of City contract police program and assess possibility of City community liaison officer within contract police program.</u>	City Council, City Manager, Public Services	Q3	Q4	<u>Possibly outside consultant, depending on the level of analysis desired.</u>	

Action Plan Notes:

Goal I: Consistent high quality and cost-effective public services that contribute to a safe and welcoming City for all.

Objective 2: Improve local schools that serve City of College Park residents through collaboration with strategic partners including the Prince George's County Public Schools and the University of Maryland.

Action Recommendations:

Major Action Steps	Responsibility	Begin Timeframe	Deadline	Other Resource Needs	Status Update
a. Continue to work to find a permanent home for the College Park Academy	CPCUP, City Council	FY 2013	Q4	College Park Academy executive director, UMD	CPA has expressed its preference for the Terrapin Trader site. UMD has expressed interest in facilitating the relocation of the school to that property. Not clear how a CPA performance assessment would be done.*
b. Request <u>annual report</u> from CPA at the completion of the school year.	CPCUP, City Council	FY15	Q2	College Park Academy Executive Director	
c. Measure success through outcomes achieved as a result of school grants.	EAC, City Council	Q1	Q4		Grants awarded to 9 schools in FY13. As of April 1, 2014, all 9 final reports have been filed.

Action Plan Notes:

Goal I: Consistent high quality and cost-effective public services that contribute to a safe and welcoming City for all.

Objective 3: Expand recreational, social and cultural activities for city residents.

Action Recommendations:

Major Action Steps	Responsibility	Begin Timeframe	Deadline	Other Resource Needs	Status Update
a. Implement micro-grant program which would incentivize and support neighborhoods in organizing block parties.	Public Services, City Council	Q1	Q4	Rec Board	

Action Plan Notes:

Goal I: Consistent high quality and cost-effective public services that contribute to a safe and welcoming City for all.

Objective 4: Strengthen well-being of residents that seek assistance through youth, family and seniors program.

Action Recommendations:

Major Action Steps	Responsibility	Begin Timeframe	Deadline	Other Resource Needs	Status Update
a. Expand public information about available senior programs and recreation activities to seniors in homes throughout the city.	Seniors staff	Ongoing	Ongoing		Information provided in annual Resident Information Guide and via mailings to seniors who have requested information.
b. Review findings of Aging in Place Task Force and determine which recommendations to pursue.	City Council	Q2	Q4	Aging in Place examples in nearby communities (Greenbelt, Hyattsville, etc.)	

Action Plan Notes:

Goal I: Consistent high quality and cost-effective public services that contribute to a safe and welcoming City for all.

Objective 5: Improve customer / constituent service to better serve College Park residents.

Action Recommendations:

Major Action Steps	Responsibility	Begin Timeframe	Deadline	Other Resource Needs	Status Update
a. Provide ongoing staff training in resident relations / constituent services and customer service, including <u>timely implementation of a 24-hour response standard and tracking of resident requests and calls for service using Comcate or other appropriate systems.</u>	Public Services, DPW, other departments as required with all department directors	Ongoing	Ongoing	Human Resources Additional funding if this exceeds the training budget.	A 24-hour response expectation is part of the performance goals for relevant staff; may need to review with department directors how it is being evaluated, and ensure that staff have the training and tools to meet the expectation.
b. Coordinate with the County Department of Planning, Inspections, and Enforcement (DPIE) to streamline the County and City permitting processes.	City Council, Planning Dept., Public Services	FY-2013 Q1	Q3		Public Services, Finance, IT, and Administration staff are identifying possible changes that would streamline City permit applications, billing, payments, and inspections for residential occupancy permits. <u>DPIE presented to City Council an overview of its improvements and plans, and requested the City provide information regarding its permit requirements and related regulations so a new process would be easier for applicants and the City. DPIE will be invited to report to Council on its permit process streamlining efforts and possible integration of City permit application processes.</u>
c. Develop a plan to allow online payments for all permit fees.	Public Services	Q1	Q3		This is one of the issues being considered by the staff work group on permit process redesign.
d. Select the location for a new City Hall.	City Council, City Manager's Office, Planning	Q1	Q3		

Action Plan Notes:

Goal II: Convenient transportation options that improve local travel and manage congestion.

Objective 1: Advocate for state and other resources to rebuild Route 1 to improve its safety, efficiency, and appearance.

Action Recommendations:

Major Action Steps	Responsibility	Begin Timeframe	Deadline	Other Resource Needs	Status Update
a. Lobby State Legislature, State Highway Administration, and County Council to allocate funding to rebuild Route 1 and implement pedestrian safety improvements.	City Council	Ongoing	Ongoing		Funding allocated for phase 1; County, City, UMD, and SHA work group developing and implementing pedestrian safety improvements.
b. Determine City participation for funding of undergrounding of utilities and TIGER application for Rt. 1 reconstruction.	City Council, Finance, Planning	FY14	Q2 FY15	County	City authorized payment for design work to underground utilities along one segment and to request SHA apply for TIGER funds.
c. Work with M-NCPPC and SHA to require Route 1 developers to implement street improvements with new development or, if not feasible, pay a fee-in-lieu.	City Council, Planning Dept.	Ongoing	Ongoing		This coordination occurs during the review of development applications and is accomplished to the extent practicable.
d. Evaluate a Tax Increment Financing (TIF) district strategy to help fund infrastructure improvements as part of a RISE Zone application with UMD.	City Council, Planning Dept.	Q2	Q4		
e. <u>Develop a complete and green streets policy and create a proposed network of complete streets and bike trails for Council consideration.</u> (A complete streets policy seeks to develop integrated, connected networks of streets that are safe and accessible for all people, regardless of age, ability, income, ethnicity, or chosen mode of travel).	City Council, Planning Dept.	Q1	Q2	Smart Growth America resources; TLC grant	Application for TLC funds has been submitted.

Major Action Steps	Responsibility	Begin Timeframe	Deadline	Other Resource Needs	Status Update
<u>Advocate for implementation of SHA recommendations regarding building of sidewalks on Route 1 in north College Park;</u>	<u>City Council, Planning, Engineering</u>	<u>Q2</u>	<u>Q4</u>	<u>21st District Delegation, County, SHA</u>	<u>SHA is expected to provide a report in June 2014 on pedestrian safety along Route 1 in north College Park.</u>

Action Plan Notes:

Goal II: Convenient transportation options that improve local travel and manage congestion.

Objective 2: Support development of transit options that increase convenience, accessibility, and mobility.

Action Recommendations:

Major Action Steps	Responsibility	Begin Timeframe	Deadline	Other Resource Needs	Status Update
a. Implement Route 1, Rhode Island Ave., Campus Drive, and other bus corridor enhancements.	City Council	FY 2012	Ongoing	PG DPW&T, COG, WMATA	
b. Participate in Purple Line design and final engineering for alignment and stations.	Planning Dept., City Council	Ongoing	Ongoing	Include Community input	The City reviewed and commented on the EIS and staff continues to be a member of the MDOT Purple Line Team.
c. Continue funding and promoting use of Shuttle-UM pass for city residents and employees. Work with DOTS to get more reliable statistics.	City Council, City Manager's staff	Ongoing	Ongoing		City requested State legislation to enable UMD to continue MOUs with municipalities to provide Shuttle UM services for residents. State legislation pending Governor signature. <u>Legislation enacted; City must advertize program to promote use.</u>
d. Continue to provide input and participate in the DOTS 10-year strategic plan process where possible. Encourage DOTS to work on collaboration between Shuttle-UM and other bus services.	City Council	FY 2012	Q4		

Action Plan Notes:

Goal II: Convenient transportation options that improve local travel and manage congestion.

Objective 3: Develop and implement Transportation Demand Management (TDM) strategies [on Route 1].

Action Recommendations:

Major Action Steps	Responsibility	Begin Timeframe	Deadline	Other Resource Needs	Status Update
a. Seek funding for infrastructure improvements including bike trails and amenities and sidewalk construction.	Planning Dept.	Ongoing	Ongoing	State funding	<u>City will apply for SHA Bikeways program funding in June. Proposal by SHA for Rt. 1 pedestrian improvements north of Cherokee Street to be presented in July.</u>
b. <u>Implement a City-University bike share program.</u>	<u>Planning</u>	<u>FY 2015</u>	<u>Q4</u>	<u>State grant, UMD</u>	<u>Funding received for Capital Bikeshare program, but implementation delayed in FY14 due to vendor financial problems and alternative bike sharing programs under consideration.</u>

Action Plan Notes:

Goal II: Convenient transportation options that improve local travel and manage congestion.

Objective 4: Improve traffic, pedestrian, and bicycle safety.

Action Recommendations:

Major Action Steps	Responsibility	Begin Timeframe	Deadline	Other Resource Needs	Status Update
a. Explore options to provide safer access to major arteries from all City neighborhoods.	Planning Dept., City Engineer	Ongoing	Ongoing	SHA, County Council, PG DPW&T. <u>Developer commitment of \$500,000 secured.</u>	<u>Engineering and feasibility study for Hollywood Road west of Baltimore Avenue is under consideration.</u> Additionally, staff will invite SHA to discuss and present to the Mayor and Council current and future projects in the City.
b. <u>Explore feasibility of building sidewalks on Hollywood Road in north College Park;</u>	<u>City Council,</u> <u>City Engineer</u>	<u>Q1</u>	<u>Q4</u>		
c. <u>Explore feasibility of additional pedestrian safety measures on Rhode Island Ave. in north College Park, including additional rapid rectangular flashing beacons (RRFB's);</u>	<u>City Council,</u> <u>City Engineer</u>	<u>Q1</u>	<u>Q4</u>		

Action Plan Notes:

Goal III: Lead the College Park community in environmental conservation, protection, restoration, and energy efficiency.

Objective 1: Implement strategies to improve energy efficiency and reduce greenhouse gas emissions.

Action Recommendations:

Major Action Steps	Responsibility	Begin Timeframe	Deadline	Other Resource Needs	Status Update
a. Implement the Sustainable Maryland Certified (SMC) Green Team action plan. Obtain bronze certification through SMC program and continue to pursue projects for higher-level certifications.	City Council, Green Team, CBE	FY 2011	Q4+	COG, Sustainable Maryland Certified; MEA	The City attained the Sustainable Maryland Certification and is implementing the three-year plan.
d. Receive a current sustainability report from CBE to determine next steps.	CBE, City Council	Q1	Q4	Green Team	CBE is not able to provide a sustainability report or community emissions analysis without significant resources.
e. Establish a LEED-based sustainability standard for new development projects within the City jurisdiction.	City Council, CBE	FY 2011	Q4+		Most new development occurs along the Route 1 corridor which already has this standard because of the Sector Plan.
f. Promote greater use of carpooling and public transit by City staff.	City Council, HR, Green Team	FY 2011	Ongoing		Subsidy provided to staff who use metro to commute; not sure how to promote carpooling.*
g. Encourage greater City staff participation in energy efficient practices.	Planning Dept, Human Resources, Public Works	Ongoing	Ongoing		Grant funding obtained for training two staff members. Training will occur at end of FY14 or early FY15.
h. Pursue other grant resources to support activities addressing energy efficiency.	City staff	FY 2011	Ongoing		Staff will evaluate opportunities for MEA funding in FY15.
i. Continue to pursue legislation for a home energy loan program for residents to make energy efficiency improvements. If legislation passes, pursue development of the program.	City Staff	FY 2011	Ongoing		Staff are exploring eligibility and funding availability of State programs.

Major Action Steps	Responsibility	Begin Timeframe	Deadline	Other Resource Needs	Status Update
j. Develop City sustainability plan in collaboration with UMD PALS program	City Manager's Office, all departments	Q1	Q3	UMD, Sustainable MD office	

Action Plan Notes:

Goal III: Lead the College Park community in environmental conservation, protection, restoration, and energy efficiency.

Objective 2: Develop strategies to effectively manage local water resources and storm water runoff.

Action Recommendations:

Major Action Steps	Responsibility	Begin Timeframe	Deadline	Other Resource Needs	Status Update
a. Incorporate best practices for storm water management into all City projects to the extent feasible, and work with Environmental Finance Center to review City and County responsibilities regarding stormwater management and opportunities to utilize "Raincheck" funding to improve stormwater management in the City.	Planning Dept., Engineer, Public Works, CBE	Ongoing	Ongoing		City staff are pursuing several opportunities with the Environmental Finance Center and the Low Impact Development Center for pilot storm water projects.
b. Where appropriate, encourage reduction of impervious surfaces in public and private property.	City Council, Planning Dept.	Ongoing	Ongoing	M-NCPPC	Proposed new development of the City Hall and Calvert Road sites will present an opportunity to do this. CBE has held workshops for residents to learn about County's Raincheck program.
c. Work with the Prince George's Police and develop education materials to discourage illegal dumping and enforce anti-dumping laws in the City.	Public Works, Contract Police, Public Safety Officer	FY 2011	Ongoing		No new activities in FY13.

Action Plan Notes:

Goal III: Lead the College Park community in environmental conservation, protection, restoration, and energy efficiency.

Objective 3: Increase and enhance parks and green spaces.

Action Recommendations:

Major Action Steps	Responsibility	Begin Timeframe	Deadline	Other Resource Needs	Status Update
a. Develop a citywide parks and recreational facility inventory in preparation for future improvements and new green spaces.	Planning Dept., Public Works, Rec. Board	FY 2012	Q4+	M-NCPPC support, funding for document preparation	City has developed a parks and recreational facility inventory for City-owned facilities.
b. Explore options for community gardening at the Endelman property in North College Park. Discuss options with property owners.	Planning Dept., Public Works Green Team	Q1	Q4+	Community input	The Endelman property was the subject of a UM Community Planning Studio to create an "Urban Agriculture Station." The concept will be presented at a future Green Team meeting. This and other sites may be discussed.
c. <u>Proceed with construction phasing of Duvall Field building renovation with community input, and develop new, scaled-back plans for renovation of the field with resident and Boys & Girls Club input.</u>	City Council, Planning Dept.	FY 2013	Q4+	Developer contribution or other funding.	Project scope has changed due to cost of plans as designed. Developer contribution delayed. City must determine new scope and phasing.

Action Plan Notes:

Goal III: Lead the College Park community in environmental conservation, protection, restoration, and energy efficiency.

Objective 4: Divert waste from landfills by continuing to increase participation in reduce/reuse/recycle programs.

Action Recommendations:

Major Action Steps	Responsibility	Begin Timeframe	Deadline	Other Resource Needs	Status Update
a. Plan and execute a public education program to promote recycling, with a focus on newly accepted recyclables.	Public Works, CBE, Green Team	FY 2011	Ongoing	Printed materials; outreach opportunities; funding	Information on recycling is updated in the yearly Resident Information Guide and on the website when needed.
b. Promote increased business participation in recycling.	City Council, Public Works, CBE	FY 2011	Ongoing	Local businesses (e.g., DCPMA)	Council to discuss recommendations from CBE sub-committee in 4 th quarter of FY14. Business recycling grant program to launch in FY15.
c. Update City's recycling policies and regulations regarding the types of materials to be recycled and the entities required to have facilities for recycling	City Council, Ad Hoc Committee on Recycling	FY2014	FY2015 Q2		

Action Plan Notes:

Goal IV: Neighborhoods that are safe, peaceful, attractive and retain their community character.

Objective 1: Effectively and fairly enforce city and county codes and ordinances.

Action Recommendations:

Major Action Steps	Responsibility	Begin Timeframe	Deadline	Other Resource Needs	Status Update
a. Explore options for expanding noise enforcement capabilities according to recommendations from the CPCUP Public Safety Workgroup.	City Council, Public Services	Q1	Q4+	CPCUP Public Safety Workgroup	Part-time code enforcement positions created to add capacity for evening noise enforcement.
b. Review and implement, where applicable, NSQLWG priority level B and C recommendations and considerations related to code enforcement.	City Council	Q1	Q4	NSQLWG	New group will meet in 4 th quarter of FY14. C-MAST monthly meetings discuss code issues, collaborative action to address problems.
c. Educate residents and students about the expansion of the UMD Student Code of Conduct.	City Council	Q1	Q4	UMD	Knock and Talks, other steps taken to educate students and residents.

Action Plan Notes:

Goal IV: Neighborhoods that are safe, peaceful, attractive, and retain their community character.

Objective 2: Increase the rate of home ownership.

Action Recommendations:

Major Action Steps	Responsibility	Begin Timeframe	Deadline	Other Resource Needs	Status Update
a. Cultivate relationships with residential realtors to increase their knowledge of College Park's assets and positive attributes.	City Council, Economic Development	Ongoing	Ongoing		The City's Economic Development Coordinator does this via the Business Roundtable and ongoing activities.
b. Create an annual report of city accomplishments which will be used to market the city.	City Manager Designee, Economic Development	Q1	Q4+	Resources from the Marketing Campaign; feedback from City Council	The City produces an annual economic development report and also markets the City via the ShopCollegePark website.

Action Plan Notes:

Goal IV: Neighborhoods that are safe, peaceful, attractive and retain their community character.

Objective 3: Preserve and promote neighborhood resources that build a sense of community for all residents.

Action Recommendations:

Major Action Steps	Responsibility	Begin Timeframe	Deadline	Other Resource Needs	Status Update
a. Develop with residents and the Farmers' Market Committee a craft fair and farmers' market in the Hollywood Commercial District, and evaluate the Downtown and Hollywood programs after the 2014 season.	City Council	Q1	Q4		City is selecting a market manager for Spring - Summer 2014 market season for the Downtown Market and the Hollywood Market.
b. Work with the County and other municipalities to explore feasibility of a jointly funded and operated northern-area no-kill animal shelter.	City Council, Animal Welfare Committee	Q1	Q4		Council members exploring jointly-funded \$250,000 study with PGC and other municipalities for a northern-area shelter.
c. <u>Advocate for development of indoor recreational facility in north College Park, preferably near Hollywood;</u>	<u>City Council</u>	<u>Q1</u>	<u>Q4</u>	<u>M-NCPPC</u>	

Action Plan Notes:

Goal V: Expand the local economy and tax base with socially responsible development.

Objective 1: Encourage revitalization of the Route 1 corridor consistent with the desires and needs of the local community.

Action Recommendations:

Major Action Steps	Responsibility	Begin Timeframe	Deadline	Other Resource Needs	Status Update
a. Develop and track inventory of sites available for rent and redevelopment.	Planning Dept.	Ongoing	Ongoing		Inventories are kept up to date on the city's website.
b. Work with developers to help identify businesses for new retail space.	Planning Dept.	Ongoing	Ongoing		This work is done routinely.
c. Explore collaboration with the University of Maryland to market the city as a tourist destination.	City Council, Economic Development	Q1	Q4		This idea is being implemented through ATHA.
d. Work with CPCUP on implementation of the University District Plan	Planning	Q1	Ongoing	Other property owners	UMD in process of receiving commercial property and in discussions with other property owners.

Action Plan Notes:

Goal V: Expand the local economy and tax base.

Objective 2: Encourage revitalization of the Hollywood Commercial District.

Action Recommendations:

Major Action Steps	Responsibility	Begin Timeframe	Deadline	Other Resource Needs	Status Update
a. Complete design of the Hollywood Commercial District streetscape plan and explore options for funding.	Planning Dept.	Ongoing	Q4+	UM Landscape Architecture program; Consultants	Project not completed, but \$50,000 is allocated in the CIP. <u>Green street grant thru LID pending for Rhode Island Avenue, including the commercial district.</u>

Action Plan Notes:

Goal V: Expand the local economy and tax base.

Objective 3: Support and attract diverse locally-owned high-quality retail and restaurant businesses with unique character and a commitment to local quality of life.

Action Recommendations:

Major Action Steps	Responsibility	Begin Timeframe	Deadline	Other Resource Needs	Status Update
a. Identify and promote available commercial space to prospective tenants.	Planning Dept.	Ongoing	Ongoing		This information is available on the city's website and is updated regularly.
b. Market downtown College Park as a destination location.	City Council, Economic Development	Ongoing	Ongoing		The Downtown Guide and Shop College Park website are the primary vehicles for marketing downtown along with the Farmers Market.
c. Expand the sign grant program to include façade improvements.	City Council, Planning Dept.	Q1	Q4		Program guidelines were revised in fall 2013 and 6 new grants have been processed.
d. Work with SBA and SPTDC to assist and market current College Park businesses and to attract new businesses.	Economic Development, City Council	Q1	Q4	Development plans	An SBTDC event was held in fall 2013 for existing businesses and a new business was recruited with the help of a loan from the SBA.
e. Explore the creation of a marketing committee (potentially consisting of residents appointed by the Council) which would solely look at the potential to develop a marketing / business plan for the city to help attract business in the area.	Economic Development, City Council	Q1	Q4	Local business owners, Economic Development Professionals	

Action Plan Notes:

Goal V: Expand the local economy and tax base.

Objective 4: Increase the diversity of job opportunities.

Action Recommendations:

Major Action Steps	Responsibility	Begin Timeframe	Deadline	Other Resource Needs	Status Update
a. Encourage University incubator businesses to remain in College Park by marketing suitable available space.	Planning Dept.	Ongoing	Ongoing		The City is working with Prince George's County to develop suitable office space near the College Park Metro Station.
b. <u>With UMD, strategize how to better leverage the University's resources to develop research-oriented businesses within the City.</u>	<u>Planning, City Council</u>	<u>Q1</u>	<u>Q4</u>	<u>UMD, CPCUP, RISE Zone program,</u>	
c. Work with Small Business Development Center to provide support to existing business owners and encourage new entrepreneurs to locate in College Park.	Planning Dept.	Ongoing	Ongoing		See above.
d. <u>Advocate for relocation of FBI to Greenbelt Station and development in the north core that maintains the quality of life for residents in north College Park.</u>	<u>City Council, Planning</u>	<u>Ongoing</u>	<u>Ongoing</u>	<u>U.S. Government, County</u>	

Action Plan Notes:

Goal V: Expand the local economy and tax base.

Objective 5: Increase the diversity of available quality housing.

Action Recommendations:

Major Action Steps	Responsibility	Begin Timeframe	Deadline	Other Resource Needs	Status Update
a. Identify developers to build corridor infill housing consistent with the Route 1 Corridor Sector Plan.	City Council, Planning Dept.	Ongoing	Q4+	Planning Board	Major new housing projects under construction, approved, and/or in approval process.
b. Encourage affordable graduate student housing in University development plans and encourage future developers to set aside a certain percentage of housing for graduate students in other project opportunities.	City Council	Ongoing	Ongoing		
c. Work with the UMD to identify appropriate sites for it to develop housing restricted to faculty, staff, and/or graduate students.	City Council, Planning	Ongoing	Ongoing	UMD	

Action Plan Notes:

Goal V: Expand the local economy and tax base.

Objective 6: Facilitate development in the College Park Metro Station area.

Action Recommendations:

Major Action Steps	Responsibility	Begin Timeframe	Deadline	Other Resource Needs	Status Update
a. Work with WMATA on joint development projects.	Planning Dept., City Council	Ongoing	Ongoing	County Council, State Legislation	A new solicitation for the College Park Metro Station has been advertised.
b. Market public property in the Transit District Overlay Zone to the private sector.	Planning Dept.	Q1	Ongoing	UM, WMATA, Prince George's County	WMATA, PGC, and a private developer recently released a joint request for applications to develop approximately 8 acres near the College Park metro station. However, no responses were received and staff is in contact with the property owners to discuss next steps.

Action Plan Notes:

Goal V: Expand the local economy and tax base.

Objective 7: Encourage revitalization of the Berwyn Commercial District.

Action Recommendations:

Major Action Steps	Responsibility	Begin Timeframe	Deadline	Other Resource Needs	Status Update
a. Evaluate Berwyn Commercial District zoning and consider expanding usage.	City Council, Planning Dept.	FY 2012	Ongoing	County Council	Proposed changes to the zoning will be part of the Alvin Jenkins settlement.
b. Settle outstanding issues related to the completion of the Berwyn portion of the College Park Trolley Trail.	City Council, City Attorney	Ongoing	Ongoing		A final agreement to resolve these issues is being developed.

Action Plan Notes:

14-O-04

Introduction of 14-O-04, an Ordinance of the Mayor and Council of the City of College Park Adding Chapter 71 “Human Rights” to Prohibit Discrimination Based On Age, Race, Color, Creed, Pregnancy, Religion, National Origin, Ancestry, Disability, Marital Status, Sex, Sexual Orientation, Gender Identity Or Physical Characteristic and to Extend this Protection to Employment, Housing and Real Estate Transactions and Public Accommodations. *(The Public Hearing is scheduled for July 8 at 7:00 p.m.)*

ORDINANCE
OF THE MAYOR AND COUNCIL OF THE CITY OF COLLEGE PARK ADDING
CHAPTER 71 “HUMAN RIGHTS” TO PROHIBIT DISCRIMINATION BASED ON
AGE, RACE, COLOR, CREED, PREGNANCY, RELIGION, NATIONAL ORIGIN,
ANCESTRY, DISABILITY, MARITAL STATUS, SEX, SEXUAL ORIENTATION,
GENDER IDENTITY OR PHYSICAL CHARACTERISTIC AND TO EXTEND THIS
PROTECTION TO EMPLOYMENT, HOUSING AND REAL ESTATE
TRANSACTIONS AND PUBLIC ACCOMMODATIONS.

WHEREAS, pursuant to §5-201 *et seq.* of the Local Government Article, Annotated Code of Maryland, the City of College Park, Maryland (hereinafter, the “City”) has the power to pass such ordinances as it deems necessary to assure the good government of the municipality, and to protect and preserve the municipality’s property; and

WHEREAS, the Mayor and Council have determined there is a need to prohibit discrimination on the basis of race, color, religion, ancestry, national origin, age, sex, marital status, disability, sexual orientation, and gender identity with respect to employment, housing, credit, and public accommodations in the City; and

WHEREAS, the City has the responsibility to act to assure that every individual within the state is afforded an equal opportunity to enjoy a full and productive life, and the failure to provide such equal opportunity, whether because of discrimination, prejudice, or intolerance, threatens the welfare of the City and its inhabitants.

Section 1. NOW, THEREFORE, BE IT ORDAINED AND ENACTED, by the Mayor and Council of the City of College Park, Maryland, that Chapter 71 “Human Rights”, of the Code of the City of College Park be, and is hereby, adopted to read as follows:

Chapter 71

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

Human Rights

§71-1. PURPOSE AND INTENT.

IT IS THE INTENT OF THE MAYOR AND CITY COUNCIL TO PROTECT AND SAFEGUARD THE RIGHT AND OPPORTUNITY OF ALL PERSONS TO BE FREE FROM ALL FORMS OF DISCRIMINATION, INCLUDING DISCRIMINATION BASED ON AGE, RACE, COLOR, CREED, RELIGION, NATIONAL ORIGIN, ANCESTRY, DISABILITY, MARITAL STATUS, SEX, SEXUAL ORIENTATION, GENDER IDENTITY OR PHYSICAL CHARACTERISTIC. THOSE PROVISIONS OF SUBTITLE 2, "ADMINISTRATION", DIVISION 12, "HUMAN RELATIONS COMMISSION", SEC. 2-185 *ET SEQ.*, OF THE PRINCE GEORGE'S COUNTY CODE NOT IN CONFLICT WITH THIS CHAPTER WILL CONTINUE TO APPLY IN THE CITY.

§71-2. DEFINITIONS.

A. "DISABILITY" OR "DISABLED" SHALL MEAN, WITH RESPECT TO AN INDIVIDUAL: A PHYSICAL OR MENTAL IMPAIRMENT; A RECORD OF SUCH AN IMPAIRMENT; OR BEING REGARDED AS HAVING SUCH AN IMPAIRMENT.

B. "DISCRIMINATE, DISCRIMINATION OR DISCRIMINATORY" SHALL MEAN ANY ACT, POLICY, ADVERTISEMENT OR PRACTICE WHICH SUBJECTS ANY PERSON TO DIFFERENTIAL TREATMENT AS A RESULT OF THAT PERSON'S ACTUAL OR PERCEIVED RACE, COLOR, CREED, RELIGION, NATIONAL ORIGIN, ANCESTRY, DISABILITY, AGE, MARITAL STATUS, SEX, SEXUAL ORIENTATION, GENDER IDENTITY OR PHYSICAL CHARACTERISTIC. DISCRIMINATION ALSO INCLUDES ANY DIFFERENTIAL TREATMENT BECAUSE OF ONE'S ASSOCIATION WITH A PERSON OR GROUP OF PEOPLE IDENTIFIED HEREIN.

C. "EMPLOYEE" SHALL MEAN ANY INDIVIDUAL EMPLOYED OR SEEKING EMPLOYMENT FROM AN EMPLOYER;

D. "EMPLOYER" SHALL MEAN ANY PERSON WHO, FOR COMPENSATION, REGULARLY EMPLOYS INDIVIDUALS, NOT INCLUDING THE EMPLOYER'S PARENTS, SPOUSE OR CHILDREN. FOR PURPOSES OF THIS CHAPTER, AN "EMPLOYER" IS ALSO ANY PERSON ACTING ON BEHALF OF AN EMPLOYER, DIRECTLY OR INDIRECTLY, OR ANY EMPLOYMENT AGENCY.

E. "GENDER IDENTITY" MEANS THE GENDER-RELATED IDENTITY, APPEARANCE,

EXPRESSION, OR BEHAVIOR OF A PERSON, REGARDLESS OF THE PERSON'S ASSIGNED SEX AT BIRTH, WHICH MAY BE DEMONSTRATED BY:

1. CONSISTENT AND UNIFORM ASSERTION OF THE PERSON'S GENDER IDENTITY; OR

2. ANY OTHER EVIDENCE THAT THE GENDER IDENTITY IS SINCERELY HELD AS PART OF THE PERSON'S CORE IDENTITY.

F. "PERSON" SHALL MEAN ANY NATURAL PERSON, FIRM, CORPORATION, PARTNERSHIP OR OTHER ORGANIZATION, ASSOCIATION OR GROUP OF PERSONS HOWEVER ARRANGED.

G. "PHYSICAL CHARACTERISTIC" SHALL MEAN A BODILY CONDITION OR BODILY CHARACTERISTIC OF ANY PERSON WHICH IS FROM BIRTH, ACCIDENT, OR DISEASE, OR FROM ANY NATURAL PHYSICAL DEVELOPMENT, OR ANY OTHER EVENT OUTSIDE THE CONTROL OF THAT PERSON INCLUDING INDIVIDUAL PHYSICAL MANNERISMS, HEIGHT, OR WEIGHT.

H. "PLACE OF PUBLIC ACCOMMODATION" SHALL MEAN ALL ESTABLISHMENTS WITHIN THE CITY WHICH OFFER GOODS, SERVICES, ACCOMMODATIONS, OR ENTERTAINMENT TO THE PUBLIC.

I. "SEXUAL ORIENTATION" SHALL MEAN A PERSON'S ACTUAL OR PERCEIVED HETEROSEXUALITY, HOMOSEXUALITY, ASEXUALITY, OR BISEXUALITY.

§71-3. PROHIBITED ACTS OF DISCRIMINATION - - EMPLOYMENT

WITH REGARD TO EMPLOYMENT, IT SHALL BE UNLAWFUL FOR ANY EMPLOYERS OR LABOR ORGANIZATIONS TO ENGAGE IN ANY OF THE FOLLOWING ACTS FOR A DISCRIMINATORY REASON:

A. TO DISCRIMINATE AGAINST ANY INDIVIDUAL, WITH RESPECT TO FAILURE TO HIRE, REFUSAL TO HIRE, DISCHARGE, COMPENSATION, TERMS, CONDITIONS, OR PRIVILEGES OF EMPLOYMENT, INCLUDING PROMOTION; HOWEVER NOTHING IN THIS SUBSECTION SHALL BE CONSTRUED TO REQUIRE ANY EMPLOYER TO PROVIDE BENEFITS, SUCH AS INSURANCE, TO INDIVIDUALS NOT EMPLOYED BY THE EMPLOYER;

- B. TO LIMIT, SEGREGATE, OR CLASSIFY EMPLOYEES IN ANY WAY WHICH WOULD DEPRIVE OR TEND TO DEPRIVE ANY EMPLOYEE OF EMPLOYMENT OPPORTUNITIES, OR WHICH WOULD OTHERWISE TEND TO ADVERSELY AFFECT HIS OR HER STATUS AS AN EMPLOYEE; OR
- C. TO FAIL OR REFUSE TO REFER FOR EMPLOYMENT, OR TO GIVE NEGATIVE INFORMATION TO A POTENTIAL EMPLOYER OF ANY INDIVIDUAL, IN SUCH A MANNER THAT WOULD DEPRIVE OR LIMIT AN INDIVIDUAL'S EMPLOYMENT OPPORTUNITIES OR THAT WOULD OTHERWISE ADVERSELY AFFECT AN INDIVIDUAL'S STATUS AS AN APPLICANT OR PROSPECTIVE EMPLOYEE.
- D. THIS SECTION DOES NOT PREVENT AN EMPLOYER FROM ESTABLISHING AND REQUIRING AN EMPLOYEE TO ADHERE TO REASONABLE WORKPLACE APPEARANCE, GROOMING, AND DRESS STANDARDS THAT ARE DIRECTLY RELATED TO THE NATURE OF THE EMPLOYMENT OF THE EMPLOYEE AND THAT ARE NOT PRECLUDED BY ANY PROVISION OF STATE OF FEDERAL LAW, AS LONG AS THE EMPLOYER ALLOWS THE EMPLOYEE TO APPEAR, GROOM AND DRESS CONSISTENT WITH THE EMPLOYEE'S GENDER IDENTITY.

§71-4. PROHIBITED ACTS OF DISCRIMINATION - - HOUSING AND REAL ESTATE TRANSACTIONS.

WITH REGARD TO HOUSING AND REAL ESTATE TRANSACTIONS, IT SHALL BE UNLAWFUL TO ENGAGE IN ANY OF THE FOLLOWING ACTS FOR A DISCRIMINATORY REASON:

- A. TO DISCRIMINATE BY IMPEDING, DELAYING, DISCOURAGING, IMPOSING DIFFERENT TERMS, OR OTHERWISE LIMITING OR RESTRICTING ANY TRANSACTION IN REAL ESTATE;
- B. TO DISCRIMINATE IN THE TERMS AND CONDITIONS, OR IN PERFORMING, OR REFUSING TO PERFORM, ANY ACT NECESSARY TO DETERMINING AN INDIVIDUAL'S FINANCIAL ABILITY TO ENGAGE IN A REAL ESTATE TRANSACTION OR TO REPRESENT FALSELY THAT AN INTEREST IN REAL ESTATE IS NOT AVAILABLE FOR TRANSACTION;
- C. FOR A PROPERTY MANAGER TO DISCRIMINATE BY REFUSING TO PROVIDE EQUAL TREATMENT OF, OR SERVICES TO, OCCUPANTS OR POTENTIAL

OCCUPANTS OF ANY REAL ESTATE WHICH HE OR SHE MANAGES; OR

- D. IT SHALL NOT BE AN UNLAWFUL DISCRIMINATORY PRACTICE FOR AN OWNER, LESSOR OR RENTER TO REFUSE TO RENT, LEASE OR SUBLEASE A PORTION OF A SINGLE FAMILY DWELLING UNIT WHERE IT IS ANTICIPATED THAT THE OWNER, LESSOR OR RENTER WILL BE OCCUPYING ANY PORTION OF THE SINGLE-FAMILY DWELLING.

§71-5. PROHIBITED ACTS OF DISCRIMINATION - - BUSINESS ESTABLISHMENT OR PUBLIC ACCOMMODATIONS.

IT SHALL BE UNLAWFUL FOR A BUSINESS ESTABLISHMENT OR PLACE OF PUBLIC ACCOMMODATION TO DENY, DIRECTLY OR INDIRECTLY, ANY PERSON THE FULL ENJOYMENT OF THE GOODS, SERVICES, FACILITIES, PRIVILEGES, ADVANTAGES, AND ACCOMMODATIONS FOR A DISCRIMINATORY REASON.

§71-6. POSTING OF NOTICES.

EVERY EMPLOYER, BUSINESS, OR INSTITUTION SUBJECT TO THIS CHAPTER SHALL POST AND KEEP POSTED IN A CONSPICUOUS LOCATION WHERE BUSINESS OR ACTIVITY IS CUSTOMARILY CONDUCTED OR NEGOTIATED, A NOTICE SETTING FORTH EXCERPTS FROM OR SUMMARIES OF THE PERTINENT PROVISIONS OF THIS CHAPTER AND INFORMATION PERTINENT TO THE ENFORCEMENT OF RIGHTS HEREUNDER. THE NOTICE SHALL BE POSTED IN BOTH ENGLISH AND SPANISH. IF OVER TEN PERCENT OF AN EMPLOYER'S EMPLOYEES SPEAK A LANGUAGE OTHER THAN ENGLISH OR SPANISH AS THEIR NATIVE LANGUAGE, THE NOTICE SHALL BE POSTED IN THAT LANGUAGE. AT THE REQUEST OF THE EMPLOYER OR INSTITUTION, NOTICES REQUIRED BY THIS SECTION SHALL BE PROVIDED BY THE CITY. NOTICES SHALL BE POSTED WITHIN TEN (10) DAYS AFTER RECEIPT FROM THE CITY.

§71-7. GENERAL EXCEPTIONS.

- A. IT SHALL NOT BE AN UNLAWFUL DISCRIMINATORY PRACTICE FOR AN EMPLOYER TO OBSERVE THE CONDITIONS OF A BONA FIDE SENIORITY SYSTEM OR A BONA FIDE EMPLOYEE BENEFIT SYSTEM BASED ON AGE SUCH AS A RETIREMENT, PENSION OR INSURANCE PLAN WHICH IS NOT A SUBTERFUGE OR PRETEXT TO EVADE THE PURPOSES OF THIS CHAPTER.
- B. NOTHING CONTAINED IN THIS CHAPTER SHALL BE DEEMED TO PROHIBIT

SELECTION OR REJECTION BASED SOLELY UPON A BONA FIDE OCCUPATIONAL QUALIFICATION, A BONA FIDE PHYSICAL REQUIREMENT, OR, AS TO A RELIGIOUS OR DENOMINATIONAL INSTITUTION, BASED UPON A PREFERENCE FOR APPLICANTS OF THE SAME RELIGION OR DENOMINATION.

C. THIS CHAPTER DOES NOT:

1. APPLY TO AN EMPLOYER WITH RESPECT TO THE EMPLOYMENT OF ALIENS OUTSIDE OF THE STATE; OR
2. APPLY TO A RELIGIOUS CORPORATION, ASSOCIATION, EDUCATIONAL INSTITUTION OR SOCIETY WITH RESPECT TO THE EMPLOYMENT OF INDIVIDUALS OF A PARTICULAR RELIGION, SEXUAL ORIENTATION, OR GENDER IDENTITY TO PERFORM WORK CONNECTED WITH THE ACTIVITIES OF THE RELIGIOUS ENTITY.
3. AFFECT THE RIGHT OF ANY RELIGIOUS DENOMINATION TO PERFORM A MARRIAGE CEREMONY IN ACCORDANCE WITH THE RULES AND CUSTOMS OF THE DENOMINATION.

§71-8. ENFORCEMENT.

ANY PERSON WHO IS AGGRIEVED BY DISCRIMINATORY CONDUCT IS ENCOURAGED TO FILE A COMPLAINT WITH THE PRINCE GEORGE'S COUNTY HUMAN RELATIONS COMMISSION AND ALSO WITH THE MARYLAND COMMISSION ON CIVIL RIGHTS UNDER TITLE 20 OF THE STATE GOVERNMENT ARTICLE OF THE MARYLAND ANNOTATED CODE. UPON SUCH COMPLAINT BEING FILED, AN AGGRIEVED PERSON MAY AVAIL HIMSELF OR HERSELF OF THE REMEDIES IN THE ABOVE QUOTED ARTICLE INCLUDING, PURSUANT TO §§20-1013, 20-1035 and 20-1202, THE RIGHT TO FILE AN ACTION IN THE CIRCUIT COURT AGAINST THE RESPONDENTS NAMED IN THE COMPLAINT.

Section 2. 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 publish this proposed ordinance or a fair summary thereof in a newspaper having a general circulation in the City of College Park together with a notice setting out the time and place for a public hearing thereon and for its consideration by the Council. The public hearing, hereby set for _____ P.M. on the _____ day of _____, 2014, 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. As soon as practicable after adoption, the City Clerk shall have a fair summary of the Ordinance and notice of its adoption published in a newspaper having a general circulation in the City of College Park and available at the City's offices. This Ordinance shall become effective on _____, 2014 provided that a fair summary of this Ordinance is published at least once prior to the date of passage and once as soon as practical after the date of passage in a newspaper having general circulation in the City.

INTRODUCED by the Mayor and Council of the City of College Park, Maryland at a regular meeting on the _____ day of _____ 2014.

ADOPTED by the Mayor and Council of the City of College Park, Maryland at a regular meeting on the _____ day of _____ 2014.

EFFECTIVE the _____ day of _____, 2014.

CAPS/BOLD : 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

ATTEST:

CITY OF COLLEGE PARK,

Janeen S. Miller, CMC, City Clerk

Andrew M. Fellows, Mayor

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

Suellen M. Ferguson, City Attorney

14-O-05

Introduction Of 14-O-05, an Ordinance of the Mayor and Council of the City of College Park, Amending Chapter 69, “Purchasing Procedures” By Adding Section 69-6, “Equal Benefits” And Section 69-7 “Non-Discrimination By City Contractors” To Require That Contractors Seeking City Contracts Provide Equal Benefits To Employees and Their Dependents and that City Contractors Not Discriminate In Employment. (The Public hearing is scheduled for July 8 at 7:15 p.m.)

AN ORDINANCE
OF THE MAYOR AND COUNCIL OF THE CITY OF COLLEGE PARK,
AMENDING CHAPTER 69, "PURCHASING PROCEDURES" BY ADDING SECTION
69-6, "EQUAL BENEFITS" AND SECTION 69-7 "NON-DISCRIMINATION BY CITY
CONTRACTORS" TO REQUIRE THAT CONTRACTORS SEEKING CITY
CONTRACTS PROVIDE EQUAL BENEFITS TO EMPLOYEES AND THEIR
DEPENDENTS AND THAT CITY CONTRACTORS NOT DISCRIMINATE IN
EMPLOYMENT

WHEREAS, pursuant to §5-201 *et seq.* of the Local Government Article, Annotated Code of Maryland, the City of College Park, Maryland (hereinafter, the "City") has the power to pass such ordinances as it deems necessary to assure the good government of the municipality, and to protect and preserve the municipality's property; and

WHEREAS, pursuant to §5-205 of the Local Government Article, Annotated Code of Maryland, the City of College Park also has the express power to expend municipal funds for any purpose deemed to be public and to affect the safety, health and general welfare of the municipality and its occupants; and

WHEREAS, pursuant to this authority, the City enacted Chapter 69 "Purchasing Procedures" to establish the ways in which the City can acquire certain items, services and materials; and

WHEREAS, the Mayor and Council have determined there is a need to prohibit discrimination on the basis of race, color, religion, ancestry, national origin, age, sex, marital status, disability, sexual orientation, and gender identity in the area of purchasing and City contracts; and

WHEREAS, the Mayor and Council have determined that certain contractors are required to provide equal benefits to their employees in order to obtain City contracts.

CAPS
 [Brackets]
 Asterisks ***

: Indicate matter added to existing law.
 : Indicate matter deleted from law.
 : Indicate matter remaining unchanged in existing law but not set forth in Ordinance

Section 1. NOW, THEREFORE, BE IT ORDAINED AND ENACTED, by the Mayor and Council of the City of College Park, Maryland, that Chapter 69 "Purchasing Procedures", §69-6, "Equal Benefits" of the Code of the City of College Park be, and is hereby, adopted to read as follows:

§ 69-6. EQUAL BENEFITS

(A) *DEFINITIONS*. FOR PURPOSES OF THIS SECTION ONLY, THE FOLLOWING DEFINITIONS SHALL APPLY:

BENEFITS MEANS ALL FORMS OF INSURANCE PROVIDED BY THE CONTRACTOR TO THE SPOUSES OF THE CONTRACTOR'S EMPLOYEES AND/OR DEPENDENTS OF EMPLOYEE'S SPOUSE, AS WELL AS EMPLOYEE'S SICK LEAVE, BEREAVEMENT LEAVE, AND FAMILY MEDICAL LEAVE WHICH MAY BE USED TO CARE FOR HIS/HER DOMESTIC PARTNER, EXCEPT TO THE EXTENT PREEMPTED BY FEDERAL OR STATE LAW.

BID SHALL MEAN A COMPETITIVE VENDOR SELECTION PROCEDURE ESTABLISHED BY THE CITY THROUGH THE ISSUANCE OF AN INVITATION TO BID, REQUEST FOR PROPOSALS, REQUEST FOR QUALIFICATIONS, OR REQUEST FOR LETTERS OF INTEREST.

CONTRACT MEANS ALL TYPES OF BINDING AGREEMENTS BETWEEN THE CITY OF COLLEGE PARK AND A CONTRACTOR FOR GOODS AND SERVICES.

CONTRACTOR MEANS ANY PERSON OR PERSONS, SOLE PROPRIETORSHIP, PARTNERSHIP, JOINT VENTURE, CORPORATION, OR OTHER FORM OF DOING BUSINESS, THAT IS AWARDED A BID AND ENTERS INTO A COVERED CONTRACT WITH THE CITY, AND WHICH MAINTAINS TWENTY-FIVE (25) OR MORE FULL-TIME EMPLOYEES ON THE PAYROLL DURING THE TERM OF ANY CONTRACT WITH THE CITY.

COVERED CONTRACT MEANS A CONTRACT BETWEEN THE CITY AND A CONTRACTOR AWARDED FOR BIDS WHICH ARE ADVERTISED/ISSUED AFTER THE DATE WHEN THIS SECTION BECOMES EFFECTIVE VALUED AT OVER THIRTY THOUSAND DOLLARS (\$30,000.00).

DOMESTIC PARTNER SHALL MEAN ANY TWO (2) ADULTS OF THE SAME OR DIFFERENT SEX, WHO HAVE REGISTERED AS DOMESTIC PARTNERS PURSUANT TO STATE OR LOCAL LAW AUTHORIZING SUCH REGISTRATION, OR WITH AN INTERNAL REGISTRY MAINTAINED BY THE EMPLOYER OF AT LEAST ONE (1) OF THE DOMESTIC PARTNERS, OR WHO ARE:

IN A RELATIONSHIP OF MUTUAL SUPPORT, CARING AND COMMITMENT AND INTEND TO REMAIN IN SUCH A RELATIONSHIP FOR THE IMMEDIATE FUTURE;

NOT MARRIED TO, OR LEGALLY SEPARATED FROM, SOMEONE ELSE;
NOT ABLE TO MARRY IN THE STATE OF THEIR RESIDENCE;
NOT CURRENTLY REGISTERED IN A DOMESTIC PARTNERSHIP WITH A DIFFERENT DOMESTIC PARTNER;
EIGHTEEN YEARS OF AGE OR OLDER AND COMPETENT TO CONTRACT; AND
ARE OCCUPYING THE SAME DWELLING UNIT AS A SINGLE, NONPROFIT HOUSEKEEPING UNIT WHOSE RELATIONSHIP IS OF A PERMANENT AND DISTINCT DOMESTIC CHARACTER.

EQUAL BENEFITS MEANS THE EQUALITY OF BENEFITS BETWEEN EMPLOYEES WITH SPOUSES AND/OR DEPENDENTS OF SPOUSES AND EMPLOYEES WITH DOMESTIC PARTNERS AND/OR DEPENDENTS OF DOMESTIC PARTNERS, AND/OR BETWEEN SPOUSES OF EMPLOYEES AND/OR DEPENDENTS OF SPOUSES AND DOMESTIC PARTNERS OF EMPLOYEES AND/OR DEPENDENTS OF DOMESTIC PARTNERS.

(B) *EQUAL BENEFITS REQUIREMENTS.*

- (1) ALL BIDS FOR COVERED CONTRACTS WHICH ARE ADVERTISED/ISSUED ON OR AFTER THE EFFECTIVE DATE OF THIS SECTION SHALL INCLUDE THE REQUIREMENT TO PROVIDE EQUAL BENEFITS IN THE PROCUREMENT SPECIFICATIONS FOR SUCH BIDS.
- (2) AS PART OF THE BID RESPONSE, THE CONTRACTOR SHALL CERTIFY THAT THE CONTRACTOR:
 - A. CURRENTLY COMPLIES WITH THE CONDITIONS OF THIS SECTION; OR
 - B. WILL COMPLY WITH THE CONDITIONS OF THIS SECTION AT TIME OF CONTRACT AWARD; OR
 - D. IS NOT REQUIRED TO COMPLY WITH THE CONDITIONS OF THIS SECTION BECAUSE OF ALLOWABLE EXEMPTION.

THE CERTIFICATION SHALL BE IN WRITING AND SIGNED BY AN AUTHORIZED OFFICER OF THE CONTRACTOR. FAILURE TO PROVIDE SUCH CERTIFICATION SHALL RESULT IN THE CONTRACTOR BEING DEEMED NON-RESPONSIVE.

- (3) THE CONTRACTOR MAY NOT SET UP OR USE IT'S CONTRACTING ENTITY FOR THE PURPOSE OF EVADING THE REQUIREMENTS IMPOSED BY THIS SECTION.
- (4) IF AFTER MAKING A REASONABLE EFFORT TO PROVIDE AN EQUAL BENEFIT FOR A DOMESTIC PARTNER OF AN EMPLOYEE THE CONTRACTOR IS UNABLE TO PROVIDE THE BENEFIT, THE CONTRACTOR

SHALL PROVIDE THE EMPLOYEE WITH THE CASH EQUIVALENT OF THE BENEFIT.

(C) *MANDATORY CONTRACT PROVISIONS PERTAINING TO EQUAL BENEFITS.*
UNLESS OTHERWISE EXEMPT, EVERY COVERED CONTRACT SHALL CONTAIN LANGUAGE THAT STATES:

1. CONTRACTOR MUST COMPLY WITH THE APPLICABLE PROVISIONS OF THIS SECTION. THE CONTRACTOR SHALL PROVIDE THE CITY AND/OR THE CITY MANAGER OR HIS/HER DESIGNEE, ACCESS TO ITS RECORDS FOR THE PURPOSE OF AUDITS AND/OR INVESTIGATIONS TO ASCERTAIN COMPLIANCE WITH THE PROVISIONS OF THIS SECTION,

2. UPON REQUEST, THE CONTRACTOR SHALL PROVIDE EVIDENCE THAT THE CONTRACTOR IS IN COMPLIANCE WITH THE PROVISIONS OF THIS SECTION UPON EACH NEW BID, CONTRACT RENEWAL, OR WHEN THE CITY MANAGER HAS RECEIVED A COMPLAINT OR HAS REASON TO BELIEVE THE CONTRACTOR MAY NOT BE IN COMPLIANCE WITH THE PROVISIONS OF THIS SECTION, AND

3. THE FAILURE OF THE CONTRACTOR TO COMPLY WITH THIS SECTION WILL BE DEEMED TO BE A MATERIAL BREACH OF THE COVERED CONTRACT.

(D) *EXCEPTIONS AND WAIVERS.*

THE PROVISIONS OF THIS SECTION SHALL NOT APPLY WHERE:

1. THE CONTRACTOR PROVIDES BENEFITS NEITHER TO EMPLOYEES' SPOUSES NOR SPOUSE'S DEPENDENTS.
2. THE CONTRACTOR IS A RELIGIOUS ORGANIZATION, ASSOCIATION, SOCIETY OR ANY NON-PROFIT CHARITABLE OR EDUCATIONAL INSTITUTION OR ORGANIZATION OPERATED, SUPERVISED OR CONTROLLED BY OR IN CONJUNCTION WITH A RELIGIOUS ORGANIZATION, ASSOCIATION OR SOCIETY.
3. THE CONTRACTOR IS A GOVERNMENTAL ENTITY.
4. THE CONTRACT IS FOR THE SALE OR LEASE OF PROPERTY.
5. THE COVERED CONTRACT IS NECESSARY TO RESPOND TO AN EMERGENCY.
6. THE PROVISION OF THIS SECTION WOULD VIOLATE GRANT OR OTHER REQUIREMENTS, THE LAWS, RULES OR REGULATIONS OF FEDERAL OR STATE LAW.
7. THE CONTRACTOR IS A SOLE SOURCE OR NONE OF THE BIDDERS CAN COMPLY WITH THE REQUIREMENTS OF THIS SECTION.
8. THE CITY IS PURCHASING UNDER THE PROVISIONS OF §69-2(B) OF THIS CHAPTER.

9. THE CONTRACT IS FOR THE PURCHASE OF GOODS OR SUPPLIES ONLY.

10. AGREEMENTS WITH BOND UNDERWRITERS AND AGREEMENTS WITH FINANCIAL INSTITUTIONS WHERE THE AGREEMENT RELATES TO THE CITY'S BORROWING.

(E) *ENFORCEMENT*. IF THE CONTRACTOR FAILS TO COMPLY WITH THE PROVISIONS OF THIS SECTION:

1. THE FAILURE TO COMPLY MAY BE DEEMED TO BE A MATERIAL BREACH OF THE COVERED CONTRACT; AND

2. THE CITY MAY TERMINATE THE COVERED CONTRACT OR MONIES DUE OR TO BECOME DUE UNDER THE COVERED CONTRACT MAY BE RETAINED BY THE CITY UNTIL COMPLIANCE IS ACHIEVED; AND

3. THE CITY MAY ALSO PURSUE ANY AND ALL OTHER REMEDIES AT LAW OR IN EQUITY FOR ANY BREACH.

Section 2

BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that, that Chapter 69 "Purchasing Procedures", §69-7, "Non-Discrimination by City Contractors" of the Code of the City of College Park be, and is hereby, adopted to read as follows:

§69-7 NON-DISCRIMINATION BY CITY CONTRACTORS

A. DISCRIMINATION IN EMPLOYMENT BY A CITY CONTRACTOR BASED ON AGE, RACE, COLOR, CREED, PREGNANCY, RELIGION, NATIONAL ORIGIN, ANCESTRY, DISABILITY, MARITAL STATUS, SEX, SEXUAL ORIENTATION, GENDER IDENTITY, PHYSICAL CHARACTERISTIC OR ANY OTHER UNLAWFUL BASIS FOR DISCRIMINATION IS PROHIBITED.

B. ALL CITY CONTRACTS SHALL INCLUDE A CERTIFICATION BY CONTRACTORS THAT THEY DO NOT DISCRIMINATE ON THE BASIS OF AGE, RACE, COLOR, CREED, PREGNANCY, RELIGION, NATIONAL ORIGIN, ANCESTRY, DISABILITY, MARITAL STATUS, SEX, SEXUAL ORIENTATION, GENDER IDENTITY, PHYSICAL CHARACTERISTIC OR OTHER UNLAWFUL BASIS OF DISCRIMINATION.

C. DISCRIMINATORY ACTS BY A CONTRACTOR IN EMPLOYMENT SHALL CONSTITUTE A MATERIAL BREACH OF A CITY CONTRACT.

Section 3

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 publish this proposed ordinance or a fair summary thereof in a newspaper having a general circulation in the City of College Park together with a notice setting out the time and place for a public hearing thereon and for its consideration by the Council. The public hearing, hereby set for ____ P.M. on the ____ day of _____, 2014, 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. As soon as practicable after adoption, the City Clerk shall have a fair summary of the Ordinance and notice of its adoption published in a newspaper having a general circulation in the City of College Park and available at the City's offices. This Ordinance shall become effective on _____, 2014 provided that a fair summary of this Ordinance is published at least once prior to the date of passage and once as soon as practical after the date of passage in a newspaper having general circulation in the City.

INTRODUCED by the Mayor and Council of the City of College Park, Maryland at a regular meeting on the ____ day of _____ 2014.

ADOPTED by the Mayor and Council of the City of College Park, Maryland at a regular meeting on the ____ day of _____ 2014.

EFFECTIVE the ____ day of _____, 2014.

ATTEST:

CITY OF COLLEGE PARK,

Janeen S. Miller, CMC, City Clerk

Andrew M. Fellows, Mayor

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

Suellen M. Ferguson, City Attorney

14-G-61

**Appointment to Boards
and Committees**

Appointment to Boards and Committees

14-G-61

Mayor:

- Reappointment of John Moore to the College Park Housing Authority for a five-year term

District 1

- Reappointment of Peggy Wilson to the Education Advisory Committee for a two-year term

District 3

- Reappointment of Aaron Springer to the Neighborhood Watch Steering Committee for a two-year term

District 4

- Reappointment of Barbara Pianowski to the Recreation Board for a three-year term

At Large Appointment

- Reappointment of Bobbie Solomon to the Noise Control Board for a four-year term

