



**JULY 15, 2014**  
**CITY OF COLLEGE PARK**  
**COUNCIL CHAMBERS**

**7:00 P.M. - PUBLIC HEARINGS**

**14-O-04**

**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.**

**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**

**7:30 P.M.**

**MAYOR AND COUNCIL MEETING**  
**AGENDA**

MEDITATION

PLEDGE OF ALLEGIANCE: Councilmember Wojahn

ROLL CALL

MINUTES: June 17, 2014 Regular Meeting

ANNOUNCEMENTS

ACKNOWLEDGMENT OF DIGNITARIES

ACKNOWLEDGMENT OF NEWLY APPOINTED BOARD AND COMMITTEE MEMBERS:

AWARDS

PROCLAMATIONS

AMENDMENTS TO THE AGENDA

CITY MANAGER'S REPORT: Joe Nagro

STUDENT LIAISON'S REPORT: Cole Holocker

COMMENTS FROM THE AUDIENCE ON NON-AGENDA ITEMS

PRESENTATIONS

## CONSENT AGENDA

- 14-G-72 Field Use Request by Knight Management Group for Community Service Project/School Supply Give Away at Duvall Field, Saturday, August 2, 2014, 9:00 a.m. until 3:00 p.m.
- 14-G-81 Field Use Request by Berwyn Baptist Church for Evening Soccer Camp for Children at Duvall Field, Monday through Friday, July 14 -18, 2014, 5:45 p.m. until 8:30 p.m.
- 14-G-73 Field Use Request by College Park Boys and Girls Club for Soccer Practice and Games at Duvall Field, Monday through Friday, August 4th through November 28th, 4:00 p.m. until 9:00 p.m., Saturdays, August 2nd through November 30th, 9:00 a.m. until 9:00 p.m.
- 14-G-74 Field Use Request by College Park Boys and Girls Club for Soccer Practice and Games at Calvert Hills Playground Field, Monday through Friday, August 4th through November 28th, 5:00 p.m. until 8:00 p.m., Saturdays, August 2nd through November 30th, 9:00 a.m. until 3:00 p.m.
- 14-R-16 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-2014-02, 5209 Kenesaw Street, College Park, Maryland, Recommending Approval Of Variances From The Prince George's County Zoning Ordinance: Section 27-442(C) Prescribing Maximum Lot Coverage, Section 27-442(E) Prescribing Minimum Front Yard Setback And Section 27-120.01(C) Restricting Front Yard Parking Space Encroachment.
- 14-R-18 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-2014-05, 5926 Bryn Mawr Road, College Park, Maryland, Recommending Approval Of A Variance From The Requirements Of The Prince George's County Zoning Ordinance, Section 27-420(A), To Permit The Construction Of A Fence To Increase The Height By Two Feet.
- 14-R-19 Resolution Of The Mayor And Council Of The City Of College Park, Maryland Adopting The Recommendation Of The Advisory Planning Commission Regarding Appeal Number CEO-2014-03, 9120 Rhode Island Avenue, College Park, Maryland, Approving A Variance From Requirements Of City Code §87-23 B To Permit The Construction Of A Fence Within The Front Yard.
- 14-R-20 Resolution Of The Mayor And Council Of The City Of College Park, Maryland Adopting The Recommendation Of The Advisory Planning Commission Regarding Appeal Number CEO-2014-04, 5912 Chestnut Hill Road, College Park, Maryland, Approving A Variance From The Requirements Of The Prince George's County Zoning Ordinance, Section 27-420 (A) To Permit The Construction Of A 6-Foot High Fence, And Denying

Motion by:  
To: Adopt  
Second:  
Aye: \_\_\_\_\_  
Nay: \_\_\_\_\_  
Other: \_\_\_\_\_

A Variance From The Requirements Of City Code §87-23 C To Permit The Construction Of A Fence Within The 25-Foot Side Yard Setback, Where The Side Lot Line Is A Continuation Of The Front Yard Line Of The Adjacent Lot.

- 14-G-75 Approval of a Council policy for distribution of Community Events Micro-grants funded in the FY '15 budget
- 14-R-23 Resolution to change the name of the Neighborhood Stabilization Committee to the Neighborhood Quality of Life Committee

### ACTION ITEMS

- 14-O-04 Adoption 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  
Motion by: Wojahn  
To:  
Second:  
Aye: \_\_\_\_ Nay: \_\_\_\_  
Other: \_\_\_\_\_
- 14-O-05 Adoption 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  
Motion by: Wojahn  
To: Adopt  
Second:  
Aye: \_\_\_\_ Nay: \_\_\_\_  
Other: \_\_\_\_\_
- 14-G-76 Approval of DSP 12034-01 for 4700 Berwyn House Road subject to conditions and the applicant entering into a Declaration of Covenants with the City.  
Motion by: Dennis  
To: Adopt  
Second:  
Aye: \_\_\_\_ Nay: \_\_\_\_  
Other: \_\_\_\_\_
- 14-R-21 Resolution of the Mayor and Council of the City of College Park approving the application and receipt of financing for a Community Legacy project for 50% of the design and bidding package for the undergrounding of utilities associated with the reconstruction of US 1 from College Avenue to MD 193.  
Motion by: Mitchell  
To: Adopt  
Second:  
Aye: \_\_\_\_ Nay: \_\_\_\_  
Other: \_\_\_\_\_
- 14-G-77 Approval of a Letter in support of a Community Legacy Application from the College Park City University Partnership to initiate a new Live/Work College Park program  
Motion by: Stulich  
To: Adopt  
Second:  
Aye: \_\_\_\_ Nay: \_\_\_\_  
Other: \_\_\_\_\_
- 14-G-78 Approval of a Landscape Easement with Metropolitan Development At College Park, LLC for landscape buffer  
Motion by: Dennis  
To: Adopt  
Second:  
Aye: \_\_\_\_ Nay: \_\_\_\_  
Other: \_\_\_\_\_

14-R-22 Resolution Of The City Of College Park, Maryland To Install A Pilot Permaculture Project Along The Trolley Trail Between Greenbelt Road and Tecumseh Street In The Berwyn Neighborhood Of College Park.

Motion by: Hew  
To: Adopt  
Second:  
Aye: \_\_\_\_\_ Nay: \_\_\_\_\_  
Other: \_\_\_\_\_

14-O-07 Introduction of 14-O-07, An Ordinance to Amend Chapter 184 Article VIII, Vehicles and Traffic Speed-Monitoring Systems, to incorporate new state law provisions. ***(The Public Hearing is September 9, 2014 at 7:15 p.m.)***

Motion by: Kabir  
To: Introduce  
Second:

14-G-79 Appointments to Boards and Committees

Motion by:  
To: Adopt  
Second:  
Aye: \_\_\_\_\_ Nay: \_\_\_\_\_  
Other: \_\_\_\_\_

## COUNCIL COMMENTS

## COMMENTS FROM THE AUDIENCE

## ADJOURN

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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.

**7:00 P.M.**  
**PUBLIC**  
**HEARINGS**  
**14-0-04**  
**14-0-05**



**NOTICE OF PUBLIC HEARINGS  
TUESDAY, JULY 15, 2014  
2ND FLOOR COUNCIL CHAMBERS  
CITY HALL, 4500 KNOX ROAD  
7:00 P.M.**

**ORDINANCE 14-O-04:**

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.

**ORDINANCE 14-O-05:**

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Copies of these Ordinances 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](http://www.collegeparkmd.gov).

*Posted: Web.Cable 5-29-14*



# CITY OF COLLEGE PARK MUNICIPAL SCENE

4500 KNOX ROAD, COLLEGE PARK, MD 20740 • 240-487-3500  
WWW.COLLEGEPAKMD.GOV

June 26, 2014

## City Hall Bulletin Board

### NOTICE OF PUBLIC HEARINGS TUESDAY, JULY 15, 2014 - 7:00 P.M. 2ND FLOOR COUNCIL CHAMBERS CITY HALL, 4500 KNOX ROAD



**ORDINANCE 14-0-04:** 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.

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### NOTICE OF PUBLIC HEARING TUESDAY, AUGUST 12, 2014 - 7:15 P.M. 2ND FLOOR COUNCIL CHAMBERS CITY HALL, 4500 KNOX ROAD

#### CHARTER RESOLUTION 14-CR-01

A Charter Resolution of the Mayor and Council of the City of College Park, Amending Article V "Charter Amendments", §C5-1, "Procedure for Petition" to Require Certain Information to be included on Referendum Petitions.

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](http://www.collegeparkmd.gov).

released the Walk Sign  
• Use the marl  
• Wait for the  
• Look up fro  
• Make sure y



**FREE DOWNTOWN PARKING THROUGH AUGUST 23RD**  
Park in the Downtown parking garage, surface lots, and street parking spaces from August 23rd through August 31st. Please note that the Downtown parking garage will still be enforced from 11:00 a.m. to 6:00 p.m. Remember that from 11:00 a.m. to 6:00 p.m. the Downtown parking garage, surface lots, and street parking spaces will be enforced. Enjoy your summer at [www.shopcollegepark.com](http://www.shopcollegepark.com).



**HOLLY FARMS MARKET SATURDAYS & SUNDAYS, 10:00 AM - 4:00 PM**  
The market is open at the Downtown Farmers Market Shopping Center, next to the Downtown parking garage. For more information visit the website [www.hollyfarmsmarket.com](http://www.hollyfarmsmarket.com).

## From The Public Works Dept...

men property of treat it with a larvicide. The Asian tiger mosquito (ATM) is active during the day and can breed in a very small amount of standing water. Inspect your yard for water-holding containers including tires, buckets, and flower pots and dispose of them or store them upside down. Corrugated drain pipes fitted to gutters are often a perfect place for mosquitoes to breed! Be aware that the spraying conducted by MDA has very little effect on adult ATMs as they are not active during the time of day spraying occurs. The best way to combat the ATM is to remove standing water in your yard, and to ask your neighbors to do the same.

Prevent mosquito breeding by changing water weekly in bird baths, wading pools and pet dishes. Gutters should be cleaned at least twice a year. Adult mosquito surveillance by MDA personnel will begin in June, and spraying may occur on Wednesday nights if the spray criteria are met. Report mosquito problems, spray requests, and spray objections to Public Works at 240-487-3590.



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

CLIP AND SAVE

COLLEGE PARK DIRECTORY	
City of College Park Main Number.....	240-487-3500
CITY HALL, 4500 Knox Road, College Park, MD 20740	
Hours: M-F 8am-7pm; Sat. 1-5pm; Sun - Closed	
<b>City Hall Departments</b>	
City Manager/City Clerk.....	240-487-3501
City FAX Number.....	301-699-8029
Finance.....	240-487-3509
Human Resources.....	240-487-3533
Parking Enforcement Div. (M-F 8am-10pm/Sat 1-7pm).....	240-487-3520
Planning/Economic Development.....	240-487-3538
Housing Authority (Attick Towers) 9014 R.I. Ave.....	301-345-3600



# CITY OF COLLEGE PARK MUNICIPAL SCENE

7/12/14

4500 KNOX ROAD, COLLEGE PARK, MARYLAND 20740 • 240-487-3500

[www.collegeparkmd.gov](http://www.collegeparkmd.gov)

June 12, 2014

## NOTICE OF PUBLIC HEARINGS

TUESDAY, JULY 15, 2014 – 7:00 P.M.  
2ND FLOOR COUNCIL CHAMBERS  
CITY HALL, 4500 KNOX ROAD

**ORDINANCE 14-0-04:** 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.

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## Around Town!

### WALK SMART COLLEGE PARK

The University in partnership with the State Highway Administration (SHA) and the City of College Park, released the Walk Smart College Park campaign

- Use the marked crosswalk
- Wait for the walk signal
- Look up from your phone and look both ways
- Make sure you and your fellow Terps get home safely



**COLLEGE PARK JOINS THE "HEAL"**  
Nominations will be reviewed by a Committee that includes a member of the Perry family. This non-monetary award will be presented by the City Council in the fall.



### FREE WEEKEND PARKING IN THE DOWNTOWN PARKING GARAGE MAY 31 – AUGUST 23, 2014

Tired of dealing with pay stations? The City of College Park is here to make your summer a little easier, as you can park in the Downtown garage for free every Saturday from May 31st to August 23rd. The garage is located at the corner of Knox Road and Yale Avenue, convenient to more than 65 retailers.

Please note that free summer Saturday parking is limited to the Downtown parking garage. Meters in the surface lots and on the street will still be enforced from 8:00am to 10:00pm as usual.

Remember that free parking is always available on Sundays in the garage, surface lots, and the street.

Enjoy your summer and we hope to see you Downtown! Check us out at [www.shopcollegepark.org](http://www.shopcollegepark.org).



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

## COLLEGE PARK CONNECTED!

5807 Bryn Mawr Road.....	301-441-81
<b>Councilmember Fazul Kabir (District 1)</b>	
9817 53rd Avenue.....	301-659-62
<b>Councilmember Patrick L. Wojahn (District 1)</b>	
5015 Lackawanna Street.....	240-988-77
<b>Councilmember P.J. Brennan (District 2)</b>	
4500 Knox Road.....	301-220-16
<b>Councilmember Monroe S. Dennis (District 2)</b>	
8117 51st Avenue.....	301-474-62
<b>Councilmember Robert W. Day (District 3)</b>	
7410 Baylor Avenue.....	301-741-196
<b>Councilmember Stephanie Stullich (District 3)</b>	
7400 Dartmouth Avenue.....	301-742-444
<b>Councilmember Alan Y. Hew (District 4)</b>	
9118 Autoville Drive.....	240-391-867
<b>Councilmember Denise C. Mitchell (District 4)</b>	
3501 Marlborough Way.....	240-460-762

### OTHER FREQUENTLY CALLED NUMBERS

<b>EMERGENCY: FIRE-AMBULANCE-POLICE.....</b>	<b>911</b>
<b>NON-EMERGENCY POLICE SERVICES</b>	
Prince George's Co. Police (Hyattsville Station).....	301-699-2630
Prince George's Co. Police Non-Emergency Svcs.....	301-352-1200
Prince George's Co. Park Police.....	301-459-9088
State Police (College Park Barrack).....	301-345-3101
University of Maryland Police.....	301-405-3555
College Park Community Center.....	301-441-2647
5051 Pierce Avenue, College Park	
Branchville Vol. Fire & Rescue Squad.....	301-474-1550
4905 Branchville Road, College Park	<a href="http://www.bvfc011.com">www.bvfc011.com</a>
College Park Vol. Fire Department.....	301-901-9112
8115 Baltimore Avenue, College Park	<a href="http://www.cpvfd.org">www.cpvfd.org</a>
PEPGO - Power Outages, Lines Down.....	1-877-737-2662
WSSC: Water Mains.....	301-206-4002
Prince George's County Storm Drains.....	301-499-8520

CLIP AND SAVE

Ham Whisonant  
are the games the  
look for, this is what football  
all about, the best of the best  
Hamlin said. "Even thou  
we're on the short end of t  
rivalry right now, we're bei  
we're close. We plan on bei  
the best of the Division  
touchdown in the second-quarter  
Grigsby's late second-quarter  
itself in a 21-0 hole. Kenya  
Saturday's contest D.C. found  
A quarter and a half into  
games.  
— in its last 51 regular season  
lost once — to the Divas in 2011  
ing a Millita team that has only

the chance to go up two scores  
nd we fumble the ball and that  
just can't happen."  
Saturday was Hamlin's first  
full game back since suffering a  
ruptured tendon in her foot dur-  
ing the team's four-point loss at  
Boston in the season opener.  
Each Alison Richer said the

competition, she's screamed to  
compete for the NCAA Division I  
University of Notre Dame fencing  
team in 2014-15.  
"Looking back at my season  
this year, I've found a lot that I  
need to work on, but I've made a  
lot of big jumps forward," Strico  
said in the press release. "There's



ooks said.  
— ERIC WEIN  
**Bowie teen fencer  
notches another win**  
Bowie resident Amanda

**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**

**Human Rights**

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

**§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.

**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

**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.

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

**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;

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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

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.**

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**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 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 **7:00 P.M.** on the **15<sup>th</sup>** day of **August**, 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 **27<sup>th</sup>** day of **May**, 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

# MINUTES

**MINUTES**  
**Regular Meeting of the College Park City Council**  
**Tuesday, June 17, 2014**  
**7:35 p.m. – 9:46 p.m.**

**PRESENT:** Mayor Fellows; Councilmembers Kabir, Wojahn, Brennan, Dennis, Stullich, Day, Hew and Mitchell.

**ABSENT:** None.

**ALSO PRESENT:** Joe Nagro, City Manager; Janeen Miller, City Clerk; Bill Gardiner, Assistant City Manager; Suellen Ferguson, City Attorney; Terry Schum, Director of Planning.

Mayor Fellows opened the Regular Meeting at 7:35 p.m. after an earlier Closed Session. Councilmember Kabir led the Pledge of Allegiance.

**Minutes:** A motion was made by Councilmember Mitchell and seconded by Councilmember Stullich to approve the minutes of the Special Session on May 6, 2014; Public Hearing on Constant Yield Tax Rate on May 13, 2014; Public Hearing on Ordinance 14-O-02 on May 13, 2014; Regular Meeting of May 13, 2014; Public Hearing on Ordinance 14-O-03 on May 27, 2014; Regular Meeting on May 27, 2014. The motion passed 8 – 0 – 0.

**Announcements:**

Councilmember Wojahn announced a meeting on Thursday, June 19 at Davis Hall about safety concerns at Davis Field.

Councilmember Brennan said the Berwyn District Civic Association would hold their monthly meeting on Thursday, June 19 at Fealy Hall.

Councilmember Hew announced a tour of a permaculture garden in Bowie at 7:00 p.m.

Mayor Fellows reminded everyone to get out and vote in the primary next Tuesday.

**Amendments to the Agenda:** None.

**City Manager's Report:** Mr. Nagro reminded everyone of the Council's summer meeting schedule, and said Early Voting continues through June 19 at the College Park Community Center.

**Comments from the Audience on Non-Agenda Items:**

**Dave Dorsch, 4607 Calvert Road:** Asked the City to urge the County and other parties to act on the WSSC 2013 report that identified certain "fixes" to the County's storm drain system because parts of the City flooded in the rain last week which is very costly for the homeowner.

**CONSENT AGENDA:**

**A motion was made by Councilmember Wojahn and seconded by Councilmember Dennis to adopt the Consent Agenda, which consisted of the following:**

- 14-G-63 Award of a three year contract for Auditing Services to SB & Company, LLC of Hunt Valley, MD in the amount of \$54,343 and authorization for the City Manager to execute an engagement agreement.**
- 14-G-64 Motion to voice no objection to the transfer of a Class D, Beer and Wine License to Jimmy Louis Constantinou, President/Treasurer, Bruno Anthony Fabi, Jr., Mark Alexis Proctor, Assistant Secretary, for the use of Mamma Lucia's of College Park, Inc., t/a Mamma Lucia's, 4734 Cherry Hill Road, College Park, 20740, subject to the applicant entering into a new PUA with the City, and authorization for the City Manager to sign the PUA and send a letter to the BOLC stating the City's position.**
- 14-R-13 Resolution to approve amendment to the City's Parking Violation Review Policy to require that the Parking Violation Review Officer reduce the fine for an invalid tag violation issued under §184-11(A) of the City Code to \$0, and that City staff withdraw a violation notice, under certain circumstances.**
- 14-G-66 Approval of allocation of FY '15 POS funding in the amount of \$129,169.03 to the Hollywood Gateway Park project and creation of a new acquisition project for the expansion of Hollywood Gateway Park utilizing previous POS allocations for acquisition**

**The motion passed 8 – 0 – 0.**

**ACTION ITEMS**

- 14-R-12 Resolution of the Mayor and Council of the City of College Park to allow Chapter 127 Rent Stabilization to sunset on September 1, 2014**

**A motion was made by Councilmember Day and seconded by Councilmember Dennis to adopt Resolution 14-R-12, a Resolution of the Mayor and Council of the City of College Park to allow Chapter 127 Rent Stabilization to sunset on September 1, 2014.**

Councilmember Day read the resolution. He said that the City has addressed many of the issues that the original 2005 law raised. Over 1,500 beds have been added at the University and 4,300 beds in the City and there are approximately another 3,000 beds in the pipeline. The landlords have come to the table to help the City address these issues. This law has met its end and we need to find other ways to address these issues.

**Comments from the audience:**

**Adele Ellis, 4608 Beechwood Road:** The landlords only came to the table after they lost their lawsuit against this law. Some rental properties are still a quality of life issue; not all landlords are at the table. The City needs more recent data on housing trends before deciding this issue. The City's first responsibility is to the families that live here. The law should be kept on the table as a future option.

**Kathy Bryant, 7406 Columbia:** She is opposed to the sunset of the rent stabilization law. She appreciates what the Neighborhood Stabilization Committee has done but it hasn't solved or eliminated the problems. We need as many tools as we can to address problems.

**Lewis Zietz, Executive Director, Prince George's Property Owners Association, 1107 Spy Glass Drive, Arnold, MD:** They do not condone bad behavior from tenants or landlords, but they don't believe that having this ordinance impacts that. His association represents 150 landlords; they are an integral part of the economy in this community. They support the student code of conduct and greater enforcement of the codes that are on the books. The City should suspend the rental licenses of landlords who have multiple/repeated violations. This ordinance can't be justified in light of the amount of student housing that has been built. The high rises that are exempt from rent stabilization have no incentive to reduce their rents. This is hampering our ability to move forward.

**Lisa Miller:** The landlords were not previously "at the table" because they had been told by former City officials, "we can do what we want, if you don't like this law, sue us." They sympathize with the quality of life issues but this law will not impact that. If you artificially keep home prices low, you will incentivize more investors to buy property because more people want to live in lower-priced housing rather than the high rises. She moved out of the City because of the schools. You can't convince families with kids to move to the City until you address the education issues. This law is a hammer; if this is a true partnership it is time to look at some carrots. This law is a security blanket that the City can't get rid of even though it is tattered.

**Richard Biffl, 7002 Chansory Lane, Hyattsville, MD 20782, Chair of Rent Stabilization Board:** When the University of Maryland was designated the Flagship Campus they didn't build additional housing so students flooded certain neighborhoods. The Rent Stabilization act was enacted to eliminate overcrowding of houses because expensive homes need lots of tenants to defray the costs. High rents caused the value of the property to climb beyond what the market would allow for a family so families were encouraged to sell out to investors. The law was tied up in litigation for 10 years and many landlords never came into compliance. It was on the eve of enacting the law that the landlords came to the table. He thinks it is worthwhile to keep this ordinance on the books and keep it suspended.

**Linda Simpson, Prince George's County Association of Realtors, 9200 Basil Court, #400, Largo MD 20774:** Her organization supports the sunset of this law. While well-intentioned, this concept favors some citizens over others. The renters receive a benefit while the property owners sacrifice the right to a free and open market. If you have a law on the books that is not enforced, you probably don't need the law. They support the recommendations of the Prince

George's Property Owners Association. Owners with rent control have little incentive to make property repairs.

**Todd Waters, 4619 Fordham Road:** He is a student renter in College Park. What impact would this ordinance have, if enforced, on the lower income renters in the neighborhood. What if this was extended to the high-rises – would the landlords then support it?

**John Hawvermale, 1342 Excaliber Lane, Sandy Spring, MD, 20860:** He said the City has a history of discriminating against students and cited the "mini-dorm" bill. For many years the City was not interested in working with the landlords and the University was not concerned with anything that happened off campus. There is a more collaborative effort now to solving problems. The Council has passed other anti-discrimination legislation yet there are certain Councilmembers that still support rent control which is designed to move students out of the neighborhoods.

**Tim Morrison, 6703 Rhode Island Avenue:** He urged the Council to sunset the ordinance. Some new families are moving in to the area. He is looking for a better relationship with the Mayor and Council; he remembers when it used to be more contentious.

**Andy Miller:** The University used to be 10,000 beds short so there was a huge market for rentals. Today they are only 7,000 beds short. He commends the Council for pushing high rise housing, but the ordinance doesn't cover them. Students are paying over \$1,000 a month in the high rises. The ordinance has led to unintended consequences, such as property values: The 2006 median home price was \$385,000. In 2012 the median home price was \$216,500, a decrease of 45%. It has come back somewhat in 2014 so it is down 37%. If you live in College Park, the real estate values are 35% off. There are 917 rental licenses and 3771 detached homes in College Park. His taxes are the same as three owner-occupied houses because of the homestead exemption.

**Dave Dorsch:** Discussed the original Sage Policy report and rent stabilization ordinance with 17 "Whereas" clauses, many of which were not true. At the time, the publicly stated reason for rent control was an insufficient amount of student housing which caused students to overrun the neighborhoods. It was supposed to be temporary. Since 2005 over 6,000 new student beds have been added and many thousands more are in the works. There is no shortage of student housing. He discussed the mini-dorm bill, the City's efforts to control where students live, discrimination against students, and the Council trying to keep the landlords in line with the "stick" approach. He wants Council to allow this ordinance to expire.

Councilmember Stullich agrees that the Neighborhood Quality of Life Committee is doing important work to address the root issues, but it is important that we not declare success when we don't have the evidence. It hasn't gotten better yet in Old Town. The problems are severe and make it hard for families to live in some of our neighborhoods. Saying the City is discriminating against students is not accurate; students were among the early supporters because of their concerns about high rent. The reason the ordinance didn't extend to high rises is because we wanted to incentivize developers to build student housing. There has been a steady increase in

the number of single family houses that are used as rentals. The number of owner-occupied houses decreased 6% from 3,277 to 3,087 from 2006 - 2010. We should get more recent data before deciding this question. Her hope is to reduce the trend where long term residents are being driven out of our neighborhoods.

Councilmember Wojahn said there were two main reasons the Council established rent stabilization in 2005: to regain a balance in the types of housing and to address quality of life concerns. We are working toward this end but it is too early to say this has been accomplished. Until we can look at metrics to say that we have accomplished these goals we need to have all of the tools in our toolbox.

Councilmember Brennan said he is sorry that students are not here because he would like to hear their perspective. He is concerned about his community disappearing; he would like to see families and students existing together. We do not have the data before us to measure the impact this ordinance and the strategies have had on our community. We should identify a path toward sunseting this law, engage a new market study, find tools that are more targeted to address community concerns, and work to implement the C and D strategies from the Quality of Life report.

Councilmember Day bought a rental property when he moved his family here and turned it into his family home. He has served the City in a quasi-judicial capacity on several different boards including the Rent Stabilization Board. Students are not the only people who rent in College Park. Rent Stabilization should not be used as a code enforcement tool. We have a code enforcement issue in District 3. He was one of the first people who reached out to the landlords and has worked on this for a very long time. This law is not appropriate anymore; it is time to sunset it. We need to make this work and bring everyone to the table to move it forward.

Councilmember Hew had mixed feelings about this. When they tried to buy their house in College Park they were grossly overbid by a landlord. He saw this as a bargaining chip. The timing is bad – things are just now coming together with the Neighborhood Stabilization Committee working out these problems and he doesn't want to jeopardize the relationship. He will support the sunset to show faith in the process and the progress.

Councilmember Kabir thinks it is time to sunset this law. All of the stakeholders are working together at one table. Things have changed since 2005. The other parties are our partners, not our opponents. We have made progress and there is more to do. How many of the 63 strategies have to be implemented before they will be ready to sunset the law? This law has cost the City tens of thousands of dollars. We need a free market rental rate.

Mayor Fellows said he is the only current elected official who was on the Council when rent stabilization was passed. He agrees that the mini-dorm bill was discriminatory. There are still some landlords who rent just to make money and don't care about the students or the community. He has a lot of experience living in rent stabilized communities. Rent control communities like rent control and he sees it as a positive regulatory tool. What we passed in 2005 was one of the least stringent laws and we were still taken to court. Because of litigation it

has not had the chance to be tested. Keeping the law and suspending enforcement is an olive branch we extended to show our intentions to work with the landlords. The quality of life issues are very real issues. If he has to vote to break a tie, he would vote not to sunset this law. He would also support continued suspension of enforcement, which he thinks is very reasonable and not burdensome.

Councilmember Stullich said not all landlords are “at the table” and many continue to be uncooperative. The landlord certification program that was adopted by the PGPOA is a watered-down version of what was originally proposed. She is concerned that if rent stabilization is sunset the number of investment properties would increase. She is hopeful we will make progress but doesn’t think we have made enough yet.

Councilmember Wojahn said he has heard a lot of facts and figures tonight but says we can’t tell for certain what impact rent stabilization has had on the demand for rental housing in our neighborhoods. He supports doing a study to see if we have achieved the goals we wanted to achieve. It will take time to look into these issues further before we sunset the law.

**Roll Call Vote:**

**Aye: Mitchell, Hew, Day, Dennis, Kabir**

**Nay: Stullich, Brennan, Wojahn**

**The motion carried 5 – 3 – 0.**

**14-R-15 Resolution Of The Mayor And Council Of The City Of College Park To Amend The Declaration Of Covenants And Agreement Regarding Land Use Between The City And Toll Bros., Inc. To Require That The Rossburg Drive Right Of Way To Be Vacated By Vacation Petition V- 13008 Be Deeded To The City In The Event That The Project Authorized By Detailed Site Plan DSP-13025 Is Not Constructed**

**A motion was made by Councilmember Day and seconded by Councilmember Kabir to adopt Resolution 14-R-15 to amend the Declaration of Covenants and Agreement Regarding Land Use between the City and Toll Bros., Inc. to require that the Rossburg Drive right-of-way, if closed and then vacated by Vacation Petition V-13008, be deeded to the City in the event that the project authorized by Detailed Site Plan DSP-13025 is not constructed.**

Councilmember Day said the Council previously supported DSP-13025, which relates to the redevelopment of the Knox Box area by Toll Brothers, Inc., (Toll). As part of that process, the City and Toll entered into a Declaration of Covenants and Agreement Regarding Land Use. The DSP and construction of the Project are dependent upon the permanent closure and vacation of Rossburg Drive, currently in use as a public way under City jurisdiction. Once the vacation petition is granted, title to the area encompassed by Rossburg Drive will automatically revert to Toll as owner of the property. The City wishes to ensure that, if the project is not constructed as

authorized by the DSP, or as amended with the consent of the City, then the title to the area shall revert by fee simple deed to the City for a public use. This Resolution amends the Declaration to include a requirement that Toll own the property at the time of the Planning Board hearing with respect to vacation petition V-13008 and that in the event the project is not constructed pursuant to the DSP, as currently approved or as amended with consent of the City, then the area encompassed in Roszburg Drive shall be transferred to the City by Toll and or Toll College Park, in fee simple by deed.

There were no comments from the audience.

Ms. Ferguson said she and Mr. Haller have been working on these amended documents all week. The permanent closure of Roszburg Drive is contingent on a number of items as listed in the resolution; this resolution concerns one of them: that the existing Declaration of Covenants be amended. Mr. Haller said that all of these conditions had been contemplated at the time of the original covenant with the City, but the details had not been worked out until now. This has the support of all the parties to the transaction. They are ready to move forward with approval of this and the next resolution.

There were no comments from Council.

**The motion carried 8 – 0 – 0.**

**14-R-14 Resolution Of The Mayor And Council Of The City Of College Park To Authorize The Permanent Closure And Vacation Of Roszburg Drive Subject To Certain Conditions**

**A motion was made by Councilmember Day and seconded by Councilmember Mitchell to adopt Resolution 14-R-14 to authorize the permanent closure, and consent to vacation of Roszburg Drive through Vacation Petition V-13008, subject to certain conditions.**

Councilmember Day said the Council previously supported DSP-13025, which relates to the redevelopment of the Knox Box area by Toll Brothers, Inc., (Toll). The parties entered into a Declaration of Covenants. This project is now referenced as Terrapin Row. During discussion of this DSP, it was clear that the project is dependent upon the permanent closure and vacation of Roszburg Drive. The City agreed to support this closure in order to enable the project to be built. The resolution places certain conditions that must be complied with by Toll in order to obtain the City's authorization and consent.

There were no comments from the audience or from Council.

**The motion carried 8 – 0 – 0.**

**14-G-67 Establishment of a temporary residential permit parking zone on Autoville Drive, Blackfoot Place and Cherokee Street (around Monument during construction) and limited three-hour parking on Erie**

A motion was made by Councilmember Hew and seconded by Councilmember Dennis that the City Council establish a temporary residential permit parking zone and limited 3-hour parking to include the following:

- That Autoville Drive, Cherokee Street, and Blackfoot Place be temporarily restricted to residential permit parking only, to be enforced seven (7) days a week, twenty four (24) hours a day; and,
- That Erie Street be temporarily signed for '3 Hour Limit' parking, to be enforced seven (7) days a week, from 7:00 a.m. to 10:00 p.m.; and,
- That, unless extended by Council action, these restrictions take effect at least 2 weeks prior to the initiation of construction for the Monument project; and cease no later than 2 weeks after the issuance of U&O permits for this project; and
- That up to five (5) parking permits - one per vehicle registered to that address with City of College Park Parking Enforcement - and two (2) visitor parking passes be provided to each residential property address within the affected area; and
- That all permit costs associated with the temporary permit parking restrictions, during construction, be waived for residents of the proposed affected streets during the construction period; and,
- That upon completion of construction it shall be determined by petition of the residents to the City Council to keep the permit restrictions in place, or to change the days and hours of enforcement from these original restrictions, and ,
- That if residents petition, and Council approves to keep the permit restrictions in place following completion of construction, then each year thereafter an annual fee of \$10.00 per permit and \$1.00 per visitor pass, or current fees, shall be charged to the residents in this residential permit parking zone.

Councilmember Hew stated that there was discussion with the residents during the development of the covenants for this project and it became clear that Monument would not always be able to provide parking for their construction workers on site. We found it necessary to provide residents with some protection against construction workers parking on their streets. The residents are behind this plan. We will see if they continue to support the permit restrictions once construction is done.

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

**The motion carried 8 – 0 – 0.**

**14-G-68 Approval of a letter to SHA regarding improvements to MD 430**

**A motion was made by Councilmember Brennan and seconded by Councilmember Dennis to send a letter to the State Highway Administration thanking them for their detailed response to previous City correspondence regarding MD 430 and offering collaboration to evaluate the effectiveness of those changes and other safety improvements on state roads in the City.**

Councilmember Brennan said we have a challenge to advocate for safer roads in our City. As the SHA studies existing conditions and applies their standards to state roadways in the City, it is important that we help promote the environment and behavior that we seek when it comes to pedestrian safety and safe roads.

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

**The motion passed 8 – 0 – 0.**

**14-CR-01 Introduction of Charter Amendment Resolution 14-CR-01, a Charter Resolution Of The Mayor And Council Of The City Of College Park, Amending Article V “Charter Amendments”, §C5-1, “Procedure For Petition” To Require Certain Information To Be Included On Referendum Petitions.**

**A motion was made by Councilmember Wojahn and seconded by Councilmember Brennan to introduce 14-CR-01, a Charter Resolution Of The Mayor And Council Of The City Of College Park, Amending Article V “Charter Amendments”, §C5-1, “Procedure For Petition” To Require Certain Information To Be Included On Referendum Petitions.**

Mayor Fellows announced the Public Hearing will be held August 12, 2014 at 7:15 p.m.

**14-G-69 Appointment to Boards and Committees**

A motion was made by Councilmember Wojahn and seconded by Councilmember Day to appoint Betty Gailes to the Animal Welfare Committee. The motion passed 8 – 0 – 0.

**14-G-70 Approval of a cooperation agreement with the Prince George’s County Department of Housing and Community Development for participation in the CDBG program for federal fiscal years 2015 – 2017.**

**A motion was made by Councilmember Dennis and seconded by Councilmember Wojahn to approve a Cooperation Agreement with the Prince George’s County Department of Housing and Community Development for participation in the Community Development Block Grant (CDBG) program and HOME Investment Partnerships (HOME) program for federal fiscal years 2015-2017 and to authorize the City Manager to sign the agreement.**

Councilmember Dennis said that a municipality may elect to participate as a unit of general local government and include the municipality's population with that of the county's unincorporated areas in determining the amount of the county's annual entitlement funding from the U. S. Department of Housing and Urban Development (HUD). If the city elects to participate, a signed Cooperation Agreement must be submitted to the county by June 30, 2014. A municipality may elect not to participate in determining the county's entitlement status, in which case the municipality must notify HUD and Prince George's County no later than June 20, 2014. Participating municipalities may be eligible to receive project funding assistance through the CDBG and, where applicable, HOME programs for the period July 1, 2015 through June 30, 2017. Municipalities that don't participate may be eligible to apply for funding assistance through the State of Maryland Small Cities CDBG program during this period. The City of College Park previously entered into a Cooperation Agreement with the county for federal fiscal years 2012 – 2014. The city was awarded \$217,000 in CDBG funding in 2012 and no funding in 2013 and 2014.

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

**The motion carried 8 – 0 – 0.**

**COUNCIL COMMENTS:**

Councilmember Dennis was the City's flag bearer at the MML convention. He asked that the City consider upgrading our City flag and possibly changing the logo. He also requested that we consider using the phrase "home of the world's oldest continually operating airport" during the parade of flags.

Councilmember Brennan said that rent stabilization is not the only way to achieve quality of life for our residents and he hopes we continue to reassess our current ordinances so that we can take specific and targeted action when needed.

Councilmember Wojahn discussed his attendance at the Leaders Council conference offered through Smart Growth America. He asked for a future Worksession discussion on the 48-hour rule for parking. We are doing a lot to encourage our residents to walk and take metro, so leaving a car on the street for more than 48 hours should be revisited.

Mayor Fellows discussed the sunset of the rent stabilization law.

**ADJOURN:** A motion was made by Councilmember Mitchell and seconded by Councilmember Dennis to enter into a closed session to consider the acquisition of real property for a public purpose and to consider the investment of public funds. The motion carried 8 – 0 – 0, and Mayor Fellows adjourned into closed session at 9:46 p.m. He said the Council would not return to public session.

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Janeen S. Miller, CMC  
City Clerk

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Date  
Approved

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Pursuant to §C6-3 of the College Park City Charter, at 7:03 p.m. on June 17, 2014, in the Council Chambers of City Hall, a motion was made by Councilmember Kabir and seconded by Councilmember Dennis to enter into an Executive Session to “Consult with Counsel on a legal matter.”

The motion passed 8 – 0 – 0.

**Present:** Mayor Andrew Fellows; Councilmembers Kabir, Wojahn, Brennan, Dennis, Stullich, Day, Hew and Mitchell.

**Absent:** None.

**Also Present:** Joe Nagro, City Manager; Bill Gardiner, Assistant City Manager; Janeen Miller, City Clerk; Suellen Ferguson, City Attorney; Terry Schum, Director of Planning.

**Topics Discussed:** The City Attorney advised the City Council on rent stabilization legal issues.

**Actions Taken:** None.

**Adjourn:** A motion was made by Councilmember Mitchell and seconded by Councilmember Dennis to adjourn the Executive Session, and with a vote of 8 – 0 – 0, Mayor Fellows adjourned the Executive Session at 7:32 p.m.

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Pursuant to §C6-3 of the College Park City Charter, at 9:45 p.m. on June 17, 2014, in the Council Chambers of City Hall, a motion was made by Councilmember Mitchell and seconded by Councilmember Dennis to enter into an Executive Session to “Consider the acquisition of real property for a public purpose” and “Consider the investment of public funds.”

The motion passed 8 – 0 – 0 and after a brief recess the closed session convened at 9:51 p.m.

**Present:** Mayor Andrew Fellows; Councilmembers Kabir, Wojahn, Brennan, Dennis, Stullich, Day, Hew and Mitchell.

**Absent:** None.

**Also Present:** Joe Nagro, City Manager; Bill Gardiner, Assistant City Manager; Janeen Miller, City Clerk; Suellen Ferguson, City Attorney; Catherine McGrath, Student Liaison.

**Topics Discussed:** The City Council considered the acquisition of a specific property.

**Actions Taken:** None.

**Adjourn:** A motion was made by Councilmember Wojahn and seconded by Councilmember Dennis to adjourn the Executive Session, and with a vote of 8 – 0 – 0, Mayor Fellows adjourned the Executive Session at 10:24 p.m.

14-G-72



# Field Use Reservation Application

Complete both pages and Submit to: [publicservices@collegetparkmd.gov](mailto:publicservices@collegetparkmd.gov)

Select One:  Calvert Hills Playground (Youth field – groups must be 13 and under)  Duvall Field

Date of Application: June 3, 2014

Name of Organization: Knight Management Group (KMG)

Is this Organization: City-Based Youth  Yes  No City Headquartered  Yes  No

Contact Name(s): Efrem Knight

Mailing Address: 2776 S. Arlington Mills Drive Ste# 560, Arlington, VA 22206

Email Address: eknight@knightmg.com

Day Phone: (305) 494-7607 Evening Phone: (202) 679-1199 Cell Phone: \_\_\_\_\_

Description of Activity/Event: School supply giveaway

Sports  Baseball  Football  Lacrosse  Softball  T-ball  \_\_\_\_\_

Expected Number of Participants 300 Age Range 5-16

Additional Requirements:  Toilets  Lights  Concession Stand

Date(s) Requested: August 2, 2014

### See Facilities Rules and Regulations for acceptable times and age group

Day(s) of Week Requested:  Sun.  Mon.  Tues.  Wed.  Thurs.  Fri.  Sat.

Time(s) Requested 9:00  a.m.  p.m. UNTIL 3:00  a.m. or  p.m.

Are you collecting a fee?  Yes  No If yes, Purpose: \_\_\_\_\_

I hereby confirm that I have received and read the City Recreation Facilities Rules and Regulations.

Organization's Proof of Adequate Minimum Liability Insurance as required under Section IV, Item 5 is attached hereto

*In addition, applicant/organization agrees to indemnify and hold harmless the City from and against all actions, liability, claims, suits, damages, cost or expenses of any kind which may be brought or made against the City or which the City must pay and incur by reason of or in any manner resulting from injury, loss or damage to persons or property resulting from his/her negligent performance of or failure to perform any of his/her obligations under the terms of this application/permit.*

### Recommendations and Notifications

Recreation Board  Approve Fee Waived  Approve with Fee of \$ \_\_\_\_\_  Denied

Comments: motion BP 2nd JA

Pub. Svcs Director Concur  Yes  No \_\_\_\_\_

Comments: [Signature]

City Manager Concur  Yes  No \_\_\_\_\_

Comments: \_\_\_\_\_

Mayor and Council Concur  Yes  No \_\_\_\_\_

Comments: \_\_\_\_\_

\* Alternate Contact: Garrett: 202-679-1199

**Waiver of Fees** – the Council may vote to waive user fees, in whole or in part, upon recommendation of the Recreation Board. When considering whether to recommend or grant a full or partial waiver of user fees.

Please describe how your organization meets any of the following criteria:

- a. The level of use that is involved with the activity, including wear and tear on the facility;

Full use of the field, outdoor rest room and cooking grill areas. Expect common wear and tear from general foot traffic.

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- b. The level of involvement by College Park residents in the activity;

Anticipate full participation in receiving the free supplies, outdoor activities (e.g. games) food and building a lasting relationship creating partners in the community for future support.

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- c. The community benefit that may result from the activity, for example, recreational opportunities for youth or seniors;

We desire to facilitate an environment that enables the community to join together in fun, grow together in learning one another and demonstrate the importance of education and readiness for learning.

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- d. Volunteer services that the user provides to the City or its residents;

This is the initial program that will give us the opportunity to see what needs or lack exists that we can become a support or vehicle - long term. We endeavor to create partnerships with leaders in the community and other local businesses to reinvest in the community for long lasting support.

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- e. Assistance to be provided by the user for maintenance of the recreational facility; and  
KMG will provide full support to the upkeep and cleanliness of the facility and grounds
- 

- f. Whether user activities promote the interests of the College Park community.

This program is designed to be a total help to the community both financially and educationally. We anticipate that the assistance will be well received and the community leaders and parents are receptive to the concept that KMG's standard is to build lives first. We are fully vested in creating people with the highest level of integrity to have a maximum impact in the world. We believe this is the interested of the College Park Community.

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14-G-81



# Field Use Reservation Application

Complete both pages and Submit to: publicservices@collegetparkmd.gov

Select One:  Calvert Hills Playground (Youth field - groups must be 13 and under)  Duvall Field

Date of Application: 6/18/14

Name of Organization: Berwyn Baptist Church

Is this Organization: City-Based Youth  Yes  No City Headquartered  Yes  No

Contact Name(s): Anita Hanna / Arthur Silver

Mailing Address: 4720 Cherokee Street, College Park, MD 20740

Email Address: Secretary@berwynbaptist.org

Day Phone: 301.474.7117 Evening Phone: 301.439.9435 (after 11:30 AM) Cell Phone: \_\_\_\_\_

Description of Activity/Event: Soccer Camp

Sports  Baseball  Football  Lacrosse  Softball  T-ball  Soccer

Expected Number of Participants 40-60 Age Range: 5-10 years old

Additional Requirements:  Toilets  Lights  Concession Stand

Date(s) Requested: July 14-18, 2014

See Facilities Rules and Regulations for acceptable times and age group

Day(s) of Week Requested:  Sun.  Mon.  Tues.  Wed.  Thurs.  Fri.  Sat.

\* Time(s) Requested 6  a.m.  p.m. UNTIL 7:30  a.m. or  p.m.

Are you collecting a fee?  Yes  No If yes, Purpose: \$5/student for Booklets

I hereby confirm that I have received and read the City Recreation Facilities Rules and Regulations.

Organization's Proof of Adequate Minimum Liability Insurance as required under Section IV, Item 5 is attached hereto

In addition, applicant/organization agrees to indemnify and hold harmless the City from and against all actions, liability, claims, suits, damages, cost or expenses of any kind which may be brought or made against the City or which the City must pay and incur by reason of or in any manner resulting from injury, loss or damage to persons or property resulting from his/her negligent performance of or failure to perform any of his/her obligations under the terms of this application/permit.

### Recommendations and Notifications

Recreation Board  Approve Fee Waived  Approve with Fee of \$ \_\_\_\_\_  Denied

Comments: JA. move BP 2nd

Pub. Svcs Director Concur  Yes  No

Comments: [Signature]

City Manager Concur  Yes  No

Comments: \_\_\_\_\_

Mayor and Council Concur  Yes  No

Comments: \_\_\_\_\_

Email dated 6/27/2014: Please change time to 5:45pm. until 8:30pm.

Waiver of Fees – the Council may vote to waive user fees, in whole or in part, upon recommendation of the Recreation Board. When considering whether to recommend or grant a full or partial waiver of user fees.

Please describe how your organization meets any of the following criteria:

- a. The level of use that is involved with the activity, including wear and tear on the facility;

Soccer Drills & Games for one week for  
children 5-10 years old. wear & tear should be LIMITED.

- b. The level of involvement by College Park residents in the activity;

Many of the participants will be College Park  
residents

- c. The community benefit that may result from the activity, for example, recreational opportunities for youth or seniors;

All College Park residents ages 5-10 may  
participate in this activity

- d. Volunteer services that the user provides to the City or its residents;

Youth receive Service Hours for school.

- e. Assistance to be provided by the user for maintenance of the recreational facility; and

- f. Whether user activities promote the interests of the College Park community.

Activities promote recreational opportunities for  
children, Biblical instruction & education and a  
safe place for children.

14-G-73



\* NEW website!  
www.collegeparkbgc.org

### Field Use Reservation Application

Complete both pages and Submit to: [publicservices@collegeparkmd.gov](mailto:publicservices@collegeparkmd.gov)

Select One:  Calvert Hills Playground (Youth field - groups must be 13 and under)  Duvall Field

Date of Application: 27 June 14

Name of Organization: College Park Boys + Girls Club

Is this Organization: City-Based Youth  Yes  No City Headquartered  Yes  No

Contact Name(s): Mary Lintner

Mailing Address: 5030 Laguna Rd College Park Md 20740

Email Address: mary.lintner@collegeparkbgc.org

Day Phone: 3013353106 Evening Phone: 3014747130 Cell Phone: 3013353106

Description of Activity/Event: SOCCER practice/games

Sports  Baseball  Football  Lacrosse  Softball  T-ball  SOCCER

Expected Number of Participants 150+ Age Range: 5-16

Additional Requirements:  Toilets  Lights  Concession Stand

Date(s) Requested: Aug 1st - Nov 30th

See Facilities Rules and Regulations for acceptable times and age group

Day(s) of Week Requested:  Sun.  Mon.  Tues.  Wed.  Thurs.  Fri.  Sat. 9am - 9pm

Time(s) Requested 4:00  a.m.  p.m. UNTIL 9:00  a.m. or  p.m.

Are you collecting a fee?  Yes  No If yes, Purpose: pay for league fees, uniforms

I hereby confirm that I have received and read the City Recreation Facilities Rules and Regulations.

Organization's Proof of Adequate Minimum Liability Insurance as required under Section IV, Item 5 is attached hereto

*In addition, applicant/organization agrees to indemnify and hold harmless the City from and against all actions, liability, claims, suits, damages, cost or expenses of any kind which may be brought or made against the City or which the City must pay and incur by reason of or in any manner resulting from injury, loss or damage to persons or property resulting from his/her negligent performance of or failure to perform any of his/her obligations under the terms of this application/permit.*

#### Recommendations and Notifications

Recreation Board	<input checked="" type="checkbox"/> Approve Fee Waived	<input type="checkbox"/> Approve with Fee of \$ _____	<input type="checkbox"/> Denied
Comments:	<u>in/b? return</u>		
Pub. Svcs Director	Concur <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
Comments:	<u>[Signature]</u>		
City Manager	Concur <input type="checkbox"/> Yes <input type="checkbox"/> No		
Comments:	_____		
Mayor and Council	Concur <input type="checkbox"/> Yes <input type="checkbox"/> No		
Comments:	_____		

14-G-74

\* NEW WEBSITE

WWW COLLEGE PARK BGC.ORG

### Field Use Reservation Application



Complete both pages and Submit to: [publicservices@collegetparkmd.gov](mailto:publicservices@collegetparkmd.gov)

Select One:  Calvert Hills Playground (Youth field - groups must be 13 and under)  Duvall Field

Date of Application: 27 June 14

Name of Organization: College Park Boys + Girls Club

Is this Organization: City-Based Youth  Yes  No City Headquartered  Yes  No

Contact Name(s): Mary Lintner

Mailing Address: 5030 Laguna Rd College Park Md 20740

Email Address: mary.lintner@collegeparkbgc.org

Day Phone: 3013353106 Evening Phone: 3014747130 Cell Phone: 3013353106

Description of Activity/Event: Soccer practice

Sports  Baseball  Football  Lacrosse  Softball  T-ball  SOCCER

Expected Number of Participants 40 Age Range 5-10

Additional Requirements:  Toilets  Lights  Concession Stand

Date(s) Requested: Aug 1st - Nov 30th

See Facilities Rules and Regulations for acceptable times and age group

Day(s) of Week Requested:  Sun.  Mon.  Tues.  Wed.  Thurs.  Fri.  Sat. 9:00 AM - 3:00 PM

Time(s) Requested 5:00  a.m.  p.m. UNTIL DARK 8:00  a.m. or  p.m.

Are you collecting a fee?  Yes  No If yes, Purpose: pay for league fees, uniforms

I hereby confirm that I have received and read the City Recreation Facilities Rules and Regulations.

Organization's Proof of Adequate Minimum Liability Insurance as required under Section IV, Item 5 is attached hereto

*In addition, applicant/organization agrees to indemnify and hold harmless the City from and against all actions, liability, claims, suits, damages, cost or expenses of any kind which may be brought or made against the City or which the City must pay and incur by reason of or in any manner resulting from injury, loss or damage to persons or property resulting from his/her negligent performance of or failure to perform any of his/her obligations under the terms of this application/permit.*

#### Recommendations and Notifications

Recreation Board  Approve Fee Waived  Approve with Fee of \$ \_\_\_\_\_  Denied

Comments: AMEND CALVERT TO DARK JA BP

Pub. Svcs Director Concur  Yes  No

Comments: [Signature]

City Manager Concur  Yes  No

Comments: \_\_\_\_\_

Mayor and Council Concur  Yes  No

Comments: \_\_\_\_\_

Waiver of Fees – the Council may vote to waive user fees, in whole or in part, upon recommendation of the Recreation Board. When considering whether to recommend or grant a full or partial waiver of user fees.

Please describe how your organization meets any of the following criteria:

- a. The level of use that is involved with the activity, including wear and tear on the facility;

Soccer practice; games. Medium level of use.

- b. The level of involvement by College Park residents in the activity;

minor involvement by residents. Patience needed as occasional soccer ball may land in yard.

- c. The community benefit that may result from the activity, for example, recreational opportunities for youth or seniors;

All youth of the City encouraged to participate.  
Any Seniors welcome to coach!

- d. Volunteer services that the user provides to the City or its residents;

All volunteer organization

- e. Assistance to be provided by the user for maintenance of the recreational facility; and

All members of the board willing to help maintain the field.

- f. Whether user activities promote the interests of the College Park community.

I think so!

14-R-16



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-2014-02 Name: Doris Gotshall**

**Address: 5209 Kenesaw Street, 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:

**July 15, 2014**

**CERTIFICATE OF SERVICE**

This is to certify that on **July 17, 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-2014-02, 5209 KENESAW STREET, COLLEGE PARK, MARYLAND, RECOMMENDING APPROVAL OF VARIANCES FROM THE PRINCE GEORGE'S COUNTY ZONING ORDINANCE: SECTION 27-442(C) PRESCRIBING MAXIMUM LOT COVERAGE, SECTION 27-442(E) PRESCRIBING MINIMUM FRONT YARD SETBACK AND SECTION 27-120.01(C) RESTRICTING FRONT YARD PARKING SPACE ENCROACHMENT**

- 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 27-442(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 27-422(c) Table II, requires that lot coverage not exceed 30%; and
- WHEREAS,** Section 27-442 (e), Table IV, of the Prince George's County Zoning Ordinance prescribes a minimum front yard setback of 25 feet in the R-55 zoning district; and

**WHEREAS,** Section 27-120.01 (c) of the Prince George's County Zoning Ordinance 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 of 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 29, 2014, Doris Gotshall (hereinafter, the "Applicant"), submitted an application for a variances from Section 27-442 (c), Table II, Section 27-442 (e), Table IV, Section 27-120.01 (c) to permit the replacement of an existing driveway and patio at the premises known as 5209 Kenesaw, College Park, Maryland (the "Property"); and

**WHEREAS,** on June 5, 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 – 6 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 4-0-0 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 5209 Kenesaw Street in the Daniels Park subdivision.
- 1.2 The property is part of the North College Park Citizens Association.
- 1.3 The property is zoned R-55.
- 1.4 The subject house was constructed in 1952.
- 1.5 The applicant bought the house in 1964.
- 1.6 The house contained the driveway and roofed front patio when the house was purchased.
- 1.7 The applicant constructed a 25 foot by 19 foot addition to the rear and added a 10 foot by 10 foot, around the time when the house was purchased in 1964.

- 1.8 The property contains a detached garage and is enclosed by a white picket fence with a gate across the driveway.
- 1.9 The property is rectangular in shape.
- 1.10 The property has an area of 7350 square feet with a width of 50 feet and a length of 147 feet.
- 1.11 The immediate neighborhood is zoned R-55, single-family residential, except the two adjoining properties to the east which are single-family residential; however, these two properties are zoned O-S, Open Space. The property beyond these two properties to the east is park land (Davis Field Playground).
- 1.12 There was a roof over the patio when the house was purchased. A new roof was erected in the 1970's. When the roof was erected, it became subject to setback requirements and lot coverage requirements, which it didn't meet. The roof was erected without a building permit and variance by the previous owner.
- 1.13 The Applicant is requesting a variance of 7.5% or 544.3 square feet from the maximum allowable lot coverage of 30% or 2,205 square feet in order to replace the existing driveway and patio.
- 1.14 The Applicant is requesting a variance of 10 feet from the required minimum front yard setback of 25 feet for the existing roofed patio.
- 1.15 The Applicant is requesting a variance of 2 feet in width and 28 feet in length or 56 square feet of parking area in the front of the dwelling in order to replace the existing driveway.

## Section 2 Conclusions of Law

The APC makes the following conclusions of law with regard to CPV-2014-02, request for the following Variances from the Prince George's County Zoning Ordinance: Section 27-442 (c) prescribing maximum lot coverage, Section 27-442 (e) prescribing minimum front yard setback and Section 27-120.01 (c) restricting front yard parking space encroachment:

- 2.1 The property has extraordinary situations. The lot is long and narrow. There is an electrical guide wire that prevents the driveway from being shifted over and thereby reduces the width of the driveway where it encroaches in front of the house. Also, the freestanding garage is located to the rear of the house creating the need for a long driveway, which results in creating excess lot coverage. The driveway and roofed patio were existing when the house was purchased by the Applicant in 1964.
- 2.2 The strict application of the County Zoning Ordinance will result in undue hardship upon the property owner by requiring the removal of the addition or porch to rectify the lot coverage issue. The porch would need to be removed to rectify the front yard setback situation and the driveway would need to be dug up and narrowed to a width of 9 feet to rectify the front yard encroachment issue.

2.3 Granting the requested variance will not impair the intent and purpose of the applicable County General Plan or County Master Plan because the driveway and patio are existing, are compatible with the character of the neighborhood and need to be maintained.

**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 the following 3 variances are approved with the condition that the porch roof addition be limited to its current size and configuration :

- 1) A variance of 7.5% or 544.3 square feet from the maximum allowable lot coverage of 30% or 2,205 square feet.
- 2) A variance of 10 feet from the required minimum front yard setback of 25 feet to a setback of 15 feet for the width of the existing porch.
- 3) A variance of 2 feet in width and 28 feet in length or 56 square feet of parking area in the front of the dwelling.

**ADOPTED**, by the Mayor and Council of the City of College Park, Maryland at a regular meeting on the 15<sup>th</sup> day of July 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-R-18



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-2014-05 Name: Yaris Reyes Carbajal**

**Address: 5926 Bryn Mawr Road, 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:

**July 15, 2014**.

**CERTIFICATE OF SERVICE**

This is to certify that on **July 17, 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.

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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-2014-05, 5926 BRYN MAWR ROAD, COLLEGE PARK, MARYLAND, RECOMMENDING APPROVAL OF A VARIANCE FROM THE REQUIREMENTS OF THE PRINCE GEORGE'S COUNTY ZONING ORDINANCE, SECTION 27-420(A), TO PERMIT THE CONSTRUCTION OF A FENCE TO INCREASE THE HEIGHT BY TWO FEET**

- 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 27-420 (a) of the Prince George's County Zoning Ordinance, and to make recommendations to the Mayor and Council in connection therewith; 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 May 9, 2014, Yaris Reyes Carbajal (hereinafter, the "Applicant"), submitted an appeal from Prince George's County Zoning Ordinance, Section 27-420 (a) which restricts fences in the front yard and side yard of corner lots to a height of four feet. The specific request is for a variance from the requirements set forth in the Prince George's County Zoning Ordinance, Section 27-420 (a), in order to construct a six-foot high, wood, board on board fence in the side street yard. A variance of two feet from the maximum height of four feet is required.

**WHEREAS,** on June 5, 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 – 6 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 4-0-0 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 a corner lot.
- 1.2 The property is triangular in shape.
- 1.3 The surrounding neighborhood is zoned R-55 and is single-family residential in character.
- 1.4 The County's Ordinance defines the proposed fence along Edmonston Avenue as a front yard fence and therefore cannot exceed 6 feet in height.
- 1.5 The City Code does not consider the proposed fence a front yard fence; therefore a variance is not needed from the City Code.
- 1.6 Edmonston Avenue is a very busy road that adjoins Kenilworth Avenue and has no residential housing on the east side. The proposed fence adjoins the rear yard of the adjacent property.
- 1.7 The property owner, Yaris Carbajal, testified that he has a two year old child and a dog that he wishes to protect from running into the busy street. The applicant had a previous dog that was killed running out to the street at this property. The owner testified that he has filed two police reports for theft: one, when his storage shed was broken into and two, when his van was stolen.
- 1.8 Mr. Stacey Patterson testified that he is the adjoining property owner, living at 5924 Bryn Mawr Road. He stated that he is not opposed to the fence but he wants it to be a professional fence, an attractive fence and not a makeshift fence. He also stated that he is concerned about the Applicant trespassing on his property to repair and maintain the fence if it is put on the property line. Mr. Patterson stated that he feels a six foot high fence would be an intrusion on his property and that four feet high is much more characteristic of the neighborhood.

Section 2 Conclusions of Law

The APC makes the following conclusions of law with regard to CPV-2014-05 for a height variance to install a, 6-foot high, wood fence in the side street yard.

- 2.1 The property has extraordinary conditions. The property has an exceptional shape in that the property is a triangular shaped corner lot along a busy street. Due to the configuration of the lot, its shape and the orientation of the house, the legal front functions as the apparent side street yard. And the adjacent property functions as a rear yard and not a front yard. This situation leaves the property without a rear yard. Also, the property has a three foot grade change on the Edmonston Avenue side of the lot. The house is higher than the Edmonston Avenue.
- 2.2 The strict application of the County Zoning Ordinance will result in undue hardship upon the property owner by preventing him from adequately protecting his child, his pet and his property. He lost a dog who ran onto Edmonston Avenue and he has been the victim of property crime at this address.
- 2.3 Granting the variance will not impair the intent, purpose or integrity of any applicable County General Plan or County Master Plan. In fact, the purpose of the 6-foot high fence is to protect the private and public health, safety, welfare and comfort by preventing accidents that can be caused by children and pets running from the property into the street. Also, the 6-foot high fence is requested as a deterrent from criminal activity, to protect the property owner's personal property and prevent trespassing.

**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 of 2 feet from the maximum height of 4 feet is approved with the following conditions:

- 1) The finished side of the fence shall face outward.
- 2) The fence adjoining 5924 Bryn Mawr Road shall be placed two feet within the Applicant's property line.
- 3) The fence may be wood board-on-board but shall not be a stockade fence nor chain-link.

**ADOPTED,** by the Mayor and Council of the City of College Park, Maryland at a regular meeting on the 15<sup>th</sup> day of July 2014.

CITY OF COLLEGE PARK,  
MARYLAND

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Janeen S. Miller, CMC  
City Clerk

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Andrew M. Fellows, Mayor

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY

---

Suellen M. Ferguson  
City Attorney

14-R-19



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. CEO-2014-03 Name: Candance Hall**

**Address: 9120 Rhode Island Avenue, 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:

**July 15, 2014**

**CERTIFICATE OF SERVICE**

This is to certify that on **July 17, 2014**, the attached Resolution was mailed, postage prepaid, to all persons of record.

**NOTICE**

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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 RECOMMENDATION OF THE ADVISORY PLANNING COMMISSION REGARDING APPEAL NUMBER CEO-2014-03, 9120 RHODE ISLAND AVENUE, COLLEGE PARK, MARYLAND, APPROVING A VARIANCE FROM REQUIREMENTS OF CITY CODE §87-23 B TO PERMIT THE CONSTRUCTION OF A FENCE WITHIN THE FRONT YARD**

- 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,** pursuant to §15-19 of the Code of the City of College Park (the "City Code") the Advisory Planning Commission ("APC") is authorized to hear variances; and
- WHEREAS,** the City has adopted Section 87-23 "Fences" (hereinafter, the "Fence Ordinance"), and established certain restrictions on the construction and reconstruction of fences on residential properties, including a prohibition on front yard fences and side yard fences where the side lot line is a continuation of the front yard line of the adjacent lot; and
- WHEREAS,** the APC is authorized by the Fence Ordinance to grant a variance where, by reason of extraordinary situation or condition, the strict application of the Fence Ordinance would result in peculiar and unusual practical difficulty to or an exceptional or undue hardship upon the owner of the property, if a variance can be granted without substantial impairment of the intent, purpose and integrity of the Fence Ordinance; and where, if applicable, the variance is consistent with the Design Guidelines adopted for the Historic District; the variance will not adversely affect the public health, safety, welfare, or comfort; the fence for which a variance is requested incorporates openness and visibility as much as is practicable, provided that the fence shall not be constructed of chain link unless the material is consistent with the surrounding neighborhood; and the fence construction, including setbacks, is characteristic of and consistent with the

surrounding neighborhood. In neighborhoods where chain link is a characteristic material, alternate materials incorporating openness and visibility may be permitted; 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 May 11, 2014, Candance Hall (hereinafter, the “Applicant”), submitted an appeal from City Code, §87-23, Paragraph B, which restricts fences from being constructed in the front yard. The specific request is for a variance in order to install a front yard, four foot high chain link fence.; and

**WHEREAS,** on June 5, 2014, the APC conducted a hearing on the merits of the variances, at which time the APC heard testimony and accepted evidence, including the staff report and Exhibits 1 –6, with respect to whether the subject application meets the standards for granting a variance set forth in the Fence Ordinance; and

**WHEREAS,** based upon the evidence and testimony presented, the APC voted 4-0-0 to recommend that the variance to permit a four-foot high, chain link fence in the front yard be approved; 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 rectangular in shape.
- 1.2 The area of the property is 6,300 square feet.
- 1.3 The front and rear property lines measure 60 feet in width; the side property lines measures 105 feet in length.
- 1.4 The property is improved with a one-story single-family home.
- 1.5 Chain link fences have been installed on the adjoining properties along the portion of the side lot lines in the front yard.
- 1.6 A wood fence encloses the back yard.
- 1.7 An adjoining neighbor, 9118 Rhode Island Avenue, sent City staff an e-mail stating that the house previously had a front yard chain link fence. This neighbor has lived in their home for 28 years, since 1986. She stated that there was a fence in front of the house when she moved in and for many years afterwards. There is not a record of a fence permit; however, fence permits for fences four-feet high or less were not required prior to 2007.

- 1.8 The surrounding neighborhood is single-family residential.
- 1.9 Most properties on the applicant's street, 5 out of 8 properties, have a four-foot high chain-link fence around the perimeter of their properties including in front of their dwellings. The majority of properties on the applicant's block have front yard chain-link fences.
- 1.10 Ms. Candance Hall, the applicant, testified that she has a consistent problem with animal waste and trespassing. Ms. Hall explained that she thinks that people walking their dogs are attracted to let their dogs take potty stops at her property because it is one of the few properties along this section of Rhode Island Avenue that does not have a front yard fence. Ms. Hall said she has tried to discourage this behavior by planting thorny plants, even considered planting poison ivy, but the potty stops keep continuing. She has to clean up after these deposits many times a week.
- 1.11 Mr. David Miller, a resident of 4901 Iroquois Street, testified that he objects to the front yard chain link fence. He stated that if the APC grants this request, they are going in the wrong direction. Front yard fences are prohibited. Even if the neighbors have front yard fences, no more should be permitted

## Section 2 Conclusions of Law

With regard to CEO-2014-03 for a variance to install a 4-foot high, chain link fence in the front yard.

### 2.1 *There is an exceptional or extraordinary situation.*

This property is one of the few properties on the block without a fence in the front yard making this property an attraction for people and pets to trespass into the front yard. There are a number of animals that roam freely and deposit animal waste on the owner's property. The property owner has tried to plant materials to make her property less attractive as a potty stops but these attempts have failed. She has to pick up from the potty stops many times a week.

### 2.2 *The denial of the variance would result in a peculiar and unusual practical difficulty to, or exceptional or undue hardship to the property owner.*

Denial of the variance will make it difficult for the owner to prevent people and pets from trespassing on the property. Pets trespassing on the property leave waste that the property owner must clean up on a frequent basis.

### 2.3 *Granting the variance will impair the intent, purpose or integrity of the Fence Ordinance.*

Granting the variance will not impair the intent, purpose or integrity of the Fence Ordinance because the applicant has demonstrated an extraordinary situation or condition and has proven a peculiar and unusual practical difficulty or an exceptional or undue hardship because the adjacent properties have front yard fences.

2.4 *The variance is consistent with the design guidelines adopted for the historic district, if applicable.*

Not applicable, the property is not located in an historic district.

2.5 *The variance will adversely affect the public health, safety, welfare or comfort.*

Granting the variance will not adversely affect the public health, safety, welfare or comfort.

2.6 *The fence for which an appeal is requested incorporates openness and visibility as much as is practicable, provided however, that it shall not be constructed of chain link unless this material is consistent with the surrounding neighborhood.*

The fence is proposed to be chain link which incorporates openness and visibility and is consistent with the surrounding neighborhood.

2.7 *The proposed construction, including setbacks, is characteristic of and consistent with the surrounding neighborhood. In neighborhoods where chain link is a characteristic material, alternate materials incorporating openness and visibility, may be permitted.*

The proposed construction, including setbacks, height and material is characteristic of and consistent with the surrounding neighborhood. The adjoining property owners have the same fence in terms of setback, height and material.

**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 the requested variance appeal for a variance to permit a front yard, four-foot high, chain link fence be approved.

**ADOPTED**, by the Mayor and Council of the City of College Park, Maryland at a regular meeting on the 15<sup>th</sup> day of July 2014.

THE 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-R-20



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. CEO-2014-04 Name: Phillip Ledwell**

**Address: 5912 Chestnut Hill Road, 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:

**July 15, 2014**

**CERTIFICATE OF SERVICE**

This is to certify that on **July 17, 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.

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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 RECOMMENDATION OF THE ADVISORY PLANNING COMMISSION REGARDING APPEAL NUMBER CEO-2014-04, 5912 CHESTNUT HILL ROAD, COLLEGE PARK, MARYLAND, APPROVING A VARIANCE FROM THE REQUIREMENTS OF THE PRINCE GEORGE'S COUNTY ZONING ORDINANCE, SECTION 27-420 (A) TO PERMIT THE CONSTRUCTION OF A 6-FOOT HIGH FENCE, AND DENYING A VARIANCE FROM THE REQUIREMENTS OF CITY CODE §87-23 C TO PERMIT THE CONSTRUCTION OF A FENCE WITHIN THE 25-FOOT SIDE YARD SETBACK, WHERE THE SIDE LOT LINE IS A CONTINUATION OF THE FRONT YARD LINE OF THE ADJACENT LOT.**

- 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 27-420 (a) of the Prince George's County Zoning Ordinance, and to make recommendations to the Mayor and Council in connection therewith; and
- WHEREAS,** pursuant to §15-19 of the Code of the City of College Park (the "City Code") the Advisory Planning Commission ("APC") is authorized to hear variances; and
- WHEREAS,** the City has adopted Section 87-23 "Fences" (hereinafter, the "Fence Ordinance"), and established certain restrictions on the construction and reconstruction of fences on residential properties, including a prohibition on front yard fences and side yard fences where the side lot line is a continuation of the front yard line of the adjacent lot; and

**WHEREAS,** the APC is authorized by the Fence Ordinance to grant a variance where, by reason of extraordinary situation or condition, the strict application of the Fence Ordinance would result in peculiar and unusual practical difficulty to or an exceptional or undue hardship upon the owner of the property, if a variance can be granted without substantial impairment of the intent, purpose and integrity of

the Fence Ordinance; and where, if applicable, the variance is consistent with the Design Guidelines adopted for the Historic District; the variance will not adversely affect the public health, safety, welfare, or comfort; the fence for which a variance is requested incorporates openness and visibility as much as is practicable, provided that the fence shall not be constructed of chain link unless the material is consistent with the surrounding neighborhood; and the fence construction, including setbacks, is characteristic of and consistent with the surrounding neighborhood. In neighborhoods where chain link is a characteristic material, alternate materials incorporating openness and visibility may be permitted; and

**WHEREAS,** the APC is authorized by the Ordinance to hear requests for variances from the terms of the Zoning Ordinance with respect to fence regulations, including variances from Section 27-420 (a) of the Zoning Ordinance, and to make recommendations to the City Council in connection therewith; 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 May 15, 2014, Phillip Ledwell (hereinafter, the "Applicant"), submitted an appeal from Prince George's County Zoning Ordinance, Section 27-420 (a) which restricts fences in the front yard and side yard of corner lots to a height of four feet, and from City Code, §87-23, Paragraph C, which requires construction of side yard fences to be set back twenty-five feet where the side lot line is a continuation of the front yard line of the adjacent lot. The specific requests are for variances from the requirements set forth in the Prince George's County Zoning Ordinance, Section 27-420 (a), and the City Fence Ordinance, Chapter 87, Section 23, Paragraph C in order to construct a six-foot high wood fence along the side property yard for a corner lot.

**WHEREAS,** on June 5, 2014, the APC conducted a hearing on the merits of the variances, at which time the APC heard testimony and accepted evidence, including the staff report, staff presentation and exhibits 1 –6, with respect to whether the subject application meets the standards for granting a variance set forth in the Fence Ordinance; and

**WHEREAS,** based upon the evidence and testimony presented, the APC voted 4-0-0 to recommend that the variance to permit the construction of a 6-foot high board-on-board wood fence be approved and the variance to permit the construction of a side yard fence be constructed within the setback in the proposed location be denied; 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 a corner lot with undulating topography.
- 1.2 The house is oriented towards the intersection of two streets and is not parallel to either street.
- 1.3 The orientation of the house creates a situation where the side yard functions as a rear yard.
- 1.4 The property is square in shape with a radius corner of 20 feet. Each side is approximately 110.00 feet in length.
- 1.5 The property is improved with a patio, outside seating area, a carport, two sheds and a garden on the western side.
- 1.6 The rear yard has extreme topography.
- 1.7 The property is lower than neighboring properties.
- 1.8 The surrounding neighborhood is zoned R-55 and is single-family residential in character.

Section 2 Conclusions of Law

With regard to CEO-2014-04 for a height variance and a setback variance to install a 6-foot high, wood fence in the side yard.

2.1 *The Property has an exceptional or extraordinary situation.*

The property has an exceptional situation since it is: a corner lot with undulating topography, is lower than the surrounding properties, is oriented towards the intersection of two streets and is not parallel to either street. The orientation of the house creates an extraordinary situation where the side yard functions as a rear yard.

2.2 *The denial of the variance would result in a peculiar and unusual practical difficulty to, or exceptional or undue hardship to the property owner.*

Denial of the variances would mean that the side yard fence would need to be setback 25 feet from the front property line and could not exceed 4 feet in height. The denial of the setback would not result in a peculiar and unusual practical difficulty to, or an exceptional or undue hardship to the owner. However, denial of the height variance would present a

peculiar and unusual practical difficulty to the owner because the property owner is 6-feet tall and he does not want to interfere with the privacy of his neighbor. Also, the height variance is needed in order to keep the Applicant's pet dog on his property.

- 2.3 *Granting the variance will impair the intent, purpose or integrity of the Fence Ordinance.*

Granting the variance will not impair the intent, purpose and integrity of the Fence Ordinance because this property has unique characteristics: undulating topography, corner lot, non-standard orientation of the house. The side yard functions as a back yard.

- 2.4 *The variance is consistent with the design guidelines adopted for the historic district, if applicable.*

Not applicable, the property is not located in an historic district.

- 2.5 *The variance will adversely affect the public health, safety, welfare or comfort.*

Granting the variance will not adversely affect the public health, safety, welfare or comfort. The side yard fence will not obstruct emergency personnel, equipment or vehicles.

- 2.6 *The fence for which an appeal is requested incorporates openness and visibility as much as is practicable, provided however, that it shall not be constructed of chain link unless this material is consistent with the surrounding neighborhood.*

The proposed fence, a 6-foot high wood, board-on-board fence does not incorporate openness and visibility, as much as practical. However, the fence functions as a rear yard fence. A solid wood fence is acceptable as a rear yard fence.

- 2.7 *The proposed construction, including setbacks, is characteristic of and consistent with the surrounding neighborhood. In neighborhoods where chain link is a characteristic material, alternate materials incorporating openness and visibility, may be permitted.*

The adjoining property owner to the north has a similar fence in terms of height, setback and material: it is a six-foot high, wood board-on-board fence along the side property line. The proposed fence is consistent with other fences in the surrounding neighborhood.

**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 for the requested variance appeal for a variance as follows:

- 1) A 2-foot height variance from the Prince George's County Zoning Ordinance Section 27-420 (a) to permit the construction of a 6-foot high board-on-board wood fence in the side yard of a corner lot be approved.
- 2) A 15-foot setback variance from City Code, Chapter 87, Section 23, Paragraph C to permit the construction of a side yard fence be constructed at the proposed side yard location be denied.

**ADOPTED**, by the Mayor and Council of the City of College Park, Maryland at a regular meeting on the 15<sup>th</sup> day of July 2014.

THE 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-75

# **City of College Park Community Events Micro Grant Program Fiscal Year 2015**

## **Purpose and Eligibility**

The City of College Park believes that supporting community activities enhances the community as a whole. In support of that belief, the City has established a Community Events Micro Grant Program for Fiscal Year 2015 (FY15). The Program provides reimbursement of eligible expenses to residents or groups who wish to hold community events such as block parties, picnics, etc. These events must be open to communities within the corporate boundaries of the City of College Park and promote enhanced community engagement. The maximum Community Events Micro Grant Program award per organization for fiscal year 2015 will be **\$500.00**. Fiscal year 2015 commences July 1, 2014 and concludes on June 30, 2015.

## **Core Values**

By their grant-funded programs and activities, successful applicants will address as many of the following core values as possible:

- a. Serve to maintain, improve and enrich the quality of life in the City.
- b. Celebrate, respect and build upon the diversity, legacy and ideals of the City.
- c. Seek to enhance the cultural, artistic, recreational, social or environmental vitality of the City.
- d. Provide a positive impact on the City and/or its residents.
- e. Identify and address community needs.
- f. Complement policies identified in the City's Comprehensive Plan, Housing Plan, Neighborhood Quality of Life goals, or other similarly related program goals.
- g. Create community enhancement models that can be replicated by other organizations within the City.
- h. Collaborate with City businesses and other organizations where possible
- i. Secure additional funding from sources other than the City grant.
- j. Increase community volunteerism.

## **Strategic Priorities**

Grants awarded may:

1. Support collaborative initiatives that increase partnerships among community residents and public or private agencies
2. Improve neighborhood quality of life
3. Support recreational activities for College Park youth, seniors, and families
4. Non-partisan/non-discriminatory activities designed to increase voter registration and turnout.
5. Encourage businesses to provide assistance to community-based organizations
6. Celebrate the diversity of the College Park community
7. Support and/or improve educational opportunities for College Park children
8. Support life-enhancing activities for children and/or adults
9. Build a well-informed, competent citizenry, comprised of people of all ages. Develop the values, knowledge and skills that will contribute to the greater good and civic health of their

community.

10. Provide operating funds for an organization whose programs meet one or more of the above listed priorities.

### **Organizations Ineligible for this Grant Program**

- Any organization receiving another direct or beneficial grant from the City of College Park during this fiscal year.
- Any fire company receiving a Fire Department Capital Equipment Grant from the City of College Park during this fiscal year.
- Any for-profit business or organization.

### **Restrictions**

- City funds may not be used for the purchase of alcoholic beverages.
- Cost of City permits are not covered by grant funds.
- All applicable laws and regulations will apply to events funded by City grants, including:
  - Prince George's County Health Department food service rules and regulations.
  - City noise ordinance limits, the details of which can be found here
  - Board of License Commissioners (Liquor Board) rules and permits.
  - Fire Prevention Code regulations (e.g., building occupancy capacity, open flame prohibitions/rules, fireworks prohibitions)
- Purchases must be made from businesses located in the City limits, unless your item cannot be purchased in College Park

### **Location**

The preferred locations of community events include neighborhood parks (permits may be required from Prince George's Parks and Recreation) public or private parking lots (with owner's written permission), or public or private open space (with owner's permission).

If closure of a City street is necessary, it shall not be a street serving public transportation. A City street closing application must be included in the grant application package for consideration if necessary. The Street Closing Application and Policy can be found by selecting this link. At least 80% of the residents of a street must provide written acceptance of a street closure for a City funded event.

### **Applications**

- All applications must be submitted on the prescribed form; all sections of the application must be completed. If sections or questions are not applicable, please indicate so with N/A.
- Only an electronic copy of the application will be accepted. You may attach scanned copies of additional printed information, such as brochures, participant lists, volunteer lists, etc.
- Requested information may be provided as separate attachments as long as they reference the appropriate section of the application.
- All goals must be defined in the application.
- Delineate in budget narrative/justification the breakdown of expenses in each line item
- If this event existed previously, provide history of prior effectiveness.

### **Application Submittal**

All grant applications must be received no less than six (6) weeks before the scheduled date of the proposed event. Applications must be e-mailed to [publicservices@collegeparkmd.gov](mailto:publicservices@collegeparkmd.gov). To expedite processing, a signed hold harmless agreement should be submitted along with your application.

Questions on application submittal should be directed to the attention of the Director of Public Services, at 240-487-3570, or by email to [publicservices@collegeparkmd.gov](mailto:publicservices@collegeparkmd.gov).

### **Selection Process**

Proposals that do not strictly adhere to the application guidelines will not be considered. Review and award of grants will be based on the event's predictable impact on the City of College Park and its residents. Collaboration with other organizations and availability of outside funding, from sources other than the City grant, is encouraged. During the application review process, various criteria, as identified on the application form, will be considered.

City staff and Councilmembers representing the neighborhood where an event is proposed will review the grant application and render a decision. If deemed necessary, a worksession review of Community Event Micro Grant Program applications by Mayor and Council may be scheduled following initial review. The applicant will be advised if a worksession discussion is scheduled and is encouraged to have a representative present at the worksession.

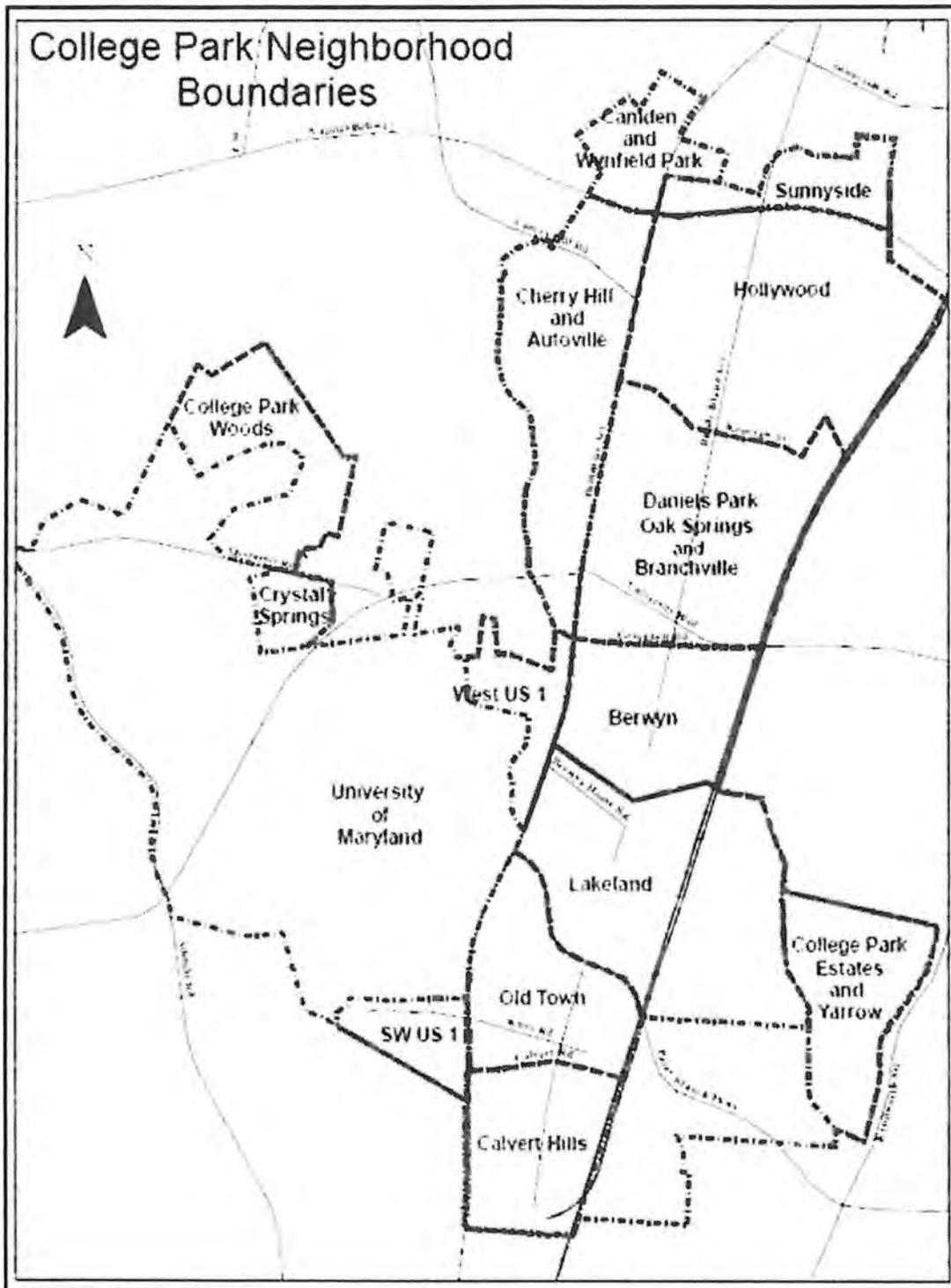
### **Grant Administration**

Applicants will be notified of the final determination on their eligibility prior to the event. Grant funds are used to reimburse the individual or organization for eligible expenses (up to \$500) after the event.

Award funds will be distributed by check payable to the party/ies specified on the application upon submission of invoices or receipts and a letter documenting preliminary reporting on the event. Activities covered under FY15 grants are expected to be concluded by June 30, 2015. Grant awards not implemented during the fiscal year will lapse.

### **Final Grant Report**

The final report must be submitted to the Director of Public Services within ten (10) business days after the event on the prescribed form. Failure to submit final grant reports may adversely affect future grant requests.





Department of Public Services  
 4601-A Calvert Road ♦ College Park, MD 20740  
 Telephone: 240-487-3570 Facsimile: 301-864-7965  
 Email: [publicservices@collegeparkmd.gov](mailto:publicservices@collegeparkmd.gov)

OFFICE USE ONLY	
Date Received	_____
Council District	_____
Amount Requested	_____
Date Granted	_____
Date Denied	_____
Amount Awarded	_____

## Community Event Micro Grant Program Application

Neighborhood (select one below):

- |   |   |  |   |
|---|---|--|---|
| <input type="checkbox"/> Autoville        | <input type="checkbox"/> Berwyn                     | <input type="checkbox"/> Branchville East                | <input type="checkbox"/> Branchville West   |
| <input type="checkbox"/> Calvert Hills    | <input type="checkbox"/> Cherry Hill                | <input type="checkbox"/> College Park Estates            | <input type="checkbox"/> College Park Woods |
| <input type="checkbox"/> Crystal Springs  | <input type="checkbox"/> Daniels Park East          | <input type="checkbox"/> Daniels Park West               | <input type="checkbox"/> Hollywood East     |
| <input type="checkbox"/> Hollywood West   | <input type="checkbox"/> Lakeland                   | <input type="checkbox"/> Lord Calvert Manor (Knox boxes) | <input type="checkbox"/> Oak Springs East   |
| <input type="checkbox"/> Oak Springs West | <input type="checkbox"/> Old Town & Kropps Addition | <input type="checkbox"/> Sunnyside                       | <input type="checkbox"/> Yarrow             |

**PLEASE PRINT OR TYPE**

Name of Organization or Group: \_\_\_\_\_

Representative: \_\_\_\_\_

Address: \_\_\_\_\_

Email Address: \_\_\_\_\_ Day Time Phone \_\_\_\_\_

Primary Contact, if different from above: \_\_\_\_\_

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

Address: \_\_\_\_\_

Email Address: \_\_\_\_\_ Day Time Phone \_\_\_\_\_

Describe the event, intended location and date: \_\_\_\_\_

How many participants do you expect? \_\_\_\_\_ Volunteers \_\_\_\_\_ Residents \_\_\_\_\_ Other \_\_\_\_\_

How will this event impact your neighborhood? \_\_\_\_\_

List the intended goal(s) of the event \_\_\_\_\_

Provide a line by line budget with narrative detailing intended use of requested funds for this event. \_\_\_\_\_

List intended vendors for this event (see restrictions in Community Event Micro Grant Program Policy?) \_\_\_\_\_



Department of Public Services  
 4601-A Calvert Road ♦ College Park, MD 20740  
 Telephone: 240-487-3570 Facsimile: 301-864-7965  
 Email: [publicservices@collegeparkmd.gov](mailto:publicservices@collegeparkmd.gov)

OFFICE USE ONLY	
Date Received	_____
Council District	_____
Amount Requested	_____
Date Granted	_____
Date Denied	_____
Amount Awarded	_____

## Community Event Micro Grant Program

### Application Hold Harmless Agreement

*(Must be signed and submitted with the completed application)*

In consideration for the receipt of certain grant monies from the City of College Park, and other good and valuable consideration, receipt and sufficiency of which is hereby acknowledged, \_\_\_\_\_ *(name of organization)* does hereby agree to indemnify and hold the City of College Park, its agents, servants, employees and officials, harmless from and against any and all claims, demands, actions, causes of action, suits, and proceedings by others, and against all liability for damages, including attorneys' fees, incurred by reason of or arising from any program, class, equipment or activity for which funds provided by the City of College Park are used directly or indirectly, regardless of whether or not the City is named as a sponsor.

Organization: \_\_\_\_\_

Signature of Authorized Representative: \_\_\_\_\_

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

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

Date: \_\_\_\_\_



**Department of Public Services**  
**4601-A Calvert Road ♦ College Park, MD 20740**  
**Telephone: 240-487-3570 Facsimile: 301-864-7965**  
**Email: [publicservices@collegeparkmd.gov](mailto:publicservices@collegeparkmd.gov)**

FOR OFFICE USE ONLY

Date Received \_\_\_\_\_  
 Amount Requested \_\_\_\_\_  
 Date Granted \_\_\_\_\_  
 Date Denied \_\_\_\_\_  
 Amount Awarded \_\_\_\_\_

## Community Event Micro Grant Program Event Report

*(Must be submitted within 10 days following the project/event date)*

Provide a general summary of the event \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Participation: Number of households invited \_\_\_\_\_ Estimate \_\_\_\_\_ Exact \_\_\_\_\_  
 Number of people: \_\_\_\_\_ Estimate \_\_\_\_\_ Exact \_\_\_\_\_

How did you arrive at numbers provided above? \_\_\_\_\_

Were your goal(s) met? \_\_\_\_\_ Yes \_\_\_\_\_ No

If not, what factors do you believe impacted the outcomes? \_\_\_\_\_  
 \_\_\_\_\_

What would you do differently in the future? \_\_\_\_\_  
 \_\_\_\_\_

How might the City assist in the future? \_\_\_\_\_  
 \_\_\_\_\_

Would you consider another neighborhood event? \_\_\_\_\_ Yes \_\_\_\_\_ No

Would you consider helping another neighborhood prepare a similar event? \_\_\_\_\_ Yes \_\_\_\_\_ No

Would you be willing to assist other groups in submitting an application and holding an event? \_\_\_\_\_ Yes \_\_\_\_\_ No

Please comment on the application and follow up process, including suggestions for improvement  
 \_\_\_\_\_  
 \_\_\_\_\_



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 Telephone: 240-487-3570 Facsimile: 301-864-7965  
 Email: [publicservices@collegeparkmd.gov](mailto:publicservices@collegeparkmd.gov)

FOR OFFICE USE ONLY

Date Received \_\_\_\_\_  
 Amount Requested \_\_\_\_\_  
 Date Granted \_\_\_\_\_  
 Date Denied \_\_\_\_\_  
 Amount Awarded \_\_\_\_\_

**Community Event Micro Grant Program  
 Reimbursement Request  
 (Not to Exceed \$500.00)**

(Must be submitted within 10 days following the project/event date)  
 Attach Receipts/Invoices

Supplier/Vendor \_\_\_\_\_  
 Total Cost: \_\_\_\_\_  
 Description of purchases: \_\_\_\_\_

Supplier/Vendor \_\_\_\_\_  
 Total Cost: \_\_\_\_\_  
 Description of purchases: \_\_\_\_\_

Supplier/Vendor \_\_\_\_\_  
 Total Cost: \_\_\_\_\_  
 Description of purchases: \_\_\_\_\_

Supplier/Vendor \_\_\_\_\_  
 Total Cost: \_\_\_\_\_  
 Description of purchases: \_\_\_\_\_

*Attach additional sheet if required*

14-R-23

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF  
COLLEGE PARK TO CHANGE THE NAME OF THE  
NEIGHBORHOOD STABILIZATION COMMITTEE TO THE  
NEIGHBORHOOD QUALITY OF LIFE COMMITTEE**

**WHEREAS**, the Mayor and Council adopted Resolution 13-R-20 on September 24, 2013, to establish the Neighborhood Stabilization Committee; and

**WHEREAS**, the Mayor and Council adopted Resolution 13-R-20. Amended on October 8, 2013 to amend the composition of the membership of the Neighborhood Stabilization Committee; and

**WHEREAS**, the Mayor and Council now desire to change the name of the Neighborhood Stabilization Committee to the "Neighborhood Quality of Life Committee."

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the City of College Park that the name of this committee be and it is hereby amended to be the Neighborhood Quality of Life Committee; and it is further

**RESOLVED**, that the purposes for the Committee are to support implementation of strategies, continue to develop new strategies, and evaluate progress; and it is further

**RESOLVED**, that the Committee shall consist of the following members, each serving a two-year term:

- Mayor and City Council of the City Of College Park (Elected City Officials shall serve for the term of their elected office)
- One representative of the University of Maryland Department of Public Safety, selected by the University
- Four representatives of the University of Maryland administration, selected by the University
- Six City residents selected by Council, with the goal of having at least one resident from each council district
- Five University of Maryland students (the student liaison to the City Council, one Student Government Association representative, one representative of the

Interfraternity Council/Pan-Hellenic Association, and one representative of the National Pan-Hellenic Council, Inc.)

- One representative of the Graduate Student Government
- One representative Of Student Co-Operative Housing
- One representative of the Prince George’s County Police Department (at least District Commander Level)
- Director of the City’s Public Services Department
- Manager Of The City’s Code Enforcement Division
- Three rental property owners, selected by Council

and it is further

**RESOLVED**, that the Committee shall elect its chair, adopt procedures with respect to a quorum and other operations, and determine how it will accomplish its charge from the Council; and it is further

**RESOLVED**, that in developing its strategies, the Committee shall meet at least four times per year, and shall hold at least one public forum per year to solicit broader community input; and it is further

**RESOLVED**, that the Committee shall provide annual reports of its activities to the City Council and such other reports as the Council requests or the Committee deems useful.

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

**EFFECTIVE** the \_\_\_\_\_ day of \_\_\_\_\_, 2014.

WITNESS:

**THE 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

14-0-04

**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**

**Human Rights**

---

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

**§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

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CAPS/BOLD : Indicate matter added to existing law.  
 [Brackets] : Indicate matter deleted from law.  
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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

14-0-05



**MOTION:**

**I move to adopt Ordinance 14-O-05, 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**

**DISCUSSION:**

There are no current City laws or policies that prohibit discrimination by City contractors either in hiring or the provision of benefits. This amendment to Chapter 69 prohibits City contractors from discriminating on the basis of 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 and requires that contractors offer equal benefits to domestic partners. The enforcement of these provisions is within the City’s control, as it does not necessarily rely on any other law. Specifically, the City can require that contractors certify that they do not discriminate in the provision of benefits. The City can require reporting to support this certification, and can terminate the contract for failure to conform to contract requirements. However, this does not create a private right of action for an individual who is the subject of discrimination. In that instance, the individual would use the remedies available through the State and County.

**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.

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**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;

2

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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.

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**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 **7:00 P.M.** on the **15<sup>th</sup>** day of **August**, 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 **27<sup>th</sup>** day of **May**, 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-76

**I move that the City Council support the vacation of the remaining section of Osage Street right-of-way and support Detailed Site Plan 12034-01 located at 4700 Berwyn House Road subject to the following conditions:**

1. Total development within the subject property shall be limited to development which generates no more than 145 AM peak hour trips and 168 PM peak-hour vehicle trips. These levels are in addition to the approved AM and PM peak hour trip caps for phase one as stated in PGCPB No. 13-36.
2. Prior to signature approval of the DSP, the applicant shall revise the landscape plan to:
  - a. Substitute evergreens for spotted laurel along the northeast landscape buffer (L1.00) to create a mixed-tree landscape that will provide a year-round screen. The following evergreens are recommended by the City horticulturist: American Holly; Arborvitae; Hemlock; Korean Fir; and Eastern Red Cedar.
  - b. Remove the existing sidewalk along Berwyn House Road and reconstruct with a minimum width of 5 feet behind the existing utility poles. Remove the existing street trees along Berwyn House Road and provide new shade trees spaced 30-40 feet on center between the new sidewalk and curb. Recommended trees include: Trident; Maple; Paperbark Maple; and Hedge Maple.
  - c. Relocate the pedestrian streetlights from the north side of the sidewalk to the south side of the sidewalk.
3. Prior to signature approval of the DSP, the applicant shall revise the site plan to:
  - a. Provide flat-top (raised) crosswalks across the two driveways on Berwyn House Road.
  - b. Provide the total required amount of bicycle parking spaces (116 spaces). Relocate any bicycle parking spaces shown in the City right-of-way to another location on the property in front of the building. All u-shaped bicycle parking spaces shall be anchored in concrete.
  - c. Provide at least 25 spaces in the parking garage for moped/motorcycle/scooter parking.
  - d. Provide a minimum of 9 spaces in the parking garage for guest/visitor parking.

- e. Provide a roof detail to show how any mechanical structures or other appurtenances proposed for the roof will be screened.
4. Prior to signature approval of the DSP, the applicant shall revise the architectural drawings for review by the City of College Park and M-NCPPC as follows:
    - a. The northeast façade (DSP-304) shall be revised so that it is similar in appearance to the southwest façade (DSP-301) in terms of roofline, building materials (brick and cementitious panel) and articulation.
    - b. The pool courtyard elevations (DSP-306, B1, B2, & B4) and north elevations (DSP 303) shall be revised to provide additional visual interest and detailing. Specifically, the horizontal articulation between the 6<sup>th</sup> and 7<sup>th</sup> stories on the south elevation (DSP-301) shall be continued into these elevations and the Juliet balconies shall be dark grey (MT-1) and not beige (MT-2).
    - c. The façade of the southern courtyard elevation (DSP-301) shall be revised to provide more visual interest such as expressing the 2-story columns without interruption and reducing the scale of the space between the columns with additional articulation.
    - d. The southern façade (DSP-301) shall be revised to show an alternate decorative grill in front of the parking garage so that the appearance is more residential and less institutional. The window openings above the parking entrance shall be revised to align with the columns and windows above.
  5. Prior to signature approval of the DSP, the applicant shall revise the sign plan to:
    - a. Key sign locations to project sign types shown on the plan.
    - b. Specify the maximum sign area per sign type and provide the total number of signs requested.
  6. Execution of an Agreement and Declaration of Covenants between the applicant, property owner and the City of College Park in substantially the form attached (document provided by the City Attorney).
  7. Consent to vacation of the remaining Osage Street right of way is based on the agreement of the Applicant to pursue development of the Project in accordance with Detailed Site Plan DSP-12034-01 as currently approved or as amended with consent of the City, and in accordance with the Declaration of Covenants and Property Use Agreement (“Declaration”) between the City and the Applicant.

Comments:

- The property has a total of 2.12 acres and is impacted by the 100-year floodplain.
- The proposal is to construct a 7-story, 275-unit apartment building with up to 1,000 square feet of retail and a 318-space two-level parking garage.
- The property is located in the M-U-I zone which permits the proposed mixed use and density of 130 dwelling units per acre.
- The applicant has applied for a revitalization tax credit which is under review by staff and will be placed on a City Council agenda at a later date.
- The Planning Board public hearing date is July 17, 2014.

**DECLARATION OF COVENANTS AND AGREEMENT**  
**REGARDING LAND USE**

THIS DECLARATION OF COVENANTS AND AGREEMENT REGARDING LAND USE (“Agreement”), is made this \_\_\_\_ day of \_\_\_\_\_, 2014 by and between KEANE ENTERPRISES, INC., \*\*\*\*\* (“Keane”) and the CITY OF COLLEGE PARK, MARYLAND (the "City") a municipal corporation of the State of Maryland.

WHEREAS, 7401 REALTY, LLC is the Keane of certain real property consisting of approximately 2.12 acres (hereinafter “the Property”) located in Prince George's County, Maryland, to the ease of Route 1, Baltimore Avenue at 4700 Berwyn House Road, Tax Map 33, Grid D-1 and D-2, in the 21<sup>st</sup> District, Tax Account Nos. 212291466, 212291508, 212291409, 212291474, 212291417, 212291482, 212291391, 212291425, 212291433, 212291441, 212291458, 212291490, 212291516, 212291524, and 212291532, recorded among the land records of Prince George’s County, Maryland at liber 34925 folio 00511 (the “Property”) as shown on the plat attached as Exhibit A; and

WHEREAS, the Keane Enterprises, Inc., as contract purchaser for the Property, has proposed the construction of a mixed use project including multi-family and retail on the Property (“the Project”); and

WHEREAS, Keane has asked the City to recommend approval of Detailed Site Plan No. DSP 12034-01 (“DSP”) for the Project to the Prince George’s County Planning Board (“Planning Board”) and the District Council for Prince George’s County, Maryland. The DSP is a revision to Detailed Site Plan DSP-12034, which originally encompassed only 8315 Baltimore Avenue; and

WHEREAS, in order to construct the Project, a vacation of a portion of Osage Street, an unimproved right of way, is required. A description of the Osage Street right of way is attached hereto and incorporated herein as Exhibit B; and

WHEREAS, as part of the consideration for the City's support of the vacation of the Osage Street right of way, Keane agrees to pursue development of the Project in accordance with Detailed Site Plan DSP-12034-01 as currently approved or as amended with consent of the City, and in accordance with the Declaration of Covenants and Property Use Agreement ("Declaration") between the City and the Applicant.

WHEREAS, the City has agreed to make said recommendations with respect to the DSP and to support the vacation of the said right of way upon certain conditions, which shall be executed by Keane in the form of these covenants running with the land, as set forth below, which covenants may be enforced by the City.

NOW, THEREFORE, in consideration of the aforesaid recommendations by the City, Keane hereby declares and agrees on behalf of itself, its successors and assigns that the Property shall be held, transferred, sold, leased, rented, hypothecated, encumbered, conveyed or otherwise occupied subject to the following covenants, conditions, restrictions, limitations and obligations which shall run with and bind the Property or any part thereof and shall inure to the benefit and be enforceable by the City, its successors and assigns as follows:

1. The recitals set forth above as well as the foregoing "NOW, THEREFORE," are incorporated herein as operative provisions of the Covenants.
2. It is acknowledged that the Property may be initially constructed and operated as a rental apartment community, and Section 1(c) shall only apply in the event a condominium regime is recorded.

- (a) KEANE will not sell any of the multi-family apartment units separately from the remaining multi-family apartment units, except as set out in Section 1(c).
- (b) When all or a portion of the Property not part of a condominium regime is operated as a rental facility, in order to insure high quality unitary management, said units shall be managed by KEANE or its affiliates, or in the alternative, by a professional management agent with a strong reputation in property management and the management company or the principal management representative shall have 10 years experience managing multifamily rental properties in the D.C. metropolitan area. Any decision to discontinue such required professional property management shall require the prior written consent of the City of College Park
- (c) KEANE agrees that no more than one master residential condominium regime may be established on the Property. This Section 1(c) does not apply to commercial or retail condominiums. Any such regime shall be included in and governed by a master condominium document. In the event KEANE determines to establish a condominium regime under which apartments units may be individually sold, KEANE, to the reasonable satisfaction of the City, will include provisions in the applicable condominium documents not subject to amendment except as set out herein, as follows:
  - i. To insure high quality management of the common areas, require unitary management for each such regime by a professional condominium management agent not owned or operated by any unit owner (except KEANE or its affiliates or other similarly experienced multifamily owner/operators) that has a strong reputation in the property management industry and that the management company or the principal management representative have at least ten (10) years of experience

managing multifamily projects in the Washington, D.C. metropolitan region. Any decision by the Board of Directors of a condominium to discontinue professional property management would require the prior written consent of the City of College Park;

ii. A provision prescribing that the condominium association provide a sample lease to unit owners for units which may be individually leased, which lease shall include a notice to proposed tenants of applicability of City ordinances relating to tenant rights and obligations and requiring unitary high quality maintenance and management with enforcement rights granted to the City and the condominium association to monitor and enforce tenant compliance with lease and other tenant obligations as set out herein and the City noise, nuisance and parking ordinances.

iii. The condominium documents shall provide that, except in cases of actual hardship, no more than twenty-five percent (25%) of the units within the condominium may be leased at any time, unless otherwise approved by the City. Any owner wishing to lease a unit must notify the Board of Directors of its intention to lease. Except in the event of actual hardship, the Board of Directors shall deny the right of a unit owner to lease a unit if such lease would result in more than twenty-five percent (25%) of the units within the Condominium being leased. Hardship is defined as need based on military service, loss of employment, involuntary relocation, death, disability, or other such circumstances. In the event an exception to the 25% rental limit is granted due to hardship, any lease so granted shall not exceed twelve months in duration unless approved by the City. In no event shall the total rental percentage, including

hardship exception rentals, exceed 30% of the units within the Condominium. Any unit owner seeking to lease a unit must comply with all applicable laws, including obtaining any required rental licenses. The Board of Directors, shall require, and each occupant of a unit shall provide, not more than once in any twenty-four (24) month period (or more often if reasonably necessary), an affidavit certifying the status of the unit occupancy (i.e., whether the occupant is a unit owner, member of the unit owner's family, guest or invitee, or a lessee). The affidavit shall be in a form subject to the reasonable approval by the City of College Park (a copy of which is attached hereto) and shall require that each occupant provide reasonable verification of the information contained in the affidavit. The City of College Park shall be entitled to receive a copy of all affidavits filed. In the event individual residents fail to submit the requested affidavit but the Condominium Board of Directors or management company has information concerning the occupancy status of particular units, the verification of occupancy status may be given by the Condominium Board of Directors or the management company. The minimum lease term for all leases within the for-sale condominium shall be twelve (12) months, and any rental of units will be subject to the prior review and approval of the Board of Directors. In this manner, the Board of Directors would be able to monitor the extent of leasing activity. No changes or modifications to these leasing restrictions will be permitted without the prior written consent of the City of College Park. The City of College Park would also be afforded the right, but not the obligation, to enforce these leasing restrictions against the individual unit owners, and would have the right, but not

the obligation, to enforce other material use restrictions and rules against individual unit owners.

iv No transient tenants may be accommodated in any Unit, nor shall any Unit be utilized for short-term hotel purposes. No portion of a Unit (other than the entire Unit) may be rented. All agreements of the lease of a Unit shall provide that the terms of the lease shall be subject in all respects to the provisions of the Maryland Condominium Act, the Condominium Declaration and Bylaws and that any failure of the lessee to comply with the terms of such provisions shall be a default under the lease, which default may be remedied by the Unit Owner in accordance with the lease and by the Condominium Association, in accordance with the Act. All leases must be in writing.

v. No Condominium Unit Owner or occupant shall make or permit to be made any disturbing noise in the Common Elements or in the Units by himself, his family, guests, tenants, employees, servants or invitees, nor permit anything to be done by any such persons as would materially interfere with the rights, comfort or convenience of other Unit Owners or occupants. No Unit Owner or occupant of any Unit shall carry on, or permit to be carried on, any practice in his Unit or on the Property which unreasonably interferes with the quiet enjoyment and proper use of another Unit or the Common Elements by the Unit Owner or occupant of any other Unit, or which creates or results in a material hazard or nuisance on the Condominium.

vi. Unit Owners and occupants must deposit all rubbish or litter in the designated areas and receptacles provided for such purpose.

vii. Unless specific portions of the General Common Elements are designated by the Board of Directors for such purpose, no portion of the General Common Elements shall be used for the storage or placement of furniture or any other article, including, but not limited to, plants, boxes, shopping carts, bicycles, shoes or other articles of clothing and the like.

viii. The Unit Owners and occupants shall not cause or permit the blowing of any horn from any vehicle in which his guests, family, tenants, invitees or employees shall be occupants, approaching or upon any of the driveways or parking areas serving the Condominium, except as may be necessary for the safe operation thereof.

ix. The owners and occupants of the Units shall in general not act or fail to act in any manner that unreasonably interferes with the rights, comfort and convenience of other Unit Owners and occupants.

x. No Unit Owner or any of his agents, servants, employees, licensees, or visitors shall at any time bring into or keep in his Unit any flammable, combustible or explosive fluid, material, chemical or substance, except for normal household use.

xi. Subject to the provisions in the Condominium Declaration and in the Bylaws, household birds and fish, house dogs or domesticated house cats are allowed, provided that the same shall not disturb or annoy other Unit Owners or occupants. Breeds of dogs that are prone to barking or howling are not allowed. Any inconvenience, damage or unpleasantness caused by such pets shall be the sole responsibility of the respective owners thereof. All such pets shall be kept under

the direct control of their owners at all times and shall not be allowed to run free or unleashed or to otherwise interfere with the rights, comfort and convenience of any of the Unit Owners or occupants. All pets shall be attended at all times and shall be registered, licensed and inoculated as may from time to time be required by law, and must be registered with the condominium managing agent. Pets shall be walked on the condominium property only where indicated and must be cleaned up after.

xii. Units shall be occupied by no more persons than the maximum permitted by law for the Unit.

xiii. No rugs shall be beaten on Common Elements or the patios, decks, balconies or porches of any Unit, nor dust, rubbish or litter swept from the Unit or any other room or the patios, decks, balconies or porches thereof onto any of the Common Elements.

xiv. No immoral, improper, offensive, or unlawful use shall be made of the Condominium or any part thereof, and all valid laws, zoning ordinances and regulations of all governmental agencies having jurisdiction thereof shall be observed. All laws, orders, rules, regulations, or requirements of any governmental agency having jurisdiction thereof, relating to the maintenance and repair of any portion of the Condominium, shall be complied with, by and at the sole expense of the Unit Owner or the Board of Directors, whichever shall have the obligation to maintain or repair such portion of the Condominium. No Unit Owner shall permit his Unit to be used or occupied for any prohibited purpose.

xv. No one shall interfere in any manner with the lighting in or about the

buildings and Common Elements.

xvi. Unit Owners and occupants, their employees, servants, agents, visitors, licensees and their families will obey the parking regulations posted at the parking areas, and any other traffic regulations promulgated in the future for the safety, comfort and convenience of the Unit Owners and occupants.

xvii. Except as herein elsewhere provided, no junk vehicle or unlicensed or inoperable motor vehicle (which shall include, without limitation, any vehicle which would not pass applicable state inspection criteria), shall be kept upon any portion of the Condominium or upon the public or private streets adjacent to the Condominium (except for bona fide emergencies), nor shall the repair or extraordinary maintenance of automobiles or other vehicles be carried out thereon.

xviii. Streets and other exterior surface parking areas within the Condominium shall be used by Unit Owners, occupants and guests for fully operable, inspected and registered four-wheel passenger vehicles, two wheel motorized bicycles and standard bicycles only. No recreational vehicles, vans (other than non-commercial passenger vans), mobile homes, trailers, boats, trucks (unless licensed as a passenger vehicle and less than three-quarter ton capacity) or commercial vehicles (whether or not registered as a commercial vehicle with the Maryland Department of Motor Vehicles) shall be permitted to be parked on the Property, except on a day-to-day temporary basis in connection with repairs, maintenance or construction work on the Unit.

xix. Outdoor cooking or barbequing is prohibited on any patios, decks, balconies

or porches.

xx. Each Unit Owner shall maintain his Unit in a safe, clean and sanitary manner and condition, in good order and repair and in accordance with all applicable restrictions, conditions, ordinances, codes and any rules or regulations which may be applicable hereunder or under law.

xxi. Portions of a Unit visible from the exterior of the Unit and the Limited Common Elements must be kept in an orderly condition so as not to detract from the neat appearance of the Condominium community. In this regard, no motorcycles or other motorized vehicles may be parked on the patios, decks, balconies or porches. No clotheslines and no outdoor clothes drying or hanging shall be permitted anywhere in the Condominium, nor shall anything be hung, painted or displayed on the outside of the windows (or inside, if visible from the outside) or placed on the outside walls or outside surfaces of doors of any of the Units, and no awnings, canopies or shutters (except for those heretofore or hereinafter installed by Declarant) shall be affixed or placed upon the exterior of a Units, or any part thereof, nor relocated or extended, without the prior written consent of the Board of Directors. Window air conditioners are prohibited. The Board of Directors, in its sole discretion, may determine whether the portions of a Unit visible from the exterior of the Unit and the Limited Common Elements are orderly. If an Owner shall fail to keep the portions of the Owner's Unit or the Limited Common Elements (if any) appurtenant thereto, that are visible from the exterior of such Unit or Limited Common Elements orderly, the Board of Directors may have any objectionable items removed from the portions of the

Unit that are visible from the exterior of the Unit or the Limited Common Elements so as to restore their orderly appearance, without liability therefor, and charge the Unit Owner for any costs incurred in connection with such removal.

xxii. With the exception of lawn care equipment used by the Condominium Association, its employees or contractors, motorized vehicles may only be used or maintained on the roadways within or adjacent to the Condominium and no unlicensed vehicles are allowed within the Condominium. Motorized vehicles including, but not limited to, mini-bikes, snowmobiles and motorcycles, may not be driven on the Common Elements (other than the paved street and parking areas) by any Unit Owner, occupant or guest.

xxiii. Each Unit Owner shall maintain his Unit in a manner satisfactory to the Association and in accordance with the Declaration and rules and regulations of the Association. In the event that a Unit is not so maintained, the Association shall have the right to enter the Unit to maintain the same, after giving the Unit Owner at least fifteen (15) days written notice to cure any maintenance problems or deficiencies. In the event that the Association exercises its right of entry for maintenance purposes, the Association shall have the right to assess the particular Unit Owner for the cost of such maintenance. The Association, by its Board of Directors, shall have the right to establish Rules governing the maintenance of any Unit.

3. In the event that the Property is developed and subsequently sold to any non-taxable entity, so that the Property is no longer subject to real property taxes, the entity(ies) purchasing the properties and each of them (or any successors or assigns) shall be liable to make an annual

payment in perpetuity to the City in an amount equal to the annual City real property taxes on the property and any improvements, based on assessed value, it being the intent of the parties that the City not be deprived of this income regardless of the tax status of any Keane and that this obligation shall run with the land. Anything to the contrary notwithstanding, Keane's obligation set forth in this paragraph shall terminate upon the sale of the Property to an arms-length third party purchaser, provided the Property is still subject to real property taxes immediately following such sale. Further, the requirement set forth herein shall not apply in the event the Property is obtained by any non-taxable entity via the process of right-of-way dedication, eminent domain or condemnation. The Keane shall notify the City in writing upon the closing of any sale to a third party purchaser, or upon receipt of legal process instituting any action of eminent domain or condemnation.

4. Total development within the subject property shall be limited to development which generates no more than 145 AM peak hour trips and 168 PM peak-hour vehicle trips. These levels are in addition to the approved AM and PM peak hour trip caps for phase one as stated in PGCPB No. 13-36.

5. Prior to signature approval of the DSP, Keane shall revise the landscape plan to:

- a. Substitute evergreens for spotted laurel along the northeast landscape buffer (L1.00) to create a mixed-tree landscape that will provide a year-round screen. The following evergreens are recommended by the City horticulturist: American Holly; Arborvitae; Hemlock; Korean Fir; and Eastern Red Cedar.
- b. Remove the existing sidewalk along Berwyn House Road and reconstruct with a minimum width of 5 feet behind the existing utility poles. Remove the existing street trees along Berwyn House Road and provide new shade trees spaced 30-40 feet on center between the new sidewalk and curb. Recommended trees include: Trident; Maple; Paperbark Maple; and Hedge Maple.
- c. Relocate the pedestrian streetlights from the north side of the sidewalk to the south side of the sidewalk.

6. Prior to signature approval of the DSP, Keane shall revise the site plan to:

- a. Provide flat-top (raised) crosswalks across the two driveways on Berwyn House Road.
  - b. Provide the total required amount of bicycle parking spaces (116 spaces). Relocate any bicycle parking spaces shown in the City right-of-way to another location on the property in front of the building. All u-shaped bicycle parking spaces shall be anchored in concrete.
  - c. Provide at least 25 spaces in the parking garage for moped/motorcycle/scooter parking.
  - d. Provide a minimum of 9 spaces in the parking garage for guest/visitor parking.
  - e. Provide a roof detail to show how any mechanical structures or other appurtenances proposed for the roof will be screened.
7. Prior to signature approval of the DSP, Keane shall revise the architectural drawings for review by the City of College Park and M-NCPPC as follows:
- a. The northeast façade (DSP-304) shall be revised so that it is similar in appearance to the southwest façade (DSP-301) in terms of roofline, building materials (brick and cementitious panel) and articulation.
  - b. The pool courtyard elevations (DSP-306, B1, B2, & B4) and north elevations (DSP 303) shall be revised to provide additional visual interest and detailing. Specifically, the horizontal articulation between the 6<sup>th</sup> and 7<sup>th</sup> stories on the south elevation (DSP-301) shall be continued into these elevations and the Juliet balconies shall be dark grey (MT-1) and not beige (MT-2).
  - c. The façade of the southern courtyard elevation (DSP-301) shall be revised to provide more visual interest such as expressing the 2-story columns without interruption and reducing the scale of the space between the columns with additional articulation.
  - d. The southern façade (DSP-301) shall be revised to show an alternate decorative grill in front of the parking garage so that the appearance is more residential and less institutional. The window openings above the parking entrance shall be revised to align with the columns and windows above.
8. Prior to signature approval of the DSP, Keane shall revise the sign plan to:
- a. Key sign locations to project sign types shown on the plan.
  - b. Specify the maximum sign area per sign type and provide the total number of signs requested.

9. KEANE shall maintain, in a manner reasonably acceptable to the City, all pedestrian light fixtures and all streetscape improvements installed in any right-of-way pursuant to the DSP and/or this Agreement. Maintenance and operation of pedestrian light fixtures shall include but not be limited to electric utility charges, replacement of light bulbs, and repair and replacement of the pedestrian street lights within a reasonable period of time, pursuant to a maintenance schedule established with the City. The City may invoice KEANE on a quarterly basis for electricity costs in the event KEANE is not invoiced the costs of electricity directly by the utility company. Invoices shall be payable to the City within thirty (30) days of receipt. In the event that any such invoice is not timely paid, in addition to any other remedy available at law, any outstanding amount shall be a lien upon the Property to be collected in the same manner as City taxes are collected. KEANE shall indemnify and save harmless the City, its officers, employees and agents, from all suits, actions and damages or costs of every kind and description, including reasonable attorneys' fees, arising directly or indirectly out of the maintenance of the pedestrian light fixtures, caused by the negligent act or omission, intentional wrongful acts, intentional misconduct or failure to perform with respect obligations under this paragraph on the part of KEANE, its agents, servants, employees and subcontractors.

10. Keane shall make every effort to achieve U.S. Green Building Council (USGBC) LEED certification under an applicable LEED rating system for multifamily buildings (LEED v4 for BD+C: New Construction and Major Renovation). Prior to the issuance of the first use and occupancy permit, Keane shall provide documentation to the City that the project has been certified LEED by the USGBC. If certification has not been completed, Keane shall submit certification statements that confirms the project list of specific LEED credits will meet at least the minimum number of credits necessary to attain LEED certification. A temporary use and

occupancy permit may be issued to Keane until such time as LEED certification is documented. If it is determined that a temporary use and occupancy permit cannot be issued then an escrow or letter of credit in the amount of \$50,000 will be established with an agent that is acceptable to the City of College Park. Said escrow agent shall hold the funds subject to the terms of this Agreement. The escrow (or letter of credit) shall be released to Keane upon final LEED certification. In the event that Keane fails to provide, within 180 days of issuance of the use and occupancy permit for the Project, documentation to the City demonstrating attainment of LEED certification, the entirety of the escrow will be released upon demand to the City and will be posted to a fund within the City budget supporting implementation of environmental initiatives.

If Keane provides documentation from the USGBC demonstrating, to the satisfaction of the City, that USGBC completion of the review of the LEED certification application has been delayed through no fault of Keane, Keane's contractors or subcontractors, the proffered time frame may be extended as determined appropriate by the City, and no release of escrowed funds shall be made to Keane or to the City during the extension.

11. Prior to the issuance of a building permit for 4700 Berwyn House Road, Keane shall pay a total of \$21,000 to the City for transportation-related improvements such as bus shelter, sharrows pavement markings and signs on Berwyn House Road, Trolley Trail enhancements, bikeshare subsidies and transit promotions.

12. At the conclusion of the second year of occupancy of the 4700 Berwyn House Road project, Keane shall conduct a parking occupancy study for 4700 Berwyn House Road that shows peak daytime and evening utilization and present the results to the City to evaluate parking space utilization and adequacy and possible measures that may be needed for mitigation.

13. Keane shall provide a Smart Trip Card with a prepaid balance of \$25.00 to new

residents (one per lease) for a period of 4 years or until the Purple Line is operational, whichever is later, not to exceed 6 years.

14. Prior to the issuance of a building permit, Keane shall pay a total of \$1,500 to the city to be used to subsidize resident fees associated with a Neighborhood Parking Permit program in the area generally described as residential property lying between Berwyn Road, the Rhode Island Trolley Trail, Berwyn House Road and US Route 1 (approximately 150 houses at \$10.00 per house). Residents of 4700 Berwyn House Road shall not be eligible for residential parking permits.

15. Prior to use and occupancy permit, Keane shall provide appropriate facilities for recycling such as separate waste and trash chutes or designated recycling bins per floor and institute appropriate collection methods.

16. All leased apartment units shall be rented to applicants who do not require a co-signer to qualify financially for a lease.

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

18. These obligations are subject to and contingent upon final approval of the aforesaid DSP (with such approval being beyond appeal).

19. This Agreement shall be effective immediately as to Keane and shall be binding on their heirs, successors and assigns subject to the terms and conditions hereof. In the event that

Keane assigns its contract purchase rights prior to taking title to the Property, Keane agrees that the said contract purchase rights shall be assigned subject to the provisions of this Agreement.

20. This Property shall be held, conveyed, encumbered, sold, leased, rented, used, and/or occupied subject to the terms and provisions of this Agreement provided the Property is developed pursuant to the approved mixed use concept set forth in the DSP, which shall run with the land.

21. The City shall have the right to enforce, by any proceeding at law or in equity, including injunction, all restrictions, terms, conditions, covenants and agreements imposed upon the Property, and/or the Keane pursuant to the provisions of this Agreement. The parties agree that if Keane should breach the terms of this Agreement, the City would not have an adequate remedy at law and would be entitled to bring an action in equity for specific performance of the terms of this Agreement. In the event the City is required to enforce this Agreement and the Keane is determined to have violated any provision of this Declaration, Keane will reimburse the City for all reasonable costs of the proceeding including reasonable attorneys' fees. Should the Keane prevail in any action brought by the City to enforce a provision of this Agreement, the City shall reimburse said party for all reasonable costs of the proceeding including reasonable attorneys' fees.

22. This Agreement may not be amended or modified except in a writing executed by all parties hereto, and no waiver of any provision or consent hereunder shall be effective unless executed in writing by the waiving or consenting party.

23. This Agreement shall be construed in accordance with the laws of the State of Maryland, excepting its conflict of law provisions. The provisions of this Agreement shall be deemed severable, so that if any provision hereof is declared invalid or violative of any federal, state or local law or regulation, all other provisions of this Agreement shall continue in full force



I HEREBY CERTIFY, that on this \_\_ day of \_\_\_\_\_ 2014, before me, a Notary Public in and for the State aforesaid, personally appeared \_\_\_\_\_, and that he, being authorized so to do, executed the foregoing Declaration of Covenants and Agreement Regarding Land Use for the purposes therein contained by signing in my presence.

WITNESS my hand and Notarial Seal.

\_\_\_\_\_(SEAL)  
Notary Public  
My Commission Expires:\_\_\_\_\_

WITNESS/ATTEST:

CITY OF COLLEGE PARK

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

By: \_\_\_\_\_  
Joseph L. Nagro, City Manager

STATE OF MARYLAND            )  
  )    ss:  
COUNTY OF                    )

I HEREBY CERTIFY that on this \_\_\_\_ day of \_\_\_\_\_, 2014, before me, the subscriber, a Notary Public in the State and County aforesaid, personally appeared Joseph L. Nagro, who acknowledged himself to be the City Manager of the City of College Park, and that he, as such City Manager, being authorized so to do, executed the foregoing Declaration of Covenants for the purposes therein contained by signing, in my presence, the name of said City of College Park, by himself, as City Manager.

WITNESS my hand and notarial seal.

\_\_\_\_\_(SEAL)  
Notary Public  
My Commission Expires:\_\_\_\_\_

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

---

Suellen M. Ferguson

This document shall be recorded in the Land Records of Prince George's County. After recording, please return to:

Suellen M. Ferguson, Esq.  
Council, Baradel, Kosmerl & Nolan, P.A.  
P.O. Box 2289  
Annapolis, MD 21404-2289

14-R-21

**Motion for Councilmember Mitchell  
Community Legacy Application**

**Agenda Item 14-R-21**

**Motion:**

**I move that the City Council adopt Resolution 14-R-21 approving the application and receipt of financing for a Fiscal Year 2015 Community Legacy application requesting a grant of \$150,000 for 50% of the design and bidding package to underground utilities on US Route 1 between Lakeland Road and Greenbelt Road.**

**Comments:**

- Community Legacy provides resources to assist local governments in realizing comprehensive community revitalization initiatives. It is intended as a flexible resource to fill key funding gaps not being met by other State or local financing and to position older communities for increased private investment.
- The purpose of the City's application is to cover 50% of the design and bidding package for the undergrounding of utilities associated with the first segment of US 1's reconstruction.
- The Maryland State Highway Administration's policy for road projects does not include the relocation of utilities underground; therefore, the full costs associated with undergrounding are the responsibility of the City.
- The City views undergrounding as a significant opportunity to improve the aesthetics of US 1, while also providing additional space for bicycle and pedestrian facilities that are necessary as the population grows along the corridor.

**Resolution of the Mayor and Council of the City of College Park approving the application and receipt of financing for a Community Legacy Project (the "Project") further described in the Community Legacy Application ("The Application"), to be financed either directly by the Department of Housing and Community Development (the "Department") of the State of Maryland or through other departments or agencies of the State of Maryland**

**WHEREAS**, the Mayor and Council of the City of College Park recognizes that there is a significant need for reinvestment and revitalization of the communities in Prince George's County; and,

**WHEREAS**, the Department, either through Community Legacy or through other Programs of the Department, or in cooperation with other State departments or agencies, may provide some or all of the financing for the Project (the "Project Financing") in order to assist in making it financially feasible; and

**WHEREAS**, the Project is located within a priority funding area under Section 5-7B-02 of the Smart Growth Act and the Project will conform to the local zoning code; and

**WHEREAS**, the applicable law and regulations require approval of the Community Legacy Project and the Project Financing by the City of College Park and, where appropriate, the chief elected executive official of the local subdivision;

**NOW, THEREFORE BE IT RESOLVED THAT**, the Mayor and Council of the City of College Park hereby endorse the Project; and, **HEREBY** approve the request for financial assistance in the form of a grant or loan, up to the amount of \$150,000; and

**BE IT FURTHER RESOLVED THAT**, the Mayor be, and is hereby requested to endorse this Resolution, thereby indicating his approval thereof; and,

**BE IT FURTHER RESOLVED THAT**, the City Manager is hereby authorized to execute documents and take any action necessary to carry out the intent of these resolutions; and,

**BE IT FURTHER RESOLVED THAT**, copies of this Resolution are sent to the Secretary of the Department of Housing and Community Development of the State of Maryland.

**READ AND PASSED THIS** 15<sup>th</sup> day of July, 2014.

**BY ORDER:** I hereby certify that Resolution Number 14-R-21 is true and correct and duly adopted by the Mayor and Council of the City of College Park.

**ATTEST/WITNESS:**

\_\_\_\_\_

**CITY OF COLLEGE PARK, MARYLAND**

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

Name: Andrew M. Fellows

Title: Mayor

Date: July 15, 2014

14-G-77

July 15, 2014

Department of Housing and Community Development

RE: College Park City-University Partnership Community Legacy Grant Application

Dear Dr. Wernham,

The City of College Park is pleased to provide this letter to the Community Legacy Grant program at the Department of Housing and Community Development in support of the College Park City-University's proposal to initiate a new Live/Work College Park program.

The College Park City-University Partnership is the local development corporation jointly funded by the University of Maryland and the City of College Park. It was founded to promote and support the economic welfare of College Park and the University of Maryland through activities including commercial revitalization, community development, and quality housing opportunities consistent with the interests of the City of College Park and the University of Maryland. The Partnership is seeking to apply for a Community Legacy Grant through DHCD's Neighborhood Revitalization Program in order to create a new Live/Work College Park program.

This project is timely because this program would not only complement the City of College Park's current New Neighbors Program – which helps support those looking to buy homes in the City – but would also augment the effort to stabilize a once owner-occupied residential area that is now teeming with rental units into a sustainable community with families and friends who own their homes. This is in addition to the economic, social, environmental, and transportation benefits that would come from more faculty, staff, graduate students and young families living in walking distance to the University.

This new Live/Work program would support the construction of new housing, the renovation of rental properties and subsidize UMD faculty, staff and graduate students to live in the area. It will build upon existing investment and is a win-win combination of programs that will energize the College Park community.

We are very excited about this opportunity to support the Partnership in applying for this grant opportunity. Thank you for your time and consideration.

Sincerely,

Andrew M. Fellows  
Mayor

14-G-78

**MOTION:**

**I move to approve a Landscape Easement with Metropolitan Development Group at College Park, LLC in substantially the form attached, and to authorize the City Manager to sign the Easement on behalf of the City.**

**DISCUSSION:**

The Mayor and Council previously supported DSP-03098/03 for the Metropolitan Development Group at College Park, LLC ("Metropolitan") development at 9091 Baltimore Avenue. Due to various considerations about parking and buffers, the City agreed to allow the use of a 10 foot portion of the 20 foot wide unimproved right of way to the east of the project for installation of a landscape buffer. This Landscape Easement authorizes the installation of the buffer and landscaping throughout the entire adjacent right of way by Metropolitan, subject to maintenance by Metropolitan. The easement may be revoked if Metropolitan does not comply with the easement terms.

**LANDSCAPE EASEMENT**

THIS LANDSCAPE EASEMENT (“Easement”) IS MADE THIS \_\_\_\_\_ day of \_\_\_\_\_, 2014 by and between **CITY OF COLLEGE PARK** (“City”) and **METROPOLITAN DEVELOPMENT GROUP AT COLLEGE PARK, LLC** (“Metropolitan”).

**WHEREAS**, Metropolitan is the record owner of certain property known as 9091 Baltimore Avenue, Tax Account 21-3950995, recorded at Liber 5722, Folio 613 in the Land Records of Prince George’s County, Maryland (the “Property”); and

**WHEREAS**, Metropolitan applied for DSP-03098/03 (“DSP”) for the construction of a multi-family, townhouse and commercial office/retail development on the Property (“Project”); and

**WHEREAS**, an unimproved twenty (20) foot wide right of way runs along the entire eastern side of the Property between Catawba Street and Cherokee Street; and

**WHEREAS**, Metropolitan is required pursuant to Condition B(1)(s)(2) of the DSP to provide and maintain landscaping and fencing of a minimum ten (10) foot wide landscape buffer along the eastern edge of the Property, which may include ten (10) feet of the twenty (20) foot right of way adjacent to the Property; and

**WHEREAS**, the right of way is under the maintenance and control of the City by means of dedication on a certain plat of subdivision entitled Oak Springs Subdivision as per the plat thereof recorded at Plat Book 9 at Plat 72; and

**WHEREAS**, the parties hereto have agreed that it would be in their mutual interests for Metropolitan to place and maintain certain landscape plantings on the entire twenty (20) foot width of the right of way in compliance with Condition B(1)(s)(2) and for public health and aesthetic purposes.

**NOW, THEREFORE**, in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration given and received by the parties hereto, the sufficiency of which is hereby acknowledged, City does hereby grant and convey to Metropolitan, its successors and assigns, the easement hereinafter described for landscaping purposes, the said easement being described as follows:

A perpetual easement for the planting and maintenance of landscape materials, and for ingress and egress for those purposes on and over the entire width of the twenty (20) foot wide right of way where the right of way abuts the Property (“the Easement Area”), as more particularly described in Exhibit A attached hereto and incorporated herein by

reference.

**TO HAVE AND TO HOLD** the said easement above described or mentioned and hereby intended to be granted and conveyed, together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of Metropolitan, its successors and assigns.

**ALL WORK** performed in the Easement Area by Metropolitan shall be subject to the following conditions:

1. The landscape materials to be planted on that ten (10) foot wide portion of the Easement Area referenced in the DSP shall conform to the DSP requirements, attached hereto as Exhibit B, and the same shall be located in reasonable proximity to the locations shown thereon. All plantings in the remaining ten (10) foot portion of the Easement Area shall be approved by the City.
2. All work in the Easement Area shall be done in a workmanlike manner and with quality materials, and be subject to the approval of the City which shall not be unreasonably withheld.
3. Metropolitan shall hold the City, its officials, agents, servants and employees harmless and indemnify the City, its officials, agents, servants and employees, against any claims, damages, costs or expenses of any kind, including attorneys fees or causes of action by third parties due to injury, loss, or damage to persons or property arising out of Metropolitan's use or maintenance of the Easement Area or failure to perform any of the obligations under this Easement.
4. Metropolitan shall perpetually maintain the landscape material in the Easement Area consistent with the DSP and as approved by the City, and in a manner reasonably satisfactory to the City, and shall replace the same as may be needed from time to time.
5. Metropolitan shall be responsible for securing all required approvals and permits, including contacting Miss Utility.

**THIS EASEMENT** shall run with the land and be binding on the heirs, successors and assigns of the parties hereto. However, if the Project as authorized in the DSP, or as amended with consent of the City, is not constructed, this easement shall terminate and be of no force or effect. Metropolitan shall only be obligated to install the planting materials upon construction of the Project.

**NOTWITHSTANDING** anything to the contrary, this Easement may be terminated immediately by recordation of an appropriate instrument in the land records, if the City

determines that it is in the interest of public safety and welfare to do so and if there has been a breach by Metropolitan of the Easement terms, including if Metropolitan fails to maintain the landscaping and Easement Area in good condition.

**IN WITNESS WHEREOF**, the parties hereto have caused these presents to be executed the day and year first above written.

WITNESS:

**METROPOLITAN DEVELOPMENT GROUP  
AT COLLEGE PARK, LLC**

\_\_\_\_\_

By: \_\_\_\_\_  
Carlos Vazquez

STATE OF MARYLAND    )  
  )  
  )    ss:  
COUNTY                    )

I HEREBY CERTIFY, that on this \_\_ day of \_\_\_\_\_ 2014, before me, a Notary Public in and for the State aforesaid, personally appeared Carlos Vazquez, and that he executed the foregoing Landscape Easement for the purposes therein contained by signing in my presence.

WITNESS my hand and Notarial Seal.

\_\_\_\_\_(SEAL)  
Notary Public  
My Commission Expires: \_\_\_\_\_

**CITY OF COLLEGE PARK**

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

By: \_\_\_\_\_  
Joseph L. Nagro, City Manager

STATE OF MARYLAND    )  
  )  
  )    ss:  
COUNTY OF                )

I HEREBY CERTIFY that on this \_\_\_\_ day of \_\_\_\_\_, 2014, before me, the subscriber, a Notary Public in the State and County aforesaid, personally appeared Joseph L. Nagro, who acknowledged himself to be the City Manager of the City of College Park, and that he, as such

City Manager, being authorized so to do, executed the foregoing Landscape Easement for the purposes therein contained by signing, in my presence, the name of said City of College Park, by himself, as City Manager.

WITNESS my hand and notarial seal.

\_\_\_\_\_(SEAL)  
Notary Public  
My Commission Expires: \_\_\_\_\_

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

\_\_\_\_\_  
Suellen M. Ferguson

This document shall be recorded in the Land Records of Prince George's County. After recording, please return to:

Suellen M. Ferguson, Esq.  
Council, Baradel, Kosmerl & Nolan, P.A.  
P.O. Box 2289  
Annapolis, MD 21404-2289

14-R-22

**I move that the Mayor and Council adopt Resolution 14-R-22 approving the pilot phase of the Trolley Trail Forest Garden to be located in the Berwyn neighborhood along Rhode Island Avenue between Greenbelt Road and Tecumseh Street.**

COMMENTS:

Adopting this resolution will allow City residents and visitors to explore the full range of benefits that permaculture provides, including:

- Environmental and wellness aspects highlighting the need for increased public access to nutritious and sustainable food.
- Providing new habitat to birds and beneficial insects that will demonstrate the complex ecosystem diversity of a layered forest.
- Serving as a local showcase of numerous species of plants and trees that will provide educational aspects for all ages and serve as a regional destination for eco-tourists.
- Providing community-building volunteer activities that foster a sense of local involvement and civic pride among our residents.
- A Forest Garden Team consisting of City Staff, Tree and Landscape Board (TLB) and Committee for a Better Environment (CBE) representatives will regularly inspect the plantings to ensure the area is clean and well maintained.
- Plantings will be evaluated for viability in the site's soil conditions to serve as a guide to subsequent phases.
- Future expansion of the Trolley Trail Forest Garden will be contingent on the support of the local community, the TLB, the CBE as well as approval of the City Council.

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLLEGE PARK, MARYLAND TO INSTALL A PILOT PERMACULTURE PROJECT ALONG THE TROLLEY TRAIL IN THE BERWYN NEIGHBORHOOD OF COLLEGE PARK**

**WHEREAS**, the Committee for a Better Environment (CBE) is a City Council-appointed committee charged with pursuing programs that lead to an improved environment within the City and providing educational opportunities for residents; and

**WHEREAS**, CBE conducted an educational workshop on permaculture, which is a form of sustainable agriculture that incorporates trees and plants with edible fruits and that attract beneficial insects; and

**WHEREAS**, CBE engaged a consultant to design a permaculture planting site along the Trolley Trail in the Berwyn neighborhood; and

**WHEREAS**, the CBE, residents of the Berwyn neighborhood, City Council and City Staff have reviewed the proposed design and provided feedback on the proposal; and

**WHEREAS**, the Mayor and City Council have determined that it is in the public interest to pursue a pilot permaculture project on the Trolley Trail between Greenbelt Road and Tecumseh Street as indicated on Sheet 1 of the Trolley Trail Forest Garden Draft Plan (attachment 1); and

**WHEREAS**, the Mayor and City Council have determined that it is appropriate to establish a Trolley Trail Forest Garden Team (TTFGT) to assist in evaluating the permaculture with respect to viability and maintenance; and

**WHEREAS**, the CBE has pledged to provide \$6,400 from their FY 2015 budget for the pilot phase of the permaculture project as well as volunteer support for regular maintenance and weeding efforts; and

**WHEREAS**, the anticipated costs for the pilot project are as follows:

Maximum vegetation costs	\$3,600
Site preparation and soil amendments	33 hours + \$150 soil amendment, plus screen
Labor for planting pilot phase	
Estimated volunteer time	19 hours
Estimated staff time	13 hours
Signage	\$2,800

**NOW, THEREFORE, LET IT BE RESOLVED** that Phase 1 of the Trolley Trail Forest Garden project is hereby approved by the City Council with the following stipulations:

1. A Trolley Trail Forest Garden Team (TTFGT) is established consisting of the City Horticulturist, a City Landscape Foreman, a Planning Department Representative, a Tree and Landscape Board Representative, a CBE Representative and other City Staff as deemed necessary by the City Manager to assess the viability of the Permaculture plantings and to ensure that maintenance intervals are sufficient to keep the area clean and well maintained.
2. A reasonable evaluation period shall be established by the TTFGT, before beginning the next phase of the project, to allow assessment of the Pilot Program to determine whether the plants will survive where they are planted and how much maintenance is required.
3. Future phases of the Permaculture Project must receive support of the CBE, the TLB, the TTFGT and approval by the City Council. Annual reports from the TTFGT will be provided to the City Manager and will include a summary of maintenance hours, resources and cost.
4. Community input will be considered before any future expansion of the project; and
5. This action by the Mayor and Council is dependent upon the CBE pledge to provide \$6,400 from their FY 2015 budget for the pilot phase of the permaculture project and to provide volunteer support for regular maintenance and weeding efforts.

**ADOPTED** by the Mayor and City Council of the City of College Park, Maryland at a regular meeting on the \_\_\_\_\_ day of \_\_\_\_\_, 2014

**EFFECTIVE** the \_\_\_\_\_ day of \_\_\_\_\_, 2014

**WITNESS:**

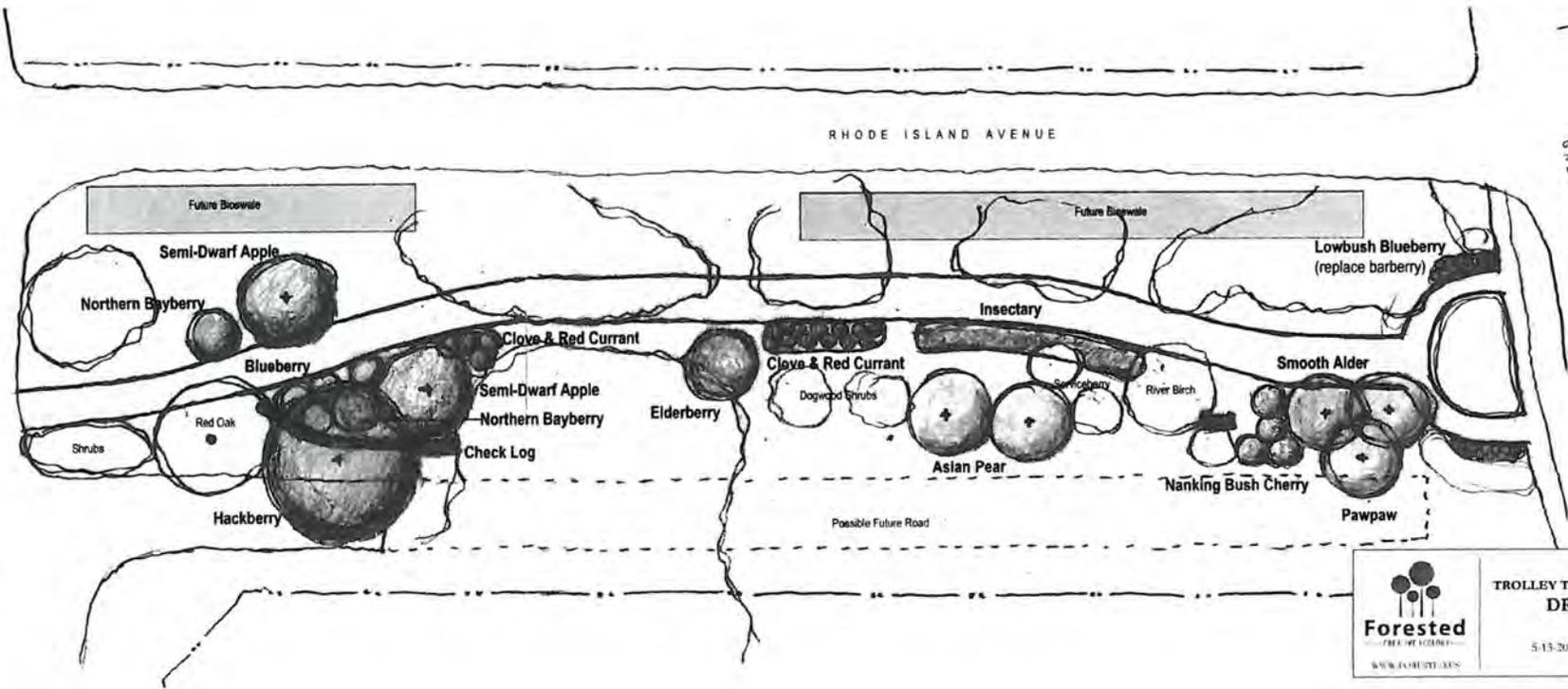
**THE CITY OF COLLEGE PARK,  
MARYLAND**

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

\_\_\_\_\_  
Andrew M. Fellows, Mayor

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

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



TECUMSEH STREET

RHODE ISLAND AVENUE

GRENBELT ROAD

SEE SHEET 2

 <b>Forested</b> <small>PLANT CONSULTANTS</small> <small>WWW.FORESTED.US</small>	<b>TROLLEY TRAIL FOREST GARDEN</b> <b>DRAFT PLAN</b> <b>SHEET 1</b>
	<small>5-13-2014 SCALE: 1" = 20'-0"</small> <small>Lincoln Smith</small>

14-0-07

**ORDINANCE**  
**OF THE MAYOR AND COUNCIL OF THE CITY OF COLLEGE PARK, MARYLAND,**  
**AMENDING CHAPTER 184 “VEHICLES AND TRAFFIC”, BY REPEALING AND**  
**REENACTING ARTICLE VII “SPEED MONITORING SYSTEMS”, SECTION 184-45**  
**“SYSTEMS IN SCHOOL ZONES AND WITHIN ONE-HALF MILE OF AN**  
**INSTITUTION OF HIGHER EDUCATION” TO AMEND THE SECTION TO**  
**CONFORM TO STATE MANDATED CHANGES**

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

**WHEREAS**, §21-809 of the Transportation Article, Annotated Code of Maryland, as amended, authorizes the City to operate a speed monitoring system to enforce the speed limit in school zones and within ½ mile of an institution of higher education in the City; and

**WHEREAS**, pursuant to §21-809, as amended, the City has adopted this enforcement mechanism for increased public safety; and

**WHEREAS**, §21-809 was amended by the State Legislature effective in 2014; and

**WHEREAS**, it is appropriate to conform the City code language with that of amended §21-809.

**Section 1.** **NOW THEREFORE, BE IT ORDAINED AND ENACTED**, by the Mayor and Council of the City of College Park, Maryland that Chapter 184 “Vehicles and Traffic”, §184-45 "Systems in school zones and within one-half mile of an institution of higher education", be, and is hereby amended to read as follows:

§184-45 Systems in school zones and within one-half mile of an institution of higher education.

A. The City, through an Agency established or designated by the City, is authorized to operate a speed-monitoring system to enforce the speed limit in conformance with § 21-809,

Transportation Article, Annotated Code of Maryland, as amended. The speed monitoring system shall be operated by a City agency through DULY AUTHORIZED Prince George's County police officers employed BY or under contract with the City, to be administered in conjunction with the City's Public Services Department.

B. Before activating a ~~n unmanned stationary~~ speed-monitoring system, the City shall:

(1) Publish notice of the location of the speed-monitoring system on its website and in a newspaper of general circulation in the City.

(2) Ensure that each sign that designates a school zone ~~indicates~~ IS PROXIMATE TO A SIGN THAT, AND EACH SPEED LIMIT SIGN APPROACHING AND WITHIN THE INSTITUTE OF HIGHER EDUCATION ZONE:

(A) INDICATES that speed-monitoring systems are in use in THE school OR INSTITUTE OF HIGHER EDUCATION zone[s]; AND

(B) IS IN ACCORDANCE WITH THE MANUAL FOR AND THE SPECIFICATIONS FOR A UNIFORM SYSTEM OF TRAFFIC CONTROL DEVICES ADOPTED BY THE STATE HIGHWAY ADMINISTRATION UNDER §25-104 OF THE TRANSPORTATION ARTICLE, ANNOTATED CODE OF MARYLAND.

C. \* \* \* \*

D. ~~[For a period of at least 30 days after the first speed monitoring system is placed in the City, a violation recorded by any speed monitoring system may be enforced only by issuance of a warning. At least 14 days of the thirty day warning period shall occur during a University of Maryland fall or spring semester.]~~ IF THE CITY MOVES OR PLACES A MOBILE OR STATIONARY SPEED MONITORING SYSTEM WHERE A SPEED MONITORING

SYSTEM HAS NOT PREVIOUSLY BEEN PLACED, THE CITY MAY NOT ISSUE A CITATION FOR A VIOLATION RECORDED BY THAT SPEED MONITORING SYSTEM:

(1) UNTIL SIGNAGE IS INSTALLED IN ACCORDANCE WITH SUBSECTION B OF THIS SECTION; AND

(2) FOR AT LEAST THE FIRST 15 CALENDAR DAYS AFTER THE SIGNAGE IS INSTALLED.

E. \* \* \* \*

**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.

**ATTEST:**

**THE CITY OF COLLEGE PARK, MARYLAND**

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

By: \_\_\_\_\_  
Andrew M. Fellows, Mayor

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

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

14-G-79

## Appointment to Boards and Committees

14-G-79

### Councilmember Brennan:

Maia Sheppard to the Education Advisory Committee

### Councilmember Wojahn:

Cory Sanders to the Aging-In-Place Task Force