



**AUGUST 12, 2014**  
**CITY OF COLLEGE PARK**  
**COUNCIL CHAMBERS**

**7:00 P.M.**

**1. PUBLIC HEARING 14-CR-01**

**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**

**2. ORAL ARGUMENT CPV-2014-05, 5926 Bryn Mawr Road  
Exception Filed To The Recommendation Of The College Park  
Advisory Planning Commission In Case Number CPV-2014-05**

**7:30 P.M.**

**MAYOR AND COUNCIL MEETING  
AGENDA**

MEDITATION

PLEDGE OF ALLEGIANCE: Councilmember Brennan

ROLL CALL

MINUTES: July 8, 2014 Special Session, July 15, 2014 Public Hearing on 14-O-04, July 15, 2014 Public Hearing on 14-O-05, July 15, 2014 Regular Meeting, and the confidential minutes of the two closed sessions held on June 17, 2014.

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-39 Approval of a license agreement between the City of College Park and University Gardens for revocable use of city controlled right of way along Rhode Island Avenue for parking.
- 14-R-25 Resolution of the Advisory Planning Commission of the City of College Park, Maryland, Regarding Variance Number CPV-2014-03, 9728 51<sup>st</sup> Place, College Park, Maryland, Recommending Approval of a Variance from Section 27-120.01 (c) of the Prince George's County Zoning Ordinance, "Front Yards of Dwellings," to construct a driveway that will encroach 3 feet in the front yard. And Recommending Approval of Variances from Section 27-442 (c) to Validate the Minimum Total Side Yard Setback and Minimum North and South Side Yard Setbacks. **(Appeal period ends August 9, 2014)**
- 14-R-26 Resolution of the Advisory Planning Commission of the City of College Park, Maryland, Regarding Variance Number CPV-2014-04, 5025 Iroquois Street, College Park, Maryland, Recommending Denial of a Variance from Section 27-120.01 (c) of the Prince George's County Zoning Ordinance, "Front Yards of Dwellings," to expand a driveway in the front yard by adding an additional 9 feet in width and 18 feet in length. And Recommending Approval of a Variance to Validate an Existing Side Yard Setback. **(Appeal period ends August 9, 2014)**
- 14-G-85 Approval of DCPMA request for free parking in the downtown parking garage after 5:00 pm Monday, August 18 through Friday, August 22 for College Park Restaurant Week.
- 14-G-86 Award of a one-year contract extension (Option Year 2) to NZI Construction Corporation of Beltsville, MD for FY '15 "Miscellaneous Concrete Maintenance and Asphalt Resurfacing" in an amount not to exceed \$896,000 (Contract CP-13-01 funded from Fund 301 Unrestricted C.I.P. Reserve).

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

## ACTION ITEMS

- 14-CR-01 Adoption of 14-CR-01, 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
- 14-R-29 Resolution of the Mayor and Council of the City of College Park, Maryland to adopt the forms that are acceptable to the City to petition a council-generated charter amendment to referendum or for a referendum petition initiated by qualified voters

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

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

- 14-G-87 Motion to release Starr Insurance Holdings, Inc. (the Mazza Development) from their \$500,000 escrow obligation to develop and finance an extension of Hollywood Road west of Route 1. Motion by: Mitchell  
To: Approve  
Second:  
Aye: \_\_\_\_\_ Nay: \_\_\_\_\_  
Other: \_\_\_\_\_
- 14-O-08 Introduction of Ordinance 14-O-08, An Ordinance Of The Mayor And Council Of The City Of College Park, Maryland, Amending Chapter 184, "Vehicles And Traffic", By Repealing And Reenacting §184-9, "Permit Parking In Restricted Residential Zones" To Better Define Where Visitor Parking Permits May Be Used And To Provide An Enforcement Mechanism  
**(The Public Hearing will be September 9 at 7:15 p.m.)** Motion by: Wojahn  
To: Introduce  
Second:
- 14-O-09 Introduction of 14-O-09, An Ordinance Of The Mayor And Council Of The City Of College Park, Maryland, Amending Chapter 38, "Code Of Ethics", By Repealing And Reenacting Article I, "General Provisions", Section 38-4, "Definitions", Article II, "Ethics Commission", Section 38-8, "Procedures For Adjudicating Alleged Violations", And Article IV, "Required Disclosures", Section 38-15, "Financial Disclosure Of City Elected Officials And Candidates To Be City Elected Officials", Section 38-16, "Financial Disclosure Of Employees And Appointed Officials" And Section 38-17 "Additional Conflict Of Interest Statements And Correction Of Inaccurate Or Incomplete Filings Required", To Amend The Ethics Code To Clarify The Definition Of Interest That Must Be Reported, Including A Procedure For Dismissal Of A Complaint, Clarifying The Requirements For Elected Officials, Candidate, Appointed Official And Employee Disclosure And Providing A Remedy For Failure Of A Candidate To File The Required Disclosures  
**(The Public Hearing will be September 9 at 7:15 p.m.)** Motion by: Mitchell  
To: Introduce  
Second:
- 14-G-88 Appointments to Boards and Committees Motion by:  
To:  
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.

# Public Hearing

## 14-CR-01



NOTICE OF PUBLIC HEARING  
CHARTER RESOLUTION 14-CR-01  
TUESDAY, AUGUST 12, 2014  
2ND FLOOR COUNCIL CHAMBERS  
CITY HALL, 4500 KNOX ROAD  
7:00 p.m.

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).

Posted

B.B. 6/19/14  
website 6/20/14  
Cable TV 6/20/14  
M/S 6/26/14 and 7/10/14



# CITY OF COLLEGE PARK MUNICIPAL SCENE

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

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

July 10, 201

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

**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:** 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

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).

## 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).

## POSITION AVAILABLE PART-TIME CONTRACT SECRETARY

Requires reliable person with strong grammar and secretarial skills to attend and record evening Board and Committee meetings, prepare meeting minutes to summarize the proceedings, make approved revisions and provide a final set of minutes in a timely manner. This assignment does not require word-for-word reporting.

All meetings are conducted at public facilities in College Park; most are scheduled for weekday evenings.

Contract rate is \$22.00 per hour, guaranteed two hours per meeting, plus preparation of minutes at \$11.00 per half-hour. We estimate twelve to sixteen hours per month, depending upon Committee assignments. Please submit resume to: College Park City Clerk's Office, 4500 Knox Road, College Park, MD 20740, or fax to 301-699-8000.

## DOWNTOWN COLLEGE PARK FARMERS MARKET SUNDAYS, 10:00 A.M. - 2:00 P.M. PARKING LOT OF CITY HALL, 4500 KNOX ROAD

The market is open through late fall. Parking is free on Sundays.  
For more information go to our webpage at [downtowncollegeparkmarket.org](http://downtowncollegeparkmarket.org)



## SIGN UP FOR FREE NEIGHBORHOOD WATCH BASIC ACADEMY TRAINING

Classes will be scheduled when at least five people have signed up. You will be notified of optional class dates.  
Neighborhood Watch is a safety program for citizens by citizens to watch for and report suspicious and criminal activities. For more information, please contact Public Services at 240-487-3570 or by email at [cpnwsc@collegeparkmd.gov](mailto:cpnwsc@collegeparkmd.gov)

## THE JACK PERRY AWARD NOMINATIONS ARE DUE JULY 15TH

This Award will recognize a member of the community who emulates Councilman Jack Perry's legacy of public service.  
**Eligibility:** Must be at least 18 years of age and a registered voter or legal resident of College Park.

**Criteria:** This award will recognize a College Park resident who has participated to an extraordinary degree in neighborhood, civic, or municipal affairs within the City in a manner that improves public spaces, fosters community cohesion, eradicates blight, informs discussion of public issues, provides leadership, and/or furthers the best interests of the City as a whole.

**Nominations:** From May 15 to July 15 each year, any resident, neighborhood association or organization in the City may submit a nomination. Nominations should be submitted in writing to the City Clerk, 4500 Knox Road, College Park, MD, 20740, or by e-mail to [jsmiller@collegeparkmd.gov](mailto:jsmiller@collegeparkmd.gov). 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.

## COLLEGE PARK CONNECTED!

The City of College Park launched an email listserv to make it easy for residents to automatically receive information about City government, events, new development, and other activities in the City.

To sign-up, go to [www.collegeparkmd.gov](http://www.collegeparkmd.gov), and click on the "Sign Up" button under Latest News.

Receive the latest information in these categories: City Council, General Interest, City Events, Public Works Information, Development News and City Job Listing.

You can specify the type of information you want to receive, change your selection, or unsubscribe at any time.

Animal Control, Code Enforcement, Public Safety and Neighborhood Enforcement is at City Hall.....	240-487-35
24 Hour Hotline.....	240-487-35
For Urgent Code Enforcement, Noise Control, Animal Control Issues:	
Public Works Department, 9217 51st Ave.....	240-487-35
Trash Collection, Recycling and Special Pick-ups.....	301-345-81
Senior Program (Attick Towers) 9014 R.I. Ave.....	240-487-35
Youth and Family Services, 4912 Nantucket Rd.....	301-345-44
Drop-In Recreation Center.....	301-345-44

## MAYOR AND COUNCIL

Mayor Andrew M. Fellows	
5807 Bryn Mawr Road.....	301-441-81
Councilmember Fazlul Kabir (District 1)	
9817 53rd Avenue.....	301-659-61
Councilmember Patrick L. Wojahn (District 1)	
5015 Lackawanna Street.....	240-988-71
Councilmember P.J. Brennan (District 2)	
4500 Knox Road.....	301-220-11
Councilmember Monroe S. Dennis (District 2)	
8117 51st Avenue.....	301-474-61
Councilmember Robert W. Day (District 3)	
7410 Baylor Avenue.....	301-741-11
Councilmember Stephanie Stullich (District 3)	
7400 Dartmouth Avenue.....	301-742-41
Councilmember Alan Y. Hew (District 4)	
9118 Autoville Drive.....	240-391-81
Councilmember Denise C. Mitchell (District 4)	
3501 Marlborough Way.....	240-460-71

## OTHER FREQUENTLY CALLED NUMBERS

<b>EMERGENCY: FIRE-AMBULANCE-POLICE.....</b>	
<b>NON-EMERGENCY POLICE SERVICES</b>	
Prince George's Co. Police (Hyattsville Station).....	301-699-11
Prince George's Co. Police Non-Emergency Svcs.....	301-352-11
Prince George's Co. Park Police.....	301-459-11
State Police (College Park Barrack).....	301-345-11
University of Maryland Police.....	301-405-11
College Park Community Center.....	301-441-11
5051 Pierce Avenue, College Park.....	301-474-11
Branchville Vol. Fire & Rescue Squad.....	www.bvfc11
4905 Branchville Road, College Park.....	www.cpvf
College Park Vol. Fire Department.....	301-901-11
8115 Baltimore Avenue, College Park.....	www.cpvf
PEPCO - Power Outages, Lines Down.....	1-877-737
WSSC: Water Mains.....	301-206-11
Prince George's County Storm Drains.....	301-499-11

CLIP AND SAVE

**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 Charter Resolution of the Mayor and Council of the City of College Park, Maryland, adopted pursuant to the authority of Article XI-E of the Constitution of Maryland and Article 23A of the Annotated Code of Maryland (1957 edition, as amended).

**WHEREAS**, §C5-1 of the City Charter currently sets certain procedures for charter referendum petitions, including requirements for the contents of the petitions; and

**WHEREAS**, the Mayor and Council have determined that it is appropriate to require that petition forms also include the date of signature and a circulator’s information and affidavit, in order to aid the Supervisors of Election in determining a proper count of qualified voters and to help ensure the reliability of the information included on the petition and to verify when the signature was obtained.

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

**Section 1.** Article V, “Charter Amendments,” §C5-1 “Procedure for petition” be repealed, re-enacted and amended to read as follows:

A. In all instances where a petition is filed with the Mayor and Council to initiate an amendment to the City Charter or for a referendum in cases where an amendment to the City Charter has been initiated by the Mayor and Council, the following procedures shall be followed:

(1) The petitions shall be referred to the Supervisors of Elections, who shall report to the Mayor and Council the total number of persons qualified to vote in [~~a municipal~~] THE CITY general election at the time the petition is received and the total number of such voters determined by

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.

them to have signed the petition; provided, however, that in any case where a person signing the petition shall have failed to put his/her printed name, printed residence address, DATE OF SIGNATURE and city election district number thereon, the Supervisors of Elections shall not determine if such person is qualified to vote AND SUCH PERSON SHALL NOT BE COUNTED AS A PERSON QUALIFIED TO VOTE. UNLESS EACH PETITION PAGE INCLUDES THE CIRCULATOR'S PRINTED OR TYPED NAME, RESIDENCE ADDRESS AND TELEPHONE NUMBER, AND A SIGNED CIRCULATOR'S AFFIDAVIT STATING THAT THE CIRCULATOR WAS AT LEAST 18 YEARS OLD WHEN EACH SIGNATURE WAS OBTAINED; THAT THE INFORMATION PROVIDED BY THE CIRCULATOR IS TRUE AND CORRECT; THAT THE CIRCULATOR PERSONALLY OBSERVED EACH SIGNER AS HE/SHE SIGNED THE PAGE; AND THAT TO THE BEST OF THE CIRCULATOR'S KNOWLEDGE AND BELIEF, ALL SIGNATURES ON THE PAGE ARE GENUINE AND ALL SIGNERS ARE QUALIFIED VOTERS FOR THE COLLEGE PARK MUNICIPAL GENERAL ELECTION, THE SUPERVISORS OF ELECTIONS SHALL NOT DETERMINE IF ANY PERSONS LISTED ON THE PAGE ARE QUALIFIED TO VOTE AND ANY PERSON SO LISTED SHALL NOT BE COUNTED AS A PERSON QUALIFIED TO VOTE.

(2) Upon receiving the report of the Supervisors of Elections, the Mayor and Council shall then comply with the applicable provisions of §4-301 *ET SEQ.* OF THE LOCAL GOVERNMENT ARTICLE[~~Article 23A~~] of the Annotated Code of Maryland ~~{(1957 Edition)}~~ (as amended)[,  ~~titled "Corporations—Municipal," subtitle "Charter Amendments."~~]

B. A petition may consist of several pages. Each petition PAGE shall contain the full title of the Charter amendment or that part of the title of the Charter amendment petitioned upon. THE BACK OF EACH PETITION PAGE SHALL CONTAIN EITHER:

1. THE FULL TEXT OF THE AMENDMENT, OR
2. A FAIR AND ACCURATE SUMMARY OF THE SUBSTANTIVE PROVISIONS OF THE AMENDMENT. IN THIS CASE, THE FULL TEXT OF THE AMENDMENT MUST BE IMMEDIATELY AVAILABLE FROM THE PETITION CIRCULATOR.

**Section 2.** BE IT FURTHER RESOLVED by the Mayor and Council of the City of College Park that, upon formal introduction of this proposed Charter Resolution, the City Clerk shall publish this proposed Charter Resolution 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 is hereby set for \_\_\_\_\_ p.m. on the \_\_\_\_\_ day of \_\_\_\_\_, 2014. All persons interested shall have an opportunity to be heard.

**Section 3.** BE IT FURTHER RESOLVED that this Charter Resolution is adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2014, and that the amendment to the Charter of the City of College Park, hereby proposed by this enactment, shall be and become effective upon the fiftieth (50<sup>th</sup>) day after its passage by the City unless petitioned to referendum in accordance with §4-304 of the Local Government Article, Annotated Code of Maryland within forty (40) days following its passage. A complete and exact copy of this Charter Resolution shall be posted in the City offices located at 4500 Knox Road, College Park, Maryland for forty (40) days following its passage by the Mayor and Council and a fair summary of the Charter Resolution shall be published in a newspaper having general circulation in the City not less than four (4) times, at weekly intervals, also within the forty (40) day period following its adoption by the City.

**Section 4. BE IT FURTHER RESOLVED** that, within ten (10) days after the Charter Resolution hereby enacted becomes effective, either as herein provided or following referendum, the City Manager for the City of College Park shall send separately, by mail, bearing a postmark from the United States Postal Service, to the Department of Legislative Services, one copy of the following information concerning the Charter Resolution: (i) the complete text of this Resolution; (ii) the date of referendum election, if any, held with respect thereto; (iii) the number of votes cast for and against this Resolution by the Council of the City of College Park or in the referendum; and (iv) the effective date of the Charter Resolution.

**Section 5. BE IT FURTHER RESOLVED** that the City Manager of the City of College Park be, and hereby is specifically enjoined and instructed to carry out the provisions of Sections 2 and 3 as evidence of compliance herewith; and said City Manager shall cause to be affixed to the minutes of this meeting (i) an appropriate Certificate of Publication of the newspaper in which the fair summary of the Charter Resolution shall have been published; and (ii) return receipts of the mailing referred to in Section 3 and shall further cause to be completed and executed the Municipal Charter or Annexation Resolution Registration Form.

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

**ADOPTED** by the Mayor and Council of the City of College Park 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

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

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

**RECORD OF CASE  
CPV-2014-05  
YARIS U. REYES CARBAJAL  
5926 BRYN MAWR ROAD**

**Oral Argument Scheduled: August 12, 2014 - 7:00 p.m.**

**SUBMITTED BY: Department of Planning, Community  
& Economic Development**

# Record of Case CPV-2014-05

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RULES OF PROCEDURE FOR THE MAYOR AND CITY COUNCIL  
FOR THE CONDUCT OF ORAL ARGUMENT ON EXCEPTIONS  
FROM DECISIONS OF THE ADVISORY PLANNING COMMISSION

- A. A meeting of the Mayor and City Council for the purpose of hearing oral argument on exceptions from any decision of the Advisory Planning Commission (“APC”) with respect to its grant or denial of a variance or departure, pursuant to Chapter 190, “Zoning” of the Code of the City of College Park, shall be open to the public.
- B. Persons attending oral argument shall maintain proper decorum and refrain from disturbing the orderly process of the hearing. The Mayor may take the measures necessary to ensure that order is maintained.
- C. Whenever a request for oral argument has been made by a Councilmember or by a party of record to the proceedings before the APC, all other parties of record may also make oral argument or may submit a written statement in support of or in opposition to the APC’s recommendation. As set forth in §190-6 of the City Code, oral argument shall be limited to the facts and information contained in the record made at the evidentiary hearing before the APC. Copies of any written material submitted together with a statement in support or opposition shall be filed with the City Clerk (along with a certification of service upon the persons requesting oral argument) no later than five (5) days before the scheduled date for oral argument. References to factual matters in written submissions shall be limited to items which were in evidence before the Advisory Planning Commission.
- D. The order of presentation before the Mayor and Council shall, unless otherwise directed by the Mayor, be as follows:
  - 1. Orientation by Planning Staff and, if necessary, a representative of the office of the City Attorney.
  - 2. Oral argument against the recommendation of the Advisory Planning Commission.
  - 3. Oral argument in favor of the recommendation of the Advisory Planning Commission.
  - 4. Rebuttal by the parties in opposition to the recommendation of the Advisory Planning Commission.
  - 5. Rebuttal by the parties in support of the recommendation of the Advisory Planning Commission.

- E. Oral argument shall be limited to thirty (30) minutes each for parties in support, collectively, and parties in opposition, collectively, except that no person shall be given fewer than five minutes to speak and the Mayor may extend the total time allotted sufficiently to accomplish that objective. Persons wishing to make oral argument shall advise the City Clerk prior to the hearing. Before the start of argument, the Mayor shall divide the total time allotted to the parties in support and in opposition among the persons appearing in support and in opposition and shall advise the speakers accordingly.
- F. Rebuttal shall be limited to ten (10) minutes each for parties of support, collectively, and parties in opposition, collectively except that no person shall be given fewer than two minutes to speak and the Mayor may extend the total time allotted sufficiently to accomplish that objective. Before the start of rebuttal argument, the Mayor shall divide the total time allotted to the parties in support and in opposition among the persons wishing to speak in rebuttal and shall advise the speakers accordingly.
- G. A decision of the Mayor and Council as to a recommendation of the Advisory Planning Commission shall be made in accordance with subsections D. and E. of §190-6 of the City Code as follows:

Section D      After the close of the Council's hearing, a majority of the Mayor and Council shall accept, deny or modify the recommendation of the Commission or return the variance application to the Commission to take further testimony or reconsider its recommendation.

Section E      The Council shall give its decision, in writing, stating the reasons for its action. Copies of the decision shall be sent to all persons of record, the Commission, the Maryland-National Capital Park and Planning Commission and the Prince George's County Council sitting as the District Council.

**NOTICE OF PUBLIC HEARING**

**EXCEPTION FILED TO THE RECOMMENDATION OF THE  
COLLEGE PARK ADVISORY PLANNING COMMISSION  
IN CASE NUMBER CPV-2014-05**

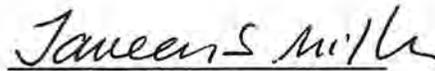
**Date of Notice:** July 23, 2014  
**Applicant:** Yaris U. Reyes Carbajal  
**Property:** 5926 Bryn Mawr Road  
**Subject:** Request for a variance to erect a 6-foot high fence in the front yard

Oral argument on the exception to the Advisory Planning Commission's recommendation in the above referenced case is scheduled before the College Park Mayor & Council on:

*Tuesday, August 12, 2014, 7:00 p.m.  
Council Chambers – Second Floor  
College Park City Hall  
4500 Knox Road  
College Park, Maryland*

A copy of the rules of procedures for oral argument on exceptions from recommendations of the Advisory Planning Commission is attached for your information.

If you have further questions, please call the College Park Planning Department at (240) 487-3538.



Janeen Miller  
City Clerk

cc: Parties of Record  
Advisory Planning Committee  
Mayor & Council  
City Attorney





Advisory Planning Commission  
City of College Park  
4500 Knox Road  
College Park, Maryland 20740  
Telephone: (240) 487-3538  
Facsimile: (301) 887-0558

**NOTICE OF RECOMMENDATION (RESOLUTION)  
OF THE  
ADVISORY PLANNING COMMISSION  
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 Recommendation setting forth the action taken by the Advisory Planning Commission of the City of College Park in your case on:

June 5, 2014

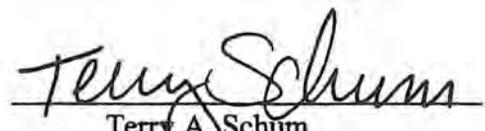
*Public Hearing Date*

**CERTIFICATE OF SERVICE**

This is to certify that on June 30, 2014, the above notice and attached Recommendation were mailed, postage prepaid, to all persons of record.

**NOTICE**

Within fifteen (15) calendar days from the date this notice was mailed any person of record may file exceptions to the Commission's recommendation, and a request for oral argument before the Mayor and Council. Exceptions shall be addressed to the City Clerk, 4500 Knox Road, College Park, Maryland 20740 by July 15, 2014.

  
Terry A. Schum  
Planning Director

cc: Mayor & Council  
City Attorney  
Advisory Planning Commission  
Parties of Record



*Resolution of the Advisory Planning Commission of the City of College Park, Maryland Regarding Appeal 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 Advisory Planning Commission (hereinafter, "APC") is authorized by the Prince George's County Zoning 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 City is authorized by the Ordinance to grant an application for a variance 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,** on May 9, 2014, Yaris Reyes Carbajal (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 variance, at which 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 Ordinance.

**NOW, THEREFORE, BE IT RESOLVED** by a 4-0-0 vote of the Advisory Planning Commission of the City of College Park, with the following members present and voting: Mary Cook, Lawrence Bleau, James McFadden and Christopher Gill; that

Section 1 Based on the evidence and testimony presented at the hearing with respect to the subject variance application, the APC makes the following 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 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..

Section 3

Based on the evidence and testimony presented, and the findings of fact and conclusions of law set forth hereinabove, the APC recommends approval of variance CPV-2014-05 to permit a variance of 2 feet from the maximum height of 4 feet 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.

So recommended this 5th day of June, 2014  
The Advisory Planning Commission of the  
City of College Park, Maryland.

  
\_\_\_\_\_  
Mary Cook, Chair

Dated: \_\_\_\_\_

6-30-14



**City of College Park  
Department of Planning, Community & Economic Development  
Staff Report**

**Reviewer:** Miriam Bader

**Date:** May 30, 2014

**A. APPEAL INFORMATION**

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**Appeal No.:** CPV-2014-05

**Hearing Date:** June 5, 2014

**Petitioner:** Yaris U. Reyes Carbajal

**Address:** 5926 Bryn Mawr Road

**Election District:** 3

**Subdivision:** College Park Estates

**Neighborhood Association:** College Park Estates Civic Association

**Zoning:** R-55

**Purpose of Request:** The applicant proposes to install a 6-foot high, wooden, fence on a corner lot to protect his children and pets.

**Requirements:** Prince George's County Zoning Ordinance Section 27-420 (a) "In the case of a corner lot consisting of one (1) acre or less, fences in the front yard or side yard shall not be more than four (4) feet high unless a variance is approved by the board of Appeals." The front of the lot for a corner lot is defined as "The Shortest Lot Line that abuts a street." In this case, the front lot line runs along Edmonston Avenue.

**Request:** 1. A variance of 2 feet from the maximum height of 4 feet.

**Property Characteristics:** 1. The property is a corner lot.  
2. The property is triangular in shape.

**Neighborhood Characteristics:** 1. The surrounding neighborhood is zoned R-55 and is single-family residential in character.

- Other Information:
1. The County's Ordinance defines the proposed fence as a front yard fence and therefore cannot exceed 6 feet in height.
  2. The City Code does not consider the proposed fence a front yard fence; therefore a variance is not needed from the City Code.
  3. Edmonston Avenue is a very busy road that adjoins Kenilworth Avenue and has no residential housing on the east side.

## **B. CRITERIA FOR GRANTING A VARIANCE**

1. **Property has exceptional narrowness, shallowness, or shape, exceptional topographic conditions or other extraordinary situations or conditions.**

The property has an exceptional shape in that the property is a triangular shaped corner lot along a busy street. In addition, the property has an extraordinary situation. The owner has filed two police reports for theft: one, when his storage shed was broken into and two, when his van was stolen. The applicant wants to protect his property. Moreover, the applicant 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.

2. **The strict application of the County Zoning Ordinance will result in peculiar and unusual practical difficulties to, or exceptional or undue hardship upon the property owner.**

Denial of the variance will result in an undue hardship to the owner by preventing him from adequately protecting his child, his pet and his property.

3. **The variance will not substantially impair the intent, purpose or integrity of any applicable County General Plan or County Master Plan.**

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.

## **C. RECOMMENDATION**

Staff recommends approval of variance CPV-2014-05 to permit a variance of 2 feet from the maximum height of 4 feet.

**D. EXHIBITS**

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1. Application
2. Site Plan
3. Location Map
4. Zoning Map
5. Footprint Map
6. Staff Photos



APPLICATION FOR VARIANCE FROM  
 THE STRICT APPLICATION OF THE  
 CITY OF COLLEGE PARK BUILDING CODE

Instructions: Please Print or Type. All required information must be provided before an application is accepted for processing. An appointment with the City Planning Staff must be made to review the application prior to acceptance. Please call (240) 487-3538 to schedule an appointment. The following items must accompany the application: 1) an accurate plat or site plan drawn to scale that, includes all existing structures, driveway and additions; 2) filing fee or financial hardship waiver request.

OWNER INFORMATION

Name of Property Owner (s) Yanis V. Reyes Cardenal

Address of Property 5926 Bryn Mawr rd College Park MD 20740

Do you reside in the property?  Yes  No

If no, provide home address \_\_\_\_\_

Telephone 240 464-7499 Fax 301 486-1066 E-mail Yanisreyes10@gmail.com

Name of Agent/Representative (if any) \_\_\_\_\_

Address \_\_\_\_\_ Telephone \_\_\_\_\_

Have you applied for and been denied a permit?  Yes  No

Have you received a violation notice?  Yes  No If yes, date of notice \_\_\_\_\_

Has property been the subject of a previous appeal or zoning application?  Yes  No

If yes, provide case number(s) and dates \_\_\_\_\_

DESCRIPTION OF PROPERTY

<u>3300</u>	<u>1</u>	<u>1A</u>	<u>0000</u>
Subdivision	Lot	Block	Parcel

Zoning \_\_\_\_\_ Total Area (Sq ft) 12,176 sf.

Civic Association Name \_\_\_\_\_

VARIANCE REQUEST

List each required variance on a separate line and cite the section of the Fence Ordinance from which the variance is requested.

- 1) Variance from Section 27-420 Fences (in front yard)
- 2) Variance from City code 87-23 Fences
- 3) \_\_\_\_\_

**PURPOSE OF VARIANCE**

Describe what you propose to do and why you need a variance.

Erect a 6' foot high fence to protect my property, my children and my pets.

**IN ORDER FOR A VARIANCE TO BE GRANTED, ALL OF THE FOLLOWING CRITERIA MUST BE MET. PLEASE INDICATE HOW YOU COMPLY WITH EACH OF THESE.**

**Criteria #1. There is an extraordinary situation or condition that would support the request for a variance.** (Describe any special conditions and/or circumstances which are peculiar or unique to the property and, that are not characteristic of other property in the neighborhood.)

Shape of the lot  
Lot is in the intersection Edmonston and Bryn Mawr rd. Majority of the lot considered a front yard for fence purposes.

**Criteria #2. Denial of the variance would result in a peculiar and unusual practical difficulties to, or exceptional or undue hardship to the owner.** (The property owner is deprived of property rights commonly enjoyed by neighboring property owners because of the property's unusual features or conditions ). Hardship cannot be self-imposed.

There is a crime problem in this area. We have numbers of police reports for this property which indicates people have broke into the shed on the property. Also our dog, was killed due to running out on the street and we have a two years old child we want to protect. Edmonston Ave is a very busy street. And things has been stolen from our storage.

Police report # CCP 07-287-0513 - ~~was stolen~~ storage.  
08-360-0594 - ~~storage~~ - van stolen

**Criteria # 3. Granting the variance will not impair the intent, purpose or integrity of any applicable County General Plan or County Master Plan.** (Granting of the variance will not be in conflict with the public interest as requested in these plans).

Health safety & general welfare are important values that should be protected. The purpose of the 6' ft fence is for the health safety & general welfare of the homeowner's family, pets and possessions. There are other 6' ft high fences in the area (neighborhood). If the variance is granted it will not be out of character with the area.

**Criteria #4. The variance is consistent with the design guidelines adopted for the Historic District, if applicable.** (The Design Guidelines for the Old Town College Park Historic District provide guidance on fence materials, design and placement).

N/A.

**Criteria #5. The variance will not adversely affect the public health, safety, welfare or comfort.** (Granting of the variance will not prevent the rapid, free and unobstructed access to residences by emergency vehicles, personnel and equipment).

Granting the variance will not prevent the rapid access by emergency vehicles. We have a driveway and a large front yard that will not be fence.

**Criteria #6. The fence for which a variance is requested incorporates openness and visibility as much as is practicable, provided however, that it shall not be constructed of chain link.**

The front of the house will not be obstructed by the fence. We will not use a chain link fence.

Criteria #7. The proposed construction, including setbacks, is characteristic of and consistent with the surrounding neighborhood. (Granting of the variance will not detract from the alternatives and comfort of the residential district and will not detract from an area that is generally pleasing to the eye).

The fence will be of similar height and materials  
to other fences in the area.

**NAMES & MAILING ADDRESSES OF ALL ADJOINING PROPERTY OWNERS**

(These include properties located on either side, behind and across the street from your property).

- |    |                                   |                                |                                      |
|----|-----------------------------------|--------------------------------|--------------------------------------|
| 1- | 5923 Bryn Mawr Rd<br>College Park | Francisco Green<br>Frank Green | 5923 Bryn Mawr Rd<br>College Park MD |
| 2- | 5921 Bryn Mawr Rd<br>College Park | Nam Sun Wang                   | 5921 Bryn Mawr Rd<br>College Park    |
| 3- | 5924 Bryn Mawr Rd<br>College Park | Stacy Patterson                | 5924 Bryn Mawr Rd<br>College Park MD |
| 4- | 5919 Bryn Mawr Rd<br>College Park | Jim                            | 5919 Bryn Mawr Rd<br>College Park MD |

Property Address                      Owner's Name                      Owner's Address

Yanis Reepz  
 Signature of Applicant(s)

05/09/2014  
 Date

5122



**Prince George's County**  
 Department of Permitting, Inspections and Enforcement  
**PERMITTING AND LICENSING DIVISION**  
 Permitting Center  
 9400 Peppercorn Place, 1st Floor  
 Largo, Maryland 20774  
 (301) 883-5900 ♦ FAX: (301) 883-7138  
 (Please Do NOT Write in the Shaded Areas.)



**APPLICATION FOR BUILDING PLAN EXAMINATION AND PERMIT**

Case Number: <b>33546</b>	Year: <b>2013</b>	Type: <b>RW</b>	Rev.: <b>00</b>	Date: <b>9/24/13</b>				
Site Information	Land Tax Account: <b>2314029</b>	Election District:	Lot:	Block:	Parcel:	Tax Map:	Grid:	Zone:
Address: <b>5926 Bryn Mawr rd</b>	Suite/Unit:	Liber:	Folio:	SCD:	PLAT:			
City/Town/State/ZIP: <b>College Park MD 20740</b>	Subdivision: <b>20740</b>	Referenced Permit Number:						

<b>WORK DESCRIPTION</b>	<b>EXISTING SITE USE</b>
<b>New fence</b>	<b>old fence SFD</b>
	<b>PROPOSED USE</b>
	<b>Child safety and privacy SFD</b>

<b>PROPERTY OWNER INFORMATION</b>	<b>WORK SIZE DESCRIPTION &amp; TOTAL AREA</b>		
Company Name: <b>Yanis V. Reyes Cardenal</b>	Height (ft)	Width (ft)	Depth or Length (ft)
Name: <b>5926 Bryn Mawr Rd</b>	Total Site Area	Disturbed Area	Floor Area
Address:	Est. Construction Cost: <b>\$ 2500-3500</b>		
City/State/ZIP: <b>College Park MD 20740</b>	<b>Water Services</b>	<input type="checkbox"/> WSSC	<input type="checkbox"/> Well <input type="checkbox"/> City
Telephone: Home/Office Cell <b>240 464 7499</b>	<b>Sewer Services</b>	<input type="checkbox"/> WSSC	<input type="checkbox"/> Septic <input type="checkbox"/> City
E-mail:	<b>Water &amp; Sewer Category</b>	<input type="checkbox"/> 3	<input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> 6
	<b>Sewer Service Category</b>	<input type="checkbox"/> 3	<input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> 6

<b>U&amp;O OCCUPANT'S INFORMATION</b>	<b>CONTRACTOR'S INFORMATION</b>
Company Name:	License Type & Number: <b>None done</b>
Trade Name:	Company Name:
Name:	Owner's Name:
Address:	Address:
City/State/ZIP:	City/State/ZIP:
Telephone: Office Cell FAX	Telephone: Office Cell FAX
E-mail:	E-mail:

<b>APPLICANT'S INFORMATION</b>	<b>ARCHITECT'S/ENGINEER'S INFORMATION</b>
Company Name:	Company Name:
Name: <b>Yanis V. Reyes Cardenal</b>	Name:
Address: <b>5926 Bryn Mawr rd</b>	Address:
City/State/ZIP: <b>College Park MD 20740</b>	City/State/ZIP:
Telephone: Office Cell <b>240 464 7499</b>	Telephone: Office Cell FAX
E-mail:	E-mail:

FOR OFFICE USE ONLY			
	Reviewer	Date	
M-NCPPC			Fire Eng.
Site/Road Eng.			Mechanical Eng.
Structural Eng.			Health
Electrical Eng.			Issuance

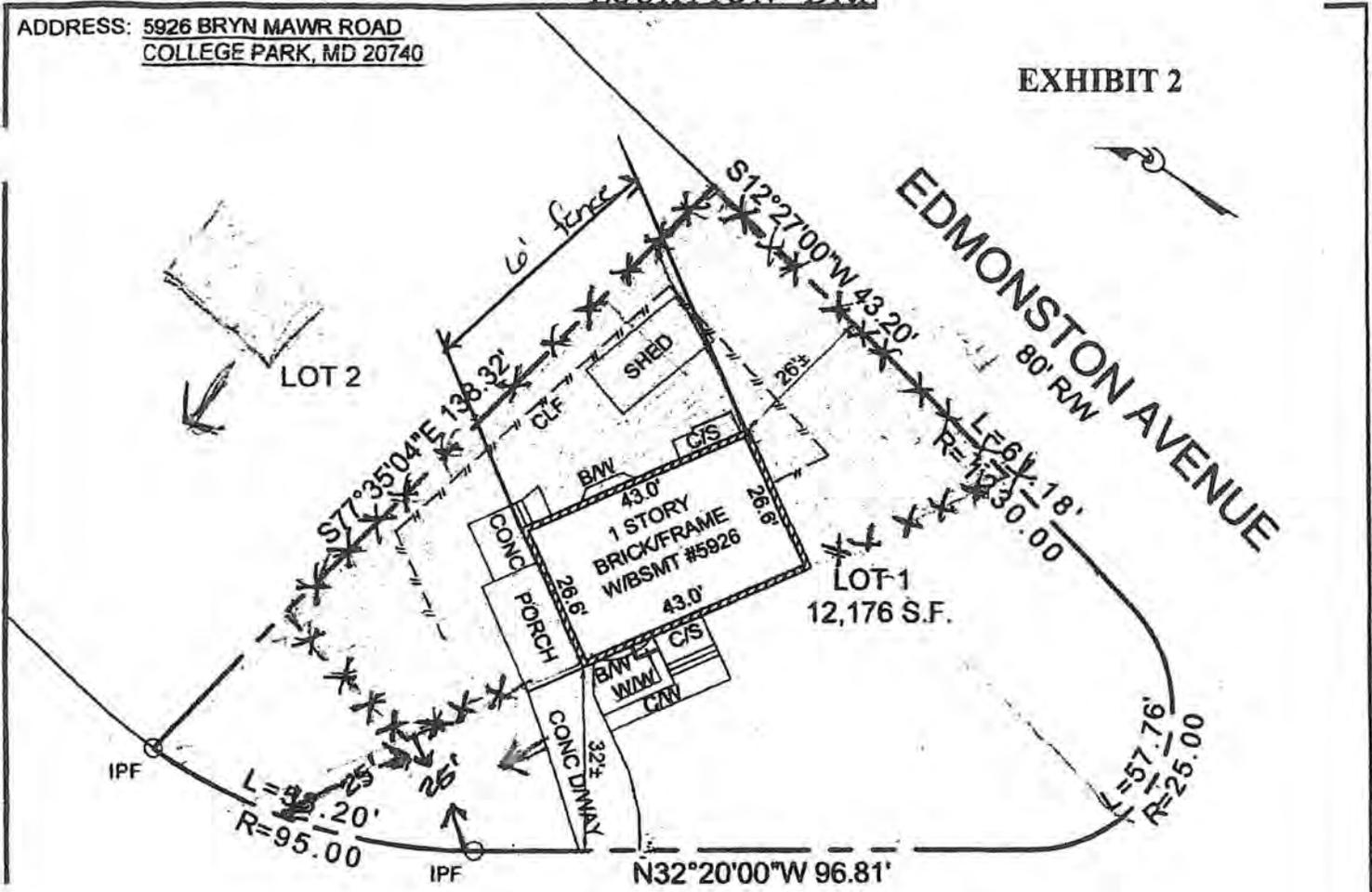
I hereby certify that I have the authority of the property owner to make this application and that the information is complete and correct, and if a permit is issued, the construction and/or use will conform to the Building Code, the Zoning Ordinance, municipal and local covenants, homeowners'/civic association regulations, and other applicable laws and regulations including private building restrictions, if any, which relate to the property.

Applicant Signature: *Yanis V. Reyes Cardenal* Date: 9/24/13 Permit Specialist: *[Signature]*

LOCATION DRA

ADDRESS: 5926 BRYN MAWR ROAD  
COLLEGE PARK, MD 20740

EXHIBIT 2



BRYN MAWR ROAD

50' RW



NOTES:

1. THIS LOCATION DRAWING IS OF BENEFIT TO A CONSUMER ONLY IN SO FAR AS IT IS REQUIRED BY A LENDER OR A TITLE INSURANCE COMPANY OR ITS AGENT IN CONNECTION WITH CONTEMPLATED TRANSFER, FINANCING OR REFINANCING.
2. THIS LOCATION DRAWING IS NOT TO BE USED FOR BUILDING OF FENCES OR OTHER IMPROVEMENTS.
3. THIS LOCATION DRAWING IS NOT TO BE RELIED UPON FOR THE ACCURATE IDENTIFICATION OF PROPERTY BOUNDARY LINES, BUT SUCH IDENTIFICATION MAY NOT BE REQUIRED FOR THE TRANSFER OF TITLE OR SECURING FINANCING OR REFINANCING.
4. LEVEL OF ACCURACY IS 2'±.

DRAWN BY: EF

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I HAVE SURVEYED THE PROPERTY SHOWN HEREON FOR THE PURPOSE OF LOCATING THE IMPROVEMENTS ONLY, AND THE PROPERTY CORNERS HAVE NOT BEEN ESTABLISHED OR SET, UNLESS OTHERWISE NOTED. WE ASSUME NO RESPONSIBILITY, OR LIABILITY FOR ANY RIGHT-OF-WAYS ON THE RECORD OR EASEMENTS RECORDED OR UNRECORDED NOT APPEARING ON THE RECORDED PLAT OR MENTIONED IN THE DEED REFERED TO HEREON. NO TITLE REPORT WAS FURNISHED.

LAND PRO ASSOCIATES, LLC.

9900-E GREENBELT ROAD SUITE 334  
LANHAM, MD 20708  
PHONE 301-368-1944  
FAX 301-794-8761  
LANDPRO@MAIL.COM

LOCATION DRAWING  
COLLEGE PARK ESTATES  
LOT 1 BLOCK 1-A  
BOOK 6989 PAGE 440  
PLAT BOOK 33 PAGE 81  
PRINCE GEORGE'S COUNTY, MARYLAND  
SCALE: 1" = 30'      DATE: 4/22/13

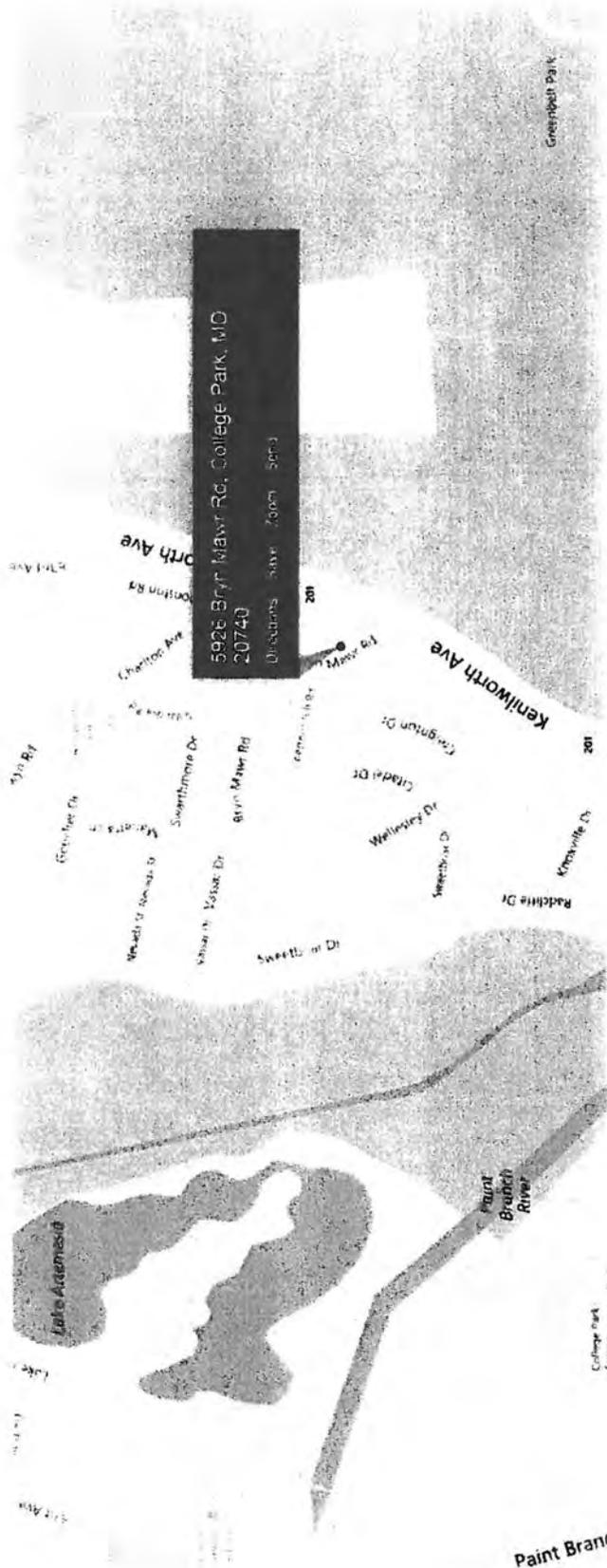
*Handwritten signature: Frank K. Degee*      4/23/13

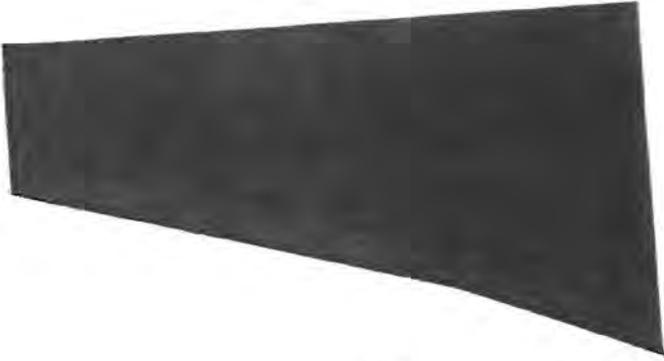
PROFESSIONAL SEAL

DATE

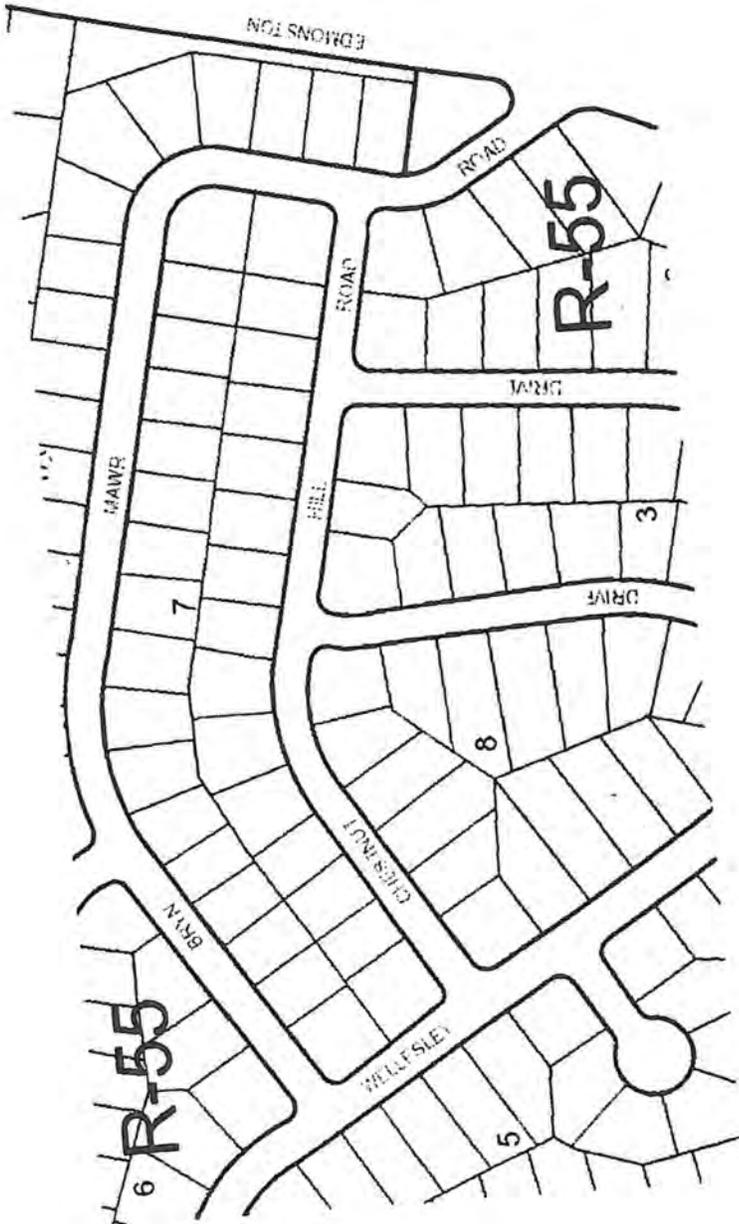
FILE: 46926 BRYN MAWR ROAD

CASE: # MD12-2508





MARYLAND

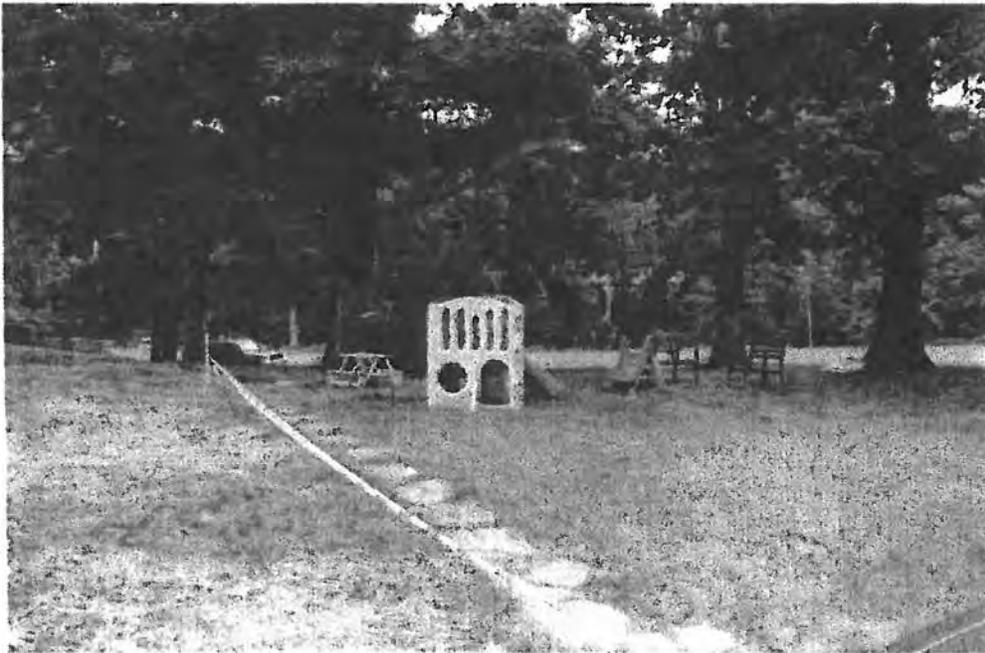




## EXHIBIT 6: Staff Photos



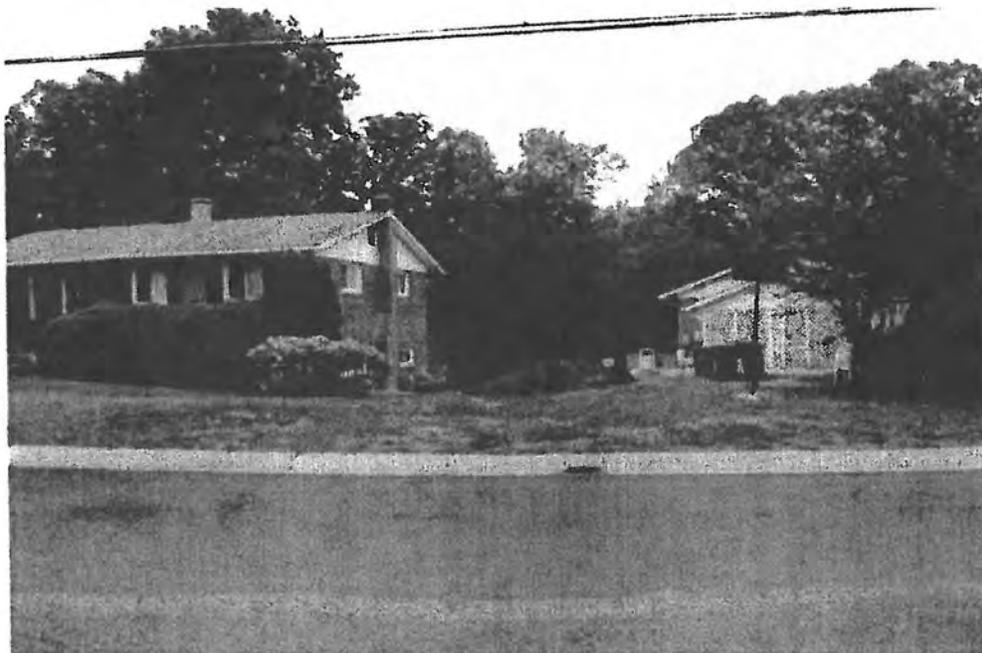
**A: Subject Property at 5926 Bryn Mawr Road**



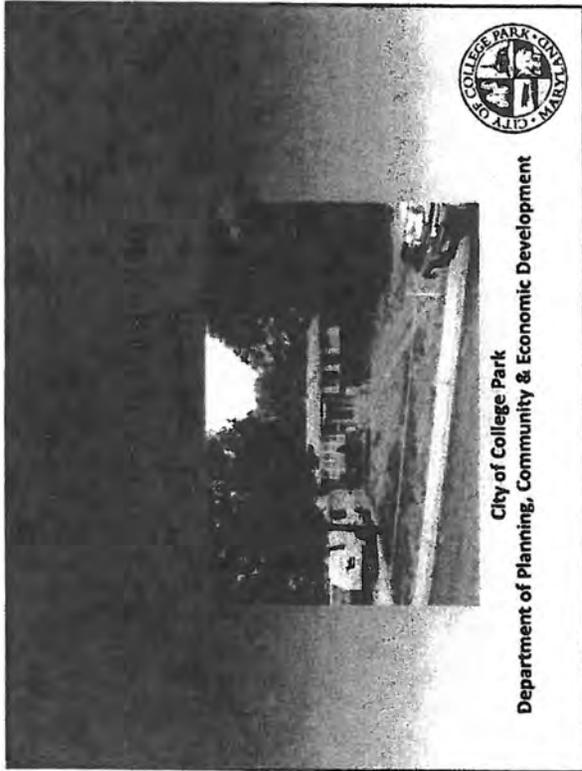
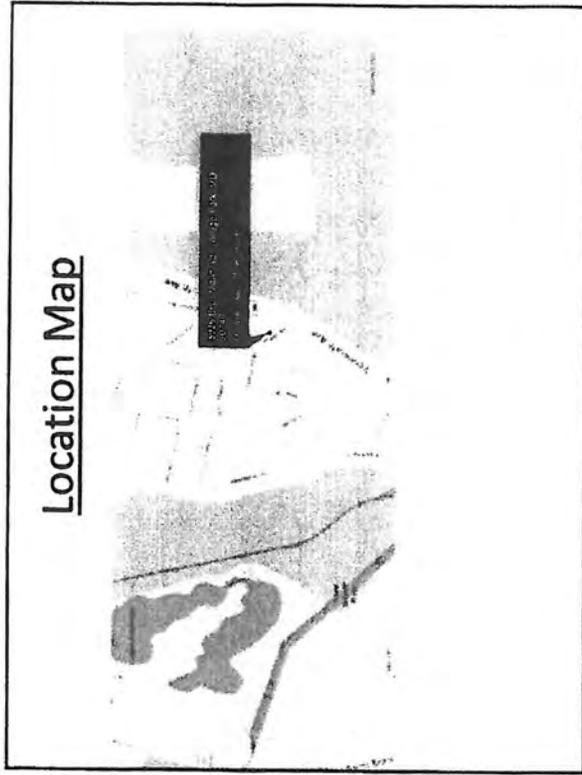
**B: East side of property looking towards Edmonston Avenue**

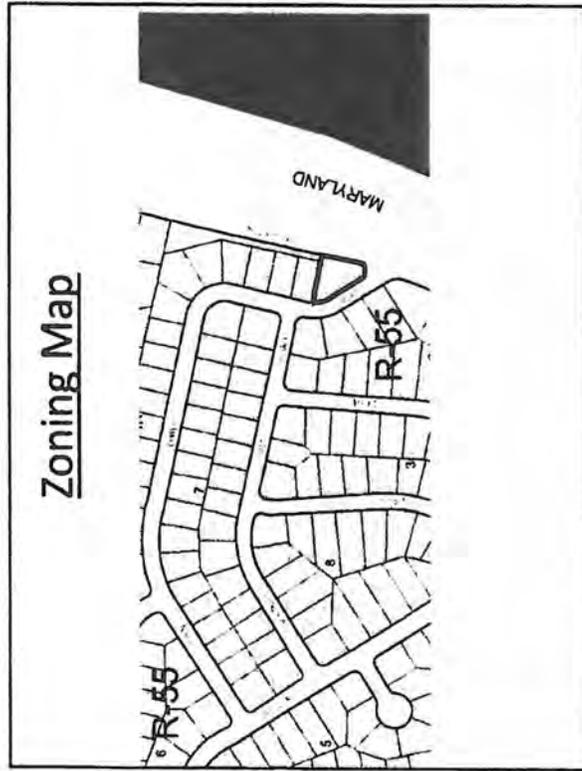


**C: Edmonston Avenue from property**



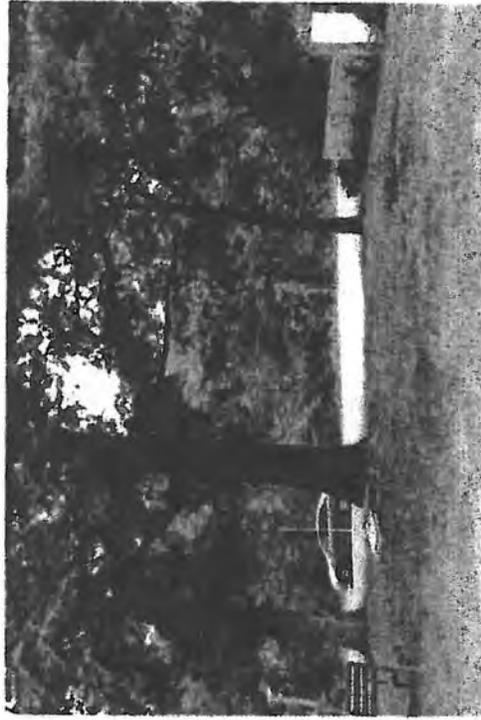
**D: Northside neighboring property on left of photo**







Edmonston Ave from property



East Side of Property towards Edmonston



Northside, neighboring property on left



### Zoning Ordinance Requirements

Prince George's County Zoning Ordinance  
Section 27-420 (a) "In the case of a corner lot  
consisting of one (1) acre or less, fences in the  
front yard or side yard shall not be more than  
four (4) feet high unless a variance is approved  
by the Board of Appeals."

The front of the lot for a corner lot is defined as  
"The Shortest Lot Line that abuts a street." In  
this case, the front lot line runs along  
Edmonston Avenue

### Specific Variance Requests

1. A variance of 2 feet from the maximum height of 4 feet.

### Criteria for Granting a Variance

#### **1. Exceptional or extraordinary conditions**

- Exceptional shape-Triangular shaped, corner lot
- Edmonston Ave. is a very busy road
- Previous dog was killed when it ran out into the road.
- The applicant wants to protect his 2 year old child and pets.
- Been the victim of two thefts from property-want fence to protect property

Criteria for Granting a Variance

- 2. Strict application results in peculiar & unusual practical difficulty or undue hardship**
  - Denial would prevent owner from adequately protecting his child, pet and property.

Criteria for Granting a Variance

- 3. Granting variance shall not impair intent, purpose or integrity of Master Plan**
  - Purpose of 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, fence will serve to deter criminal activity, protect the property owner's personal property and prevent trespassing.

Recommendation

Staff recommends approval of variance CPV-2014-05 to permit a variance of 2 feet from the maximum height of 4 feet.

Staff recommends that the APC accept the Staff report and Staff PowerPoint presentation into the record.

1  
2 **TRANSCRIPT OF PUBLIC HEARING**

3 **COLLEGE PARK ADVISORY PLANNING COMMISSION**

4 **CPV-2014-05: Variance to erect a 6-foot-high fence in the front yard**

5 **Applicant: Yaris U. Reyes Carbajal**

6 **Location: 5926 Bryn Mawr Road**

7 **Date: June 5, 2014**

8 **Present: Commissioners: Mary Cook, Chair, Lawrence Bleau, James**  
9 **McFadden, Christopher Gill; Planning Staff: Miriam Bader and**  
10 **Theresheia Williams; Attorney: Sue Ford**

11 Public Hearing was called to order at 7:35 p.m.

12 **Mary Cook:** The planning staff will be sworn in and present their staff report. We will  
13 then take testimony from the applicant and anyone else who has signed up to speak. Please  
14 state your name and address for the record.

15 **Miriam Bader:** Miriam Bader, Senior Planner, 4500 Knox Road, College Park, MD.

16 **Mary Cook:** Do you promise to speak truthfully in the testimony you are about to give?

17 **Miriam Bader:** Yes.

18 **Mary Cook:** Okay, you may proceed.

19 **Miriam Bader:** The applicant is requesting a variance of 2 feet from the maximum height  
20 of 4 feet to install a 6-foot high, wooden fence. In terms of exceptional or extraordinary  
21 conditions, there is an exceptional shape in that the property is a triangular shaped corner  
22 lot along a busy street. Edmonston Avenue is a very busy road. When I was there it seems  
23 that vehicles were driving above the speed limit because it's very linear and it has wide  
24 right-of-ways. The applicant has a two year old child and a dog that he wishes to protect  
25 from running into the busy street. The applicant previously had two dogs that were killed  
26 when they ran out into the road. They now have another pet and would like to avoid the

1 same thing happening again. The owner has filed two police reports for theft: one, when  
2 his storage shed was broken into and two, when his van was stolen. They have included  
3 the crime reports as part of their application. For the second criteria, the strict application  
4 of the County Zoning Ordinance will result in peculiar and unusual practical difficulty or  
5 undue hardship. The denial of the variance will result in an undue hardship to the owner by  
6 preventing him from adequately protecting his child, pet and property. Granting the  
7 variance will not impair the intent, purpose or integrity of the Master Plan. The purpose of  
8 the fence is to protect the privacy and the public health, safety, welfare and comfort of the  
9 applicant by preventing accidents that can be caused by children and pets running from the  
10 property into the street. Also, the fence will serve to deter criminal activity, protect the  
11 property owner's personal property and prevent trespassing. Staff recommends approval of  
12 variance CPV-2014-05 to permit a variance of 2 feet from the maximum height of 4 feet.  
13 Staff recommends that the APC accept the staff report and PowerPoint presentation into the  
14 record.

15 **Mary Cook:** Thank you Ms. Bader. Does anyone have questions for staff?

16 **James McFadden:** Without trying to drag this out, what is the difference between the City  
17 and County criteria for a fence variance?

18 **Miriam Bader:** Okay, this is the key point. When we looked at this, we thought it was a  
19 variance from the City's fence ordinance, however, we don't define Edmonston Avenue as  
20 the front yard. So it's not the front yard as defined in the City's fence ordinance. The  
21 County's Ordinance defines the proposed fence along Edmonston Avenue as a front yard  
22 fence and therefore it cannot exceed 4 feet in height. We actually had to change it from a  
23 fence request under the City code to a variance request under the County code.

24 **James McFadden:** Okay.

25 **Christopher Gill:** So that is just a technicality caused by the way the City and County  
26 define front yards differently?

1 **Miriam Bader:** Right.

2 **Lawrence Bleau:** I believe the City Fence Ordinance allows a fence in the side and rear  
3 yards and only to the front build-to-line of the adjacent property. Is that correct?

4 **Miriam Bader:** Right.

5 **Lawrence Bleau:** Which is why this setback on the left side of the site plan is 25 feet from  
6 the right-of-way and it's to the front build-to-line of the house all the way to the edge of  
7 what the City considers the side yard.

8 **Miriam Bader:** Right. Since it's set back 25 feet then they meet the City's requirements.

9 **Lawrence Bleau:** So this is solely a County Ordinance?

10 **Christopher Gill:** So the proposed fence would be where the X's are marked on the site  
11 plan?

12 **Miriam Bader:** Yes in yellow.

13 **Christopher Gill:** So what is this 6-foot fence extending back from the house?

14 **Miriam Bader:** The applicant called me today, because she didn't want any confusion.  
15 When she went to the County, they said she could only put her fence there without the  
16 variance.

17 **Christopher Gill:** Okay, so that's what the County says that you could do without any  
18 variances and the yellow X's is what she wants to do?

19 **Miriam Bader:** Yes, and we don't define it as the front yard because she is 25 feet back.  
20 In terms of Edmonston Avenue, no because her house fronts this way, so it's just the  
21 County issue. They allow the fence, but they just restrict it to 4 feet.

22 **Mary Cook:** Does the City Code supersede the County's code?

23 **Lawrence Bleau:** It is more restrictive.

24 **Christopher Gill:** The City Code can't allow what the County would deny?

25 **Miriam Bader:** She meets the City Code. The only part of the County Code she doesn't  
26 meet is that they would restrict the height to 4 feet.

1 **Lawrence Bleau:** But the County Code doesn't say anything about openness, visibility  
2 and all of that.

3 **Miriam Bader:** Right.

4 **Lawrence Bleau:** So we have no basis to request particular materials or design?

5 **Miriam Bader:** Right.

6 **Sue Ford:** You can always add reasonable conditions to a variance if you feel that is  
7 appropriate.

8 **Mary Cook:** Okay. I would like to swear all of you in, could you state your name and  
9 address for the record?

10 **Heisy Garcia:** My name is Heisy Garcia and my address is 5926 Bryn Mawr Road,  
11 College Park, MD. 20740

12 **Mary Cook:** Okay.

13 **Yaris Reyes:** Yaris Reyes, I live at 5926 Bryn Mawr Road, College Park, MD.

14 **Mary Cook:** Okay, and you sir?

15 **Moises Garcia:** Moises Garcia, 5916 Bryn Mawr Road, College Park, MD.

16 **Mary Cook:** Okay, and you sir?

17 **Stacey Patterson:** Stacey Patterson, 5924 Bryn Mawr Road, College Park, MD.

18 **Mary Cook:** Thank you all for waiting. Okay, can we hear from the applicant?

19 **Heisey Garcia:** We purchased the house last year. We are a young couple with a growing  
20 family. Last year we went to the County and they denied our plans saying that the front  
21 yard did not meet their criteria to install the fence in the location we wanted. So I came to  
22 the City to speak with someone there to help me. They told me that the only way to install  
23 the fence in the location I wanted was to obtain a variance. So we started the variance  
24 process. I have a two-year-old son and we also have another dog that we want to protect  
25 from running into the street. We need the front yard secure for my son, it's not safe for  
26 him. We have had robberies and two of our dogs were killed from running in the street.

1 We will comply with all the County and City Codes. We just want to protect our family  
2 and pets and enjoy our home because at this point, we're not able to.

3 **Mary Cook:** Does anyone else have anything else to add?

4 **Yaris Reyes:** Yes. There is a bus stop close to the house and people walk through our  
5 yard. The fence would help with the privacy.

6 **Mary Cook:** Anybody else?

7 **Moises Garcia:** People walk on the street during the night time and throw beer bottles and  
8 trash onto our property.

9 **Mary Cook:** And you sir, would you like to add anything?

10 **Stacey Patterson:** Yes. I want it to be known that I am not opposed to the fence. I hope  
11 that we can all work selflessly to ensure the property values while edifying our community.  
12 I want to make sure that when the fence goes up, that it's not a makeshift fence. We have  
13 that in our neighborhood already, and it tears down the property values. I would like for  
14 the fence to be installed professionally and be attractive. Also, if the fence is located on the  
15 property line, when there are repairs or maintenance to the fence, it would be an intrusion  
16 or there would be trespassing on my side in order for them to repair their fence. I can  
17 understand them wanting to take full advantage of their property, but then it would be a  
18 disadvantage to me if they have to come onto my property to do any type of repairs. If it is  
19 a wooden fence, of course, there are going to be extensive repairs and painting involved. I  
20 don't think it would be right for anyone to have to come onto my property to have to do so.  
21 If they do put a fence up, let it be at least two or three feet away from the property line so  
22 that they will be able to do any maintenance to the fence. That is my concern.

23 **Mary Cook:** Okay, thank you.

24 **Yaris Reyes:** If we do build the fence, we are planning to leave a space to walk around,  
25 maybe two or three feet.

1 **Heisy Garcia:** Does the City or County have any particular laws for where the fence  
2 should be installed?

3 **Christopher Gill:** That was actually my questions also. The positioning of the fence is  
4 not covered by the City's fence ordinance. Building this fence at this height, in the location  
5 they want it, under the City's fence ordinance would be okay?

6 **Miriam Bader:** Right, it complies.

7 **Christopher Gill:** So all of the material, visibility and other stuff is still covered by the  
8 fence ordinance?

9 **Miriam Bader:** No, that's when they request a fence variance from the City code.

10 **Christopher Gill:** That's why I asked.

11 **Lawrence Bleau:** That's only for the City's fence Ordinance.

12 **Christopher Gill:** So there is no additional requirement for material, visibility and all  
13 that?

14 **Lawrence Bleau:** You can add reasonable conditions.

15 **Christopher Gill:** Okay, but it is not in there by default?

16 **Miriam Bader:** Right. If they want a fence variance, then they have to meet those set of  
17 criteria.

18 **Sue Ford:** Would it be helpful to know what materials the applicant is proposing to use to  
19 construct the fence?

20 **Heisy Garcia:** We have already purchased some materials. It will be a wood fence,  
21 board-on-board material.

22 **Lawrence Bleau:** Not stockade?

23 **Heisy Garcia:** No.

24 **Christopher Gill:** Why six feet and not four feet?

25 **Mary Cook:** Yes, that's my big question.

1 **Heisy Garcia:** The property is not portioned well. It is not level at all. There is a hill and  
2 if we install a 4-foot fence, it will not cover anything. Our initial idea and the best for us  
3 would be to level the ground and then put the fence up. We wanted to level the ground and  
4 put up a fence to meet the criteria.

5 **Christopher Gill:** So the argument is that this will actually count as an exceptional  
6 condition. This is a topographical issue, which makes a 4-foot fence inadequate.

7 **Lawrence Bleau:** Why would it be inadequate? I understand the ground is lower, which  
8 means it is going to be easy to see the house from the street. But the purpose of the fence is  
9 to keep the pets and her child inside. A four-foot fence would do that. It will also keep  
10 away cut-through traffic.

11 **Heisy Garcia:** If the fence is only 4 feet, you are only seeing one foot, the difference of  
12 the fence. Regardless, it's not level. It's not a property that you can enjoy with your kids.  
13 Someone can jump the fence at 4 feet.

14 **Mary Cook:** I am kind of confused about that, who is going to jump the fence? I also live  
15 in a house where my fence is no higher than 4 feet. They can jump over it, if they can  
16 break-in, they can do a lot of different things.

17 **Stacey Patterson:** I can understand what they are saying. The backside of the house, up  
18 against my house, I don't see the purpose of 6 feet between my house and their home. But  
19 as it goes further to the back towards Edmonston Avenue, 6 feet would be justified there.  
20 But coming up between our homes, 6 feet would be an intrusion. They are saying how the  
21 ground is not level and it goes down. I can see them having 4 feet and as it goes back and  
22 going down the hill towards Edmonston Avenue, the fence would go higher to 6 feet.

23 **Christopher Gill:** So you are suggesting 6 feet along Edmonston Avenue and the rest at 4  
24 feet?

25 **Stacey Patterson:** Correct.

1 **Christopher Gill:** So it sounds like there are two separate arguments going on here.

2 There is an access issue, you don't want people coming in, and you don't want children and  
3 dogs leaving but there is also a privacy issue.

4 **Heisy Garcia:** Right.

5 **Christopher Gill:** So would 4 feet everywhere except Edmonston Avenue and then 6 feet  
6 on Edmonston Avenue, would that handle the arguments?

7 **Yaris Reyes:** We wanted to make it 6 feet all the way around the property.

8 **Christopher Gill:** Yes we get that, but would 6 feet on Edmonston Avenue only and 4  
9 feet everywhere else, would that work? We want to make the minimum variance that we  
10 can to satisfy the need.

11 **Yaris Reyes:** Yes, but we need the privacy because the neighbor house is close to our  
12 house.

13 **Stacey Patterson:** Because they are so close, 6 feet would be an intrusion to me.

14 **Lawrence Bleau:** Rather than an intrusion, would you say that a 6 foot fence in that  
15 location would be uncharacteristic of the neighborhood?

16 **Stacey Patterson:** You could say that as well. I don't see any other fences that are 6 feet.  
17 The applicant may have, but I haven't.

18 **Heisy Garcia:** We took pictures of our neighbor's fences and actually, they are more than  
19 6 feet. They are pretty old.

20 **Stacey Patterson:** Those are pre-existing fences.

21 **Lawrence Bleau:** Well we need to consider the conditions of this property.

22 **Mary Cook:** We have to go back to our three criteria.

23 **Lawrence Bleau:** I would like to make a suggestion. On the reasoning for Criteria #1, the  
24 sentence on the third line starting with "the owner" through the end of the paragraph, that  
25 actually is not a condition of the property.

26 **Christopher Gill:** That would be true.

1 **Lawrence Bleau:** It should be under Criteria #2.

2 **Miriam Bader:** You said under #1 for the criteria?

3 **Lawrence Bleau:** Yes, granting the variance, the third line where it starts "the owner has",  
4 that's not a condition of the property.

5 **Miriam Bader:** Oh okay.

6 **Lawrence Bleau:** So that through the end of the paragraph if it is included, should be  
7 under Criteria #2. Also, I would add onto Criteria #1 that the legal front of the property is  
8 an apparent side yard and the adjacent property to the applicant's yard is a rear yard. Those  
9 are two things that entered my mind that are unusual about this property.

10 **Sue Ford:** Did you want to add anything about the topography?

11 **Lawrence Bleau:** Thanks for reminding me. The topographical condition is that the  
12 property is at a lower level on the Edmonston Avenue side than it is on the Bryn Mawr  
13 Road side.

14 **Sue Ford:** Approximately three feet lower wasn't that the testimony?

15 **Lawrence Bleau:** Yes. I have a question for the applicant on the second criteria.

16 **Mary Cook:** Okay go ahead.

17 **Lawrence Bleau:** On the second criteria, we talked about unusual practical difficulty for  
18 you. If we did restrict the fence height on the Bryn Mawr Road side to 4 feet, what type of  
19 hardship or unusual practical difficulty would that present?

20 **Heisy Garcia:** We would not have protection for our pets or the property because  
21 anybody can jump the fence and come in the yard.

22 **Lawrence Bleau:** The occurrences on your property, have they been from Edmonston  
23 Avenue or Bryn Mawr Road?

24 **Heisy Garcia:** From Edmonston Avenue.

25 **Lawrence Bleau:** Okay. So if you have a 6-foot fence along there, it addresses those  
26 occurrences.

1 **Heisy Garcia:** Yeah we understand, but it is just odd having 4 feet some places and 6 feet  
2 in other places. We wanted it even all the way around.

3 **Lawrence Bleau:** It wouldn't be a change in the height of the fence. You would have the  
4 fence the same height the entire way, but the ground slopes off, which mean it would be a 6  
5 foot high measured from the ground on the backside, which is where you want it and 4 foot  
6 high in the front and would still have a very aesthetic look.

7 **Mary Cook:** Yes, that makes more sense.

8 **Stacey Patterson:** Yes, precisely.

9 **Yaris Reyes:** The neighbor would still be able to look into my property. I need my  
10 privacy. I see other homes in the neighborhood with 6-foot fences.

11 **Lawrence Bleau:** What's happening is that we are shifting the focus from safety to  
12 privacy. If it's a safety argument, than it could fall under unusual practical difficulty. If  
13 it's a privacy argument, that's an inconvenience. It doesn't rise to the same level.

14 **Yaris Reyes:** Someone could jump over the 4-foot fence.

15 **Mary Cook:** They could jump the 6-foot fence also.

16 **Christopher Gill:** The issue here is if 4 feet is still an effective deterrent? I mean clearly  
17 it's not a fortress, but 6 feet is not a fortress either.

18 **Miriam Bader:** If I can just add something. If we are justifying the 6 feet because of  
19 topography, because the grade changes by 3 feet, we don't have that same concern on the  
20 side. It drops off on the other side.

21 **Mary Cook:** Okay, we are going back to the criteria.

22 **Lawrence Bleau:** We have plenty on criteria #1.

23 **Mary Cook:** Okay, for criteria #2 they have two arguments. One is privacy and one is  
24 safety.

25 **Christopher Gill:** But only safety is articulated.

26 **Mary Cook:** Absolutely.

1 **Christopher Gill:** I am sold on that, I don't have an issue with that as a criteria.

2 **Lawrence Bleau:** Busy street, bus stop, people walking around regularly that's a good  
3 argument.

4 **Christopher Gill:** Reasonably undue hardship, I think that counts.

5 **Lawrence Bleau:** I am strongly leaning toward the restriction that would limit the size of  
6 the fence on the Bryn Mawr Road side to 4 feet and allow the variance of 6 feet to extend  
7 to the other part of the property.

8 **Christopher Gill:** When you say the Bryn Mawr Road side what are you talking about,  
9 because there are four sides?

10 **Yaris Reyes:** We didn't have any problem when we went to the County to install a 6-foot  
11 fence on Bryn Mawr Road. The problem was with the fence on Edmonston Avenue.

12 **Lawrence Bleau:** Okay, what I am hearing from the applicant is that under the County  
13 Ordinance, there is nothing to restrict them from putting a 6-foot fence on the Bryn Mawr  
14 Road side.

15 **Sue Ford:** Staff needs to determine what is the front yard and side yard.

16 **Miriam Bader:** The County definition is that the front yard is Edmonston Avenue. The  
17 County restricts it to 4 feet on the Edmonston Avenue side; the other sides are not  
18 restricted.

19 **Sue Ford:** So from the County definition, they only need a variance for the Edmonston  
20 Avenue side?

21 **Miriam Bader:** Yes.

22 **Christopher Gill:** So no variance is needed for a 6 foot fence along the entire adjoining  
23 property line and the section in the front, because the County considers that to be the back  
24 yard. Is that correct?

25 **Miriam Bader:** Correct.

1 **Christopher Gill:** So a fence along the property line under the County Code could be 6  
2 feet all the way to Edmonston Avenue?

3 **Lawrence Bleu:** No. You see the line drawn from the side of the house towards  
4 Edmonston Avenue, that's the build-to-line of what the County calls the front.

5 **Christopher Gill:** Okay.

6 **Lawrence Bleu:** And what they need a variance for is to have it 6 feet beyond that to  
7 Edmonston Avenue.

8 **Sue Ford:** So what they are really asking for to be clear is a variance to have a 6 foot  
9 fence from where the end of the square is in the rear of the yard, where it says 6 foot fence  
10 with an arrow, and from that line the second X in the rear yard to Edmonston Avenue all  
11 the way along the Edmonston Avenue line is that the only place where a variance is  
12 required?

13 **Lawrence Bleu:** And to the front corner of the house.

14 **Sue Ford:** Okay. So that's official. Staff can you confirm that orally please?

15 **Miriam Bader:** Yes.

16 **Sue Ford:** So from the second X in the rear yard, to the Edmonston Avenue line, all the  
17 way across the Edmonston Avenue line and from the Edmonston Avenue line and across  
18 the corner of the house. That's the requested variance for the 6 feet?

19 **Miriam Bader:** Correct

20 **Sue Ford:** Alright. So that's what you need to address.

21 **Lawrence Bleu:** That simplifies it.

22 **Christopher Gill:** That makes it a lot easier.

23 **Lawrence Bleu:** So it meets Criteria #1, Criteria #2, I think we can address that on safety  
24 concerns alone. The 4 feet will be inadequate to prevent intrusion into the property and the  
25 topography is lower. We can leave Criteria #3 alone. We can put conditions on this as  
26 well. I would like to suggest that the fence be installed with the finished side facing

1 outward. That way it would give a good appearance of the property to those passing by.  
2 Also, that it be placed inside the property line by at least a foot to permit the owner to  
3 maintain the fence. Are there any other conditions you think are reasonable for this  
4 situation?

5 **Miriam Bader:** Okay inside the property line by one foot on that side that is from lot 1 to  
6 lot 2 on Edmonston Avenue or just between the two?

7 **Christopher Gill:** Just between the two.

8 **Lawrence Bleau:** The reason is that you would not have to go onto your neighbor's  
9 property to maintain the fence.

10 **Yaris Reyes:** Is one foot adequate?

11 **Lawrence Bleau:** That's why I said by at least one foot. If in consultation with the  
12 company, they say you can't maintain with one foot, you need one and a half or two, adjust  
13 your plans and you won't have to come back here.

14 **Yaris Reyes:** We will probably do it at two feet so we can work around it.

15 **Sue Ford:** To be clear, you are agreeing to a two-foot setback from the property line?

16 **James McFadden:** May I make one comment before you go down this road; leave  
17 yourself enough room so that you are not trespassing as you are doing normal lawn  
18 maintenance. One foot is not enough with a lawn mower. So you are out there with a  
19 weedwacker trying to do it.

20 **Heisy Garcia:** Two will be enough.

21 **Sue Ford:** The applicant had presented testimony about the type of fence, a wooden  
22 board-on-board. Did you want to make that a condition or something along those lines as  
23 far as what type of material? It appears that the applicant had offered to make a wooden  
24 board-on-board fence.

25 **Mary Cook:** What's board-on-board?

26 **Lawrence Bleau:** Board-on-Board has the planks that are offset by one another in depth.

1 **Mary Cook:** Oh okay.

2 **Christopher Gill:** Okay, so it won't be like a solid wall?

3 **Lawrence Bleau:** The solid one is stockade fence. I restrict it from being stockade.

4 **Sue Ford:** So that would be a condition that it not be a stockade fence. Are you making a  
5 condition that it is board-on-board?

6 **Christopher Gill:** I think what we care about is that it's not just a solid wall.

7 **Mary Cook:** Yeah, we don't want a solid wall.

8 **Christopher Gill:** Board-on-board would be fine, or something else, just as long as it is  
9 not solid.

10 **Sue Ford:** So the condition that is being proposed is not a stockade fence?

11 **Mary Cook:** Right.

12 **Lawrence Bleau:** Now what do you want to say about the height? The height has nothing  
13 to do with the part that we are addressing in the variance. Anything else is to be worked  
14 out with the neighbor and we are not in a position to control that part.

15 **Sue Ford:** I don't know what you are talking about.

16 **Lawrence Bleau:** The four foot vs six foot.

17 **Sue Ford:** They are asking for a variance, not a six-foot fence.

18 **Miriam Bader:** Right, but just on Edmonston Avenue, he said can he adjust it on the other  
19 side.

20 **Sue Ford:** They don't need a variance for that.

21 **Lawrence Bleau:** That's what I was just saying. We can't put any condition on the other  
22 part of the fence because no variance is needed for that. Okay, I think that is the end of  
23 our conditions. I move to recommend approval.

24 **Christopher Gill:** I second that.

25 **Mary Cook:** Okay, all in favor of the motion. Aye.

26 **Christopher Gill:** Aye.

1 **Lawrence Bleau:** Aye.

2 **James McFadden:** Aye

3 **Mary Cook:** All opposed? Okay. Not hearing any opposition. Mr. Reyes here are some  
4 instructions on your next step and you can work with the staff if you have any questions.

5 **Lawrence Bleau:** You should also work with the neighbor.

6 **Heisy Garcia:** Thank you.

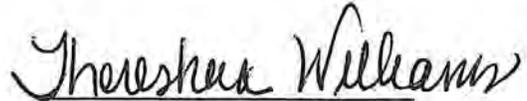
7 The public hearing adjourned at 8:30 p.m.

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CERTIFICATE OF TRANSCRIBER

I, Theresheia Williams, do hereby certify under the penalties of perjury that the foregoing transcript is a true and correct record, to the best of my knowledge, of the proceedings in the matter of 5926 Bryn Mawr Road, College Park, MD 20740, Case Number CPV-2014-05 heard by the Advisory Planning Commission of the City of College Park on June 5, 2014.



Theresheia Williams, Secretary  
City of College Park  
Advisory Planning Commission

# MINUTES

**MINUTES**  
**Special Session of the College Park City Council**  
**Council Chambers**  
**Tuesday, July 8, 2014**

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

**ABSENT:** None.

**ALSO PRESENT:** Joseph Nagro, City Manager; Janeen Miller, City Clerk; Suellen Ferguson, City Attorney; Bob Ryan, Director of Public Services; Bob Stumpff, Director of Public Works; Michael Stiefvater, Economic Development Coordinator; Steve Halpern, City Engineer; Terry Schum, Director of Planning; Miriam Bader, Senior Planner. Cole Holocker, Student Liaison.

During a regularly scheduled Worksession of the College Park City Council, a motion was made by Councilmember Mitchell and seconded by Councilmember Wojahn to enter into a Special Session to consider a piece of County legislation that is time sensitive. The motion passed 8 – 0 – 0 and the Council entered into a Special Session at 10:24 p.m.

**CB-42-2014 Single Family Neighborhood Stabilization Overlay Zone**

Terry Schum provided Council with an overview of County Bill CB-42-2014 which is scheduled for consideration at the PZED (Planning, Zoning and Economic Development) Committee hearing next Tuesday. Council is interested in the concept and believes the bill could have a benefit for the community, but there were many questions. Council entered into the Special Session with the intention of authorizing a letter to PZED with comments on the bill. After discussion about possible language for the letter, Council decided not to take any action or formal position on CB-42-2014 at this time.

**ADJOURN SPECIAL SESSION:** A motion was made by Councilmember Stullich and seconded by Councilmember Dennis to adjourn the Special Session, and with a vote of 8 – 0 – 0, Mayor Fellows adjourned the Special Session at 10:32 p.m.

**CONVENE SPECIAL SESSION:** A motion was made by Councilmember Day and seconded by Councilmember Wojahn to enter into a Special Session to authorize the City Manager to sign a Memorandum of Understanding with the State Highway Administration. The motion passed 8 – 0 – 0 and the Council entered into Special Session at 11:04 p.m. The possibility of this Special Session was listed on the Worksession agenda.

**14-G-71 Authorization for the City Manager to sign an MOU with State Highway Administration for the design of underground utilities on US 1 from MD 193 – College Avenue in an amount not to exceed \$300,000.**

City Attorney Ferguson stated that she has been in negotiations with the SHA on the MOU for the design of undergrounding utilities on US 1 and that the version in the confidential envelope is the latest that she submitted to SHA. Some of our changes were accepted but there is one significant change that they declined: they declined to include their intent to apply for a TIGER grant in this

MOU. They said the reason is that it was not a part of this agreement, which could imply that they were not going to guarantee that they would apply for a TIGER grant. Ms Schum said we received a separate letter from the SHA Administrator that said that while they cannot guarantee any funding for the undergrounding project, they would seek funding through future CTPs and through TIGER, so they did make reference to TIGER in that letter. Ms. Ferguson continued that we received clarification other matters – overhead from SHA is expected to be \$58,000, and they clarified what type of bicycle improvements would be on the roadways. She concluded that this is the best we are going to get from them.

**A motion was made by Councilmember Stullich and seconded by Councilmember Mitchell that the City Manager be authorized to sign the Memorandum of Understanding with State Highway Administration in substantially the form attached for the design of undergrounding utilities on US 1 from MD 193 to College Avenue in an amount not to exceed \$300,000.**

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

**The motion passed 8 – 0 – 0.**

**ADJOURN SPECIAL SESSION:** A motion was made by Councilmember Stullich and seconded by Councilmember Dennis to adjourn the Special Session. With a vote of 8 – 0 – 0, Mayor Fellows adjourned the Special Session at 11:06 p.m.

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Janeen S. Miller, CMC  
City Clerk

Date  
Approved

**MINUTES**  
**Public Hearing of the College Park City Council**  
**Tuesday, July 15, 2014**  
**7:00 P.M.**

**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.**

**PRESENT:** Mayor Fellows; Councilmembers Kabir, Brennan, Dennis, Hew (arrived 7:03 p.m.) and Mitchell.

**ABSENT:** Councilmembers Wojahn, Stulich and Day.

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

Mayor Fellows opened the public hearing on Ordinance 14-O-04 at 7:00 p.m. and invited public comment.

**Dave Dorsch, 4607 Calvert Road:** He asked if we need this. Do we have multiple occurrences of discrimination that this will address? Where do we stop drawing the line? He recommends if we pass this that we add the word “student.” We should not be discriminating against that class of people.

There being no further comment, Mayor Fellows closed the public hearing at 7:04 p.m.

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Janeen S. Miller, CMC  
City Clerk

Date Approved

**MINUTES**  
**Public Hearing of the College Park City Council**  
**Tuesday, July 15, 2014**  
**7:04 P.M.**

**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**

**PRESENT:** Mayor Fellows; Councilmembers Kabir, Wojahn (arrived at 7:06 p.m.), Brennan, Dennis, Hew, and Mitchell.

**ABSENT:** Councilmembers Stullich and Day.

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

Mayor Fellows opened the public hearing on Ordinance 14-O-05 at 7:04 p.m. and invited public comment.

**Dave Dorsch, 4607 Calvert Road:** Private industry works by rewarding people who put in the effort, and not rewarding those who do not. We are on dangerous ground here by saying that everybody must be treated equally. Do we have a lot of problems that this needs to address? He doesn't understand why Council feels there is a need for this unless there have been some demonstrated cases.

Councilmember Wojahn said that after discussion with the City Attorney, he has decided to table Ordinance 14-O-04.

There being no further comment, Mayor Fellows closed the public hearing at 7:09 p.m.

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Janeen S. Miller, CMC  
City Clerk

Date Approved

**MINUTES**  
**Regular Meeting of the College Park City Council**  
**Tuesday, July 15, 2014**  
**7:30 p.m. – 8:54 p.m.**

**PRESENT:** Mayor Fellows; Councilmembers Kabir, Wojahn, Brennan, Dennis, Stulich, 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.

**Minutes:** A motion was made by Councilmember Mitchell and seconded by Councilmember Dennis to approve the minutes of the June 17, 2014 regular meeting. The motion passed 8 – 0 – 0.

**Announcements:**

Councilmember Mitchell announced that the College Park Academy was ranked number 3 in Prince George’s County.

Councilmember Brennan announced a free adult dental clinic sponsored by Mid-Maryland Mission of Mercy and Health Equity Festival will be held on September 5 and 6 at the Comcast Center.

Councilmember Wojahn said that in his role as Chair of the National Capital Region Transportation Planning Board, he will emcee the celebration of the 40<sup>th</sup> anniversary of Commuter Connections. The program connects people that want to commute together, and will provide a guaranteed ride home if you get stuck at your job and miss your ride.

Councilmember Kabir said that the North College Park Civic Association will host a National Night Out event at 7:00 p.m. on August 5 at Duvall Field.

**Amendments to the Agenda:** Mayor Fellows added 14-R-24, A Resolution Of The Mayor And Council Of The City Of College Park Changing The Hours Of Operation Of Speed Monitoring Systems Placed Within One-Half Mile Of The University Of Maryland, to the agenda. Councilmember Stulich removed item 14-R-18 from the Consent Agenda and added it to the regular agenda.

**City Manager’s Report:** Mr. Nagro reminded everyone of the Council’s summer meeting schedule: the next Worksession is Wednesday, August 6 to allow everyone to attend National Night Out events on Tuesday. He announced the pedestrian safety improvements outlined at a meeting yesterday in Dr. Loh’s office with State Highway Administration: pedestrian activated light at US 1 and Hartwick Road; a designated pedestrian area from Berwyn Road to Guilford Road; speed limits reduced within that zone to 25 mph; temporary median fence from Hartwick

to Knox to be installed by end of August; streetlights upgraded to LED lights. The City will go back to normal IHE hours on the speed cameras, so they will operate 24/7.

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

**Dave Dorsch, 4607 Calvert Road:** Asked what the Council has done relative to the flooding that took place in the City on June 10? Did you send a letter to the County? He asked who is going to pay for the \$14 million it will take to underground the utilities on US 1? Why are we spending \$300,000 on the engineering study for this when we can't afford the cost? Did a lot of money come from some place?

Councilmember Stullich said the flooding mitigation is a County issue and Councilmember Olson has been the City's liaison on those improvements.

**Frank Brewer, Interim Executive Director, College Park City University Partnership:** He said that he will discuss in detail the College Park Academy's performance on the MSA achievement tests at the September 2 Worksession, which he will attend with the school's principal.

**CONSENT AGENDA:**

A motion was made by Councilmember Brennan and seconded by Councilmember Day to adopt the Consent Agenda, which consisted of the following:

- 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-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 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**

**The motion passed 8 – 0 – 0.**

**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.**

**A motion was made by Councilmember Wojahn and seconded by Councilmember Day to postpone indefinitely and table this ordinance. The motion passed 8 – 0 – 0.**

**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.**

**A motion was made by Councilmember Wojahn and seconded by Councilmember Brennan to adopt 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.**

Councilmember Wojahn said this ordinance will ensure that contractors who receive our taxpayer dollars meet certain standards and will not discriminate. Currently, the City cannot terminate a contractor on this basis. This does not require anything additional of contractors except that they treat all their employees' equally. The enforcement of these provisions does not 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. 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.

Councilmember Kabir has mixed feelings about this bill. It will be discouraging to ask a contractor to change their benefit or pension plan to fit the policy of this City. If a complaint is made it will take staff time to investigate. He will abstain.

**The motion passed 7 – 0 – 1 (Kabir abstained).**

**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.**

**A motion was made by Councilmember Dennis and seconded by Councilmember Kabir that the City Council approve 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 6th and 7th 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.

**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.**

Councilmember Dennis said this 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.

**Chris Hatcher, attorney for the applicant:** Mr. Hatcher said the applicant wants to show the Council some of the revisions they have made in response to condition #4 of the motion. He introduced Jack Holland, architect, who presented and reviewed revised exhibits.

Ms. Ferguson said an updated Declaration of Covenants has been distributed. Negotiations have been ongoing and changes were made to Paragraph 10 and 16 regarding the two issues raised by Council – LEED certification and leasing of the units. Regarding LEED: The owner would be allowed to create a scorecard based on what was actually constructed in the building, and the City would hire an expert at the developer’s expense to make sure the scorecard is fair and accurate. This relieves the applicant of the larger expense of going through the USGBC for LEED certification. Regarding leasing: there was discussion about whether co-signers would be required. This substitute language guarantees the type of housing desired by the City and does not allow units to be rented by the bed. The majority of the units will be one-bedroom and studios. There was also a change to the number of years of experience the manager must have from “10 years” to “extensive.”

Councilmember Dennis pointed out an error on the top of page 3 of the Declaration of Covenants: the reference to Section 1(C) should be to Section 2 (C).

Councilmember Brennan thanked the applicant for responding to the interests of the community and believes the new language regarding the type of housing is meager but acceptable.

**The motion passed 8 – 0 – 0.**

**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.**

**A motion was made by Councilmember Mitchell and seconded by Councilmember Wojahn to 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.**

Councilmember Mitchell stated that 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.

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

**The motion passed 8 – 0 – 0.**

**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**

**A motion was made by Councilmember Stullich and seconded by Councilmember Day to authorize the Mayor to sign a letter of support to the Department of Housing and Community Development on behalf of the College Park City-University Partnership Community Legacy grant application for a new Live Work College Park program.**

Councilmember Stullich said this is a timely project that complements the City's current New Neighbors program, augments efforts to stabilize a once owner-occupied residential area that is now largely rental units, and will help create a sustainable community.

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

**The motion passed 8 – 0 – 0.**

**14-G-78 Approval of a Landscape Easement with Metropolitan Development At College Park, LLC for landscape buffer.**

**A motion was made by Councilmember Dennis and seconded by Councilmember Brennan 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.**

Councilmember Dennis stated that 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.

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

**The motion passed 8 – 0 – 0.**

**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.**

**A motion was made Councilmember Hew and seconded by Councilmember Mitchell to 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.**

Councilmember Hew said that adopting this resolution will allow City residents and visitors to explore the full range of benefits that permaculture provides, including environmental and wellness aspects; new habitat to birds and beneficial insects; serving as a local showcase of numerous species of plants and trees; serving as a regional destination for eco-tourists; and providing community-building volunteer activities. A Forest Garden Team consisting of City Staff, Tree and Landscape Board and Committee for a Better Environment 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 guide 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.

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

**The motion passed 8 – 0 – 0.**

**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.**

**A motion was made by Councilmember Kabir and seconded by Councilmember Wojahn to introduce 14-O-07, An Ordinance to Amend Chapter 184 Article VIII, Vehicles and Traffic Speed-Monitoring Systems, to incorporate new state law provisions.**

Mayor Fellows stated that the Public Hearing is scheduled for September 9, 2014 at 7:15 p.m.

**14-R-24 Resolution Of The Mayor And Council Of The City Of College Park Changing The Hours Of Operation Of Speed Monitoring Systems Placed Within One-Half Mile Of The University Of Maryland.**

Mayor Fellows read the resolution into the record.

**A motion was made by Councilmember Stullich and seconded by Councilmember Day to adopt Resolution 14-R-24, A Resolution Of The Mayor And Council Of The City Of College Park Changing The Hours Of Operation Of Speed Monitoring Systems Placed Within One-Half Mile Of The University Of Maryland.**

Councilmember Stullich said she is happy to see this resolution before us due to the pedestrian accidents on Route 1 in which speed has often been a factor. This is just one of many measures we can take to improve safety on Route 1. This will help our residents and visitors alike, and she hopes we will not see any more tragic accidents.

**Comments from the audience:**

**Anne Martens, Assistant Vice President for Administration and Finance, University of Maryland:** The University of Maryland fully supports this resolution and the use of speed cameras 24/7 particularly on US Route 1 between Berwyn Road and Guilford. They have no position on the other locations in the IHE zone.

Councilmember Wojahn said the Council has wanted to do this for a long time and he is glad we now have all of our partners on board. Pedestrian safety isn't only important from 6 a.m. to 8 p.m. and he feels this is absolutely necessary.

Councilmember Stullich said we have to do more to educate pedestrians, and more to enforce jaywalking and speeding. It is a complex problem that requires different solutions.

Mayor Fellows said Route 1 is our main street and because we are a college town with a thriving night scene, we have a lot of people downtown. When people are driving through College Park they should drive slowly and expect the unexpected. The reduction in the speed limit from 30 – 25 mph is warranted. Driving slowly through College Park makes sense for the safety of all.

**The motion passed 8 – 0 – 0.**

**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.**

Councilmember Stullich said she and Councilmember Day will submit the required form tonight to call this item up for Oral Argument.

**14-G-79 Appointments to Boards and Committees**

A motion was made by Councilmember Brennan and seconded by Councilmember Wojahn to appoint Maia Sheppard to the Education Advisory Committee, Cory Sanders to the Aging-In-Place Task Force, and David Iannucci as a Class C Director to the City University Partnership. The motion passed 8 – 0 – 0.

**COUNCIL COMMENTS:**

Councilmember Wojahn said the bar owners also should be at the table when considering pedestrian safety measures. He requested a future Worksession to see what measures they take to ensure the safety of their customers. Mr. Nagro said there is an annual meeting with the bar owners, local police, State's Attorney's office and the chief liquor inspector. This year they will put some of the burden on the bars to control patrons as they are coming outside. He will report the results to Council after that meeting is held this year. Councilmember Day believes the bar owners are willing and ready to step forward and do what is necessary. Mayor Fellows believes we should have them come to a Worksession to state publicly what measures they are taking.

Councilmember Brennan promoted the Berwyn National Night Out events. 6:00 p.m. at Berwyn Neighborhood Park, then 7:00 – 9:00 p.m., Fishnet will host a meeting on crime prevention.

Councilmember Stullich said she is particularly happy about the coming pedestrian light at US 1 and Hartwick Road, which we have been trying to get for many years. She reported on today's PZED Committee meeting on CB-42-2014, the Single Family Neighborhood Stabilization Overlay Zone: the bill will be held over and may come back in September, so stay tuned.

**ADJOURN:**

A motion was made by Councilmember Brennan and seconded by Councilmember Wojahn to adjourn the regular meeting. Mayor Fellows adjourned the meeting at 8:54 p.m. with a vote of 8 – 0 – 0.

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Janeen S. Miller, CMC  
City Clerk

Date  
Approved

14-G-39

## LICENSE AGREEMENT

THIS LICENSE AGREEMENT ("Agreement") IS EFFECTIVE THIS \_\_\_\_\_ day of \_\_\_\_\_, 2014 by and between **CITY OF COLLEGE PARK** ("City") and **UNIVERSITY GARDENS, INC.** ("University Gardens").

**WHEREAS**, University Gardens is the owner of certain property known as 4620, 4622, 4624 and 4626 Knox Road, Tax Account 21- 2411064, Plat Book A, Plat No. 50, Subdivision 3245, Lots 13, 14, 15, 16, Block 10, recorded at Liber 931, folio 01 in the Land Records for Prince George's County (the "Property"); and

**WHEREAS**, University Gardens applied to the City for a non-conforming use certification of the Property; and

**WHEREAS**, during this proceeding, it was determined that twenty of the forty parking spaces related to, and used by tenants and guests of, the Property are located adjacent to the hiker/biker trail in the City's Rhode Island Avenue right of way, just north of its intersection with Knox Road. University Gardens has requested that the twenty parking spaces in the right of way be allowed to remain for use by its tenants and guests; and

**WHEREAS**, the certification could be and was granted without including the parking spaces that are in the City right of way; and

**WHEREAS**, it has been determined that granting a revocable license to allow the tenants and guests of University Gardens to continue to use the said parking spaces would allow more on street parking spaces to be available for other City residents and guests and so is in the public interest; and

**WHEREAS**, University Gardens has agreed to place curb stops at the end of each said parking space, and to maintain the curb stops and spaces at its sole expense; and

**WHEREAS**, University Gardens has agreed to pay \$3,000.00 to the City for the purchase and installation of landscaping at the western edge of the parking spaces in the right of way; and

**WHEREAS**, the City has agreed to purchase and install specified landscaping with the \$3,000.00 payment from University Gardens and to maintain the landscaping.

**NOW, THEREFORE**, in consideration of the foregoing recitals, which are incorporated herein by reference, 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 University Gardens, its successors and assigns, the license hereinafter described for parking purposes.

1. On the effective date of this Agreement, the City grants a revocable license to University Gardens, its successors and assigns, to have and maintain twenty parking spaces for use of the tenants at the Property and their guests, located in the Rhode Island Avenue right of way, as more particularly set out in attached Exhibit A, subject to the terms and conditions of this Agreement.

2. Within thirty (30) days of the effective date of this Agreement, University Gardens shall:

a. Install and anchor twenty concrete curb stops 1 and ½ feet to 2 feet from the western edge of the asphalt at the end of each of the twenty parking spaces.

b. Pay \$3,000.00 to the City of College Park for the installation of a landscape buffer eighty feet in length and four feet wide (“the Landscape Buffer”) along the entire western side of the said twenty parking spaces, as shown on attached Exhibit B.

3. At a time appropriate for planting, and in any event within one year of the date of this Agreement, the City shall install the Landscape Buffer, which shall be maintained by the City. The Landscape Buffer shall contain those shrubs and plantings listed in Exhibit B. The City shall be responsible for securing all required approvals and permits, including contacting Miss Utility.

4. All installation and maintenance work by University Gardens shall be performed in a workmanlike manner and with quality materials, and be subject to the approval of the City, which shall not be unreasonably withheld.

5. University Gardens shall hold the City, its officials, agents, servants and employees harmless and indemnify the City, its officials, agents, servants and employees, against any and all 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 University Gardens’ use or maintenance of the curb stops and parking spaces, or failure to perform any of the obligations under this Agreement.

6. University Gardens shall maintain the curb stops and parking spaces in a manner reasonably satisfactory to the City, and shall replace the same as may be needed from time to time.

**NOTWITHSTANDING** anything to the contrary, this Agreement may be terminated immediately if the City determines that it is required in the interest of public safety and welfare to do so; with 30 days prior written notice to University Gardens if the City determines that the right of way is needed for a public purpose; and with 30 days written notice and opportunity to cure if there has been a breach by University Gardens of the Agreement terms, including if University Gardens fails to maintain the curb stops and parking spaces in good condition. In the event of termination under this paragraph, University Gardens shall, at its expense, remove the



City Manager, being authorized so to do, executed the foregoing Landscape Agreement 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.

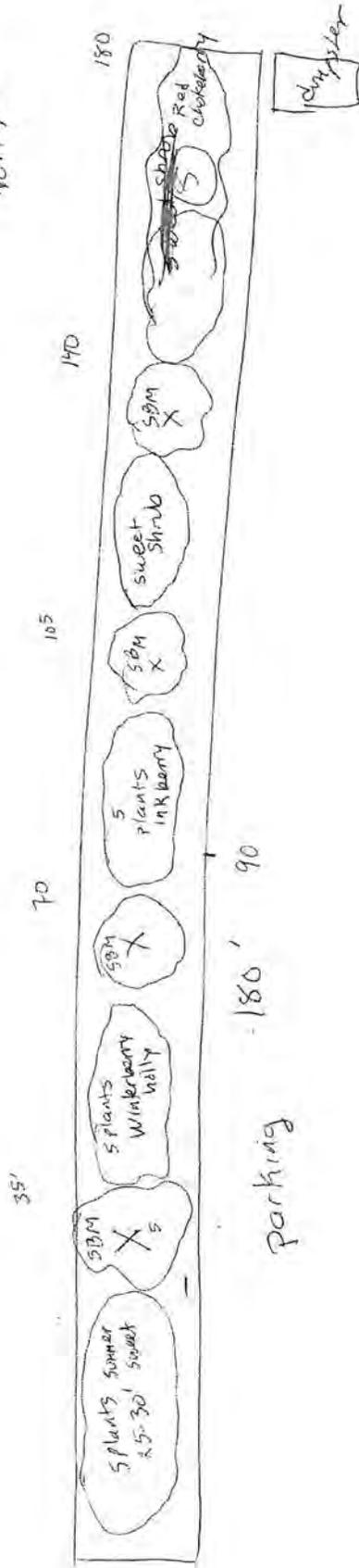
\_\_\_\_\_(SEAL)  
Notary Public  
My Commission Expires: \_\_\_\_\_

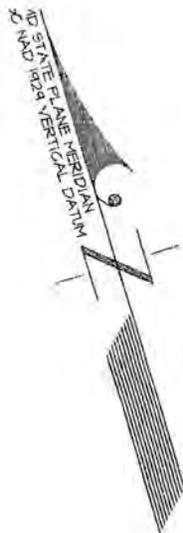
4' wide planting "bed" x 180' long

Plant on 5' centers = 36 plants

- winterberry holly 5 with verticillata
- Summersweet (Clethra) 5 SS alnifolia
- Sweet bay magnolia upright tree 4 SBM Magnolia virginiana
- INKberry (evergreen) 5 IB Ilex glabra
- Sweetshrub (Calycanthus) 5 CC floridus
- Red Chokeberry brilliantissima 7 RC  
Aronia arbo holia

Rhode Island Ave





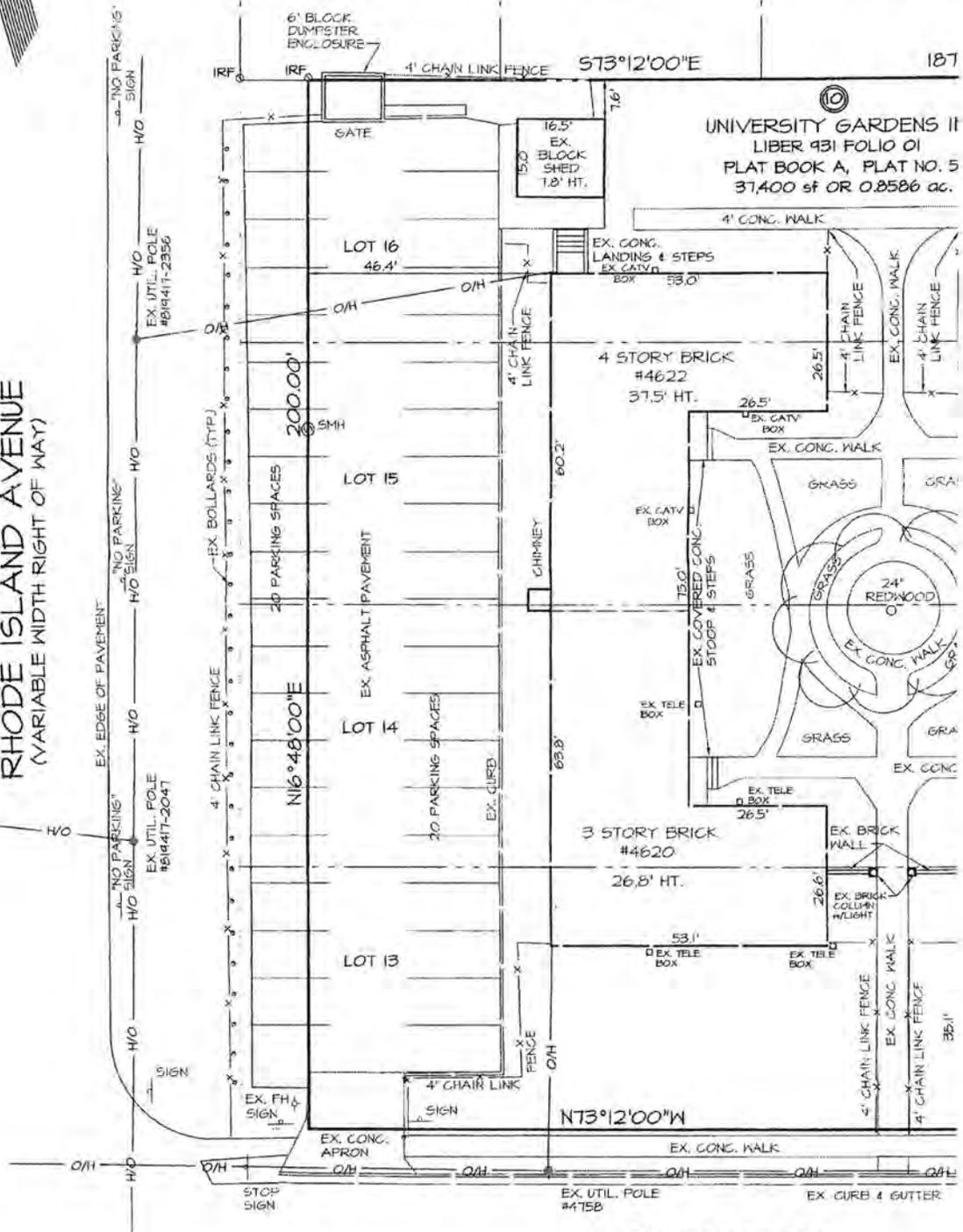
COLLEGE PARK-JOHNSON & CURRI  
SUBDIVISION  
PLAT BOOK A, PLAT NO. 50

LOT 1  
WOODLEY ASSOCIATES  
LIBER 11990 FOLIO 274  
ZONE: R-18  
USE: SINGLE FAMILY  
DETACHED

LOT 2  
WOODLEY ASSOCIATES  
LIBER 11990 FOLIO 271  
ZONE: R-18  
USE: SINGLE FAMILY  
DETACHED

LOT 3  
WOODLEY ASSOCIATES  
LIBER 11990 FOLIO 544  
ZONE: R-18  
USE: SINGLE FAMILY  
DETACHED

RHODE ISLAND AVENUE  
(VARIABLE WIDTH RIGHT OF WAY)



KNOX ROAD  
(40' RIGHT OF WAY)

14-R-25



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-2014-03 Name: Juan Avila, Sr.

Address: 9728 51<sup>st</sup> Place, 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:

August 12, 2014.

**CERTIFICATE OF SERVICE**

This is to certify that on August 14, 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-2014-03, 9728 51<sup>ST</sup> PLACE, COLLEGE PARK, MARYLAND, RECOMMENDING APPROVAL OF A VARIANCE FROM SECTION 27-120.01 (C) OF THE PRINCE GEORGE'S COUNTY ZONING ORDINANCE, "FRONT YARDS OF DWELLINGS," TO CONSTRUCT A DRIVEWAY THAT WILL ENCROACH 3 FEET IN THE FRONT YARD AND RECOMMENDING APPROVAL OF VARIANCES FROM SECTION 27-442 (C) TO VALIDATE THE MINIMUM TOTAL SIDE YARD SETBACK AND MINIMUM NORTH AND SOUTH SIDE YARD SETBACKS.**

- 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,** 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,** Section 27-442 (c ) Table IV of the Prince George's County Zoning Ordinance stipulates a minimum side yard setback as 8 feet and a minimum total of both yards as 17 feet.

- 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 1, 2014, Juan Avila, Sr. (hereinafter, the “Applicant”), submitted an application for a variance from Section 27-120.01(c) to permit construction of a 14-foot by 19-foot driveway at the premises known as 9728 51<sup>st</sup> Place, 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 – 10 with respect to whether the subject application meets the standards for granting a variance set forth in the Ordinance.
- WHEREAS,** the APC moved to continue the case to the next meeting in order to allow the applicant to provide more information on resident permit parking and revise his application to address drainage, lot coverage and encroachment concerns; and
- WHEREAS,** the Applicant submitted a revised application on June 19, 2014 that relocated the proposed driveway from the south side of the lot to the north side to address drainage concerns and reduced the width of the proposed driveway to 10-foot wide to address lot coverage and encroachment concerns; and
- WHEREAS,** the staff report provided more information to address drainage concerns and resident permit parking information, including 3 more exhibits (copy of permit parking sign, parking violation report, memo from the parking enforcement manager).
- 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 9728 51<sup>st</sup> Place in the Hollywood 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 Applicant is seeking a variance not to exceed 3 feet in width and 19 feet in length or 57 square feet of parking area in the front of the dwelling to construct a new driveway and curb cut.

- 1.5 The Applicant is seeking a variance of 5 feet from the required combined minimum setback of 17 feet for side yards to validate an existing condition.
- 1.6 The Applicant is seeking a variance of 2 feet from the required minimum setback of 8 feet for side yards to validate an existing condition.
- 1.7 The subject house was constructed in 1950.
- 1.8 The property is mostly rectangular in shape but the width gradually narrows towards the rear of the property. The width at the front property line is 51.79 feet. The width at the rear property line is 44.15 feet. The side property lines are both 110 feet in length.
- 1.9 The property has an area of 5280 square feet.
- 1.10 The immediate neighborhood is zoned R-55, single-family residential and has many small lots.
- 1.11 The minimum lot size in the R-55 zone is 6,500 square feet.
- 1.12 The minimum lot width in the R-55 zone is 65 linear feet.
- 1.13 The applicant does not currently have any driveway or curb-cut.
- 1.14 The majority of homes in this neighborhood have at least a single-wide driveway.
- 1.15 The standard driveway size is 10 feet by 18 feet.
- 1.16 The section of street (both sides) in front of the subject property is in Permit Parking Zone 2, which states that permits are required Monday through Friday from 6:30 AM-9:30 AM and 4:00 PM-7:00 PM.
- 1.17 The subject property is in close proximity to the Greenbelt Metro Station.
- 1.18 There were 73 parking violations in this area (9700 block of 51<sup>st</sup> Place) in a one year period between June 1, 2013 – June 1, 2014.
- 1.19 The Field Parking Operations Supervisor verified that most streets in the vicinity of and including 51<sup>st</sup> Place are near capacity in the evening.
- 1.20 The City Engineer testified that the driveway should be placed on the north side of the lot, which has a higher elevation and will have less storm water impact to the property to the south of the subject property. This will require the removal of a large tree. Also, most of the houses in the neighborhood have their driveways on the high side of their lots. A small (less than one foot) retaining wall may be necessary but the driveway can be constructed without creating a drainage problem. The driveway could be constructed to direct drainage towards the rear of the lot.
- 1.21 The applicant testified that his employment requires him to be on call 24 hours a day, 7 days a week. The applicant is currently under a doctor's care for his back and his doctor is recommending back surgery in the future. When the applicant cannot find parking close to his house, he has had to park up to 3 blocks away.

Section 2      Conclusions of Law

The APC makes the following conclusions of law with regard to CPV-2014-03 for a Variance from Section 27-120.01 (c) of the Prince George's County Zoning Ordinance, "Front Yards of Dwellings," to expand a driveway in the front yard to a width of nine (9) feet and a length of eighteen (18) feet and to validate Variances from Section 27-442 (c ) Table IV:

- 2.1      The property has exceptional shape and narrowness.
- 2.2      The strict application of the County Zoning Ordinance will result in an unusual practical difficulty upon the property owner by preventing him from having a close, reliable, regular parking space.
- 2.3      Granting the requested variance will not impair the intent and purpose of the applicable County General Plan or County Master Plan because most of the single-family homes in the neighborhood have driveways.

**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 APC recommends approval of the following variances:

1.      A variance not to exceed 3 feet in width and 19 feet in length or 57 square feet of parking area in the front of the dwelling to allow a driveway in the north portion of the lot.
2.      A variance of 5 feet from the required combined minimum setback of 17 feet for side yards to validate an existing condition.
3.      A variance of 2 feet from the required minimum setback of 8 feet for side yards to validate an existing condition.

**ADOPTED**, by the Mayor and Council of the City of College Park, Maryland at a regular meeting on the 12<sup>th</sup> day of August 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-26



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-2014-04 Name: Reina Vasquez**  
**Address: 5025 Iroquois 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:  
**August 12, 2014**.

**CERTIFICATE OF SERVICE**

This is to certify that on **August 14, 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-2014-04, 5025 IROQUOIS STREET, COLLEGE PARK, MARYLAND, RECOMMENDING DENIAL OF A VARIANCE FROM SECTION 27-120.01 (C) OF THE PRINCE GEORGE'S COUNTY ZONING ORDINANCE, "FRONT YARDS OF DWELLINGS," TO EXPAND A DRIVEWAY IN THE FRONT YARD BY ADDING AN ADDITIONAL 9 FEET IN WIDTH AND 18 FEET IN LENGTH AND RECOMMENDING APPROVAL OF A VARIANCE TO VALIDATE AN EXISTING SIDE YARD SETBACK.**

- 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,** 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,** Section 27-442 (c ) of the Prince George's County Zoning Ordinance stipulates a minimum side yard setback as 8 feet; 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 20, 2014, Reina Vasquez (hereinafter, the “Applicant”), submitted an application for a variance from Section 27-120.01(c) to permit construction of a 9 feet by 18 feet driveway expansion in front of the house at the premises known as 5025 Iroquois Street, 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 – 7 with respect to whether the subject application meets the standards for granting a variance set forth in the Ordinance; and
- WHEREAS,** based upon the evidence and testimony presented, the APC voted 4-0-0 to recommend that the driveway variance be denied; and
- WHEREAS,** on June 5, 2014, the APC inadvertently omitted to vote on the side yard setback validation; and
- WHEREAS,** on July 3, 2014, the APC voted on the omitted validation based upon the record introduced at the June hearing to recommend approval of the validation.
- 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 5025 Iroquois 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 Applicant is proposing to widen an existing driveway by 9 feet in width and 18 feet in length (162 square feet) in order to provide an expanded parking area in the front yard to accommodate 2 vehicles.
- 1.5 The Applicant is seeking a variance not to exceed 9 feet in width and 18 feet in length or 162 square feet of parking area in the front of the dwelling.
- 1.6 The Applicant is seeking a variance of one foot to validate an existing side yard setback. The Zoning Ordinance requires a minimum side yard setback of 8 feet. The existing west side yard setback is only 7 feet.

- 1.7 The subject house was constructed in 1955.
- 1.8 The property is rectangular in shape.
- 1.9 The immediate neighborhood is zoned R-55, single-family residential.
- 1.10 The property has an area of 5000 square feet with a width of 50 feet and a length of 100 feet.
- 1.11 The minimum lot size in the R-55 is 6,500 square feet.
- 1.12 The minimum lot width in the R-55 is 65 linear feet.
- 1.13 The lot coverage with the proposed driveway expansion will not exceed 26%.
- 1.14 There are 4 working adults in the house with a total of 5 vehicles.
- 1.15 The applicant requested and was granted a double-wide driveway apron in 2005. This permission granted by the Mayor and Council has not expired. The applicant had permission to build the double-wide apron but did not construct it at the time. Now, they would like to construct the double-wide apron and double-wide driveway. In 2003, the Zoning Ordinance was modified to prohibit parking in front of a dwelling. The applicant did not apply for a variance in 2005 to construct an expanded driveway because they were unaware of this requirement.
- 1.16 There is no residential permit parking in this neighborhood.

## Section 2 Conclusions of Law

The APC makes the following conclusions of law with regard to CPV-2014-04, for a Variance from Section 27-120.01 (c) of the Prince George's County Zoning Ordinance, "Front Yards of Dwellings," to expand a driveway in the front yard to a width of nine (9) feet and a length of eighteen (18) feet:

- 2.1 The property is narrower than the minimum width required by the R-55 zone, which limits placement and size of the driveway.
- 2.2 The strict application of the County Zoning Ordinance will not result in undue hardship upon the property owner. The strict application of the County Zoning Ordinance will result in an inconvenience to the property owner by making it more difficult for the household to park their vehicles close to their home. Based on the evidence presented, however, this situation does not rise to the level of an unusual practical difficulty or undue hardship. In addition, the applicant could extend the existing driveway toward the house to provide additional space for parking without the need for a variance.
- 2.3 The strict application of the County Zoning Ordinance will result in undue hardship upon the property owner in terms of complying with the minimum side yard setback of 8 feet. The existing west side yard setback is 7 feet. To comply with the side yard setback requirement would require the house to be moved one foot or reduced by one foot along the entire west side of the house.

2.4 Granting the requested driveway encroachment variance will impair the intent and purpose of the applicable County General Plan or County Master Plan by reducing the amount of open space in the front yard. However, granting the one-foot validation of the existing side yard setback will not impair the intent and purpose of the applicable County General Plan or County Master Plan since the one foot is minimal in terms of impact to 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 and the APC recommends that a variance of the parking area requirements prohibiting driveways in the front yard be denied. Further, the APC recommends that a variance of one foot to validate an existing side yard setback be approved.

**ADOPTED**, by the Mayor and Council of the City of College Park, Maryland at a regular meeting on the 12<sup>th</sup> day of August 2014.

CITY OF COLLEGE PARK,  
MARYLAND

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

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

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY

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

14-G-85

## MEMORANDUM

**TO:** Mayor and Council

**FROM:** Michael Stiefvater, Economic Development Coordinator

**THROUGH:** Joseph L. Nagro, City Manager  
Terry Schum, Planning Director

**DATE:** August 1, 2014

**SUBJECT:** Free Downtown Garage Parking for Restaurant Week

### ISSUE

At the May 27, 2014 meeting of the Downtown College Park Management Authority ("DCPMA"), the group's officers voted to request that the City expand its free summer parking program to coincide with College Park's Restaurant Week from Monday, August 18<sup>th</sup> to Sunday, August 24<sup>th</sup>. Currently, the City is offering free parking in the Downtown garage on Saturdays through August 23<sup>rd</sup>, while Sundays are always free. DCPMA's request would allow visitors to park for free in the Downtown garage after 5:00pm that Monday through Friday. The purpose of this request is to increase customer participation in this event.

### BACKGROUND

In response to various community surveys and discussions with restaurant owners, staff organized the city's first restaurant week in August 2013, which included the same parking promotion proposed this year. Due to the event's success during a traditionally slow period for local businesses, staff and the restaurant owners have decided to hold it again. To date, 20 businesses have confirmed their participation, of which 9 are located within DCPMA's boundaries.

### SUMMARY

In order to estimate the potential loss of parking revenue due to this request, Parking Enforcement provided an analysis of revenues from the summer months in 2013. The weekly average for payments received after 5:00pm during the period between May 28<sup>th</sup> and August 16<sup>th</sup>, excluding restaurant week, was \$1,954.50, or \$390.90 per night.

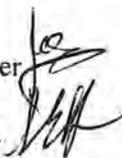
### RECOMMENDATION

Staff recommends that the Mayor and Council approve this request and enable Parking Enforcement to suspend enforcement after 5:00pm from Monday, August 18<sup>th</sup> to Friday, August 22<sup>nd</sup>.

14-G-86

# MEMORANDUM

**To:** Mayor & Council

**Through:** Joe Nagro, City Manager 

**From:** Steven E. Halpern, P.E. 

**Date:** July 30, 2014

**Subject:** Award of Miscellaneous Concrete Maintenance and Asphalt Resurfacing RFP CP-13-01 – Contract Option with NZI Construction Corporation for FY15. (Proposed Consent)

## Background

On May 24, 2012, sealed bids were opened for the FY13 Miscellaneous Concrete Maintenance and Asphalt Resurfacing project, RFP CP-13-01. NZI Construction Corporation of Beltsville, MD was awarded the base contract. The CP-13-01 contract was a 1-year contract with 3 optional 1-year extensions. The contract was renewed for FY14.

NZI Construction Corporation has agreed to maintain their current unit prices. The term of this 2nd option is from July 1, 2014 to June 30, 2015 (fiscal year 2015).

We have projected that we will spend about \$600,000 in FY15. Additionally, we anticipate adding to this contract the follow grant project:

- CDBG PY38 for FY2014 – Construction of Randolph Macon Road – CDBG grant is \$127,000. Approval pending by County. The total estimated cost is \$296,000.

The estimated total contract value for FY15 is \$896,000, of which the City will be reimbursed \$127,000 from CDBG and \$169,000 in developer fees (Kidwell).

NZI Construction Corporation was the successful bidder for our previous contract, CP-09-01. Their current work performance under the CP-13-01 contract has been exceptional.

Funding source: Fund 301 Unrestricted C.I.P. Reserve.

## Recommendation

Based on staff's review of the subject contract performance, it is recommended that Contract CP-13-01 (Option Year 2), Miscellaneous Concrete Maintenance and Asphalt Resurfacing, be awarded to NZI Construction Corp. of Beltsville, MD in an amount not to exceed \$896,000.

14-CR-01

**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 Charter Resolution of the Mayor and Council of the City of College Park, Maryland, adopted pursuant to the authority of Article XI-E of the Constitution of Maryland and Article 23A of the Annotated Code of Maryland (1957 edition, as amended).

**WHEREAS**, §C5-1 of the City Charter currently sets certain procedures for charter referendum petitions, including requirements for the contents of the petitions; and

**WHEREAS**, the Mayor and Council have determined that it is appropriate to require that petition forms also include the date of signature and a circulator’s information and affidavit, in order to aid the Supervisors of Election in determining a proper count of qualified voters and to help ensure the reliability of the information included on the petition and to verify when the signature was obtained.

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

**Section 1.** Article V, “Charter Amendments,” §C5-1 “Procedure for petition” be repealed, re-enacted and amended to read as follows:

A. In all instances where a petition is filed with the Mayor and Council to initiate an amendment to the City Charter or for a referendum in cases where an amendment to the City Charter has been initiated by the Mayor and Council, the following procedures shall be followed:

(1) The petitions shall be referred to the Supervisors of Elections, who shall report to the Mayor and Council the total number of persons qualified to vote in [~~a municipal~~] THE CITY general election at the time the petition is received and the total number of such voters determined by

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.

them to have signed the petition; provided, however, that in any case where a person signing the petition shall have failed to put his/her printed name, printed residence address, DATE OF SIGNATURE and city election district number thereon, the Supervisors of Elections shall not determine if such person is qualified to vote AND SUCH PERSON SHALL NOT BE COUNTED AS A PERSON QUALIFIED TO VOTE. UNLESS EACH PETITION PAGE INCLUDES THE CIRCULATOR'S PRINTED OR TYPED NAME, RESIDENCE ADDRESS AND TELEPHONE NUMBER, AND A SIGNED CIRCULATOR'S AFFIDAVIT STATING THAT THE CIRCULATOR WAS AT LEAST 18 YEARS OLD WHEN EACH SIGNATURE WAS OBTAINED; THAT THE INFORMATION PROVIDED BY THE CIRCULATOR IS TRUE AND CORRECT; THAT THE CIRCULATOR PERSONALLY OBSERVED EACH SIGNER AS HE/SHE SIGNED THE PAGE; AND THAT TO THE BEST OF THE CIRCULATOR'S KNOWLEDGE AND BELIEF, ALL SIGNATURES ON THE PAGE ARE GENUINE AND ALL SIGNERS ARE QUALIFIED VOTERS FOR THE COLLEGE PARK MUNICIPAL GENERAL ELECTION, THE SUPERVISORS OF ELECTIONS SHALL NOT DETERMINE IF ANY PERSONS LISTED ON THE PAGE ARE QUALIFIED TO VOTE AND ANY PERSON SO LISTED SHALL NOT BE COUNTED AS A PERSON QUALIFIED TO VOTE.

(2) Upon receiving the report of the Supervisors of Elections, the Mayor and Council shall then comply with the applicable provisions of §4-301 *ET SEQ.* OF THE LOCAL GOVERNMENT ARTICLE[~~Article 23A~~] of the Annotated Code of Maryland ~~{(1957 Edition,}~~ (as amended), titled "~~Corporations—Municipal,~~" subtitle "~~Charter Amendments.~~"

B. A petition may consist of several pages. Each petition PAGE shall contain the full title of the Charter amendment or that part of the title of the Charter amendment petitioned upon. THE BACK OF EACH PETITION PAGE SHALL CONTAIN EITHER:

1. THE FULL TEXT OF THE AMENDMENT, OR
2. A FAIR AND ACCURATE SUMMARY OF THE SUBSTANTIVE PROVISIONS OF THE AMENDMENT. IN THIS CASE, THE FULL TEXT OF THE AMENDMENT MUST BE IMMEDIATELY AVAILABLE FROM THE PETITION CIRCULATOR.

**Section 2.** BE IT FURTHER RESOLVED by the Mayor and Council of the City of College Park that, upon formal introduction of this proposed Charter Resolution, the City Clerk shall publish this proposed Charter Resolution 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 is hereby set for \_\_\_\_\_ p.m. on the \_\_\_\_\_ day of \_\_\_\_\_, 2014. All persons interested shall have an opportunity to be heard.

**Section 3.** BE IT FURTHER RESOLVED that this Charter Resolution is adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2014, and that the amendment to the Charter of the City of College Park, hereby proposed by this enactment, shall be and become effective upon the fiftieth (50<sup>th</sup>) day after its passage by the City unless petitioned to referendum in accordance with §4-304 of the Local Government Article, Annotated Code of Maryland within forty (40) days following its passage. A complete and exact copy of this Charter Resolution shall be posted in the City offices located at 4500 Knox Road, College Park, Maryland for forty (40) days following its passage by the Mayor and Council and a fair summary of the Charter Resolution shall be published in a newspaper having general circulation in the City not less than four (4) times, at weekly intervals, also within the forty (40) day period following its adoption by the City.

**Section 4. BE IT FURTHER RESOLVED** that, within ten (10) days after the Charter Resolution hereby enacted becomes effective, either as herein provided or following referendum, the City Manager for the City of College Park shall send separately, by mail, bearing a postmark from the United States Postal Service, to the Department of Legislative Services, one copy of the following information concerning the Charter Resolution: (i) the complete text of this Resolution; (ii) the date of referendum election, if any, held with respect thereto; (iii) the number of votes cast for and against this Resolution by the Council of the City of College Park or in the referendum; and (iv) the effective date of the Charter Resolution.

**Section 5. BE IT FURTHER RESOLVED** that the City Manager of the City of College Park be, and hereby is specifically enjoined and instructed to carry out the provisions of Sections 2 and 3 as evidence of compliance herewith; and said City Manager shall cause to be affixed to the minutes of this meeting (i) an appropriate Certificate of Publication of the newspaper in which the fair summary of the Charter Resolution shall have been published; and (ii) return receipts of the mailing referred to in Section 3 and shall further cause to be completed and executed the Municipal Charter or Annexation Resolution Registration Form.

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

**ADOPTED** by the Mayor and Council of the City of College Park 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

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

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

14-R-29

## MEMORANDUM

**TO:** Mayor and City Council

**THROUGH:** Joe Nagro, City Manager

**FROM:** Janeen S. Miller, City Clerk  
Suellen Ferguson, City Attorney

**DATE:** August 7, 2014

**RE:** Resolution to approve referendum petition form

### ISSUE

The Mayor and City Council directed staff to develop an acceptable form for use by individuals who wish to petition an issue to referendum in the City pursuant to §C5-1 of the City Charter. §C5-1 references two scenarios: 1) petitions by voters to initiate amendments to the City Charter, and 2) petitions for referendum in cases where amendment to the City Charter has already been initiated by the Mayor and Council.

### SUMMARY

In June 2014 the Mayor and Council reviewed two draft petition signature forms that were prepared based on the existing language in §C5-1 and directed staff to add two fields to the forms: date of signature and a circulator's affidavit. Amendment of the City Charter was necessary to enact these changes, and Council directed the City Attorney to prepare a Charter Amendment, 14-CR-01, which is up for adoption at the August 12, 2014 Council meeting.

Attached are the revised referendum petition forms that reflect the requested amendments: one to be used when voters wish to initiate a charter change and the second to be used when voters wish to take a charter amendment initiated by the Mayor and Council to referendum. If 14-CR-01 is adopted on August 12, the petition forms should also be adopted by resolution. The City Attorney has prepared the attached resolution (14-R-29) for this purpose. The effective date of the resolution is October 1, to coincide with the effective date of the Charter Amendment.

### RECOMMENDATION

That the City Council adopt Resolution 14-R-29 to approve the two referendum petition forms.

### Attachments:

Resolution 14-R-29 with attached Referendum Signature Forms

**RESOLUTION OF THE MAYOR AND COUNCIL**  
**OF THE CITY OF COLLEGE PARK**  
**TO ADOPT REFERENDUM PETITION FORMS**

**WHEREAS**, pursuant to §4-301 *et seq.* of the Local Government Article, Annotated Code of Maryland, the City Charter may be amended through referendum petitions by qualified voters to initiate amendments, and through petitions for referendum in cases where amendment to the City Charter has already been initiated by the Mayor and Council; and

**WHEREAS**, the Mayor and Council have determined that it is appropriate to provide standard referendum petition forms in order to aid the City of College Park Supervisors of Elections in determining a proper count of qualified voters, to help ensure the reliability of the information included on any petition, and to verify when signatures were obtained.

**NOW THEREFORE BE IT RESOLVED** by the Mayor and Council of the City of College Park to adopt a form for petition by qualified voters of a Council-adopted Charter amendment to referendum in substantially the form attached as Petition A; and it is further

**RESOLVED**, by the Mayor and Council of the City of College Park to adopt a form for petition by qualified voters to initiate a Charter amendment in substantially the form attached as Petition B.

**ADOPTED** by the Mayor and City Council of the City of College Park, Maryland at a regular session on the 12th day of August, 2014.

**EFFECTIVE** the 1st day of October, 2014.

**WITNESS:**

**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

# CITY OF COLLEGE PARK | TO PETITION A COUNCIL CHARTER AMENDMENT TO REFERENDUM

Charter Amendment Number \_\_\_\_\_

Charter Amendment \_\_\_\_\_

We, the undersigned voters of the City of College Park, hereby petition to refer the charter amendment identified above to a vote of the qualified voters of the City for approval or rejection at the next municipal general election or special election set by the Mayor and Council. If the full text of the charter amendment or part of the charter amendment referred (the "amendment") does not appear on the back of this signature page, a fair and accurate summary of the substantive provisions of the amendment must appear on the back, and the full text of the amendment must be immediately available from the petition circulator.

**NOTICE TO SIGNERS: Sign and print your full name, and provide all of the information required.** Please print or type all information other than your signature. Post Office Box addresses are not generally accepted as valid. By signing this petition, you agree that the amendment identified above should be submitted to referendum of the qualified voters of the City at the next general election or special election set by the Mayor and Council, and that, to the best of your knowledge, you are a qualified voter for the City municipal general election and are eligible to have your signature counted for this petition.

Full Printed Name	Printed Residence Address	City Council District	Signature	Date Signed

Petition A

**Circulator's Affidavit:** Under penalties of perjury, I swear or affirm that: 1) I was at least 18 years old when each signature was obtained; 2) The information provided below that identifies me is true and correct; 3) I personally observed each signer as he/she signed this page; and 4) To the best of my knowledge and belief, all signatures on this page are genuine and all signers are qualified voters for the College Park municipal general election

Circulator's Printed or Typed Name: \_\_\_\_\_

Telephone: \_\_\_\_\_

Printed, Complete Residence Address: \_\_\_\_\_

Circulator's Signature: \_\_\_\_\_

## CITY OF COLLEGE PARK | REFERENDUM PETITION BY QUALIFIED VOTERS

We, the undersigned voters of the City of College Park, hereby petition to have this charter amendment (“amendment”) of the City Charter submitted to a vote of the qualified voters of the City, for approval or rejection at the next general election or at a special election set by the Mayor and Council. If the full text of the amendment does not appear on the back of this signature page, a fair and accurate summary of the substantive provisions of the amendment must appear on the back, and the full text of the amendment must be immediately available from the petition circulator.

**NOTICE TO SIGNERS: Sign and print your full name, and provide all of the information required.** Please print or type all information other than your signature. Post Office Box addresses are not generally accepted as valid. By signing this petition, you agree that the aforementioned amendment should be placed on the ballot as a proposed amendment to the City Charter at the next general election or special election set by the Mayor and Council, and that, to the best of your knowledge, you are a qualified voter for the City municipal general election and are eligible to have your signature counted for this petition.

Full Printed Name	Printed Residence Address	City Council District	Signature	Date Signed

**Circulator’s Affidavit:** Under penalties of perjury, I swear or affirm that: 1) I was at least 18 years old when each signature was obtained; 2) The information provided below that identifies me is true and correct; 3) I personally observed each signer as he/she signed this page; and 4) To the best of my knowledge and belief, all signatures on this page are genuine and all signers are qualified voters for the College Park municipal general election.

Circulator’s Printed or Typed Name: \_\_\_\_\_

Telephone: \_\_\_\_\_

Printed, Complete Residence Address: \_\_\_\_\_

Circulator’s Signature: \_\_\_\_\_

Petition B

14-G-87

I move that the City Council release Starr Insurance Holdings, Inc. from their obligation under Paragraph 25 of the Agreement between PPC/CHP Maryland Limited Partnership and the City of College Park, as amended, to place the sum of \$500,000.00 with an escrow agent acceptable to the City for a period of at least ten years, and that the City Manager be authorized to sign those documents and take those acts necessary to give effect to the release of this obligation and the intent of this motion.

**Comments:**

- PPC/CHP Maryland Limited Partnership ("Mazza") reached an Agreement with the City in 2004, which was later amended, during development of the Mazza property, which Mazza held under a long term lease.
- Paragraph 25 of the Agreement, as amended, obligated Mazza to work with the City and adjacent property owners to develop and finance Hollywood Road extended on the west side of Route 1 to connect to a new Autoville Drive relocated and constructed on the Mazza property, and to place the sum of \$500,000 with an escrow agent for a period of at least 10 years to be used for the planning, design, land acquisition or construction associated with the extension.
- Starr Insurance Holdings, Inc. ("Starr") is a subsequent owner of the leasehold on the Mazza Property.
- The City received a letter from Starr dated February 13, 2014 indicating their willingness to move forward with an alignment study and concept design of the Hollywood Road extension, after which the viability of the project would be assessed. If the project is determined not viable or unlikely to be completed, it is Starr's desire to have the \$500,000 escrow requirement released.
- Under the terms of the amended Agreement, the 10-year escrow period would end August 1, 2020, unless extended by agreement of the parties, if substantial progress towards the design and/or construction of the road has been made.
- Significant opposition to proceeding with this project has been expressed in a petition received on August 6, 2014. The petition is signed by over 400 residents, businesses and visitors concerned that construction of the road would

cause detrimental impacts to local businesses in the area and that it could be a gateway to a connection with Autoville Drive to the north. As a result, the Council has determined to not proceed with the planning for the extension of Hollywood Road at this time, and to release Starr Insurance Holdings, Inc., from the \$500,000.00 escrow requirement.

14-0-08

**ORDINANCE**  
**OF THE MAYOR AND COUNCIL OF THE CITY OF COLLEGE PARK, MARYLAND,**  
**AMENDING CHAPTER 184, "VEHICLES AND TRAFFIC", BY REPEALING AND**  
**REENACTING §184-9, "PERMIT PARKING IN RESTRICTED RESIDENTIAL ZONES"**  
**TO BETTER DEFINE WHERE VISITOR PARKING PERMITS MAY BE USED AND**  
**TO PROVIDE AN ENFORCEMENT MECHANISM**

**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 protect the health, safety and welfare of the citizens of the municipality and to prevent and remove nuisances; and

**WHEREAS**, the City has adopted Chapter 184-8, "Permit parking in restricted residential areas" to allow for permit and visitor parking in residential neighborhoods when initiated by Mayor and Council or be resident petition; and

**WHEREAS**, it has come to the attention of the Mayor and Council that misuse of the parking and visitor permits is occurring; and

**WHEREAS**, the Mayor and Council have determined that it is in the public interest to adopt certain amendments to Chapter 184 to prevent misuse of the permits and provide an additional enforcement mechanism.

**Section 1.** **NOW THEREFORE, BE IT ORDAINED AND ENACTED**, by the Mayor and Council of the City of College Park, Maryland that Chapter 184, §184-9 "Permit parking in restricted residential areas", be, and is hereby repealed, reenacted and amended to read as follows:

A. – B. \* \* \* \*

C. Residents abutting on such streets in the designated area may apply for parking permits, on forms to be provided by the City Manager, for their own vehicle(s) and for persons doing business with residents there and for some visitors. [~~Abutting residents shall be given preference over visitors of such residents.~~] The City Manager, for good cause shown, may

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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

waive the parking restriction as to visitors or persons doing business with residents or a given day or night.

D. – H. \* \* \*

I. THE PURPOSE OF THE VISITOR PERMIT IS TO ALLOW THE PARKING OF VEHICLES IN THE IMMEDIATE VICINITY OF THE PROPERTY FOR WHICH THE PERMIT IS ISSUED FOR SOCIAL OR BUSINESS PURPOSES. VISITOR PERMITS ALLOW PARKING ONLY WITHIN 200 FEET OF THE PROPERTY BOUNDARY ON BOTH SIDES OF THE STREET ON WHICH THE PROPERTY FRONTS AND ON AN INTERSECTING STREET.

J. IN ADDITION TO ANY OTHER ENFORCEMENT, A RESIDENT PARKING PERMIT OR VISITOR PARKING PERMIT MAY BE REVOKED IF USED IN VIOLATION OF THIS CHAPTER. PRIOR TO REVOCATION OF ANY PERMIT, THE RESIDENTS AND OWNER OF THE PROPERTY TO WHICH THE PERMIT HAS BEEN ISSUED SHALL BE GIVEN WRITTEN NOTICE OF MISUSE BY THE CITY. ONCE SAID NOTICE HAS BEEN GIVEN, THE PERMIT MAY BE REVOKED FOR CONTINUED MISUSE.

**Section 2.** **BE IT FURTHER ORDAINED** 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**

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

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

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

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

**ORDINANCE**  
**OF THE MAYOR AND COUNCIL OF THE CITY OF COLLEGE PARK, MARYLAND,**  
**AMENDING CHAPTER 184, "VEHICLES AND TRAFFIC", BY REPEALING AND**  
**REENACTING §184-9, "PERMIT PARKING IN RESTRICTED RESIDENTIAL ZONES"**  
**TO BETTER DEFINE WHERE VISITOR PARKING PERMITS MAY BE USED AND**  
**TO PROVIDE AN ENFORCEMENT MECHANISM**

**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 protect the health, safety and welfare of the citizens of the municipality and to prevent and remove nuisances; and

**WHEREAS**, the City has adopted Chapter 184-8, "Permit parking in restricted residential areas" to allow for permit and visitor parking in residential neighborhoods when initiated by Mayor and Council or be resident petition; and

**WHEREAS**, it has come to the attention of the Mayor and Council that misuse of the parking and visitor permits is occurring; and

**WHEREAS**, the Mayor and Council have determined that it is in the public interest to adopt certain amendments to Chapter 184 to prevent misuse of the permits and provide an additional enforcement mechanism.

**Section 1. NOW THEREFORE, BE IT ORDAINED AND ENACTED**, by the Mayor and Council of the City of College Park, Maryland that Chapter 184, §184-9 "Permit parking in restricted residential areas", be, and is hereby repealed, reenacted and amended to read as follows:

A. – B. \* \* \* \*

C. Residents abutting on such streets in the designated area may apply for parking permits, on forms to be provided by the City Manager, for their own vehicle(s) and for persons doing business with residents there and for some visitors. [~~Abutting residents shall be given preference over visitors of such residents.~~] The City Manager, for good cause shown, may

CAPS  
 [Brackets]  
 Asterisks \* \* \*

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

waive the parking restriction as to visitors or persons doing business with residents or a given day or night.

D. – H. \* \* \*

I. THE PURPOSE OF THE VISITOR PERMIT IS TO ALLOW THE PARKING OF VEHICLES IN THE IMMEDIATE VICINITY OF THE PROPERTY FOR WHICH THE PERMIT IS ISSUED FOR SOCIAL OR BUSINESS PURPOSES. VISITOR PERMITS ALLOW PARKING ONLY WITHIN 200 FEET OF THE PROPERTY BOUNDARY ON BOTH SIDES OF THE STREET ON WHICH THE PROPERTY FRONTS AND ON AN INTERSECTING STREET.

J. IN ADDITION TO ANY OTHER ENFORCEMENT, A RESIDENT PARKING PERMIT OR VISITOR PARKING PERMIT MAY BE REVOKED IF USED IN VIOLATION OF THIS CHAPTER. PRIOR TO REVOCATION OF ANY PERMIT, THE RESIDENTS AND OWNER OF THE PROPERTY TO WHICH THE PERMIT HAS BEEN ISSUED SHALL BE GIVEN WRITTEN NOTICE OF MISUSE BY THE CITY. ONCE SAID NOTICE HAS BEEN GIVEN, THE PERMIT MAY BE REVOKED FOR CONTINUED MISUSE.

**Section 2.** **BE IT FURTHER ORDAINED** 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**

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

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

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

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

14-0-09

**ORDINANCE**  
**OF THE MAYOR AND COUNCIL OF THE CITY OF COLLEGE PARK,**  
**MARYLAND, AMENDING CHAPTER 38, "CODE OF ETHICS", BY**  
**REPEALING AND REENACTING ARTICLE I, "GENERAL PROVISIONS",**  
**SECTION 38-4, "DEFINITIONS", ARTICLE II, "ETHICS COMMISSION",**  
**SECTION 38-8, "PROCEDURES FOR ADJUDICATING ALLEGED**  
**VIOLATIONS", AND ARTICLE IV, "REQUIRED DISCLOSURES", SECTION**  
**38-15, "FINANCIAL DISCLOSURE OF CITY ELECTED OFFICIALS AND**  
**CANDIDATES TO BE CITY ELECTED OFFICIALS", SECTION 38-16,**  
**"FINANCIAL DISCLOSURE OF EMPLOYEES AND APPOINTED**  
**OFFICIALS" AND SECTION 38-17 "ADDITIONAL CONFLICT OF INTEREST**  
**STATEMENTS AND CORRECTION OF INACCURATE OR INCOMPLETE**  
**FILINGS REQUIRED", TO AMEND THE ETHICS CODE TO CLARIFY THE**  
**DEFINITION OF INTEREST THAT MUST BE REPORTED, INCLUDING A**  
**PROCEDURE FOR DISMISSAL OF A COMPLAINT, CLARIFYING THE**  
**REQUIREMENTS FOR ELECTED OFFICIALS, CANDIDATE, APPOINTED**  
**OFFICIAL AND EMPLOYEE DISCLOSURE AND PROVIDING A REMEDY**  
**FOR FAILURE OF A CANDIDATE TO FILE THE REQUIRED DISCLOSURES**

**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 protect the health, safety and welfare of the citizens of the municipality and to prevent and remove nuisances; and

**WHEREAS**, the City has adopted a Code of Ethics as required by §15-801 *et seq.* of the State Government Article, Annotated Code of Maryland; and

**WHEREAS**, the City's Ethics Commission has recommended that certain changes to the Code of Ethics be adopted; and

**WHEREAS**, the General Assembly has amended the State Ethics Code to change the definition of an "interest" that must be reported with respect to mutual funds; and

**WHEREAS**, the Mayor and Council have determined that it is in the public interest to adopt certain amendments to the Code of Ethics.

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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 38, “Code of Ethics”, Article I, “General Provisions”, Section 38-4, “Definitions”, be, and is hereby repealed, reenacted and amended to read as follows:

**§ 38-4. Definitions.**

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

\* \* \* \* \*

INTEREST – Any legal or equitable economic interest, whether or not subject to an encumbrance or condition, which is owned or held, in whole or in part, jointly or severally, directly or indirectly, by any person subject to this chapter. One who serves as an officer or director of a business entity, whether operated for profit or not, has an “interest” in that business entity. For purposes of this chapter, the term "interest" applies to any interest owned or held at any time during the calendar year for which a required statement is to be filed or made upon the record of the City Council or any City body. For purposes of §38-15 and §38-16, interest includes any interest held at any time during the reporting period.

A. \* \* \* \*

B. For all purposes in this chapter, "Interest" does not include:

- (1) An interest held in the capacity of a personal agent, representative, custodian, fiduciary or trustee, unless the holder has an equitable interest therein.
- (2) An interest in a time or demand deposit in a financial institution.
- (3) An interest in an insurance or endowment policy or annuity contract under which an insurance company promises to pay a fixed number of dollars either in a lump sum or periodically for life or some other specified period.
- (4) An interest in a common trust fund or a trust that forms part of a pension or profit-sharing plan which has more than 25 participants and which has been determined by the Internal Revenue Service to be a qualified trust or college savings plan under Internal Revenue Code.
- (5) An interest in a business entity, if the official or employee owns three percent (3%) or less of the business, including ownership of securities held directly or indirectly, such as through mutual funds.

(6) A MUTUAL FUND THAT IS PUBLICLY TRADED ON A NATIONAL SCALE UNLESS THE MUTUAL FUND IS COMPOSED PRIMARILY OF HOLDINGS OF STOCKS AND INTERESTS IN A SPECIFIC SECTOR OR AREA THAT IS REGULATED BY THE CITY.

\* \* \* \* \*

**Section 2.** BE IT FURTHER ORDAINED AND ENACTED, that Chapter 38, “Code of Ethics”, Article II, “Ethics Commission”, § 38-8, “Procedures for adjudicating alleged violations”, be, and is hereby repealed, reenacted and amended to read as follows:

**§ 38-8. Procedures for adjudicating alleged violations.**

A. Complaint

(1) – (2) \* \* \* \*

(3) Ethics Counsel review. The Commission shall immediately transmit a copy of the complaint to its Ethics Counsel. The Ethics Counsel shall review the complaint and, at his or her discretion, may prepare an addendum to the complaint. The purposes of this addendum are to assure that the respondent has adequate notice of the specific Code provisions alleged to have been violated and to aid the Commission in limiting the scope of any preliminary hearing to relevant factual inquiries. Any addendum is to be submitted to the Commission within 10 working days of receipt of the complaint by the Ethics Counsel. IF THE ETHICS COUNSEL DETERMINES THAT THE COMPLAINT IS TIME BARRED UNDER PARAGRAPH (4) OF THIS SUBSECTION OR DOES NOT ASSERT FACTS THAT IF PROVEN TRUE WOULD CONSTITUTE A VIOLATION OF THIS CHAPTER OR CHAPTER 34, THE ETHICS COUNSEL MAY RECOMMEND THAT THE COMMISSION DISMISS THE COMPLAINT WITHOUT NOTICE TO THE

RESPONDENT OR A PRELIMINARY HEARING. UPON RECEIPT OF THE RECOMMENDATION, THE COMMISSION MAY DISMISS THE COMPLAINT.

(4) \* \* \* \*

B. \* \* \* \*

C. Preliminary hearing.

(1) – (3) \* \* \* \*

(4) [Respondents] RESPONDENT’S right to respond. The respondent shall have the opportunity to respond but is not required to attend or make any statement. Such person may describe in narrative form the testimony and other evidence which would be presented to disprove the alleged violation. If the respondent agrees that a violation has occurred, he or she may at any time waive the right to a final hearing and consent to a decision based on the facts alleged in the complaint or otherwise agreed upon. The disposition of any complaint without final hearing shall be by written order of the Commission in the form specified by Subsection D(5).

(5) – (7) \* \* \* \*

\* \* \* \*

**Section 3.** BE IT FURTHER ORDAINED AND ENACTED, that Chapter 38, “Code of Ethics”, Article IV, “Required Disclosures”, Section 38-15, “Financial disclosure of City elected officials and candidates to be City elected officials”, be, and is hereby repealed, reenacted and amended to read as follows:

**§ 38-15. [Financial] REQUIRED disclosure [of] BY City elected officials and candidates to be City elected officials.**

A. \* \* \* \*

B. [Financial]-REQUIRED disclosure statements

(1) REQUIRED DISCLOSURE STATEMENTS INCLUDE:

- (A) ANNUAL FINANCIAL DISCLOSURE STATEMENTS;
- (B) CANDIDATE FINANCIAL DISCLOSURE STATEMENTS; AND
- (C) STATEMENTS OF ACTUAL OR POTENTIAL CONFLICT OF INTEREST.

~~(2)~~~~(1) Except as provided in Subsection C a]~~ A City elected official or a candidate to be a City elected official shall file the financial disclosure statementS required under this section:

- (a) On a form provided by the Commission;
- (b) Under oath or affirmation; and
- (c) With the CITY CLERK, WHO SHALL FORWARD THE STATEMENTS TO THE Commission OR THE BOARD OF ELECTION SUPERVISORS, AS APPROPRIATE.

~~(3)~~~~(2)~~Deadlines for filing statements.

- (a) An incumbent City elected official shall file ~~[a financial disclosure statement annually]~~ AN ANNUAL FINANCIAL DISCLOSURE STATEMENT no later than April 30 of each year for the preceding calendar year.
- (b) An individual who applies to fill a vacancy in an office for which aN ANNUAL financial disclosure statement is required and who has not already filed a financial disclosure statement for the reporting period, shall file a statement for the preceding calendar year and the portion of the current calendar year to date of filing together with the application for appointment.
- (C) AN ELECTED OFFICIAL SHALL FILE A STATEMENT OF ACTUAL OR POTENTIAL CONFLICT OF INTEREST DISCLOSING EMPLOYMENT AND INTERESTS THAT RAISE CONFLICTS OF INTEREST OR POTENTIAL CONFLICTS OF INTEREST IN CONNECTION WITH A SPECIFIC PROPOSED ACTION BY THE OFFICIAL SUFFICIENTLY IN ADVANCE OF THE ACTION TO PROVIDE ADEQUATE DISCLOSURE TO THE PUBLIC.

\* \* \*

C. Candidates to be City elected officials.

(1) A candidate to be an elected City official shall file a financial disclosure statement ~~[each year beginning with the year in which the authorization of candidacy is filed through the year of the election]~~ WITH THE CITY CLERK WITH THE CANDIDATE'S AUTHORIZATION OF CANDIDACY. THE CITY CLERK SHALL FORWARD THE STATEMENT TO THE BOARD OF ELECTION SUPERVISORS.

~~(2) — A candidate to be an elected City official shall file a statement required under this section:~~

- ~~(a) — In the year the authorization of candidacy is filed, no later than the filing of the authorization of candidacy.]~~ (A) EXCEPT AS PROVIDED IN PARAGRAPH (B), the reporting period shall be the calendar year immediately preceding the year in which the authorization is filed and the portion of the current calendar year to the date the authorization is filed;
- ~~(b) [In the year of the election, if other than the year in which the authorization of candidacy is filed, on or before the earlier of April 30 or the last day for the withdrawal of candidacy; and]~~ FOR ELECTED

OFFICIALS THAT HAVE FILED A STATEMENT UNDER ANOTHER PROVISION OF THIS SECTION FOR THE PRECEDING CALENDAR YEAR, THE REPORTING PERIOD SHALL BE THE PORTION OF THE CALENDAR YEAR TO THE DATE THE AUTHORIZATION IS FILED;

~~[(e) — In all other years for which a statement is required, on or before April 30.](3)~~

~~[A candidate to be an elected City official:~~

~~(a) — Shall file the statement required under § 38-15C(2)(a) of this chapter with the Board of Election Supervisors at the time of filing of the authorization of candidacy and with the Commission prior to or at the time of filing the authorization of candidacy; and~~

~~(b) — Shall file the statements required under § 38-15C(2)(b) and (c) with the Commission.~~

~~(4) — If a candidate fails to file a statement required by this section after written notice is provided by the Board of Election Supervisors at least 20 days before the last day for the withdrawal of candidacy, the candidate is deemed to have withdrawn the candidacy.~~

~~(5)]~~ The Board of Election Supervisors may not accept ~~[any certificate of candidacy unless a statement has been filed in proper form.]~~ The Board of Election Supervisors may not accept AN AUTHORIZATION OF CANDIDACY UNLESS IT IS ACCOMPANIED BY THE CANDIDATE’S FINANCIAL DISCLOSURE STATEMENT THAT INCLUDES ALL REQUIRED IDENTIFYING AND CONTACT INFORMATION, IS SIGNED UNDER OATH, AND INCLUDES ANSWERS TO EVERY MANDATORY QUESTION.

((4) Upon receipt of a statement required under this section, the Board of Election Supervisors shall promptly forward the statement to the Commission or the office designated by the Commission, ~~[but in any event]~~ AND SHALL DO SO no later than ~~[within 30 days of receipt and no later than]~~ THE close of business on the day of the filing deadline ~~[, whichever is earlier]~~ FOR THE AUTHORIZATION OF CANDIDACY.

(D) – (H) \* \* \* \*

\* \* \* \*

**Section 4.** BE IT FURTHER ORDAINED AND ENACTED, that Chapter 38, “Code of Ethics”, Article IV, “Required Disclosures”, Section 38-15, “Financial disclosure of City elected officials and candidates to be City elected officials”, be, and is hereby repealed, reenacted and amended to read as follows:

**§ 38-16. [Financial] REQUIRED disclosure {of} BY employees and appointed officials.**

A. – E. \* \* \* \*

F. A newly appointed City official shall file a [~~financial~~] REQUIRED disclosure form within 30 days of appointment. The reporting period for the statement is the calendar year immediately preceding the year in which the disclosure form is filed, and the portion of the current calendar year to the date the form is filed.

**Section 5.** BE IT FURTHER ORDAINED AND ENACTED, that Chapter 38, “Code of Ethics”, Article IV, “Required Disclosures”, Section 38-17, “Additional conflict of interest statements and correction of inaccurate or incomplete filings”, be, and is hereby repealed, reenacted and amended to read as follows:

**§ 38-17. Additional conflict of interest statements and correction of inaccurate or incomplete filings.**

(A) – (B) \* \* \* \*

C. Any person required to file a conflict of interest, lobbying registration, or financial disclosure statement pursuant to this chapter shall correct any inaccurate or incomplete filings with the commission within [~~30~~] 15 days of learning or being notified that the statement is inaccurate or incomplete. Any candidate for office notified that a [~~form~~] STATEMENT is, or appears to the commission to be, inaccurate or incomplete must provide the additional information required to the commission or confirm the accuracy and completeness of the [~~form~~] STATEMENT WITHIN 15 DAYS OR prior to the withdrawal of candidacy deadline, WHICHEVER IS FIRST TO OCCUR. IF ADDITIONAL INFORMATION IS NOT PROVIDED OR THE ACCURACY AND COMPLETENESS OF THE INFORMATION IS NOT CONFIRMED, IN WRITING, WITHIN THE REQUIRED TIME TO THE SATISFACTION OF THE COMMISSION THAT IT IS IN COMPLIANCE WITH THE

ETHICS CODE, THEN THE CANDIDATE IS DEEMED TO HAVE WITHDRAWN THE CANDIDACY. THE COMMISSION MAY DELEGATE THE DETERMINATION OF SUFFICIENCY TO ITS CHAIR.

**Section 6. BE IT FURTHER ORDAINED** 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**

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

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

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

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

14-G-88

**Appointment to Boards and Committees**

**14-G-88**

Councilmember Wojahn:

David Keer to the Aging-In-Place Task Force

Eric Grims to the Recreation Board

Councilmember Mitchell:

Maria Mackie to the Board of Election Supervisors