



WEDNESDAY, NOVEMBER 12, 2014
CITY OF COLLEGE PARK
COUNCIL CHAMBERS

7:00 P.M.
PUBLIC HEARING ON THE PETITION REQUEST TO REMOVE
TRAFFIC CALMING (IN THE FORM OF PAVEMENT STRIPING)
IN THE 7300 BLOCK OF RADCLIFFE DRIVE

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

MEDITATION

PLEDGE OF ALLEGIANCE: Councilmember Mitchell

ROLL CALL

MINUTES: Special Session on October 21, 2014, Regular Meeting on October 28, 2014

ANNOUNCEMENTS

ACKNOWLEDGMENT OF DIGNITARIES

ACKNOWLEDGMENT OF NEWLY APPOINTED BOARD AND COMMITTEE MEMBERS

AWARDS

PROCLAMATIONS – Small Business Saturday, November 29, 2014

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

Prince George's County Beautification Awards:
College Park Veterans Memorial – Mary Cook
Friends Community School – Larry Clements

CONSENT AGENDA

- 14-G-114 Award of a two-year extension of CP-06-04, Right-Of-Way Grass Mowing Contract, to ValleyCrest Landscape, in an amount not to exceed \$46,497.78 per year for 2015 and 2016, for a total not to exceed \$92,995.56, and authorization for the City Manager to sign the contract. *(Requires a super majority)*
- Motion By
To:
Aye: _____
Nay: _____
Other: _____
- 14-G-115 Approval of Education Advisory Committee Recommendations for FY '16 Education Grants to Hollywood Elementary, Paint Branch Elementary and Parkdale High School for \$7,500 each, and to Berwyn Heights Elementary, Cherokee Lane Elementary and Hyattsville Middle School for \$2,500 each, for a total of \$30,000. [Additional awards are pending.]

ACTION ITEMS

- 14-G-116 Council Action On The Petition Request To Remove Traffic Calming (i.e., not to replace the Pavement Striping) In The 7300 Block Of Radcliffe Drive
- Motion By:
To:
Second:
Aye: _____ Nay: _____
Other: _____
- 14-G-117 Motion to voice no objection to an application by Dana M. Lee, President/Owner for a Class B, Beer and Wine License for the use of DKL Investments, Inc., t/a Backyard Sports Grill, 7313 A-B Baltimore Avenue, College Park, subject to the applicant entering into a Property Use Agreement with the City
- Motion By: Stullich
To: Approve
Second:
Aye: _____ Nay: _____
Other: _____
- 14-G-118 Approval of a contract, subject to approval of the City Attorney, to Hitachi Data Systems for expansion of CCTV/LPR along the trolley trail between Lakeland and Berwyn in an amount not to exceed \$125,000 funded by a grant award from the Governor's Office of Crime Control and Prevention
- Motion By: Dennis
To: Approve
Second:
Aye: _____
Nay: _____
Other: _____
- 14-G-119 Approval of City comments on an Historic Area Work Permit application for 4618 College Avenue
- Motion By: Stullich
To: Approve
Second:
Aye: _____ Nay: _____
Other: _____

COUNCIL COMMENTS

COMMENTS FROM THE AUDIENCE

ADJOURN

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

City Clerk's Office: 240-487-3501

**PUBLIC
HEARING:
TRAFFIC
CALMING
7300 BLOCK
RADCLIFFE**

From: Gabriel Iriarte [geiriarte@me.com]
Sent: Thursday, October 23, 2014 3:11 PM
To: Janeen S Miller
Cc: Stulich Stephanie
Subject: Comment to Remove Traffic Calming on Radcliffe Dr.

Hi Mrs. Miller:

In reference to our conversation and your letter dated October 15, 20014, my family and I would like to submit comments on this issue for the upcoming Public Hearing on November 12, 2014.

The traffic-calming striping should be replaced because it slows speeders along Radcliffe Dr., specifically at the top of the hill where it is difficult to see the incoming traffic from either direction.

Without the devices, many times while walking my dogs, I had to jump onto the curb because incoming cars just didn't see me. The reasons are speed and the driver's tendency to stay as far right, close to the curb.

The benefit of this device is enormous, because as drivers come into the calming striping, the road appears to narrow triggering the driver to slow down and to move away from the curb, therefore avoiding any pedestrians walking along.

There is no evidence of drivers getting confused or thinking that Radcliffe is a one way street, additionally there is not evidence of local drivers speeding because they are adjusted to the calming striping.

The speed on Radcliffe is not a new problem, around ten years ago, we had several neighborhood meetings in order to address the speed issue, and we all agreed by vote, that the striping was a better option than the speed bumps.

It has been a year since the Water Sanitary Sewer Commission (WSSC) removed the traffic calming devices in order to resurface the streets of Yarrow and the College Park States subdivisions. As a result, the speed problem has surfaced again.

This is a neighborhood that unfortunately doesn't have sidewalks, as a result the calming striping is a safe measure that saves lives, enhances our neighborhood and encourages our community to walk.

NOTE:

There are three residents in my home, my wife, my son and I. All of them are in agreement with the above comments.

Regards,

Gabriel E. Iriarte
7302 Radcliffe Dr.
College Park, MD 20740
301-5268540 Cell
301-4411438 Home



PUBLIC HEARING NOTICE

TO: Residents of the 7300 Block of Radcliffe Drive (between Edmonston Road and Knoxville Drive)

FROM: Janeen S. Miller, City Clerk 

DATE: October 15, 2014

RE: Public Hearing on the Petition Request to Remove Traffic Calming in the 7300 Block of Radcliffe Drive

The Mayor and Council of the City of College Park will hold a Public Hearing on **Wednesday, November 12, 2014 at 7:00 p.m.** to take public comment on the petition request to remove traffic calming (by not re-installing the roadway striping) in the 7300 Block of Radcliffe Drive. The Public Hearing will be held in the 2nd floor Council Chambers at City Hall, 4500 Knox Road, College Park. All persons interested shall have an opportunity to be heard.

Please see the reverse for more information about the process pertaining to this petition request. The full Staff report is posted on the City's web site at www.collegeparkmd.gov. Click on "Public Hearing Notice." The report is also available from the City Clerk's office.

You may park for free in the City Hall parking lot while attending this hearing by displaying a parking pass in your windshield. Passes are available at the window inside the lobby of City Hall. In accordance with the Americans With Disabilities Act, if you need special assistance, please contact the City Clerk's Office at 240-487-3501 and describe the assistance that is necessary.

If you have any questions, please feel free to contact our office at 240-487-3501 and we will be happy to assist you.

cc: Yarrow Civic Association President
Councilmember Robert Day
Councilmember Stephanie Stullich

MEMORANDUM

TO: Mayor and Council

THROUGH: Joseph L. Nagro, City Manager 

FROM: Janeen S. Miller, City Clerk 

COPY: Steve Halpern, City Engineer

DATE: September 24, 2014

RE: Petition Request to remove traffic-calming striping in the 7300 block of Radcliffe Road

ISSUE

Residents of the 7300 block of Radcliffe Drive submitted the following petition, which was validated per City Code standards by Jim Miller, Parking Enforcement Manager:

We the undersigned are asking the City of College Park to no longer stripe Radcliffe Drive with wide white lines, which original purpose was to deter speeding by seeking to visually narrow the road. We appreciate the intent behind this striping, but we believe it has not provided an effective deterrent to speeders, because most of the speeders are regular drivers through the neighborhood and they have long ago adjusted to the presence of the white lines. Additionally, it confuses drivers unfamiliar with the neighborhood into thinking Radcliffe is a one-way street, posing some hazard. We believe the striping is unattractive and detracts from the appearance of our neighborhood, as well as being ineffective. Since the street has just been resurfaced as part of the WSSC pipe replacement project, we ask that the City request that the WSSC contractor not "restore" these particular stripes. Instead, we believe that asking our contract police officers to conduct periodic speed enforcement on Radcliffe (which has helped in the past) would be a more effective way to deter speeding and improve safety for families living on Radcliffe. Thank you.

The City Engineer has now completed his report, which is attached. Traffic Calming is regulated in City Code Chapter 184 Vehicles and Traffic, Article VI Traffic Calming Devices.

RECOMMENDATION

Per §184-41 of the City Code, a Public Hearing on this matter should now be scheduled.

Attachments:

City Engineer's Recommendation and Traffic Study
August 13, 2013 Memo to Council
City Code §184-41

Resident
7309 Radcliffe Drive
College Park, MD 20740

Resident
7212 Radcliffe Drive
College Park, MD 20740

*Mailed
10/16/14*

Resident
7315 Radcliffe Drive
College Park, MD 20740

Resident
7302 Radcliffe Drive
College Park, MD 20740

Resident
7306 Radcliffe Drive
College Park, MD 20740

Resident
7322 Radcliffe Drive
College Park, MD 20740

Resident
7300 Radcliffe Drive
College Park, MD 20740

Resident
7320 Radcliffe Drive
College Park, MD 20740

Resident
7327 Radcliffe Drive
College Park, MD 20740

Resident
7324 Radcliffe Drive
College Park, MD 20740

Resident
7331 Radcliffe Drive
College Park, MD 20740

Resident
7329 Radcliffe Drive
College Park, MD 20740

Resident
7323 Radcliffe Drive
College Park, MD 20740

Resident
7316 Radcliffe Drive
College Park, MD 20740

Resident
7316A Radcliffe Drive
College Park, MD 20740

Resident
7308 Radcliffe Drive
College Park, MD 20740

Resident
7304 Radcliffe Drive
College Park, MD 20740

Resident
7325 Radcliffe Drive
College Park, MD 20740

Residents
7301 Radcliffe Drive
College Park, MD 20740

Resident
7318 Radcliffe Drive
College Park, MD 20740

Resident
7321 Radcliffe Drive
College Park, MD 20740

Resident
7307 Radcliffe Drive
College Park, MD 20740

Resident
7310 Baylor Avenue
College Park, MD 20740

Resident
7302 Baylor Avenue
College Park, MD 20740

Resident
7305 Baylor Avenue
College Park, MD 20740

Resident
7300 Baylor Avenue
College Park, MD 20740

Resident
7401 Radcliffe Drive
College Park, MD 20740

Resident
73... Radcliffe Drive
College Park, MD 20740

Resident
7317 Radcliffe Drive
College Park, MD 20740

Mark Cook, President
Yarrow Civic Association
7326 Baylor Avenue
College Park, MD 20740

MEMORANDUM

To: Joe Nagro, City Manager 
From: Steven E. Halpern, P.E. 
Date: September 23, 2014
Subject: Recommendation to Remove Existing Traffic Calming Practice from Radcliffe Drive between Edmonston Road and Knoxville Drive

Location

Radcliffe Drive is located between Edmonston Road and Knoxville Drive in the Yarrow subdivision of the City. It is oriented northwest-southeast and is classified as a local residential street. Area map attached.

Traffic Concern

The residents along the 7300 block of Radcliffe Drive have petitioned the City not to reinstall the traffic calming technique –Edge Striping – that was previously in place. The edge striping was removed last year when the street was resurfaced.

Traffic Investigation

The traffic count was performed approximately one year after the edge striping was removed. A traffic counter was placed at 7308 Radcliffe drive for one full week, from August 14th to August 21st. A 48-hour traffic analysis was performed on the data collected from August 15th to August 16th because it represented the worst traffic conditions. Our investigation revealed that the Average Daily Traffic Volume was 252 and 26.5% of all vehicles were traveling in excess of 30 mph; the speeding threshold is 15%. Speeding was identified as being a problem.

- 3 Vehicles were recorded traveling in excess of 40 mph
- 25 Vehicles were recorded traveling between 35 and <40 mph
- 135 Vehicles were recorded traveling between 30 and <35 mph
- 321 Vehicles were recorded traveling between 25 and <30 mph

City Warrants for Speed Hump Installations per City Code Chapter 184 Article IV	Data obtained during Study	Warrant
Average traffic volume greater than 500	252	Not Met
15% of total volume exceeding speed limit by 5 mph	26.5%	Met

Comparison of current traffic data with the data collected in August 2005:

	August 2005	August 2014	Percent Change
Average Day Traffic	324	252	-22%
% of vehicles exceeding speed limit by 5 mph	47	26.5	-44%
Vehicles were recorded traveling in excess of 40 mph	53	3	-94%
Vehicles were recorded traveling between 35 and <40 mph	66	25	-62%
Vehicles were recorded traveling between 30 and <35 mph	186	135	-27%
Vehicles were recorded traveling between 25 and <30 mph	221	321	45%

The data indicates that the Average Daily Traffic has decreased 22% and the percent of vehicles exceeding speed limit by 15 mph decreased by 44%.

In 2005 the community petitioned for traffic calming on Radcliffe Drive but did not want Speed Humps. They wanted something less intrusive so we recommended edge striping.

Since the original traffic study in 2005, traffic on Radcliffe Drive has become tamer, for lack of better word.

Recommendation

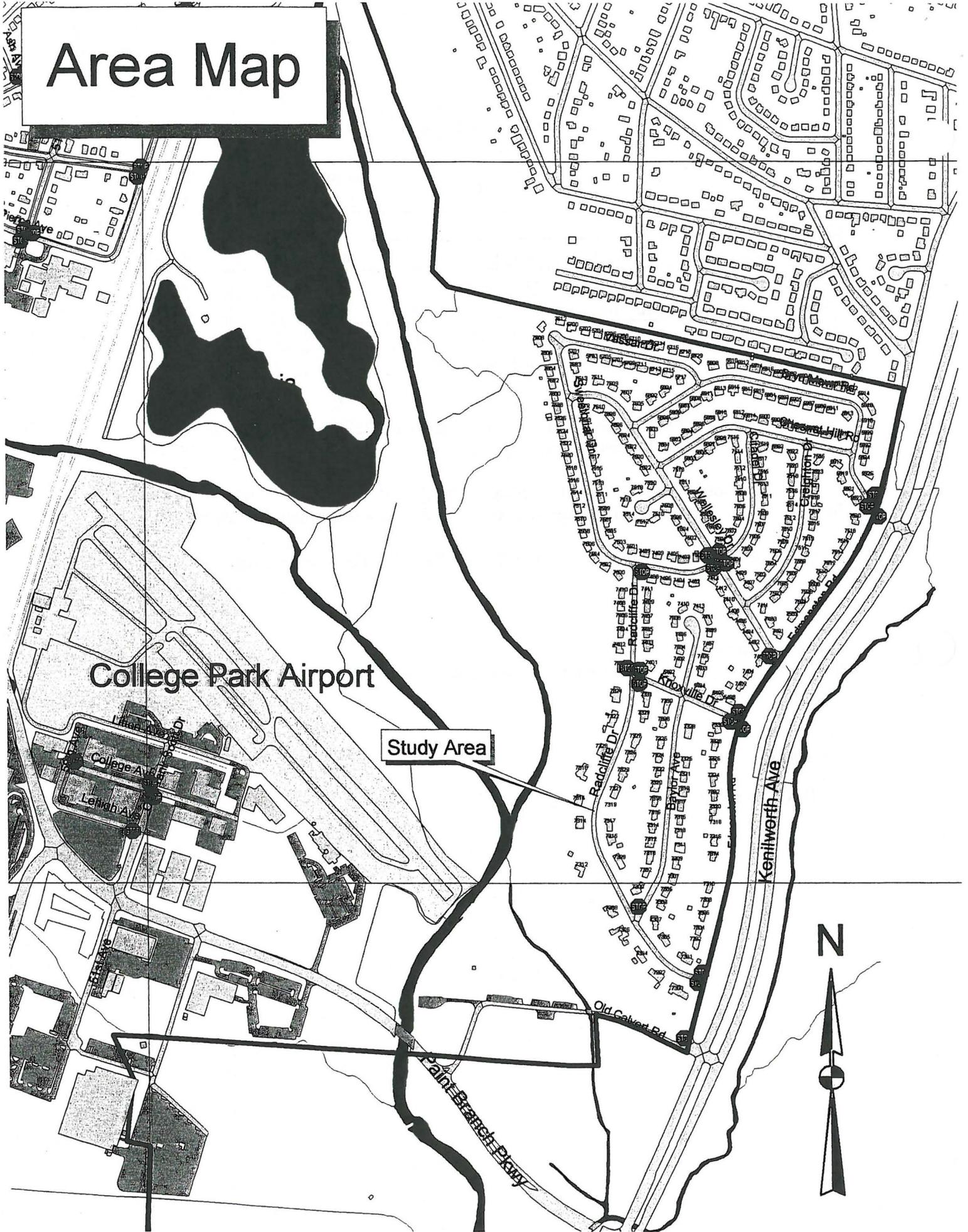
Staff recommends that the edge striping not be installed at this time.

Attachments:

Area Map

Traffic Count Data

Area Map



College Park Airport

Study Area

Kenilworth Ave

Paine-Barber Pkwy

N



Description 1: 7308 Radcliffe Dr
 Description 2: Counter No 1
 Description 3: Speed and Volume Study

Site:
 Date:

Yarrow
 8/15/2014
 Friday

24 Hour Speed
 Combined Channels

mph	Total	0 - < 15	15 - < 20	20 - < 25	25 - < 30	30 - < 35	35 - < 40	40 - < 45	45 - < 50	50 - < 55	55 - < 60	60 - < 65	65 - < 70	70 - < 200
12:00 AM	4	0	0	1	0	3	0	0	0	0	0	0	0	0
1:00 AM	1	0	0	0	1	0	0	0	0	0	0	0	0	0
2:00 AM	2	0	0	0	1	1	0	0	0	0	0	0	0	0
3:00 AM	1	1	0	0	0	0	0	0	0	0	0	0	0	0
4:00 AM	1	0	0	0	1	0	0	0	0	0	0	0	0	0
5:00 AM	10	0	1	1	5	3	0	0	0	0	0	0	0	0
6:00 AM	3	0	0	1	1	0	1	0	0	0	0	0	0	0
7:00 AM	12	0	1	1	2	7	1	0	0	0	0	0	0	0
8:00 AM	12	2	1	3	4	2	0	0	0	0	0	0	0	0
9:00 AM	11	0	0	3	6	2	0	0	0	0	0	0	0	0
10:00 AM	13	0	2	5	1	3	2	0	0	0	0	0	0	0
11:00 AM	21	0	3	4	8	5	1	0	0	0	0	0	0	0
12:00 PM	14	0	1	4	5	3	1	0	0	0	0	0	0	0
1:00 PM	15	0	0	3	5	7	0	0	0	0	0	0	0	0
2:00 PM	28	0	3	7	9	5	4	0	0	0	0	0	0	0
3:00 PM	12	0	0	0	11	1	0	0	0	0	0	0	0	0
4:00 PM	14	0	2	4	4	2	2	0	0	0	0	0	0	0
5:00 PM	19	0	2	4	8	3	2	0	0	0	0	0	0	0
6:00 PM	19	0	1	10	2	4	2	0	0	0	0	0	0	0
7:00 PM	17	0	0	6	9	2	0	0	0	0	0	0	0	0
8:00 PM	12	3	1	2	6	0	0	0	0	0	0	0	0	0
9:00 PM	13	0	0	4	5	4	0	0	0	0	0	0	0	0
10:00 PM	10	2	1	2	1	4	0	0	0	0	0	0	0	0
11:00 PM	7	0	1	1	4	1	0	0	0	0	0	0	0	0
Total	271	8	20	66	99	62	16	0	0	0	0	0	0	0
%		3.0	7.4	24.4	36.5	22.9	5.9	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Percentile Speeds
 (mph)

10 %	15 %	50 %	85 %	90 %
19.8	20.9	27.4	32.1	33.2

10 mph Pace Speed
 Number in Pace

22.2 - 32.2	Average
187 (69.0 %)	26.7 mph
	Minimum
	5.6 mph
	Maximum
	39.6 mph

Speeds Exceeded

	25 mph	30 mph	35 mph	40 mph	45 mph	50 mph	55 mph	60 mph
Count	65.3 %	28.8 %	5.9 %	0.0 %	0.0 %	0.0 %	0.0 %	0.0 %
	177	78	16	0	0	0	0	0

Description 1: 7308 Radcliffe Dr
 Description 2: Counter No 1
 Description 3: Speed and Volume Study

Site: Yarrow
 Date: 8/16/2014
 Saturday

24 Hour Speed
 Combined Channels

mph	Total	0 - < 15	15 - < 20	20 - < 25	25 - < 30	30 - < 35	35 - < 40	40 - < 45	45 - < 50	50 - < 55	55 - < 60	60 - < 65	65 - < 70	70 - < 200
12:00 AM	6	0	1	2	2	1	0	0	0	0	0	0	0	0
1:00 AM	2	0	0	0	1	1	0	0	0	0	0	0	0	0
2:00 AM	1	0	0	0	1	0	0	0	0	0	0	0	0	0
3:00 AM	2	0	0	0	0	1	0	0	1	0	0	0	0	0
4:00 AM	1	0	0	0	1	0	0	0	0	0	0	0	0	0
5:00 AM	1	0	0	0	1	0	0	0	0	0	0	0	0	0
6:00 AM	4	0	0	0	2	1	1	0	0	0	0	0	0	0
7:00 AM	6	1	2	0	1	2	0	0	0	0	0	0	0	0
8:00 AM	4	0	1	0	2	1	0	0	0	0	0	0	0	0
9:00 AM	10	0	0	2	5	3	0	0	0	0	0	0	0	0
10:00 AM	18	0	3	4	8	1	1	1	0	0	0	0	0	0
11:00 AM	17	0	3	4	3	5	2	0	0	0	0	0	0	0
12:00 PM	18	0	2	2	5	9	0	0	0	0	0	0	0	0
1:00 PM	16	4	2	3	5	2	0	0	0	0	0	0	0	0
2:00 PM	19	0	3	3	10	3	0	0	0	0	0	0	0	0
3:00 PM	19	1	0	4	9	4	1	0	0	0	0	0	0	0
4:00 PM	15	1	4	3	4	3	0	0	0	0	0	0	0	0
5:00 PM	10	0	1	3	5	1	0	0	0	0	0	0	0	0
6:00 PM	14	1	1	5	4	2	1	0	0	0	0	0	0	0
7:00 PM	19	0	2	6	10	1	0	0	0	0	0	0	0	0
8:00 PM	11	0	2	3	2	4	0	0	0	0	0	0	0	0
9:00 PM	7	0	2	1	2	1	1	0	0	0	0	0	0	0
10:00 PM	9	0	0	3	4	2	0	0	0	0	0	0	0	0
11:00 PM	4	0	1	3	0	0	0	0	0	0	0	0	0	0
Total	233	8	30	51	87	48	7	1	1	0	0	0	0	0
%		3.4	12.9	21.9	37.3	20.6	3.0	0.4	0.4	0.0	0.0	0.0	0.0	0.0

Percentile Speeds
 (mph)

<u>10 %</u>	<u>15 %</u>	<u>50 %</u>	<u>85 %</u>	<u>90 %</u>
18.4	19.8	26.6	31.6	32.7

10 mph Pace Speed
 Number in Pace

22.7 - 32.7	Average	26.1 mph
154 (66.1 %)	Minimum	6.5 mph
	Maximum	49.0 mph

Speeds Exceeded

<u>25 mph</u>	<u>30 mph</u>	<u>35 mph</u>	<u>40 mph</u>	<u>45 mph</u>	<u>50 mph</u>	<u>55 mph</u>	<u>60 mph</u>
61.8 %	24.5 %	3.9 %	0.9 %	0.4 %	0.0 %	0.0 %	0.0 %
Count	144	57	9	2	1	0	0

MEMORANDUM

TO: Mayor and Council

THROUGH: Joe Nagro, City Manager *JN*

FROM: Janeen S. Miller, City Clerk *JSM*

DATE: August 13, 2013

RE: Petition Request for the removal of traffic calming striping in the 7300 block of Radcliffe Drive (between Edmonston and Knoxville Roads)

ISSUE:

On August 6, 2013 we received a resident petition requesting the removal of traffic calming striping in the 7300 block of Radcliffe Drive, between Edmonston and Knoxville Roads. The street has recently been repaved, and the existing traffic calming striping has not yet been restored. This request is that the prior traffic calming striping not be replaced.

The petition has been validated by Parking Enforcement as containing signatures from 68% of the residents (Attachment 1). Pursuant to the procedures set out in Article VI of Chapter 184 of the Code, the next steps would be to request a traffic study by the City Engineer, then schedule a public hearing on the request, after which the City Council would take action.

BACKGROUND:

The request to install traffic calming was initiated in 2005 by resident petition. A traffic study was completed in September 2005; the City Engineer recommended three flat-top type speed humps be installed in the 7300 block of Radcliffe (Attachment 2). A public hearing on the recommendation was held on September 27, 2005 (Attachment 3). The City Council pulled the action item off the agenda that same night, and requested that the City Engineer meet with the community to come to an agreement as to the next steps. As a result of those discussions, traffic calming striping was installed instead of the recommended speed humps.

RECOMMENDATION:

Staff recommends that another traffic study be conducted to assess the current situation on the block. Once completed, the findings will be presented to Council and a public hearing will be scheduled on the request not to reinstall traffic calming striping on the street.

Attachments:

- 1 – Petition validation memo from Jim Miller dated August 8, 2013
- 2 – Traffic Study dated September 20, 2005
- 3 – Minutes from September 27, 2005 Public Hearing

cc: Steve Halpern, City Engineer
Robert Ryan, Director of Public Services
Robert Stumpff, Director of Public Works

Chapter 184. VEHICLES AND TRAFFIC

Article VI. Traffic Calming Devices

§ 184-41. Public hearing; criteria for evaluating requests.

A. Conduct of public hearing.

- (1) After having been notified by the City Clerk that a report from the Department of Public Works pertaining to a petition for the installation of a traffic calming device has been received, the Mayor and Council shall schedule a public hearing to solicit the opinions of the entire neighborhood and the city at large.
- (2) The City Clerk shall send notice of the public hearing to all residents of the street for which a traffic calming device is requested, to the local neighborhood citizen association and to the adjoining neighborhood citizen associations. The public hearing shall be advertised in a paper of general circulation in the city.
- (3) After conducting the public hearing and declaring the hearing record closed, the Mayor and Council shall announce its decision within 45 days of the close of the hearing record. This time may be extended by majority vote of the Council.
- (4) The Mayor and Council may approve, approve with modifications or deny the request for the installation of a traffic calming device.
- (5) The City Clerk shall notify the petitioners and their neighborhood or civic association of the Mayor and Council's decision, which shall also be published in a newspaper of general circulation in the city.

B. Guidelines for evaluating a request for the installation of a traffic calming device. Petitions requesting the installation of a traffic calming device shall be evaluated in accordance with the standards established by the State Highway Administration and the Institute of Traffic Engineering Guidelines. The following criteria are intended to further guide the Mayor and Council in determining whether a request for a traffic calming device is reasonable and justified. These shall not be considered exclusive criteria:

- (1) The street proposed for a traffic calming device has an identified speeding problem which cannot be alleviated any other way than by a traffic calming device. Such a problem can be identified through a combination of resident complaints, police radar surveillance and ticketing practices, accident statistics and the history of the previous

efforts to control speeding on the street. Traffic calming devices will only be installed to address documented safety or traffic concerns supported by traffic engineering studies. Devices can be implemented individually or in conjunction with other traffic calming measures depending upon area conditions and characteristics.

- (2) The street carries a higher volume of nonresidential traffic than would normally be expected. Streets considered for traffic calming must be primarily residential with a majority of residential homes and driveways fronting on the street.
- (3) The installation of traffic calming devices shall be assessed for their potential impact on public transportation and fire and rescue operations.
- (4) The potential impact of traffic calming devices on adjacent neighborhoods shall be assessed.
- (5) If a problem is determined during the engineering study, the Department of Public Works will consult with the residents of the particular street and develop a plan for the type and location of traffic calming devices.

MINUTES

MINUTES
Special Session of the College Park City Council
Council Chambers
Tuesday, October 21, 2014

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

ABSENT: None.

ALSO PRESENT: Joe Nagro, City Manager; Janeen Miller, City Clerk; Suellen Ferguson, City Attorney; Bill Gardiner, Assistant City Manager; Terry Schum, Director of Planning; Bob Ryan, Director of Public Services; Cole Holocker, Student Liaison.

During a regularly scheduled Worksession of the College Park City Council, a motion was made by Councilmember Brennan and seconded by Councilmember Day to enter into a Special Session to act on a matter that is time sensitive. The motion passed 8 – 0 – 0 and the Council entered Special Session at 11:14 p.m.

ACTION ITEMS

14-G-110 Letter to the General Services Administration with City comments on the Environmental Impact Statement (EIS) scope-of-study for the possible relocation of the FBI to Greenbelt Station

This item was added to the agenda because the deadline for comments on the scope of the Environmental Impact Study for the potential relocation of the FBI to Greenbelt Station is October 23.

A motion was made by Councilmember Wojahn and seconded by Councilmember Kabir to send a letter to Ms. Nia Francis with City comments on the scope of study of the EIS, and to authorize staff to sign the letter if the Mayor is not available.

Councilmembers Kabir and Wojahn suggested amendments to the draft letter.

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

The motion passed 8 – 0 – 0.

ADJOURN:

A motion was made by Councilmember Brennan and seconded by Councilmember Wojahn to adjourn the Special Session, and with a vote of 8 – 0 – 0 Mayor Fellows adjourned the Special Session at 11:17 p.m.

Janeen S. Miller, CMC
City Clerk

Date
Approved

MINUTES
Regular Meeting of the College Park City Council
Tuesday, October 28, 2014
8:28 p.m. – 8:52 p.m.

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

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; Jill Clements, Director of Human Resources; Steve Groh, Director of Finance; Cole Holocker, Student Liaison.

Mayor Fellows opened the regular meeting at 8:28 p.m. following the conclusion of a 7:00 p.m. Public Forum on the site selection for City Hall. Councilmember Hew led the Pledge of Allegiance.

Minutes: A motion was made by Councilmember Dennis and seconded by Councilmember Mitchell to approve the minutes of the Special Session on October 7, 2014, the Regular Meeting on October 14, 2014 and the Public Hearing on October 14, 2014. The motion passed 8 – 0 – 0.

Announcements:

Councilmember Mitchell commented on last week's meeting with civic association presidents.

Councilmember Brennan said the Board and Brew received their Beer and Wine license from the BOLC.

Councilmember Wojahn said he is resurrecting the "College Park Tour." The next event is tentatively scheduled for January 12, 2015 at the Board and Brew with Eric Olson as the speaker. He also announced the next meeting of the North College Park Citizens Association will be November 13 at 7:30 p.m. at Davis Hall.

Councilmember Kabir announced Saturday's community clean up in north College Park. On Sunday there will be a free computer class for adults at the College Park Community Library from 2 – 4 p.m.

Amendments to the Agenda: None.

City Manager's Report: Mr. Nagro announced that the next two Council meetings will be on Wednesday nights: November 5 and November 12. He discussed the City's curbside leaf collection program: rake leaves to the curb, not into the street. The collection calendar posted on the website will be updated each Friday.

Student Liaison's Report: Mr. Holocker said a report with the findings from last week's safety walk will be issued soon. He is coordinating students to help at the adult computer class that was announced by Councilmember Kabir.

Comments from the Audience on Non-Agenda items:

Jack Robson, 4710 Harvard: Hyattsville is paying \$5,000 for 1,000 Shuttle-UM passes; we paid \$6,000. We should try to get the same price.

David Dorsch, 4607 Calvert Road: He enjoyed College Park Day. One thing that was missing is the City's acknowledgement of residents who have done something good with their properties.

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

14-G-108 Approval of a Letter to the County Executive requesting prioritization of funding for U.S. 1

14-R-33 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-2014-07, 4900 Indian Lane, College Park, Maryland, Recommending Approval of Variances from the Requirements of the Prince George's County Zoning Ordinance, Section 27-442 (e), Table IV, Prescribing a Minimum Front Yard Setback and Section 27-422 (c)(1) Permitting a Setback Encroachment Allowance for Open Porches in Order to Permit the Construction of a Open Deck/Porch on a Corner Through Lot

14-R-34 A Resolution Of The Mayor And Council Of The City Of College Park To Amend The Composition Of The College Park Aging-In-Place Task Force

The motion passed 8 – 0 – 0.

ACTION ITEMS

14-CR-02 Charter Resolution Of The Mayor And Council Of The City Of College Park, To Amend Article I, "General Provisions", To Add §C1-2, "City Policy Of Non-Discrimination", To Adopt A General City Policy Against Discrimination With Respect To Employment, Housing And Public Accommodation

A motion was made by Councilmember Wojahn and seconded by Councilmember Brennan to introduce Charter Resolution 14-CR-02, a Charter Resolution Of The Mayor And Council Of The City Of College Park, To Amend Article I, "General Provisions", To Add

§C1-2, “City Policy Of Non-Discrimination”, To Adopt A General City Policy Against Discrimination With Respect To Employment, Housing And Public Accommodation.

Mayor Fellows announced that the Public Hearing is November 25 at 7:00 p.m.

14-CR-03 Charter Resolution Of The Mayor And Council Of The City Of College Park, To Amend Article IX “Officers And Employees”, §C9-1, “Discrimination”, To Add Certain Non-Discrimination Provisions Concerning City Employment And To Make Clarifying Changes

A motion was made by Councilmember Brennan and seconded by Councilmember Wojahn to introduce Charter Resolution 14-CR-03, a Charter Resolution Of The Mayor And Council Of The City Of College Park, To Amend Article IX “Officers And Employees”, §C9-1, “Discrimination”, To Add Certain Non-Discrimination Provisions Concerning City Employment And To Make Clarifying Changes.

Mayor Fellows announced that the Public Hearing is November 25 at 7:00 p.m.

14-G-109 Appointments to Boards and Committees

A motion was made by Councilmember Wojahn and seconded by Councilmember Stullich to appoint Spiro Dimakas to the Citizens Corps Council, reappoint Mark Wimer and John Krouse to the Tree and Landscape Board, and reappoint James Sauer to the Cable Television Commission. The motion passed 8 – 0 – 0.

COUNCIL COMMENTS:

Councilmember Brennan discussed the Neighborhood Quality of Life Public Forum on November 6 at 7:00 p.m. in the Parish Hall of St. Andrews Church on College Avenue.

Councilmember Hew said the University of Maryland Golf Course is hosting a Community Day on Saturday from 2 – 6 p.m.

Mayor Fellows urged everyone to vote in the upcoming General Election.

ADJOURN:

A motion was made by Councilmember Mitchell and seconded by Councilmember Day to adjourn the meeting. With a vote of 8 – 0 – 0, Mayor Fellows adjourned the meeting at 8:52 p.m.

Janeen S. Miller, CMC
City Clerk

Date
Approved

PROCLAMATION

**PROCLAMATION OF THE MAYOR AND COUNCIL
OF THE CITY OF COLLEGE PARK, MARYLAND**

SMALL BUSINESS SATURDAY

WHEREAS, the City of College Park celebrates our local small businesses and the contributions they make to our local economy and community. According to the United States Small Business Administration, there are currently 23 million small businesses in the United States, they represent more than 99 percent of American employers, create more than two-thirds of the net new jobs, and generate 46 percent of private gross domestic product; and

WHEREAS, small businesses employ over 55 percent of the working population in the United States; and

WHEREAS, 89 percent of consumers in the United States agree that small businesses contribute positively to the local community by supplying jobs and generating tax revenue; and

WHEREAS, 87 percent of consumers in the United States agree that small businesses are critical to the overall economic health of the United States; and

WHEREAS, 93 percent of consumers in the United States agree that it is important for people to support the small businesses that they value in their community; and

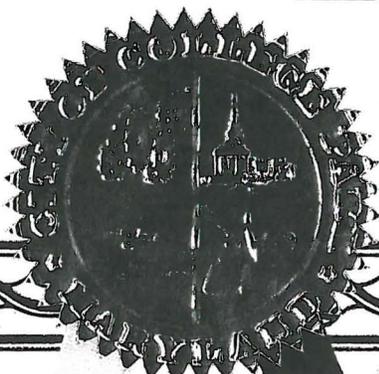
WHEREAS, the City of College Park supports our local businesses that create jobs, boost our local economy and preserve our neighborhoods; and

WHEREAS, advocacy groups as well as public and private organizations across the country have endorsed the Saturday after Thanksgiving as Small Business Saturday.

NOW, THEREFORE, I, Andrew M. Fellows, Mayor of the City of College Park, do hereby proclaim November 29, 2014 as Small Business Saturday and urge the residents of our community, and communities across the country, to support small businesses and merchants on Small Business Saturday and throughout the year.

PROCLAIMED this 12th day of November 2014.

Andrew M. Fellows
Mayor



14-G-114

MEMORANDUM

TO: Joseph Nagro, City Manager

THROUGH: Robert Stumpff, Public Works Director

FROM: Brenda Alexander, Public Works Deputy Director

DATE: October 28, 2014

SUBJECT: Award a two-year extension to the right-of-way grass mowing contract #CP-06-04

Background

The Mayor and City Council awarded a competitively bid three-year contract #CP-06-04 for right-of-way grass mowing to ValleyCrest Landscape Maintenance in February 2006. In the mowing contract, the city is divided into 2 parcels, which are mowed every other week: the south parcel is 9.7 acres and includes r-o-w areas south of Route 193 including the bike trail in Calvert Hills; the north parcel is 9.5 acres and includes the r-o-w areas north of Route 193. The third parcel is the athletic fields at Calvert Road School and Duvall that comprise 6.1 acres, which are mowed weekly.

At the end of the contract term in January 2009, the Mayor and City Council voted to approve a two-year extension agreement to the right-of-way mowing contract with ValleyCrest, which maintained the same pricing and terms for calendar years 2009 and 2010. In 2009 the scope of work was increased to include the bike trail in Berwyn, between Greenbelt Road and James Adams Park; the additional bike trail acreage is 2.3 acres. The original contract CP-06-04 included a price for extra acreage mowing, in addition to the 3 parcel areas initially bid. The grass along the bike trail in Berwyn has been mowed by ValleyCrest since 2009 by the execution of a separate agreement at the extra acreage price provided in the original contract. The cost to mow this area will now be included in this 2-year extension agreement, as recommended by the City Attorney.

Two subsequent two-year extension agreements were approved by the Mayor and Council in December 2010 and 2013 to continue contract grass mowing. During the past nine years, ValleyCrest has provided reliable right-of-way grass mowing services and has maintained the same contract price for the past six years.

The service period of the third 2-year contract extension has ended, and the ValleyCrest account manager contacted me about extending the contract for another two year term at the same price. The annual contract price of \$46,497.78 for the City's right-of-way grass mowing contract with ValleyCrest Landscape Maintenance has not increased since the end of 2008.

The original three-year grass mowing contract included no price increase between the first and second year, and three percent price increase between the second and third year ending in 2008; ValleyCrest has performed r-o-w grass mowing for the past 9 years with a 3% price increase during this time period. Costs for labor and materials associated with the execution of the contract have undoubtedly increased since 2008; therefore by continuing existing pricing and eliminating staff

time to assemble a new right-of-way mowing bid package, conduct pre-bid meetings and public advertising for the project, the City will conserve funds in conjunction with stable contract pricing.

Recommendation

ValleyCrest Landscape Maintenance has fulfilled right-of-way contract mowing requirements satisfactorily during the past three 2-year extension periods. Contract mowing has significantly improved the appearance of City right-of-ways and athletic fields during the past nine years.

I recommend that ValleyCrest Landscape Maintenance be awarded a fourth two-year extension of the original contract #CP-06-04, in the amount of \$92,995.56. The annual contract mowing cost for each of the two extension years, in 2015 and 2016 will be \$46,497.78.

FOURTH AMENDMENT TO CP CONTRACT 06-04

THIS FOURTH AMENDMENT TO CP CONTRACT 06-04 is effective the _____ day of _____, 2014 by and between the City of College Park, Maryland (hereinafter, the “City”) and Valley Crest Landscape Maintenance, Inc., (hereinafter, “Contractor”) as follows:

WHEREAS, the City and Contractor are parties to CP Contract 06-04, dated March 14, 2006, with a current extended term of April 1, 2011 through March 31, 2013; and

WHEREAS, on November 12, 2014, the Council approved the extension of the contract for an additional two years at a price of \$46,497.78 per annum for the same scope of work with the addition of the mowing of the grass along the bike trail in Berwyn between Greenbelt Road and James Adams Park for additional 2.3 acres, it is the desire of the parties to amend the provisions of CP Contract 06-04 to reflect these agreed changes.

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

1. The provisions of the WHEREAS clauses set forth above are hereby incorporated in this Amendment and shall be considered a part hereof.
2. Paragraph II “Contract Term” of the Agreement is hereby amended in its entirety to read as follows:

II. CONTRACT TERM

This Agreement shall be for a term of two (2) years (the “Term”) commencing the 1st day of April 2015 and terminating at 11:59 p.m. on the 31st day of March 2017.

3. Attachment A, "Mowing Locations" of the Agreement is hereby amended to add the bike trail in Berwyn between Greenbelt Road and James Adams Park, for a total of 2.3 additional acres, to the scope of work for Parcel 1.

4. Except as provided herein, all other terms and conditions of CP Contract 06-04 dated March 14, 2006, as amended on January 27, 2009, December 1, 2010, and February 12, 2013, are hereby extended and shall remain in full force and effect during the term of this Agreement.

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

WITNESS:

VALLEYCREST LANDSCAPE
MAINTENANCE, INC.

WITNESS/ATTEST:

CITY OF COLLEGE PARK

Janeen S. Miller, City Clerk

By: _____
Joseph L. Nagro, City Manager

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

By: _____
Suellen M. Ferguson, City Attorney

14-G-115

**City of College Park
Education Advisory Committee**

Memo

To: Mayor and Council
From: Carolyn Bernache, Education Advisory Committee Chair
Date: October 31, 2014
Re: Education Advisory Committee Recommendations regarding Mayor and Council Award of Public School Education Grants

Since 2008, the Mayor and Council has provided grant monies to those neighborhood boundary schools that serve College Park students. The purpose of the grants is to support local schools in enriching students' educational experience. FY 2015 available grant funds total \$47,500.

Grant amounts available are in two tiers – maximum \$7,500 and maximum \$2,500. The amount a school is eligible for is dependent on the number of College Park students in their school.

The four schools with the largest number of College Park students, Hollywood Elementary, Paint Branch Elementary, Greenbelt Middle and Parkdale High are eligible for up to \$7,500. The other neighborhood boundary schools, Berwyn Heights Elementary, Cherokee Lane, University Park Elementary, Buck Lodge Middle, Hyattsville Middle and High Point High School are eligible for a grant up to \$2,500.

Of the 10 application packets that were sent to qualified schools, six schools have submitted applications. The Education Advisory Committee (EAC) has asked one, Greenbelt Middle for additional information and the remaining three, High Point High School, Buck Lodge Middle School and University Park Elementary have asked for an extension.

On October 20, 2014 the EAC met to discuss the request for an extension and review the applications submitted. Present were Chair Carolyn Bernache and members Charlene Mahoney, Doris Ellis, Tricia Hunter, Brian Bertges and Peggy Wilson. Also present were City Staff Liaison Peggy Higgins and Recording Secretary Faheem Mahmooth.

The Committee approved the extension request and in reviewing the submissions asked Greenbelt Middle for additional information. Those applications will be submitted to the Council with recommendations in December/January.

Following review and discussion of the submitted applications, the EAC is recommending that the Mayor and Council award grant monies to the following for their submitted projects. The amount totals \$30,000.

Hollywood Elementary	Equipment and Materials Investment to Enhance Educational Opportunities (\$7,500)
Paint Branch Elementary	Equipment and Materials Investment to Enhance Educational Opportunities (\$7,500)
Parkdale High School	Robotics (\$7,500)

The Education Advisory Committee also recommends that the Mayor and Council award \$2,500 in grant monies to each of the following schools for their submitted projects.

Berwyn Heights Elementary	Science and Museum Week Excursions (\$2,500)
Cherokee Lane Elementary	Podcast Book Club (\$2,500)
Hyattsville Middle School	Sophisticated Ladies (\$2,500)

Submitted applications are provided.

14-G-116

14-G-117

I move that the City Council voice no objection to the application for transfer of a Class B, Beer and Wine License for the use of DKL Investments, Inc., t/a Backyard Sports Grill, located at 7313 A-B Baltimore Avenue, College Park, Maryland, subject to the applicant entering into a Property Use Agreement (PUA) with the City of College Park in substantially the form as attached; to authorize the City Manager to sign the PUA; and to authorize staff to testify to the City's position before the Board of License Commissioners.

DISCUSSION

An application has been made to the Board of License Commissioners (BOLC) by Dana M. Lee, President/Owner for a Class B, Beer and Wine License for the use of DKL Investments, Inc., t/a Backyard Sports Grill, located at 7313 A-B Baltimore Avenue, College Park. This application is for the transfer of the license from DiBattista-Desimone, Inc., t/a C.J. Ferrari's, 14311 Baltimore Avenue, in Laurel. The BOLC hearing is scheduled for November 25, 2014. The City Council met with the applicant on Wednesday, November 5, 2014. A PUA was discussed and a draft as attached was reviewed and approved by the applicants and their attorney.

The applicants wish to offer beer in pitchers. During discussion, the alcohol-to-food ratio was discussed. An alcohol-to-food ratio of 60/40% was determined to be acceptable to the Council.

Based upon the proposed business plan to include some entertainment, the PUA includes the requirement that the applicant obtain a Special Entertainment Permit, or an exemption from that permit, pending a BOLC determination. The applicant intends to charge a cover charge for pay per view and live entertainment events. Six security cameras will be provided. Additional security will be as required if an entertainment license is necessary.

Customer identification was discussed. The applicant will use a scanning device to check the ID of customers at certain times, and to inspect the forms of ID approved by the BOLC for all customers. Applicant will check the ID's of all persons at a table receiving beer pitcher service.

This motion authorizes the City Manager to sign a PUA in substantially the form attached and for staff to testify to the Council's position at the BOLC hearing on November 25, 2014.

DRAFT
PROPERTY USE AGREEMENT

THIS PROPERTY USE AGREEMENT (the "Agreement") is made as of the _____ day of _____, 2014, by and between DKL Investments, Inc., t/a Backyard Sports Grill, and Dana M. Lee (collectively "Licensee"); and the CITY OF COLLEGE PARK, a Maryland municipal corporation (the "City").

WITNESSETH

WHEREAS, Terrapin Main Street, LLC is the owner and Licensee is a tenant at the property located at 7313 A and B Baltimore Avenue, College Park, Maryland 20740 (the "Property"); and

WHEREAS, the Property is located within the corporate limits of the City of College Park, Maryland; and

WHEREAS, Licensee has applied to the Board of Liquor License Commissioners of Prince George's County, for the transfer of a Class B, Beer and Wine License ("License") for the Property, which will be operated as the Backyard Sports Grill ("Restaurant"); and

WHEREAS, the Licensee has requested the support of the City for the transfer of the License for the Property; and

WHEREAS, in consideration of the covenants contained in this Agreement, the City will voice no objection to the Licensee's application and hearing for the transfer of the License to the Property, subject to the terms, conditions and restrictions contained herein.

NOW THEREFORE, in consideration of the foregoing, the mutual promises contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

1. Repair and Maintenance of the Property. Licensee shall, from and after the date hereof, continue to keep the Property in good order and repair, and free of debris and graffiti.

2. Restrictions. Except with the express written consent of the City, which consent may not be unreasonably withheld, during the period that Licensee is using or has any interest in the Property, and is using the License, the use of the Property shall be restricted to the operation of the Backyard Sports Grill or another substantially similar casual dining restaurant, which receives not more than sixty percent (60%) of its average daily receipts over any three consecutive monthly periods from the sale of alcoholic beverages, and which complies strictly with the restrictions and requirements of the State of Maryland/Prince George's County Class B Beer and Wine License. The calculation of the percentage of alcoholic beverages sold shall include the full cost of any such beverage, and not just the alcohol contained in the beverage. Licensee will provide the City, by January 15 of each year, with summaries of each month's receipts for the sales of alcoholic beverages and food for the preceding calendar year, and, at any time, such information in such form as the City may reasonably require to permit the verification of sales required in this paragraph 2 of this Agreement. Such information need not be prepared by an accountant or auditor, but must be accompanied by a general affidavit signed by the Licensees affirming the accuracy of the information provided. Licensees may be required by the City to provide information to permit verification of the sales ratios required in this paragraph, including daily register receipts and the identity of, and invoices from, its alcohol and food suppliers. Any such information provided by Licensee that is claimed to be confidential shall be so marked by Licensee and the City will treat such record as confidential as allowed by law.

3. Use of Property. Except as otherwise set forth herein, those uses of the Property permitted by the applicable zoning for the Property shall be permitted uses for the purposes of this

Agreement. In addition, the Property shall be subject to all of the restrictions imposed by the applicable zoning of the Property.

4. Noises and Nuisances. Licensee shall not permit any nuisance to be maintained, allowed or permitted on any part of the Property, and no use of the Property shall be made or permitted which may be noxious or detrimental to health or which may become an annoyance or nuisance to persons or businesses on surrounding property.

5. Operations. Licensee shall maintain and operate Backyard Sports Grill restaurant in a manner that all seats are available for dining, no area is designated solely for the consumption of alcoholic beverages, and no sales of alcoholic beverages for off-sale consumption shall be allowed, except for partially consumed bottles of wine purchased at the Restaurant and allowed off premises pursuant to Maryland law. Alcoholic beverages shall not be sold or served prior to 6:00 a.m. or after 2:00 a.m. Monday through Thursday. Alcoholic beverages shall not be sold or served prior to 6:00 a.m. or after 3:00 a.m. Friday and Saturday. Alcoholic beverages shall only be served on Sunday from 12:00 noon until 2:00 A.M. on Monday. Happy hour and like events shall be limited to 3:00 p.m. to 8:00 p.m. Happy hours may also occur during brunch on Saturdays and Sundays. Food from a regular menu must be served at all times that the premises are open for business until 12:00 a.m. At all times, at least 80% of the items listed on the regular menu shall be available for customers to order. The proposed menu provided by Licensee is attached as Exhibit A. The time for last call for alcoholic beverages shall be one-half hour prior to closing. No shooters or doubles orders will be taken within one-half hour before closing. Licensee shall ensure music levels that allow patron conversation in a normal tone of voice, and prohibit disruptive or rowdy behavior that disturbs the peaceful enjoyment of the facility by Licensee's patrons and other persons visiting the facility. Dancing is not allowed in the Restaurant. A DJ and live music will be allowed consistent with any Special Entertainment Permit

issued by the Board of License Commissioners. Windows and doors will not be opened during the time that the DJ or live band is playing music.

Cover and door charges will be charged for entry to the Restaurant during live music performances and certain occasional pay-per-view television events. The payment of a cover or door charge shall not reduce the normal price charged by Licensee for alcoholic beverages. Alcoholic beverages shall be served only to diners sitting at tables or counters inside the restaurant facility, and patrons standing or sitting at the bar or waiting for a table. The parties recognize that, during private parties, not all patrons may be seated, but that food will be served. The minimum price for alcoholic beverages, including 16 oz. beers, shall be \$2.00. Licensee may sell beer in pitchers provided the pitchers of beer are not sold for less than \$9.00 per pitcher and are sold in pitchers for convenience and accommodation. All persons seated at a table at which beer in pitchers is served will be required to produce identification demonstrating an age of at least 21 years. Licensee will maintain all dining areas, including tables and chairs, inside the restaurant facility. Licensee shall ensure that the exterior of the restaurant, including service areas, remains clean and graffiti free. The interior and exterior of the Property shall be rodent free. Licensee shall not allow grease to accumulate on the exterior of the Property. Licensee agrees to fully comply with all applicable laws, including without limitation Subtitle 12, "Health", of the Prince George's County Code, and the Code of the City of College Park. Licensee shall not engage in window advertising of the sale of beer, wine or liquor, nor off-premises leafleting of cars or on public right of way promoting the sale of beer or wine. All off-premises advertising of specials, happy hours or reduced prices for beer or wine shall be limited to promotions coupling the sale or service of food with the sale of alcoholic beverages. Licensee shall use an identification scanner system as allowed by law, designed to recognize false identification prior to making alcoholic beverage sales. After 9:00 p.m., the scanner shall be used for all persons who appear to be under the age of thirty

five (35) years. [Licensee will not accept State of Maryland vertical type licenses as proof of age. All persons who order alcohol shall be required to produce identification.

Licensee shall not rent the facilities to individuals or businesses involved in promoting or making a business or profit from producing musical, band or disc jockey events. Licensee shall not provide tables, such as a beer pong table, whose purpose is for use in drinking games. Licensee shall not sponsor or support drinking games within the Property.

6. Enforcement. The City shall have the right to enforce, by any proceeding at law or in equity, including injunction, all restrictions, terms, conditions, covenants and agreements imposed upon the Property and/or Licensee pursuant to the provisions of this Agreement. The parties agree that if Licensee should breach the terms of the Agreement, the City would not have an adequate remedy at law and would be entitled to bring an action in equity for specific performance of the terms of this Agreement. In the event of a violation of paragraph 2 of this Agreement, Licensee shall have sixty (60) days from the date of notification of the violation to adjust his operations and achieve compliance, as measured during the sixty (60) day period, with the requirements of paragraph 2 of this Agreement. In the event the City is required to enforce this Agreement and Licensee is determined to have violated any provision of this Agreement, Licensee will reimburse the City for all costs of the proceeding including reasonable attorney's fees. Should Licensee prevail in any action brought by the City to enforce a provision of this Agreement, the City shall reimburse Licensee for all costs of the proceeding including reasonable attorney's fees.

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

8. Assignment of License. In consideration for the City voicing no objection to Licensee's application for the transfer of the License, Licensee agrees that it shall not sell, transfer, or otherwise assign its rights under either the License to any entity or individual for use or operation within the City without the express prior written consent of the City, which consent will not be unreasonably withheld.

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

10. Scope and Duration of Restrictions. The restrictions, conditions and covenants imposed by this Agreement shall be valid only so long as Licensee maintains the License at Backyard Sports Grill, or some other substantially similar casual dining restaurant.

11. Security. The Licensee shall have and maintain a Security Plan to prevent the Property and any activities from posing a threat to the peace and safety of the surrounding area. The Security Plan shall, at minimum, comply with any requirements of the Board of License Commissioners. Regardless of whether the Licensee seeks or has an entertainment license, the Security Plan shall require the following:

- a. Licensee shall operate and maintain six security/surveillance cameras installed and in operation inside the Property, one each at the front and rear entrance and the remainder in the interior. The security cameras shall be motion activated, and shall automatically record any and all movement, at the Premises 24 hours per day, 7 days per week. If the security/surveillance system is assessed and evaluated by Police George's County Police and/or University of Maryland Police, Licensee will make reasonable improvements based on those recommendations.

- b. Licensee shall diligently enforce ID policies by trained and certified managers and shall purchase and use a new ID Scanner to prevent use of fake IDs. Licensee agrees to take all necessary measures to ensure that under age persons do not obtain alcoholic beverages.
- c. All serving, bar, security and management employees will be TIPS trained.
- d. All serving, bar, security and management employees will be 21 years or older.
- e. All security and management employees will be certified in crowd control through the Maryland Fire Marshal.
- f. At least one security person will be at the door on Friday and Saturday nights, and on nights when entertainment is provided, from 9:00 p.m. to close. This person will check ID's. ID's will also be checked at the time a server is asked to serve alcohol. At the closing of the Restaurant, at least one security person will move outside to insure orderly egress from the Restaurant.
- g. The planned activities include DJ's two to three times per week, karaoke nights, and occasional live music. All security measures required by this section shall be provided at Licensee expense.

12. Notices. All notices given hereunder shall be in writing and shall be deemed to have been given when hand delivered against receipt of three (3) days after deposit with the United States Postal Service, as registered or certified mail, return receipt requested, postage prepaid, addressed:

- (i) If to Licensee:

Dana M. Lee, President
2501 Red Cedar Dr
Mitchellville, MD 20721

with copy to:

Sean T. Morris, Esquire
The Morris Law Firm, LLC
4845 Rugby Avenue, Suite 302
Bethesda, Maryland 20814

(ii)

If to the City:

City Manager
City of College Park
4500 Knox Road
College Park, Maryland 20740

with copy to:

Suellen M. Ferguson, Esquire
Council, Baradel, Kosmerl & Nolan P.A.
125 West Street, 4th Floor
P.O. Box 2289
Annapolis, MD 21404

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

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

15. Governing Law. This Agreement shall be construed in accordance with and governed by the laws of the State of Maryland.

16. Counterparts. This Agreement may be executed in any number of counterparts each of which shall constitute an original and all of which together shall constitute one agreement.

17. Headlines. The headings or titles herein are for convenience of reference only and shall not affect the meaning or interpretation of the contents of this Agreement.

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

WITNESS/ATTEST

DKL INVESTMENTS, INC.

Dana M. Lee, Individually and
as President

WITNESS/ATTEST

CITY OF COLLEGE PARK

Janeen S. Miller, CMC, City Clerk

By: _____
Joseph L. Nagro, City Manager

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

By: _____
Suellen M. Ferguson, City Attorney

14-G-118

I move that the City Council authorize the City Manager to extend the contract with Hitachi Data Systems, in an amount not to exceed \$125,000, to be funded by a grant from the Governor's Office of Crime Control and Prevention, in order to provide security cameras along the Trolley Trail from Pierce Avenue to the Jack Perry Plaza at Berwyn Road, and a license plate recognition camera at Berwyn Road and Baltimore Avenue; and, that this contract extension be reviewed and approved by the City Attorney.

DISCUSSION

City Staff submitted an application to the Governor's Office of Crime Control and Prevention (GOCCP) for a \$125,000 grant to extend the City's security camera system along the Trolley Trail in the Lakeland and Berwyn neighborhoods, and to install a license plate recognition (LPR) camera on Berwyn Road at Baltimore Avenue. The GOCCP awarded a grant for this project. A proposal has been received from the City's current security camera system contractor, Hitachi Data Systems (formerly Avrio RMS).

This grant was awarded by GOCCP to provide closed circuit cameras along the Trolley Trail between Jack Perry Plaza and Pierce Avenue; and to provide a license plate recognition camera on Berwyn Road, inbound from Baltimore Avenue. The proposed concept is to use programmable cameras at five (5) locations along the trail. It is anticipated that these will not be actively monitored, but would normally be record-only cameras. Stored data would be available only to police investigators for forensic purposes. The proposal is to use five (5) Pan-Tilt-Zoom (PTZ) cameras set in predetermined scanning patterns to monitor the area around the camera installations. Data would be stored on-site rather than being transmitted to an operations center. Wireless data connections would be provided at each camera to allow authorized police to access and search the camera data. Police could also take control of the cameras to scan the area. As the cameras would be located within the University of Maryland Police and Prince George's County Police concurrent jurisdiction area, both police agencies would be allowed access to data.

This proposal includes the installation of dedicated utility poles at each camera location, to avoid lengthy delays seeking permission for joint use of Pepco utility poles.

The installation cost of this system is \$125,000. Recurring costs would include monthly wireless connectivity costs of approximately \$50 per each of the proposed 6 camera locations (5 PTZ + 1 LPR) X \$50=\$300/month. After the warranty period these would need to be added to the maintenance contract the City has with Hitachi, estimated not to exceed an additional \$6,000.00 per year.

The Council reviewed this proposal with Hitachi staff at the work session on November 5th, 2014.

This motion is to authorize the City Manager to extend the current contract with Hitachi, in an amount not to exceed \$125,000 funded by a GOCCP grant, in a form reviewed and approved by the City Attorney, to extend the City security camera system along the Trolley Trail between Pierce Avenue and Berwyn Road.

14-G-119

Motion for Councilmember Stullich

Item #14-G-119

I move that the City Council forward comments to the Prince George's County Historic Preservation Commission regarding a Historic Area Work Permit application for the Holbrook House located at 4618 College Avenue. The following should be addressed as part of the application:

1. Install new timber framing to contain the gravel driveway in the front yard. The width of the driveway in the front yard shall not exceed 11 feet on the subject property.
2. Indicate the location of the relocated shed on the site plan.
3. Revise the landscape plan and plant list to:
 - a. Reduce the number of Honey Locust trees in the rear yard to 1 tree.
 - b. Replace the Pin Oaks in the rear yard with smaller understory trees.
 - c. Substitute Boxwoods in the front yard with other plants such as False Cypress, Mugo Pine, Birds Nest Blue Spruce or Japanese Holly.
4. Replace the two non-historic second-story windows on the front façade with windows that are consistent with the historic character of the dwelling.

Comments:

- The Holbrook House was constructed in 1927 and represents one of two known examples of the Alhambra model of the Sears, Roebuck and Company mail-order homes in Prince George's County. The property was designated as a historic site in 1992 and is within the Old Town College Park Historic District.
- The applicant proposes to convert the existing single-family home to a rooming house for up to 9 guests, which is a permitted use in the R-18 zone.
- Changing the use requires compliance with commercial driveway and parking standards as well as the requirements of the Landscape Manual, which the applicant is unable to fully meet.
- The applicant met with the Old Town College Park Local Advisory Committee on October 30, 2014.
- The Historic Preservation Commission hearing date is November 18, 2014.
- A Departure from Parking Design Standards and Alternative Compliance from certain requirements in the Landscape Manual are required and these applications have been filed with the City and are scheduled to be heard in December.