



**TUESDAY, MARCH 18, 2014**  
**(COUNCIL CHAMBERS)**

**7:30 P.M. WORKSESSION**

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**COLLEGE PARK MISSION STATEMENT**

The City of College Park encourages broad community involvement and collaboration, and is committed to enhancing the quality of life for everyone who lives, raises a family, visits, works, and learns in the City; and operating a government that delivers excellent services, is open and responsive to the needs of the community, and balances the interests of all residents and visitors.

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**CITY MANAGER'S REPORT**

**PROPOSED ITEMS TO GO DIRECTLY TO NEXT WEEK'S AGENDA**

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**PROPOSED CONSENT AGENDA ITEMS**

1. Resolution Of The Mayor And Council Of The City Of College Park, Maryland Adopting The Recommendation Of The Advisory Planning Commission Regarding Request For Certification Of Non-Conforming Use CNU-2013-03 For University Gardens, Inc. 4620, 4622, 4624, And 4626 Knox Road, College Park, Maryland, Recommending Approval Of The Request For Certification Of Non-Conforming Use (***Appeal period ends March 19, 2014***).
2. Field Use Requests for 1) Maryland Stingers Women's Rugby Club, Duvall Field, Tuesday and Thursday evenings, March through June; 2) Boy Scout Troop 740 for Sunday use for a BBQ event on June 1; 3) Berwyn Christian School, Field Day, Friday, May 9.

**WORKSESSION DISCUSSION ITEMS**

3. Request by Prince George's Running Club for a Mother's Day Race in Hollywood on Sunday morning, May 11 – Mark Shroder
4. Crime reporting technology systems – Councilmember Kabir
5. Monument Realty: 1) Application for the City Revitalization Tax Credit and 2) Request for amendments to the approved Declaration of Covenants
6. Response to SHA on undergrounding utilities and review of updated information

7. License Agreement for use of city-controlled right-of-way along Rhode Island Avenue by University Gardens, Inc. – Suellen Ferguson, City Attorney
8. Discussion of a Council retreat – Councilmembers Mitchell and Stullich
9. Review of legislation (**Possible Special Session**) – Bill Gardiner, Assistant City Manager
10. Adoption of a policy for permitting use of the City right-of-way for undergrounding for private use – Suellen Ferguson, City Attorney
11. Appointments to Boards and Committees

## COUNCIL COMMENTS

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### INFORMATION/STATUS REPORTS FOR COUNCIL REVIEW

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This agenda is subject to change. For current information, please contact the City Clerk. 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.

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CNU-2013-03,  
University  
Gardens



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. CNU-2013-03 Name: University Gardens, Inc.

Address: 4620, 4622, 4624 and 4626 Knox Road, College Park, MD 20740

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

March 25, 2014.

**CERTIFICATE OF SERVICE**

This is to certify that on March 27, 2014, the attached Resolution was mailed, postage prepaid, to all persons of record.

**NOTICE**

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

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Janeen S. Miller, CMC  
City Clerk

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

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

**RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLLEGE  
PARK, MARYLAND ADOPTING THE RECOMMENDATION OF THE  
ADVISORY PLANNING COMMISSION REGARDING REQUEST FOR  
CERTIFICATION OF NON-CONFORMING USE CNU-2013-03 FOR  
UNIVERSITY GARDENS, INC. 4620, 4622, 4624, AND 4626 KNOX ROAD,  
COLLEGE PARK, MARYLAND, RECOMMENDING APPROVAL OF THE  
REQUEST FOR CERTIFICATION OF NON-CONFORMING USE.**

**WHEREAS,** Maryland Code, Article 28, Section 8-112.4(b)(1)(vi) states that the Prince George's County District Council may provide that the governing body of a municipal corporation may exercise the powers of the district council in regard to certification, revocation and revision of nonconforming uses; and

**WHEREAS,** Prince George's County Code Section 27-924 (a)(1) provides that an incorporated municipality may enact an ordinance which sets forth procedural regulations for certification of nonconforming uses; and

**WHEREAS,** pursuant to Section 190-11(B) of the Code of the City of College Park (the "City Code") the Advisory Planning Commission ("APC") is authorized to consider requests for certifications of nonconforming uses, and when appropriate to hold hearings thereon, and to make recommendations to the City Council in connection therewith; and

**WHEREAS,** Prince George's County Code Section 27-107.01 (166) provides that a "Nonconforming Use" is the use of any building, structure or land which is not in conformance with the requirement of the zone in which it is located, provided that the requirement was adopted after the use was lawfully established or the use was established after the requirement was adopted and the District Council has validated a building, use and occupancy or sign permit issued for it in error; and

**WHEREAS,** a nonconforming use may be certified if the use has not ceased to operate for more than 180 consecutive calendar days between the time the use became nonconforming and the date when the application is submitted, or based upon a finding that conditions of nonoperation for more than 180 consecutive calendar days were beyond the applicant's control and/or owner's control, were for the purpose of correcting code violations or were due to the seasonal nature of the use; and

**WHEREAS,** a nonconforming use certification requires submission of documentary evidence showing the following: the commencement date and continuous existence of the nonconforming use; specific data showing the exact nature, size and location of the building, structure or use; a legal description of the property; the precise location and limits of the use on the property and within any building it occupies; and if the applicant possesses one, a copy of a valid use and occupancy permit issued for the use prior to the date upon which it became a nonconforming use; and

- WHEREAS,** if a copy of a valid use and occupancy permit is submitted with the application and a request is not submitted to the Commission to conduct a public hearing, and, if based upon the documentary evidence the Commission is satisfied as to the commencement date and continuity of the nonconforming use, the Commission shall recommend certification of the use as nonconforming for the purpose of issuing a new use and occupancy permit identifying the use as nonconforming; and
- WHEREAS,** if a copy of a valid use and occupancy permit is not submitted with the application, if the documentary evidence submitted is not satisfactory to the Commission to prove the commencement date or continuity of the use, or if a public hearing has been requested by any party of interest challenging the commencing date and/or continuity of the use, the Commission shall conduct a public hearing on the application for the purpose of determining whether the use should be certified as nonconforming; and
- WHEREAS,** the Mayor and Council are authorized by the Ordinance to accept or deny the recommendation of the APC with respect to Certification of Non-Conforming Use requests; and
- WHEREAS,** on September 17, 2013, University Gardens Apartments, Inc. (hereinafter, the "Applicant"), submitted a request for certification of a nonconforming uses for a 41-unit apartment building located at 4620, 4622, 4624 and 4626 Knox Road, College Park, Maryland ("the Property"); and
- WHEREAS,** a copy of a valid use and occupancy permit was not submitted to prove the use was lawfully established, therefore, the Commission conducted a public hearing for the purpose of determining whether the use shall be certified nonconforming; and
- WHEREAS,** on February 6, 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 with Exhibits 1 – 5, and the Staff PowerPoint presentation; and
- WHEREAS,** based upon the evidence and testimony presented, the APC voted 5-0-0 to recommend certification of the use as nonconforming and not illegal; 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. The subject site, known as University Gardens, contains a 41-unit apartment complex. The development is located at the northeast corner of Knox Road and Rhode Island Avenue (4620, 4622, 4624, and 4626 Knox Road). The property consists of four lots with two garden-style buildings: one 3-story building and one 4-story building, that together form a complex centered on a courtyard. The buildings were constructed in 1947.
2. The development is nonconforming due to exceeding density, bedroom percentages, lot coverage, green area, setbacks, and minimum distance between buildings. The buildings first became nonconforming for density on November 29, 1949 when the minimum lot area per dwelling unit requirement was changed from 625 square feet per dwelling unit to 1800 square feet per dwelling unit. With this change, only 20 would have been permitted rather than the 41 units that were built. The minimum density was amended again on May 6, 1975, from 1800 square feet per dwelling units to 12 dwelling units per acre. The density of the subject property is 48 dwelling units per acre.
3. A valid Use and Occupancy permit issued prior to the date of nonconformance was not submitted with the application. The site was posted for a Public Hearing with the required sign and written notice was mailed to all persons of record.
4. The Applicant submitted documentary evidence including a Site Plan which specifies the Zoning Ordinance requirements effective in 1947 and indicates that the buildings conformed to the Zoning Ordinance when it was constructed.
5. The Applicant submitted City of College Park Residential Occupancy Permits, Rental Unit License Applications and Inspection Reports from 1967 to the present time that indicate continuous use.
6. The Applicant submitted a letter from the Washington Suburban Sanitary Commission (WSSC) that listed the activation date of the property as January 1, 1948. The WSSC letter states that there is no record of water service interruption for more than 180 days.
7. The Applicant submitted an affidavit from Rick Smith, co-owner and President of J.E. Smith Corporation, attesting that this property has been in his family since his grandfather bought the property in 1945 and built the apartment buildings on it in 1946. Mr. Smith also verified in the affidavit that the property has been in continuous use and operation since 1946, based on his knowledge of his family, company history and his first-hand experiences.

8. Approximately 31 cement bollards and fence post remnants, a section of chain-link fence, a parking sign that restricts parking to University Gardens residents and 20 parking spaces are located in the Rhode Island Avenue right-of-way.
9. The City has not authorized this encroachment of right-of-way.
10. The applicant has indicated that these parking spaces, which are not required for certification of the non-conforming use, are useful to them and they prefer to keep and maintain these spaces for use by their residents.
11. The staff supports this continued use of the parking spaces to reduce the impact on parking in the neighborhood. However, the use of City right-of-way by a private party can only be granted by the City Council through a separate agreement, and is not part of the certification that can be recommended by the APC. As a result, staff recommended the applicant:
  1. Remove all bollards and fence posts remnants in the Rhode Island Avenue ROW.
  2. Remove the remaining section of chain-link fence perpendicular to the dumpster in the ROW.
  3. Remove the University Gardens parking prohibition sign and all asphalt and other parking surface in the ROW, unless the Mayor and Council authorize use of the right of way for this purpose as part of the terms and conditions of a separate revocable agreement.
12. No one testified in opposition to the request for certification.

## Section 2      Conclusions of Law

1. A Nonconforming Use Site Plan was submitted that indicates that the apartment complex was legally established in accordance with all the regulations in effect at the time construction began in 1947. Based on a preponderance of the documentary evidence submitted including City of College Park occupancy permits, Washington Suburban Sanitary Commission records, and an affidavit, the apartment complex at 4620, 4622, 4624 and 4626 Knox Road has been continuously operated as a 41-dwelling unit apartment complex and there has been no break in operation for more than 180 days since the use became nonconforming on November 29, 1949.

Section 3 Based on the evidence and testimony presented, following the reasoning in the staff report as well as the findings of fact and conclusions of law set forth hereinabove, the APC recommends certification of the use as nonconforming and not illegal. Further, the APC recommends that a new Use and Occupancy Permit be issued to the current owner subject to the following conditions:

1. Prior to issuance of the Use and Occupancy Permit, the applicant shall remove the following from the City ROW:
  - i. All bollards in the ROW
  - ii. All fence post remnants in ROW

- iii. The remaining section of chain-link fence perpendicular to the dumpster in the ROW.
  - iv. All asphalt and other parking surface in the ROW and the sign that restricts parking to University Gardens residents, unless the Mayor and City Council authorize use of the right of way for this purpose as part of the terms and conditions of a separate revocable agreement.
3. Prior to certification of the site plan, the applicant shall revise the site plan to:
- a. Include a note that states: "Parking spaces shown are exempt from current number of parking spaces and design standards per Section 27-584 of the Zoning Ordinance."
  - b. Correct the note regarding parking spaces: "total spaces provided" from 40 spaces to 20 spaces. The 20 spaces located in the ROW cannot be considered as parking provided on-site

**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 use is certified as nonconforming and not illegal.

**ADOPTED**, by the Mayor and Council of the City of College Park, Maryland at a regular meeting on the 25<sup>th</sup> day of March 2014.

CITY OF COLLEGE PARK,  
MARYLAND

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Janeen S. Miller, CMC  
City Clerk

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Andrew M. Fellows, Mayor

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY

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Suellen M. Ferguson  
City Attorney

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# Field Use Requests

## MEMORANDUM

**TO:** Mayor and City Council  
**THROUGH:** Joseph Nagro, City Manager  
**FROM:** Robert W. Ryan, Public Services Director  
**DATE:** March 14, 2014  
**SUBJECT:** Field Use Requests

*RWR/jsm*

### ISSUE

Three Field Use Reservation Applications for use of Duvall Field were received by the Department of Public Services. The applications were considered by the Recreation Board at their March 2014 regular meeting.

### SUMMARY

Three organizations have submitted applications which were considered by the Recreation Board at their March 2014 regular meeting. The Recreation Board recommends approval of the following field use applications.

1. The Maryland Stingers Women's Rugby Club has requested use of Duvall Field for Club practice on Tuesday and Thursday evenings, 7:30-9:30, from March through June, 2014. The Recreation Board again supported the waiver of fees in lieu of service for this request. The Stingers will coordinate work in lieu of fees with Public Works, and will coordinate shared field use with the Boys and Girls Club;
2. An application for Sunday use has been received. for Boy Scout Troop 740 to sponsor one BBQ event on Sunday, June 1, 2014; and
3. The Berwyn Christian School has applied for a field use permit for their annual field day to be held on Friday, May 9, 2014

### RECOMMENDATION

It is recommended that the Council place these requests on the consent agenda for 25 March 2014 and confirm approval of these applications as submitted.

**CITY OF COLLEGE PARK FIELD USE RESERVATION APPLICATION**  
**Duvall Field**



Date of Application 2/14/2014  
 Name of Organization Maryland Stingers Women's Rugby Club  
 Name of Contact Individual Kelly Freere  
 Address 4990 Columbia Pike Apt. 313 Arlington VA 22204  
Street City State Zip  
 Telephone: Home \_\_\_\_\_ Work \_\_\_\_\_ Cell 301-509-5526

Is the Organization a City-located youth Organization? Yes  No  Is the Organization Headquartered in College Park? Yes  No

REQUESTING DUVAL FIELD FOR:  Football, Age \_\_\_\_\_  Soccer, Age \_\_\_\_\_  Baseball, Age \_\_\_\_\_  T-Ball, Age: \_\_\_\_\_  
 Softball, Age: \_\_\_\_\_ ADDITIONAL NEEDS:  Lights  Bathrooms  Concession Stand

Date(s) Requested March 6 - May 15 every Tuesday + Thursday Times Requested: From 7:30pm To 9:30pm  
~~4/10/14 - 4/20/14~~

Description of Activity or Event Senior Women's Club Rugby Practice

Are you charging a fee? Yes  No  If yes, for what purpose? \_\_\_\_\_

Expected number of participants: 25-30 Age range: 18-35

I hereby confirm that I have received and read the City Recreation Facilities Rules and Regulations.  
 The organization's "Proof of adequate minimum liability insurance" (required under Section IV, Item 5) is attached to this application.

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

2/14/2014 \_\_\_\_\_  
Date Signature of Contact Individual

**Do Not Write Below This Line**

Recommendation of Recreation Board \_\_\_\_\_ Damage Deposit \$ N/A

Approval 03/10/14 Disapproval \_\_\_\_\_ Estimated Fee \$ N/A

Comments Confirm first use date and Pay In Lieu Project w/ DPWAD  
 Date 3/10/14 meeting Signature sq for Alan Bradford

Recommendation of Public Services Director \_\_\_\_\_

Approval \_\_\_\_\_ Disapproval \_\_\_\_\_

Comments \_\_\_\_\_  
 Date \_\_\_\_\_ Signature \_\_\_\_\_

Action by Mayor and Council (or City Manager) \_\_\_\_\_

Approval \_\_\_\_\_ Disapproval \_\_\_\_\_

Comments \_\_\_\_\_  
 Date \_\_\_\_\_ Signature \_\_\_\_\_

**CITY OF COLLEGE PARK FIELD USE RESERVATION APPLICATION**  
**Duwall Field**



Date of Application: 2/20/14  
 Name of Organization: TROOP 740 BOY SCOUTS HOLY REDEEMER CHURCH CP  
 Name of Contact Individual: MIKE MEMALICH  
 Address: 11616 DOCKETTOWN RD LAUREL MD 20708  
 Telephone: Home 301-552-2214 Work \_\_\_\_\_ Cell 301-275-5078  
 Is the Organization a City-located youth Organization?  Yes  No  Is the Organization Headquartered in College Park?  Yes  No

REQUESTING DUMALL FIELD FOR:  Football, Age \_\_\_\_\_  Soccer, Age \_\_\_\_\_  Baseball, Age \_\_\_\_\_  T-Ball, Age \_\_\_\_\_  
 Softball, Age \_\_\_\_\_ **ADDITIONAL NEEDS:**  Lights  Bathrooms  Concession Stand

Case(s) Requested: SUNDAY JUNE 1 Times Requested: From 9AM To 5PM  
RAIN DATE SUNDAY JUNE 8  
 Description of Activity or Event: CHICKEN BBQ

Are you charging a fee?  Yes  No  If yes, for what purpose? PRICE OF DINNER

Expected number of participants: 100+ Age range: ALL

NO CONFLICT WITH ANYONE

I hereby confirm that I have received and read the City Recreation Facilities Rules and Regulations.  
 The organization's "Proof of adequate minimum liability insurance" (required under Section IV, Item 9) is attached to this application.

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

Date: 2/20/14 Signature of Contact Individual: Mike Memalich

Do Not Write Below This Line

Recommendation of Recreation Board \_\_\_\_\_ Damage Deposit \$ N/A

Approval  Disapproval \_\_\_\_\_ Estimated Fee \$ N/A

Comments \_\_\_\_\_  
 Date: 03/14/2014 meeting Signature: Say for Thom Bradford

Recommendation of Public Services Director \_\_\_\_\_  
 Approval \_\_\_\_\_ Disapproval \_\_\_\_\_

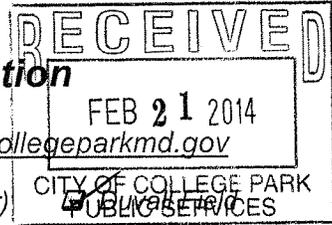
Comments \_\_\_\_\_  
 Date: \_\_\_\_\_ Signature: \_\_\_\_\_

Action by Mayor and Council (or City Manager)  
 Approval \_\_\_\_\_ Disapproval \_\_\_\_\_

Comments \_\_\_\_\_  
 Date: \_\_\_\_\_ Signature: \_\_\_\_\_



# Field Use Reservation Application



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

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

Date of Application: 2-21-14

Name of Organization: Berwyn Christian School

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

Contact Name(s): Esther Newell

Mailing Address: 4720 Cherokee Street College Park MD 20740

Email Address: esther.newell@berwynchristianschool.org

Day Phone: 301-474-1561 Evening Phone: \_\_\_\_\_ Cell Phone: 845-480-2989

Description of Activity/Event: Field Day

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

Expected Number of Participants 80 Age Range\* 4 yrs - 14 yrs

Additional Requirements:  Toilets  Lights  Concession Stand

Date(s) Requested: May 9th, 2014

See Facilities Rules and Regulations for acceptable times and age group

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

Time(s) Requested 7:00  a.m.  p.m. UNTIL 3:00  a.m. or  p.m.

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

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

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

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

### Recommendations and Notifications

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

Comments: 03/10/2014 meeting

Pub. Svcs Director Concur  Yes  No

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

City Manager Concur  Yes  No

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

Mayor and Council Concur  Yes  No

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

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

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

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

The level of use is one day and is minimal. We will be using the field, playground, and baseball diamond for field day activities.

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

College Park residents whose children attend Berwyn Christian School will be using the field, along with parent volunteers.

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

The children attending BCS benefit from the activities.

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

Any parents that reside in College Park, whose children attend BCS were encouraged to volunteer.

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

The volunteers and I will be making sure the park is cleaned of any trash that was made during the event. We will use the proper recepticals during clean up.

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

Our organization is promoting a day of outdoor sports and fun for the students who attend Berwyn Christian School.

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Mother's Day  
Race in north  
College Park

## MEMORANDUM

**TO:** Mayor and City Council  
**THROUGH:** Joseph Nagro, City Manager  
**FROM:** Robert W. Ryan, Public Services Director  
**DATE:** March 14, 2014  
**SUBJECT:** Mothers Day 5K Run



### ISSUE

The Prince George's Running Club has proposed and is planning, a Mother's Day 5K run in North College Park on Sunday, 11 May 2014. Former Council Member Mark Shroder has been invited to discuss this event with the Council at the 18 March 2014 work session.

### SUMMARY

A description of this new event is attached. Mr. Shroder will discuss the planned route and planning efforts accomplished to date. Public Services staff has been working with Mr. Shroder to plan community notification, route safety, etc. The Recreation Board has agreed to support the event. The City Attorney has reviewed the waiver form for sufficiency. The City seal and logo have been included on the flyer. The City seal will be included on the race shirt.

### RECOMMENDATION

Council Members should discuss opportunities to promote this event, and discuss any concerns with Mr. Shroder and City Staff at the work session.

Attachments: 1. Event Flyer  
2. Release (reviewed by City Attorney)

RELEASE

I know that running is a potentially hazardous activity. I should not enter and run unless I am medically able and properly trained. I agree to abide by any decision of a race official relative to my ability to safely complete the run. I assume all risks associated with running in this event including, but not limited to: falls; contact with other participants; the effect of the weather, including high heat and/or humidity; traffic and the conditions of the road; all such risks being known and appreciated by me. Having read this release and knowing these facts, in consideration of your acceptance of my entry, I, for myself and anyone entitled to act on my behalf, hold harmless and release the Prince George's Running Club, USA Track and Field, the Road Runners Club of America, the City of College Park and all sponsors, and their representatives and successors, from all claims or liabilities of any kind arising out of my participation in this event even though that liability may arise out of negligence, carelessness, acts or omissions on the part of the persons/entities so released.

Signature \_\_\_\_\_

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

Individually or on behalf of \_\_\_\_\_, a minor

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

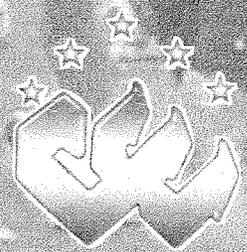
Name and Date of Event: \_\_\_\_\_

*The First Annual*

# College Park Mother's Day 5K

- ▶ **Sunday, May 11**
- ▶ **Race begins @ 7:00 am**
- ▶ **Start and Finish at  
Hollywood Shopping Ctr  
(9800 Block of Rhode  
Island Avenue)**
- ▶ **Prizes from REI**

**Sponsored By:**



A Smart Place to Live

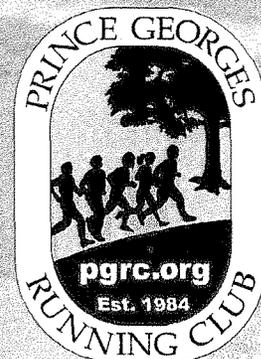
**NCPCA**  
North College Park  
Citizens Assn.

## **To Register:**

Go to: [www.pgrc.org/mothersday](http://www.pgrc.org/mothersday)

- **PGRC members & children  
under 15: \$15**
- **Non-members: \$20**
- **Late registration: \$25**

**Organized  
by the Prince George's  
Running Club**



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# Crime Reporting Technology Systems

## MEMORANDUM

**TO:** Mayor and City Council  
**THROUGH:** Joseph Nagro, City Manager  
**FROM:** Robert W. Ryan, Public Services Director *RWR/son*  
**DATE:** March 14, 2014  
**SUBJECT:** CRIME INFORMATION TECHNOLOGY

### ISSUE

Council Member Kabir has requested a work session to discuss available technology for public crime information. Representatives of the Prince George's County Police (PGPD) have been invited to participate in this discussion.

### SUMMARY

PGPD representatives have been invited to present available information technology used to provide public safety alerts communications, crime alerts, crime data, etc. Major Dan Weishaar, District 1 Commander; and Ms. Julie Parker, Manager of Public Affairs are expected to participate. They are expected to present information on all the available means of obtaining PGPD public information, crime alerts, crime stats and trend info, etc. (e.g. PGPD blogs, Twitter feeds, Facebook, COPS weekly crime reports, PGPD data feed to any public Websites, press releases, PGPD alerts on "Notify Me Prince George's" system, etc.) .

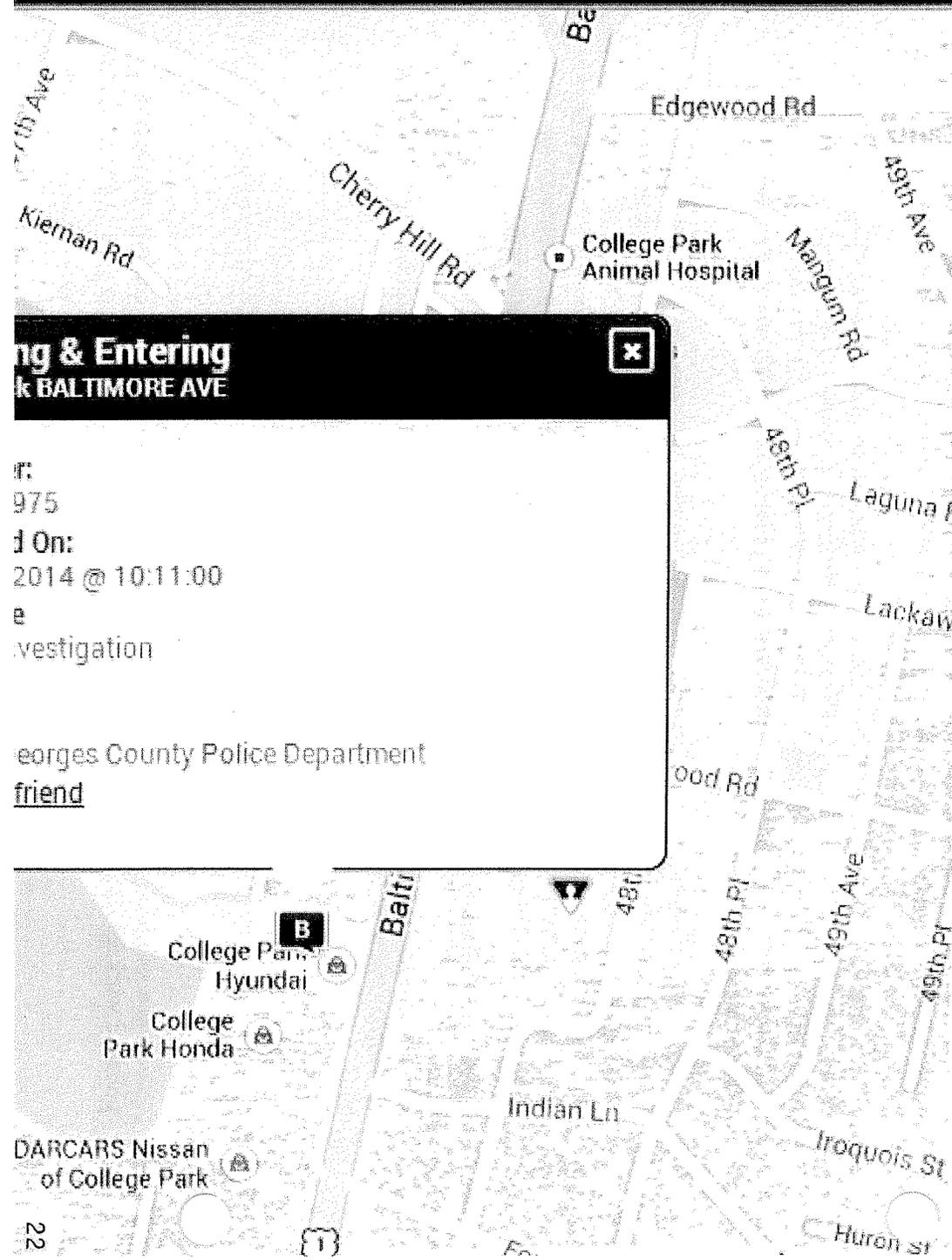
Some Council Members may be especially interested in access to crime maps online. Previous presentations to Council by Neighborhood Watch coordinators have included such options as the "Nation of Neighbors" program. We have been told that [www.crimereports.com](http://www.crimereports.com) (see attached sample) is the primary location for this type of PGPD data. Some feedback is that not all crimes reported back to the community through COPS officer's weekly reports seems to make it onto these maps.

### RECOMMENDATION

It is recommended that Council Members take advantage of this opportunity to discuss available use of public crime information technology.

Attachment: 1. Sample Pages from [www.crimereports.com](http://www.crimereports.com)

# Missing Crime Data



Northern College Park

03/03/2014 Thru 03/03/2014

Baker 7

## Breaking and Entering Commercial

Event	Type	From	To	Location
[3/06/14]	BREAKR	10:11	13:55	9500 Blk BALTIMORE AVE
[3/06/14]	BREAKR	10:25	12:44	9600 Blk BALTIMORE AVE

## Breaking and Entering Residential

Event	Type	From	To	Location
[3/05/14]	BREAK	21:39	05:16	3400 Blk DUNDON RD

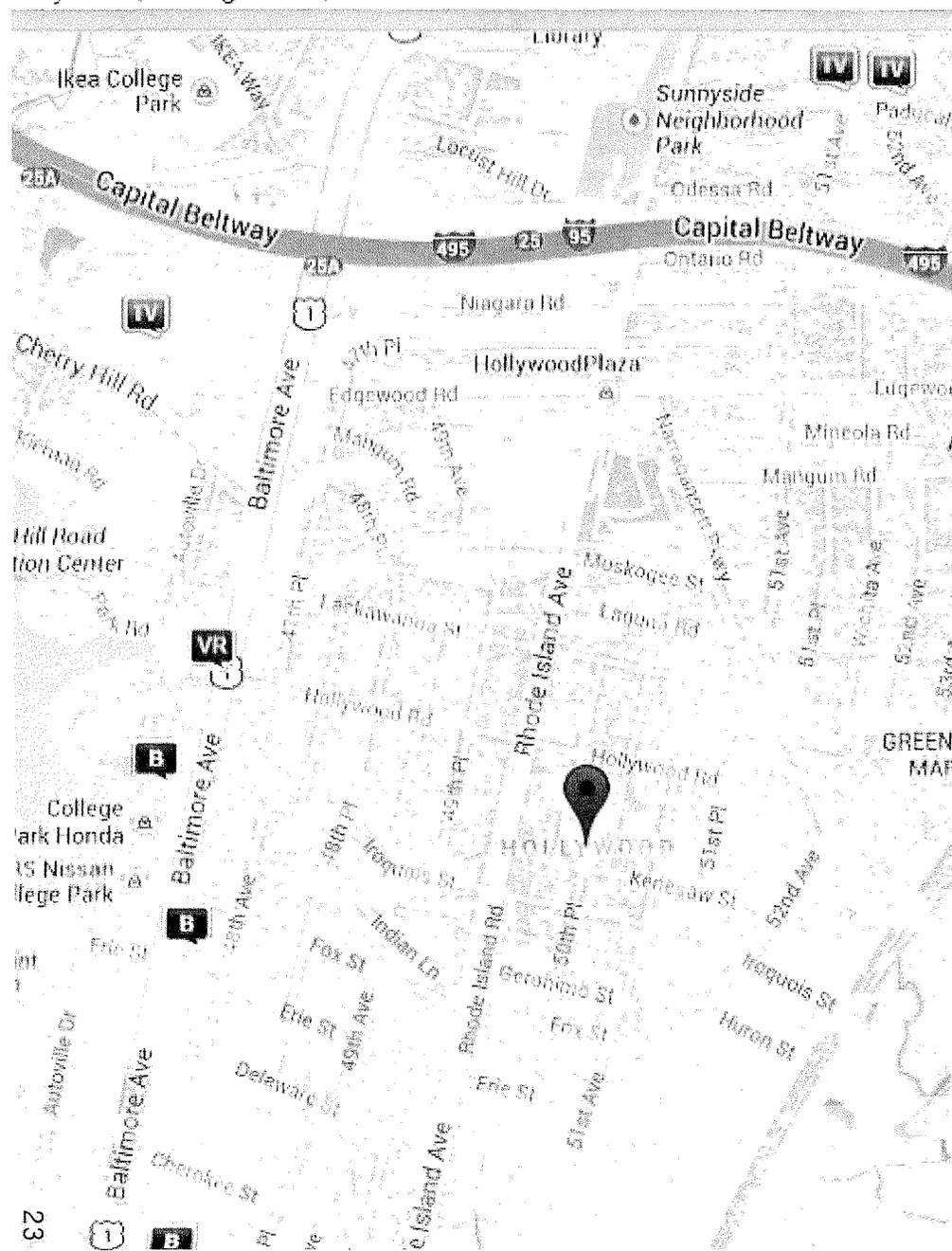
Corporal Errol Lobin #2939

Prince George's County Police Department

# Missing Data

02/03/2014 Thur 02/08/2014

Hollywood, College Park, md 20740



## Stolen Vehicle

Event	Type	From	To	Location
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[2/05/14]

#L14036 CKAUTO 13:20 14:28 9000 Blk GETTYSBURG LN,

[2/07/14]

#L14038 FOUND 21:46 22:19 ERIE ST AT 48TH AVE,

Breaking and Entering Residential

Event	Type	From	To	Location
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[2/06/14]

#L14037 BREAK 03:59 05:57 9500 Blk BALTIMORE AVE,

[2/07/14]

#L14038 BREAK 21:10 22:44 4700 Blk ERIE ST,

Breaking and Entering Commercial

Event	Type	From	To	Location
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[2/08/14]

#L14039 BREAK 20:52 22:26 4700 Blk CADDO ST,

Theft

Event	Type	From	To	Location
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#L14034 THEFT 01:23 01:57 8900 Blk RHODE ISLAND AVE,

[2/04/14]

#L14035 Theft 15:27 16:48 8100 Blk BALTIMORE AVE

Theft from Auto

Event	Type	From	To	Location
-------	------	------	----	----------

#L14034 THEFTA 08:03 08:45 5100 Blk PADUCAH RD,

#L14034 THEFTA 12:25 13:42 5200 Blk PADUCAH RD,

#L14034 THEFTA 19:59 21:05 4700 Blk CHERRY HILL RD,

[2/06/14]

#L14037 THEFTA 19:39 20:51 HAMPTON INN COLLEGE PARK

[2/07/14]

#L14038 THEFTA 18:24 19:33 DAYS INN - COLLEGE PARK

5

# Monument Realty

1 – Application for the City  
Revitalization Tax Credit

2 – Request for Amendments to  
the Declaration of Covenants

**MEMORANDUM**

**TO:** Mayor and Council

**FROM:** Michael Stiefvater, Economic Development Coordinator   
Steve Groh, Finance Director

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

**DATE:** March 14, 2014

**SUBJECT:** Additional Monument Village Tax Credit Information

At the request of the Mayor and Council this memo provides additional information on the tax credit application submitted by the developer of Monument Village at 9122-9128 Baltimore Avenue.

**Tax credit in the amount described in the City's Revitalization Tax Credit Ordinance:**

	<i>Full Credit</i>	<i>Half Credit</i>
Year 1 Credit at 75%:	\$129,130.69	\$64,565.35
Year 2 Credit at 60%:	\$103,304.55	\$51,652.26
Year 3 Credit at 45%:	\$77,478.41	\$38,739.21
Year 4 Credit at 30%:	\$51,652.28	\$25,826.14
<u>Year 5 Credit at 15%:</u>	<u>\$25,826.14</u>	<u>\$12,913.07</u>
Estimated Total Five Year Credit:	\$387,392.06	\$193,696.03

**Potential tax credit from Prince George's County:**

Year 1 Credit at 100%:	\$480,546.06
Year 2 Credit at 66%:	\$317,160.40
<u>Year 3 Credit at 33%:</u>	<u>\$158,580.20</u>
Estimated Total Three Year Credit:	\$956,286.65

**Tax credit issued to The Varsity in June 2013 by the City:**

Year 1 Credit at 19%:	\$60,000.00
Year 2 Credit at 25%:	\$80,000.00
Year 3 Credit at 31%:	\$100,000.00
Year 4 Credit at 37%:	\$120,000.00
<u>Year 5 Credit at 44%:</u>	<u>\$140,000.00</u>
Estimated Total Five Year Credit:	\$500,000.00

## MEMORANDUM

**TO:** Mayor and Council

**FROM:** Michael Stiefvater, Economic Development Coordinator *MS*  
Steve Groh, Finance Director

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

**DATE:** January 31, 2014

**SUBJECT:** Revitalization Tax Credit Application from Monument Village

### ISSUE

On November 27, 2013, City staff received an application and supporting documentation (see Attachment 1) from the developer of the proposed Monument Village located at 9122-9128 Baltimore Avenue (the "Project"), MR Hillcrest Capital LLC (the "Applicant"), for a revitalization tax credit under the City's Revitalization Tax Credit Program (the "Program"). The purpose of the Program, which was established under Ordinance No. 12-O-10 (see Attachment 2), is to provide financial incentives to encourage economic development and redevelopment through a five-year property tax credit against the City's property tax imposed on real property.

### BACKGROUND

The Project's initial detailed site plan (DSP-06095), which included 220 apartment units and 25,000-square-feet of retail, was approved with conditions by the City Council on August 14, 2007 and the Prince George's County District Council on February 18, 2008. The initial detailed site plan was submitted by JPI, a Texas-based developer, that was unable to obtain financing for the development and discontinued its efforts in 2009. With the property back on the market, the Applicant entered into a contract with the owners, University House at Hillcrest, LP and Helen A. Lasick LLC, in December 2012. The Applicant anticipates taking possession of the property in April or May 2014, subject to approvals and financing.

The Applicant later submitted an amendment (DSP-06095-01) to increase the number of residential units and decrease the retail square footage, among other changes. The amendment was unanimously supported by the City Council during a December 3, 2013 vote. The amendment is pending certification of the DSP by the Maryland-National Capital Park and Planning Commission.

Additionally, the Project is seeking a Revitalization Tax Credit from Prince George's County for their County real property taxes but has not yet received a decision on their application.

### ELIGIBILITY SUMMARY

Given that the Project was approved, but not constructed, prior to the adoption of the Program it is ineligible for a tax credit. However, the Applicant is requesting a waiver of this requirement pursuant to a provision that states the following:

“the Council may waive the requirement that an application must be filed no later than the date of acceptance for a detailed site plan...and consider whether to grant a tax credit under the following circumstances for projects for which no appeal was filed by the City if a Detailed Site Plan has been approved, but construction has not occurred, for the purpose of encouraging construction.”

Additionally, the Program establishes sets of eligibility requirements and eligibility criteria. Attachment 3 provides details on how the Project addresses each of the eligibility requirements, while Attachment 4 provides details on how the Project addresses each of the eligibility criteria. Since the Project is located in Tax Credit District One, as it is part of the US 1 Corridor Development District Overlay Zone, it is required to meet a minimum four out of ten eligibility criteria. As the Project will meet five eligibility criteria it is eligible for consideration of a tax credit.

### **FINANCIAL SUMMARY**

While qualifying projects are eligible to receive a five-year tax credit on the increased assessment attributed to the taxable improvements upon project completion, the waiver provision allows the Council to alter the amount and/or duration of the tax credit. In any case, the maximum tax credit is an amount equal to 75% of the increased assessment of City tax imposed in the first year, 60% in the second year, 45% in the third year, 30% in the fourth year, and 15% in the fifth year.

Currently the two properties are assessed at a value of \$3,604,700, while the anticipated completion of the Project in late 2015 or early 2016 is estimated to increase the total assessment to \$55,000,000. Therefore, the total increased assessment would be \$51,395,300, which given the City’s current real property tax rate of \$.335 per \$100 results in a future annual tax bill of \$172,174.25 upon completion.

The following depicts the tax credit if granted at the amount and term described in Section 175-11:

Year 1 Credit at 75%:	\$129,130.69
Year 2 Credit at 60%:	\$103,304.55
Year 3 Credit at 45%:	\$77,478.41
Year 4 Credit at 30%:	\$51,652.28
<u>Year 5 Credit at 15%:</u>	<u>\$25,826.14</u>
Estimated Total Five Year Credit:	\$387,392.06

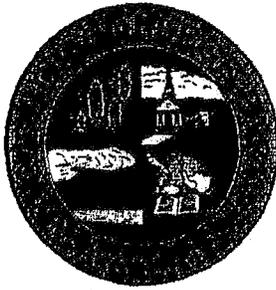
### **RECOMMENDATION**

The staff review has determined that the Applicant’s request for a waiver to the eligibility requirements is appropriate. If the waiver is granted, the tax credit is subject to approval by the Mayor and Council who will determine the amount, duration, and timetable of the credit.

### **ATTACHMENTS**

1. Revitalization Tax Credit Program Application from the Developer of Monument Village
2. Revitalization Tax Credit Ordinance
3. Review of Eligibility Requirements
4. Review of Eligibility Criteria

ATTACHMENT 1: Application from the Developer of Monument Village



City of College Park  
Planning, Community, and Economic Development Department  
4500 Knox Road  
College Park, MD 20740  
Phone: (240) 487-3538  
Fax: (301) 887-0558

**REVITALIZATION TAX CREDIT PROGRAM APPLICATION**

This program provides a real property tax credit for properties located within a revitalization district to provide a financial incentive that encourages economic development and redevelopment in the City.

Please contact the Economic Development Coordinator at 240-487-3543 to schedule an appointment to submit a completed application with the required documents and appropriate signatures to avoid any delays in review of your application.

Please print legibly and return to the address above or by email to [mstiefvater@collegetparkmd.gov](mailto:mstiefvater@collegetparkmd.gov).

**Only completed applications, including all required documentation, will be reviewed by City staff.**

**1. IMPROVEMENT STATUS (check one)**

- Construction yet to begin and prior to submittal of detailed site plan or building permit
- Construction yet to begin, but approved detailed site plan or building permit in place
- Under Construction
- Completed

<b>2. PROPERTY INFORMATION</b>		
Property Address: 9122 and 9128 Baltimore Avenue		
Tax Account Number(s): 21-3939386 & 21-3698172		
Current Owner: University House at Hillcrest, LP & Helen A. Lasick LLC		
Current Owner's Address: See attachment		
City:	State:	Zip Code:
Contact Person:		
Phone:	Email:	

<b>3. APPLICANT INFORMATION (if different than current property owner)</b>		
Applicant Name: MR Hillcrest 1 Capital LLC		
Mailing Address: c/o Monument Realty LLC, 1700 K Street, NW, Suite 600		
City: Washington	State: DC	Zip Code: 20006
Contact Person: Amy Phillips		
Phone: 202-777-2018	Email: aphillips@monumentrealty.com	

<b>4. IMPROVEMENT INFORMATION</b>
Detailed Site Plan Number (if applicable): DSP 06095
Building Permit Number (if issued): N/A
Total Assessment Prior to Proposed Improvements: Land Valuation: 21-3939386: \$955,000; 21-3698172: \$2,201,100 Improvement Valuation: 21-3939386: \$0; 21-3698172: \$448,600
Estimated Total Assessment After Proposed Improvements: \$55,000,000.00
Projected Completion Date of Proposed Improvements: December 2015
Property Use Before Proposed Improvements: Vacant
Description of Proposed Improvements: 235 multi-family dwelling units and 4,800 SF of retail.

**5. ELIGIBILITY CRITERIA (check each criteria that the project meets; additionally provide evidence for all criteria met)**

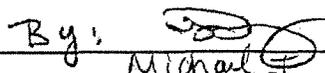
- A) The project is located within a ½-mile radius of an existing or under construction rail station for Washington Metropolitan Area Transit Authority, Maryland Area Regional Commuter, Maryland Transit Administration, or similar agency.
- B) The project involves the assemblage of lots or parcels owned by different parties.
- C) The project involves the buyout of leases to facilitate redevelopment.
- D) The project will complete, or commit funds for, substantial infrastructure improvements such as a new or relocated traffic signal, a public street, a public park, a public parking garage, undergrounding of utilities, or a bikeshare station.

- E) The project meets the minimum green building guidelines as established by the U.S. Green Building Council's LEED Silver Certification for the project's appropriate rating system. A LEED scorecard must be submitted with the detailed site plan application and evidence of certification at the time of final application for the tax credit.
- F) The project is located within one of the walkable development nodes designated in the approved Central US 1 Corridor Sector Plan.
- G) The project involves the demolition of an existing non-historic structure, which has been vacant at least one year.
- H) The project is a brownfield development, which means real property where expansion or redevelopment is complicated by the presence or potential presence of environmental contamination, and requires an environmental cleanup prior to redevelopment.
- I) The project has secured at least one locally-owned, non-franchise business as evidenced by executed lease agreements at the time of final application for the tax credit.
- J) The project provides space for a business incubator, community center, art gallery, or similar public-benefit use.

I/We hereby affirm that I/we have full legal capacity to authorize the filing of this application and that all information and exhibits submitted herewith are true and correct to the best of my/our knowledge.

I/We have read and understand the selected revitalization tax credit program guidelines.

MR Hillcrest 1 Capital LLC

By:  11/27/13

Owner/Applicant Signature Date

Michael J. Darby  
Authorized Signatory

Owner/Applicant Signature Date

**Note:** Applying for a tax credit does not obligate the City of College Park to approve a tax credit for the specified project. Only after the review and approval of the application and either the Detailed Site Plan or Building Permit will the City of College Park approve a tax credit. The project shall comply with the Program Guidelines established by the City of College Park. In the event that an application is denied by City staff, applicant may appeal to the Mayor and Council.

**Office Use Only**

Date Application Received: \_\_\_\_\_ Date of Completed Application: \_\_\_\_\_

Tax Account Number(s): \_\_\_\_\_

Tax Credit District: \_\_\_\_\_ Number of Criteria Met: \_\_\_\_\_

Estimated 1st Year Credit: \$ \_\_\_\_\_ Estimated 2nd Year Credit: \$ \_\_\_\_\_

Estimated 3rd Year Credit: \$ \_\_\_\_\_ Estimated 4th Year Credit: \$ \_\_\_\_\_

Estimated 5th Year Credit: \$ \_\_\_\_\_ Approval Letter Date: \_\_\_\_\_

Denial Letter Date: \_\_\_\_\_ Council Resolution Date: \_\_\_\_\_

Approval/Denial: \_\_\_\_\_ Planning \_\_\_\_\_ Finance

**Owner Contact Information**

**Parcel 21-3698172**

University House at Hillcrest LP

801 Grand Avenue

Des Moines, Iowa 50309

Contact: Terrence Tobin

Phone: 515-248-2998

**Parcel 21-3939386**

Helen A. Lasick, LLC

415 Montgomery Street

Laurel, Maryland 20707

Contact: Joe Lasick

Phone: 240-508-4404

**City of College Park  
Revitalization Tax Credit Eligibility Criteria  
MR Hillcrest 1 Capital LLC  
November 27, 2013**

The project is eligible under the following criteria:

**B) The project involves the assemblage of lots or parcels owned by different parties.**

The applicant is the contract purchaser of two lots: 21-3939386 and 21-3698172 owned by Helen A. Lasick LLC and University House at Hillcrest LP, respectively. See attached tax records.

**D) The project will complete or commit funds for substantial infrastructure improvements such as a new or relocated traffic signal, a public street, a public park, a public parking garage, undergrounding of utilities or a bikeshare station.**

Per the covenants with the City of College Park, the applicant will contribute \$60,000.00 to the City to advance the study for the undergrounding of utilities along Route 1.

**E) The project meets the minimum green building guidelines as established by the U.S. Green Building Council's LEED Silver Certification for the project's appropriate rating system.**

Please find attached the current LEED tracking score card. The project is being designed to LEED Silver standards.

**F) The project is located within one of the walkable development nodes designated in the approved Central US 1 Corridor Sector Plan.**

Please find attached a locational map of the project.

**G) The project involves the demolition of an existing non-historic structure, which has been vacant at least one year.**

The project will include demolition of the remaining foundations of Lasick's restaurant, which remain following a fire in 2004. See attached photograph with area outlined in blue.



Real Property Data Search ( w4)

[Search Help](#)

Search Result for PRINCE GEORGE'S COUNTY

[View Map](#)      [View GroundRent Redemption](#)      [View GroundRent Registration](#)

**Account Identifier:** District - 21 Account Number - 3698172

Owner Information

**Owner Name:** UNIVERSITY HOUSE AT HILLCREST L P      **Use:** COMMERCIAL  
**Principal Residence:** NO  
**Mailing Address:** PRINCIPAL ENTERPRISE CAPITAL S SCHOON  
 801 GRAND AVE      **Deed Reference:** 1) /00000/ 00000  
 DES MOINES IA 50309-      2)

Location & Structure Information

**Premises Address:** 9122 BALTIMORE AVE      **Legal Description:** PARCEL A  
 COLLEGE PARK 20740-0000

**Map:** 0025   **Grid:** 00D3   **Parcel:** 0000   **Sub District:**   **Subdivision:** 0310   **Section:**   **Block:**   **Lot:**   **Assessment Year:** 2013   **Plat No:** 207074  
**Plat Ref:**

**Town:** COLLEGE PARK

**Special Tax Areas:**      **Ad Valorem:**      **Tax Class:** 8

**Primary Structure Built:** 1940   **Above Grade Enclosed Area:** 7552   **Finished Basement Area:**   **Property Land Area:** 110,056 SF   **County Use:** 005

**Stories:**   **Basement:**   **Type:** MOTEL   **Exterior:**   **Full/Half Bath:**   **Garage:**   **Last Major Renovation:**

Value Information

	Base Value	Value	Phase-in Assessments	
		As of	As of	As of
		01/01/2013	07/01/2013	07/01/2014
<b>Land:</b>	2,201,100	2,201,100		
<b>Improvements</b>	1,000	448,600		
<b>Total:</b>	2,202,100	2,649,700	2,351,300	2,500,500
<b>Preferential Land:</b>	0			0

Transfer Information

**Seller:** TIRUPATI FRIENDS LTD PARTNERS   **Date:** 06/07/2005   **Price:** \$3,150,000  
**Type:** NON-ARMS LENGTH OTHER   **Deed1:** /00000/ 00000   **Deed2:**  
**Seller:** HARDEMAN, WINFRED   **Date:** 05/11/1981   **Price:** \$0  
**Type:**   **Deed1:** /00000/ 00000   **Deed2:**  
**Seller:** UNIVERSITY HOUSE AT HILLCREST   **Date:** 05/07/1963   **Price:** \$0  
**Type:**   **Deed1:** /00000/ 00000   **Deed2:**

Exemption Information

**Partial Exempt Assessments:**   **Class:**      07/01/2013      07/01/2014  
**County:** 000      0.00  
**State:** 000      0.00  
**Municipal:** 000      0.00|0.00      0.00|0.00  
**Tax Exempt:**      **Special Tax Recapture:**  
**Exempt Class:** NONE

Homestead Application Information

**Homestead Application Status:** No Application



**0 0 0 0** Minimum Program Requirements Possible Points: 0

Y	?Y	?N	N	
Y				PIf1 - Minimum Program Requirements
Y				PIf2 - Project Summary Details
Y				PIf3 - Occupant & Usage Data
Y				PIf4 - Schedule & Overview Documents

**16 6 2 2** Sustainable Sites Possible Points: 26

Y	?Y	?N	N	
Y				SSp1 - Construction Activity Pollution Prevention
1				SSc1 - Site Selection
	5			SSc2 - Development Density & Community Connectivity
			1	SSc3 - Brownfield Redevelopment
6				SSc4.1 - Alternative Transportation - Public Transportation Access
1				SSc4.2 - Alternative Transportation - Bicycle Storage & Changing Rooms
3				SSc4.3 - Alternative Transportation - Low Emitting & Fuel Efficient Vehicles
2				SSc4.4 - Alternative Transportation - Parking Capacity
		1		SSc5.1 - Site Development - Protect or Restore Habitat
1				SSc5.2 - Site Development - Maximize Open Space
			1	SSc6.1 - Stormwater Design - Quantity Control
1				SSc6.2 - Stormwater Design - Quality Control
1				SSc7.1 - Heat Island Effect - Nonroof
		1		SSc7.2 - Heat Island Effect - Roof
	1			SSc8 - Light Pollution Reduction

**4 1 1 4** Water Efficiency Possible Points: 10

Y	?Y	?N	N	
Y				WEp1 - Water Use Reduction - 20% Reduction
2			2	WEc1 - Water Efficient Landscaping
			2	WEc2 - Innovative Wastewater Technologies
2	1	1		WEc3 - Water Use Reduction

**5 4 4 22** Energy & Atmosphere Possible Points: 35

Y	?Y	?N	N	
Y				EAp1 - Fundamental Commissioning of the Building Energy Systems
Y				EAp2 - Minimum Energy Performance
Y				EAp3 - Fundamental Refrigerant Management
3	2	2	12	EAc1 - Optimize Energy Performance
			7	EAc2 - On-site Renewable Energy
	2			EAc3 - Enhanced Commissioning
		2		EAc4 - Enhanced Refrigerant Management
			3	EAc5 - Measurement & Verification
2				EAc6 - Green Power

**4 2 0 6** Materials & Resources Possible Points: 14

Y	?Y	?N	N	
Y				MRp1 - Storage & Collection of Recyclables
			1	MRc1.1 - Building Reuse - Maintain Existing Walls, Floors & Roof
			1	MRc1.2 - Building Reuse - Maintain Interior Nonstructural Elements
2				MRc2 - Construction Waste Management
			2	MRc3 - Materials Reuse

Y	?Y	?N	N	
1	1			MRc4 - Recycled Content
1	1			MRc5 - Regional Materials
			1	MRc6 - Rapidly Renewable Materials
			1	MRc7 - Certified Wood

**7 2 1 5** Indoor Environmental Quality Possible Points: 15

Y	?Y	?N	N	
Y				IEQp1 - Minimum Indoor Air Quality Performance
Y				IEQp2 - Environmental Tobacco Smoke (ETS) Control
0			1	IEQc1 - Outdoor Air Delivery Monitoring
1			1	IEQc2 - Increased Ventilation
5	1			IEQc3.1 - Construction Indoor Air Quality Management Plan - During Constru
1			1	IEQc3.2 - Construction IAQ Management Plan - Before Occupancy
6	1			IEQc4.1 - Low-Emitting Materials - Adhesives & Sealants
1	1			IEQc4.2 - Low-Emitting Materials - Paints & Coatings
3	1			IEQc4.3 - Low-Emitting Materials - Flooring Systems
2			1	IEQc4.4 - Low-Emitting Materials - Composite Wood & Agrifiber Products
1			1	IEQc5 - Indoor Chemical & Pollutant Source Control
1	1			IEQc6.1 - Controllability of Systems - Lighting
1	1			IEQc6.2 - Controllability of Systems - Thermal Comfort
1	1			IEQc7.1 - Thermal Comfort - Design
1			1	IEQc7.2 - Thermal Comfort - Verification
1		1		IEQc8.1 - Daylight & Views - Daylight
1	1			IEQc8.2 - Daylight & Views - Views

**5 1 0 0** Innovation & Design Possible Points: 6

Y	?Y	?N	N	
0	1			IDc1.1 - Green Education Plan
4	1			IDc1.2 - Green Housekeeping
2	1			IDc1.3 - Integrated Pest Management
4	1			IDc1.4 - Water Saving Appliances
		1		IDc1.5 - Energy-Efficient Elevator
1				IDc2 - LEED Accredited Professional

**1 0 1 2** Regional Priority Credits Possible Points: 4

Y	?Y	?N	N	
0	1			RPc1.1 - MRc2 (50%)
0			1	RPc1.2 - WEc3 (40%)
19		1		RPc1.3 - SSc6.1, WEc2
7			1	RPc1.4 - EAc2 (1%), MRc1.1 (55%)
2			1	

**42 16 9 41** Total Possible Points: 110

Certified: 40-49, Silver: 50-59, Gold: 60-79, Platinum: 80+

Monument Village at College Park West



**ORDINANCE**  
**OF THE MAYOR AND COUNCIL OF THE CITY OF COLLEGE PARK, MARYLAND,**  
**AMENDING CHAPTER 175 "TAXATION" TO ADD ARTICLE IV,**  
**"REVITALIZATION TAX CREDIT", SECTION 175-5, "PURPOSE"; §175-6,**  
**AUTHORITY TO ESTABLISH REVITALIZATION TAX CREDIT DISTRICTS; §175-7**  
**REVITALIZATION TAX DISTRICTS ESTABLISHED"; §175-8 "AUTHORITY TO**  
**GRANT A TAX CREDIT FOR REAL PROPERTY LOCATED IN A REVITALIZATION**  
**TAX CREDIT DISTRICT"; §175-9 "ELIGIBILITY REQUIREMENTS"; §175-10**  
**"ELIGIBILITY CRITERIA"; §175-11 "TAX CREDIT - AMOUNT AND TERM"; §175-12**  
**"APPLICATION PROCESS"; AND §175-13 "WAIVER", TO SET CRITERIA FOR**  
**AND ESTABLISH REVITALIZATION TAX DISTRICTS, GRANT A TAX CREDIT**  
**AGAINST THE CITY PROPERTY TAX IMPOSED ON REAL PROPERTY WITHIN**  
**THE DISTRICTS AND ESTABLISH ELIGIBILITY CRITERIA FOR THE TAX CREDIT**

WHEREAS, the State of Maryland, pursuant to 9-318(g) of the Tax-Property Article, Annotated Code of Maryland, has authorized the establishment of revitalization districts by resolution for the purpose of encouraging redevelopment; and

WHEREAS, Section 9-318(g) of the Tax-Property Article, Annotated Code of Maryland, also authorizes the City to grant a property tax credit against the City's real property tax for a property located within the revitalization district that is constructed or substantially redeveloped in conformance with adopted eligibility criteria and reassessed as a result of the construction or redevelopment at a higher value than that assessed prior to the construction or redevelopment; and

WHEREAS, the Mayor and Council have determined that it is in the public interest to provide for the establishment of revitalization tax districts and to set the criteria for designation of such districts; and

WHEREAS, the Mayor and City Council have determined that it is in the public interest to authorize the granting of a property tax credit against the City's real property tax for properties within a revitalization district and to adopt eligibility criteria for granting the credit.

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 175 "Taxation", Article IV "Revitalization Tax Credit" §175-5, "Purpose" be and it is hereby enacted as follows:

ARTICLE V REVITALIZATION TAX CREDIT

**§175-5 PURPOSE.** THE PURPOSE OF THE CITY OF COLLEGE PARK'S REVITALIZATION TAX CREDIT PROGRAM IS TO PROVIDE FINANCIAL INCENTIVES TO ENCOURAGE ECONOMIC DEVELOPMENT AND REDEVELOPMENT BY CREATING REVITALIZATION DISTRICTS IN THE CITY.

**Section 2. BE IT FURTHER ORDAINED AND ENACTED** by the Mayor and Council of the City of College Park Maryland that Chapter 175 "Taxation", Article IV "Revitalization Tax Credit" §175-6, "Establishment of Revitalization Tax Credit Districts" be and it is hereby enacted as follows:

**§175-6. AUTHORITY TO ESTABLISH REVITALIZATION TAX CREDIT DISTRICTS.** THE COUNCIL MAY ESTABLISH ONE OR MORE REVITALIZATION TAX CREDIT DISTRICTS. A REVITALIZATION TAX CREDIT DISTRICT MAY BE ESTABLISHED WITHIN AN EXISTING DEVELOPMENT DISTRICT OVERLAY ZONE, TRANSIT DISTRICT OVERLAY ZONE, COMMERCIAL DISTRICT, INDUSTRIAL DISTRICT, OR COMMERCIAL CORRIDOR.

**Section 3. BE IT FURTHER ORDAINED AND ENACTED** by the Mayor and Council of the City of College Park Maryland that Chapter 175 "Taxation", Article IV "Revitalization Tax Credit" §175-7, "Revitalization districts established" be and it is hereby enacted as follows:

**§175-7 REVITALIZATION TAX DISTRICTS ESTABLISHED.**

THE FOLLOWING DISTRICTS ARE ESTABLISHED:

A. DISTRICT ONE - TO INCLUDE THE AREAS ENCOMPASSED BY THE US 1 CORRIDOR DEVELOPMENT DISTRICT OVERLAY ZONE AND THE COLLEGE PARK-RIVERDALE TRANSIT DISTRICT OVERLY ZONE.

B. DISTRICT TWO - TO INCLUDE THE AREAS ENCOMPASSED BY THE HOLLYWOOD COMMERCIAL DEVELOPMENT DISTRICT OVERLAY ZONE, THE BERWYN COMMERCIAL AND INDUSTRIAL DISTRICTS, THE BRANCHVILLE INDUSTRIAL DISTRICT AND THE GREENBELT/UNIVERSITY COMMERCIAL CORRIDOR.

**Section 4. BE IT FURTHER ORDAINED AND ENACTED** by the Mayor and Council of the City of College Park Maryland that Chapter 175 "Taxation", Article IV "Revitalization Tax Credit" §175-8, "Authority to grant a tax credit for real property located in a revitalization tax credit district" be and it is hereby enacted as follows:

**§175-8 AUTHORITY TO GRANT A TAX CREDIT FOR REAL PROPERTY LOCATED IN A REVITALIZATION TAX CREDIT DISTRICT.**

A PROPERTY TAX CREDIT MAY BE GRANTED BY RESOLUTION AGAINST THE CITY'S PROPERTY TAX IMPOSED ON REAL PROPERTY LOCATED WITHIN A REVITALIZATION DISTRICT THAT IS CONSTRUCTED OR SUBSTANTIALLY REDEVELOPED IN CONFORMANCE WITH THE ELIGIBILITY CRITERIA ESTABLISHED IN THIS ARTICLE AND REASSESSED AS A RESULT OF THE CONSTRUCTION OR REDEVEVELOPMENT AT A HIGHER VALUE THAN THAT ASSESSED PRIOR TO THE CONSTRUCTION OR REDEVELOPMENT.

**Section 5. BE IT FURTHER ORDAINED AND ENACTED** by the Mayor and Council of the City of College Park Maryland that Chapter 175 "Taxation", Article IV "Revitalization Tax Credit" §175-9, "Eligibility requirements" be and it is hereby enacted as follows:

**§175-9 ELIGIBILITY REQUIREMENTS.**

TO BE ELIGIBLE FOR THE TAX CREDIT, A PROPERTY MUST MEET THE FOLLOWING ELIGIBILITY CRITERIA:

- A. IMPROVEMENTS MUST INCLUDE NEW CONSTRUCTION, RECONSTRUCTION, OR REHABILITATION OF RESIDENTIAL (EXCLUDING SINGLE FAMILY DETACHED), COMMERCIAL, HOSPITALITY, OR MIXED-USE PROPERTIES.
- B. THE APPLICANT MUST BE IN GOOD STANDING WITH THE CITY OF COLLEGE PARK'S PUBLIC SERVICES AND FINANCE DEPARTMENTS. IN ORDER TO BE IN GOOD STANDING, APPLICANTS MAY NOT HAVE ANY OUTSTANDING CODE VIOLATIONS OR BE DELINQUENT ON ANY PAYMENTS INCLUDING, BUT NOT LIMITED TO, TRASH BILLS, PERMIT FEES, AND CITY TAX PAYMENTS.
- C. PROJECTS ARE INELIGIBLE FOR THIS PROGRAM IF THEY ARE LOCATED WITHIN A TAX INCREMENT FINANCING DISTRICT AT THE TIME OF APPLICATION.
- D. ELIGIBILITY IS CONTINGENT UPON CITY COUNCIL APPROVAL OF THE PROJECT'S DETAILED SITE PLAN, IF APPLICABLE, OR BUILDING PERMITS. IN THE EVENT THE CITY COUNCIL APPROVES THE DETAILED SITE PLAN WITH CONDITIONS OR ANY AGREEMENT BETWEEN THE APPLICANT AND

THE CITY, ALL RECOMMENDED CONDITIONS OR TERMS OF AGREEMENT MUST BE COMPLIED WITH BEFORE ANY TAX CREDIT WILL TAKE EFFECT.

- E. PROJECTS THAT ARE UNDER CONSTRUCTION, COMPLETED, OR HAVE AN APPROVED DETAILED SITE PLAN OR BUILDING PERMIT PRIOR TO THE ADOPTION OF THIS PROGRAM ARE NOT ELIGIBLE FOR THE TAX CREDIT.

**Section 6. BE IT FURTHER ORDAINED AND ENACTED** by the Mayor and Council of the City of College Park Maryland that Chapter 175 "Taxation", Article IV "Revitalization Tax Credit" §175-10, "Eligibility criteria" be and it is hereby enacted as follows:

**§175-10 ELIGIBILITY CRITERIA**

WHEN EVALUATING WHETHER A PROJECT WILL RECEIVE A TAX CREDIT UNDER THIS ARTICLE, THE CITY COUNCIL WILL USE THE FOLLOWING CRITERIA. FOR PROJECTS LOCATED WITHIN THE BOUNDARIES OF TAX CREDIT DISTRICT 1 AT LEAST 4 OF THE CRITERIA MUST BE MET AND FOR PROJECTS LOCATED WITHIN THE BOUNDARIES OF TAX CREDIT DISTRICT 2 AT LEAST 2 OF THE CRITERIA MUST BE MET.

- A. THE PROJECT IS LOCATED WITHIN A ½-MILE RADIUS OF AN EXISTING OR UNDER CONSTRUCTION RAIL STATION FOR WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY, MARYLAND AREA REGIONAL COMMUTER, MARYLAND TRANSIT ADMINISTRATION, OR SIMILAR AGENCY.
- B. THE PROJECT INVOLVES THE ASSEMBLAGE OF LOTS OR PARCELS OWNED BY DIFFERENT PARTIES.

- C. THE PROJECT INVOLVES THE BUYOUT OF LEASES TO FACILITATE REDEVELOPMENT.
- D. THE PROJECT WILL COMPLETE, OR COMMIT FUNDS FOR, SUBSTANTIAL INFRASTRUCTURE IMPROVEMENTS SUCH AS A NEW OR RELOCATED TRAFFIC SIGNAL, A PUBLIC STREET, A PUBLIC PARK, A PUBLIC PARKING GARAGE, UNDERGROUNDING OF UTILITIES, OR A BIKESHARE STATION.
- E. THE PROJECT MEETS THE MINIMUM GREEN BUILDING GUIDELINES AS ESTABLISHED BY THE US GREEN BUILDING COUNCIL'S LEED SILVER CERTIFICATION FOR THE PROJECT'S APPROPRIATE RATING SYSTEM. A LEED SCORECARD MUST BE SUBMITTED WITH THE DETAILED SITE PLAN APPLICATION AND EVIDENCE OF CERTIFICATION AT THE TIME OF FINAL APPLICATION FOR THE TAX CREDIT.
- F. THE PROJECT IS LOCATED WITHIN ONE OF THE WALKABLE DEVELOPMENT NODES DESIGNATED IN THE APPROVED CENTRAL US 1 CORRIDOR SECTOR PLAN.
- G. THE PROJECT INVOLVES THE DEMOLITION OF AN EXISTING NON-HISTORIC STRUCTURE, WHICH HAS BEEN VACANT AT LEAST ONE YEAR.
- H. THE PROJECT IS A BROWNFIELD DEVELOPMENT, WHICH MEANS REAL PROPERTY WHERE EXPANSION OR REDEVELOPMENT IS COMPLICATED BY THE PRESENCE OR POTENTIAL PRESENCE OF ENVIRONMENTAL CONTAMINATION, AND REQUIRES AN ENVIRONMENTAL CLEANUP PRIOR TO REDEVELOPMENT.
- I. THE PROJECT HAS SECURED AT LEAST ONE LOCALLY-OWNED, NON-FRANCHISE BUSINESS AS EVIDENCED BY EXECUTED LEASE

AGREEMENTS AT THE TIME OF FINAL APPLICATION FOR THE TAX CREDIT.

- J. THE PROJECT PROVIDES SPACE FOR A BUSINESS INCUBATOR, COMMUNITY CENTER, ART GALLERY, OR SIMILAR PUBLIC-BENEFIT USE.

**Section 7. BE IT FURTHER ORDAINED AND ENACTED** by the Mayor and Council of the City of College Park Maryland that Chapter 175 "Taxation", Article IV "Revitalization Tax Credit" §175-11, "Tax credit - amount and term" be and it is hereby enacted as follows:

**§175-11 TAX CREDIT – AMOUNT AND TERM**

AN ELIGIBLE PROPERTY MAY RECEIVE A 5-YEAR TAX CREDIT ON CITY REAL PROPERTY TAXES BASED ON THE INCREASED ASSESSMENT ATTRIBUTED TO THE TAXABLE IMPROVEMENTS UPON PROJECT COMPLETION AS DETERMINED BY THE SUPERVISOR OF ASSESSMENTS. THE TAX CREDIT SHALL BE IN AN AMOUNT EQUAL TO 75% OF THE INCREASED ASSESSMENT OF CITY TAX IMPOSED IN THE FIRST YEAR; 60% IN THE SECOND YEAR; 45% IN THE THIRD YEAR; 30% IN THE FOURTH YEAR; AND 15% IN THE FIFTH YEAR. THE TAX CREDIT IS TRANSFERABLE TO SUBSEQUENT PROPERTY OWNERS WITHIN THE TERM OF THE ORIGINAL AGREEMENT.

**Section 8. BE IT FURTHER ORDAINED AND ENACTED** by the Mayor and Council of the City of College Park Maryland that Chapter 175 "Taxation", Article IV "Revitalization Tax Credit" §175-12, "Application process" be and it is hereby enacted as follows:

**§175-12 APPLICATION PROCESS**

- A. SUBMIT PRELIMINARY APPLICATION

AN APPLICATION FOR A CITY TAX CREDIT SHALL BE SUBMITTED TO THE CITY'S PLANNING, COMMUNITY, AND ECONOMIC DEVELOPMENT DEPARTMENT NO LATER THAN THE DATE OF ACCEPTANCE FOR A DETAILED SITE PLAN BY THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION (M-NCPPC), IF APPLICABLE, OR THE SUBMISSION OF A BUILDING PERMIT APPLICATION TO PRINCE GEORGE'S COUNTY. THE APPLICATION SHALL SPECIFY WHICH EVALUATION CRITERIA ARE BEING ADDRESSED BY THE APPLICANT, THE ESTIMATED VALUE OF THE COMPLETED IMPROVEMENTS, AND ANY ADDITIONAL INFORMATION REQUESTED BY THE CITY. ALL PLANS ASSOCIATED WITH THE DETAILED SITE PLAN OR BUILDING PERMIT SHALL BE SUBMITTED WITH THE APPLICATION.

B. CITY STAFF REVIEW AND RECOMMENDATION

UPON RECEIPT AND ACCEPTANCE OF A COMPLETED APPLICATION, THE CITY'S PLANNING, COMMUNITY, AND ECONOMIC DEVELOPMENT DEPARTMENT WILL REFER A COPY OF THE APPLICATION TO THE FINANCE DEPARTMENT. CITY STAFF WILL PROVIDE A RECOMMENDATION TO THE CITY COUNCIL FOR A TAX CREDIT AT THE TIME OF DETAILED SITE PLAN REVIEW BEFORE THE CITY COUNCIL. FOR PROJECTS THAT DO NOT REQUIRE A DETAILED SITE PLAN, STAFF WILL REVIEW BUILDING PERMIT PLANS AND SCHEDULE THE APPLICATION FOR REVIEW BY THE CITY COUNCIL AT A CITY COUNCIL WORKSESSION.

C. CITY COUNCIL RESOLUTION

A CITY COUNCIL RESOLUTION MUST BE APPROVED TO AUTHORIZE THE AWARD OF A TAX CREDIT. THE APPROVAL WILL BE CONTINGENT ON ALL REQUIRED TERMS OF THE REVITALIZATION TAX CREDIT PROGRAM BEING MET AT THE TIME OF FINAL APPLICATION. IF THE PRINCE GEORGE'S COUNTY PLANNING BOARD, THE DISTRICT COUNCIL, OR ANY OTHER GOVERNMENT AGENCY WITH AUTHORITY CHANGES THE CITY APPROVED CONDITIONS FOR THE DETAILED SITE PLAN AFTER THE RESOLUTION HAS BEEN ADOPTED, STAFF WILL REVIEW THE CHANGES AND PROVIDE A SUPPLEMENTAL RECOMMENDATION FOR THE TAX CREDIT AUTHORIZATION THAT THE CITY COUNCIL WILL RELY UPON WITH RESPECT TO DETERMINING WHETHER IT SHOULD RE-CONSIDER THE AUTHORIZATION.

D. FINAL APPLICATION APPROVAL

PRIOR TO FINAL ACCEPTANCE OF THE APPLICATION FOR A CITY TAX CREDIT, DOCUMENTATION MUST BE SUBMITTED TO THE CITY'S DIRECTOR OF FINANCE INCLUDING A LEGAL DESCRIPTION OF THE PROPERTY, PROOF OF A PROPERLY ISSUED USE AND OCCUPANCY PERMIT APPLICABLE TO ELIGIBLE IMPROVEMENTS, EVIDENCE OF COMPLIANCE WITH ANY CITY AGREEMENT OR REQUIRED CERTIFICATIONS, AND SUCH OTHER INFORMATION OR DOCUMENTATION AS THE DIRECTOR MAY REQUIRE. UPON FINAL ACCEPTANCE THE CITY WILL ISSUE A CERTIFICATE TO THE PROPERTY OWNER THAT CONFIRMS THE PARCEL'S TAX CREDIT STATUS. A COPY OF THE CERTIFICATE WILL BE SENT TO THE PRINCE GEORGE'S

COUNTY SUPERVISOR OF ASSESSMENTS WHO WILL DETERMINE THE VALUE OF IMPROVEMENT.

**Section 9. BE IT FURTHER ORDAINED AND ENACTED** by the Mayor and Council of the City of College Park Maryland that Chapter 175 "Taxation", Article IV "Revitalization Tax Credit" §175-13, "Waiver" be and it is hereby enacted as follows:

**§175-13 WAIVER**

A. IF IT FINDS THAT THE PURPOSES OF THIS ARTICLE WILL BE EQUALLY WELL SERVED BY DOING SO, THE COUNCIL MAY WAIVE THE REQUIREMENT IN §175-12 THAT AN APPLICATION MUST BE FILED NO LATER THAN THE DATE OF ACCEPTANCE FOR A DETAILED SITE PLAN, IF APPLICABLE, OR A BUILDING PERMIT APPLICATION, AND CONSIDER WHETHER TO GRANT A TAX CREDIT UNDER THE FOLLOWING CIRCUMSTANCES FOR PROJECTS FOR WHICH NO APPEAL WAS FILED BY THE CITY:

1. WHEN THE APPLICATION IS FILED PRIOR TO THE APPROVAL OF THE DETAILED SITE PLAN OR ISSUANCE OF THE BUILDING PERMIT; OR
2. NOTWITHSTANDING §175-9(E), IF THE DETAILED SITE PLAN WAS APPROVED AFTER JANUARY 1, 2009, THE PROJECT HAS BEEN CONSTRUCTED, AND THE PROJECT SATISFIES AT LEAST THE MINIMUM REQUIRED CRITERIA IDENTIFIED IN §175-10 FOR THE DISTRICT; OR
3. IF A DETAILED SITE PLAN HAS BEEN APPROVED, BUT CONSTRUCTION HAS NOT OCCURRED, FOR THE PURPOSE OF ENCOURAGING THE CONSTRUCTION; OR

4. FOR AN APPLICATION THAT IS TIMELY FILED, WHEN THE MINIMUM REQUIREMENTS OF §175-10 ARE NOT MET.

B. IN GRANTING A TAX CREDIT UNDER THIS SECTION, THE COUNCIL MAY REDUCE THE AMOUNT OR DURATION OF THE CREDIT SET OUT IN §175-11.

C. IN MAKING APPLICATION FOR A WAIVER, THE APPLICANT SHALL PROVIDE FOR CONSIDERATION THE INFORMATION REQUESTED BY THE CITY'S PLANNING, COMMUNITY, AND ECONOMIC DEVELOPMENT STAFF.

**BE IT FURTHER ORDAINED AND ENACTED** by the Mayor and Council of the City of College Park that, upon formal introduction of this proposed Ordinance, which shall be by way of a motion duly seconded and without any further vote, the City Clerk shall distribute a copy to each Council member and shall maintain a reasonable number of copies in the office of the City Clerk and shall publish this proposed ordinance or a fair summary thereof in a newspaper having a general circulation in the City of College Park together with a notice setting out the time and place for a public hearing thereon and for its consideration by the Council. The public hearing, hereby set for 7:15 P.M. on the 27th day of November, 2012, 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 December 18, 2012 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 23rd day of October 2012.

**ADOPTED** by the Mayor and Council of the City of College Park, Maryland at a regular meeting on the 27<sup>th</sup> day of November 2012.

**EFFECTIVE** the 18<sup>th</sup> day of December, 2012.

**ATTEST:**

**THE CITY OF COLLEGE PARK,  
MARYLAND**

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

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

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

Suellen M. Ferguson  
Suellen M. Ferguson, City Attorney

**ATTACHMENT 3: Review of Eligibility Requirements**

In order for a project to be eligible for the Program, it must meet basic eligibility requirements as set by Section 175-9 of the Ordinance. The table below lists these requirements, details on how they were addressed, and whether the Project met them.

	<b>Eligibility Requirement</b>	<b>Details</b>	<b>Met</b>
A	Eligible improvements include new construction, reconstruction, or rehabilitation of residential (excluding Single Family detached), commercial, hospitality, or mixed-use properties.	The project is new construction with 228 apartments and 4,800 SF of retail scheduled to break ground in mid-2014.	Yes
B	The applicant must be in good standing with the City's Public Services and Finance Departments. In order to be in good standing, applicants may not have any outstanding code violations or be delinquent on any payments	The Applicant has not taken ownership of the property at this time but according to the Public Services and Finance Departments there are not any outstanding code violations or payments.	Yes
C	Projects are ineligible for this program if they are located within a tax increment financing district at the time of application.	There is no established tax increment financing district at this time; however, establishing one is under consideration.	Yes
D	Eligibility is contingent upon City Council approval of the project's detailed site plan, if applicable, or building permit if no detailed site plan is required. In the event the City Council approves the detailed site plan with conditions or any agreement between the applicant and the City, all recommended conditions or terms of agreement must be complied with before any tax credit will take effect.	The City Council approved the Project's detailed site plan (DSP-06095) with conditions on August 14, 2007. A revised detailed site plan (DSP-06095-01), which modified the residential and retail aspects, was supported by the City Council on December 3, 2013 by the City Council.	Yes
E	Projects that are under construction, completed, or have an approved detailed site plan or building permit prior to the adoption of this program are not eligible for the tax credit.	The Project has yet to begin construction, but its detailed site plan (DSP-06095) was approved on February 18, 2008 by the Prince George's County District Council. This approval is prior to the adoption of the Program in November 2012.	No

#### ATTACHMENT 4: Review of Eligibility Criteria

The Project is located in Tax Credit District One and therefore is required to meet a minimum four out of ten eligibility criteria identified in Section 175-10. The table below lists these criteria, details on how they were addressed, and whether the Project meets them.

	<b>Eligibility Criteria</b>	<b>Details</b>	<b>Met</b>
A	The project is located within a ½-mile radius of an existing or under construction rail station for Washington Metropolitan Area Transit Authority, Maryland Area Regional Commuter, Maryland Transit Administration, or similar agency.	The Project is located approximately 1.1 miles from the nearest rail station, which is the Greenbelt Metro Station.	No
B	The project involves the assemblage of lots or parcels owned by different parties.	The Project involved the assemblage of parcels owned by Helen A. Lasick LLC and University House at Hillcrest LP.	Yes
C	The project involves the buyout of leases to facilitate redevelopment.	The project did not involve the direct buy out of leases to facilitate redevelopment.	No
D	The project will complete, or commit funds for, substantial infrastructure improvements such as a new or relocated traffic signal, a public street, a public park, a public parking garage, undergrounding of utilities, or a bikeshare station.	Per covenants with the City, the Applicant will contribute \$60,000 to the City for the study of undergrounding utilities along Route 1 and will commit funds for installation of a traffic signal and a location for a bikeshare station.	Yes
E	The project meets the minimum green building guidelines as established by the US Green Building Council's LEED Silver certification for the project's appropriate rating system.	Per the submitted LEED tracking score, the Project is being designed to meet or exceed LEED Silver standards.	Yes
F	The project is located within one of the walkable development nodes designated in the approved Central US 1 Corridor Sector Plan.	The Project is located within Character Area 5a: Walkable Nodes, as designated by the Central US 1 Corridor Sector Plan.	Yes
G	The project involves the demolition of an existing non-historic structure, which has been vacant at least one year.	The Applicant will demolish the remaining foundations of Lasick's restaurant, which remain from a fire in 2004.	Yes
H	The project is a brownfield development, which means real property where expansion or redevelopment is complicated by the presence or potential presence of environmental contamination, and requires an environmental cleanup prior to redevelopment.	The redevelopment of the subject property is not complicated by the presence of suspected environmental contamination.	No
I	The project has secured at least one locally-owned, non-franchise business as evidenced by executed lease agreements at the time of final application for the tax credit.	The Applicant has not secured any tenants for the planned retail space at this time.	No
J	The project provides space for a business incubator, community center, art gallery, or similar public-benefit use.	The Project will not provide space for one of the public-benefit uses listed, or a similar use.	No

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

THIS DECLARATION OF COVENANTS ("Declaration"), is made this \_\_\_\_ day of \_\_\_\_\_, 2014 by and between MR HILLCREST 1 CAPITAL LLC ("MR HILLCREST"), and the CITY OF COLLEGE PARK, MARYLAND (the "City") a municipal corporation of the State of Maryland.

WHEREAS, MR HILLCREST is the contract purchaser of certain property located in College Park, Maryland located on Route 1 and having a street address of 9122 Baltimore Avenue, Parcel A, and 9104 Baltimore Avenue, Block F Lot 27, (the "Property"); and

WHEREAS, in 2007, the City supported approval of Detailed Site Plan No. 06095 for the Property based on certain conditions, which included a Declaration of Covenants between the developer at that time, JPI Development Services, LP and the City; and

WHEREAS, the Property was not developed pursuant to that detailed site plan; and

WHEREAS, MR HILLCREST has asked the City to recommend approval of revisions to the previously approved Detailed Site Plan No. 06095 (now referenced as Detailed Site Plan No 06095-01) to the Prince George's County Planning Director; and

WHEREAS, the City has agreed to make said recommendation conditioned upon certain conditions, which shall be executed by MR HILLCREST in the form of these covenants running with the land, and set forth below, which covenants may be enforced by the City.

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

1. The recitals set forth above as well as the foregoing "NOW, THEREFORE," are incorporated herein as operative provisions of the Covenants.

- a) MR HILLCREST will not sell any of the multi-family apartment units separately from the remaining multi-family apartment units, except as set out in Section 1(c). Any multi-family apartment units that are leased shall be rented to applicants who do not require a cosigner to qualify financially for a lease.
- b) When all or a portion of the Property not part of a condominium regime is operated as a rental facility, in order to ensure high quality unitary management, said units shall be managed by MR HILLCREST or its affiliates, or in the alternative, by a professional management agent with a strong reputation in property management and 10 years of experience managing multifamily rental properties. Any decision to discontinue such required professional property management shall require the prior written consent of the City of College Park.
- c) MR HILLCREST agrees that no more than one master residential condominium regime may be established on the Property. Any such regime shall be included in and governed by a master condominium document. In the event MR HILLCREST determines to establish a condominium regime under which apartments units may be individually sold, MR HILLCREST, to the reasonable satisfaction of the City, will include provisions in the applicable condominium documents not subject to amendment except as set out herein, as follows:
  - i. To ensure high quality management of the common areas, require unitary management for each such regime by a professional condominium management agent not owned or operated by any unit owner (except MR HILLCREST or its affiliates or other similar exercised multifamily owner/operators) that has a strong reputation in the property management industry and at least ten (10) years of experience managing multifamily projects. Any decision by the Board of Directors of a condominium to discontinue professional property management would require the prior written consent of the City of College Park;
  - ii. A provision prescribing that the condominium association provide a sample lease to unit owners for the units which may be individually

leased, which lease shall include a notice to proposed tenants of applicability of City ordinances relating to tenant rights and obligations and requiring unitary high quality maintenance and management with enforcement rights granted to the City and the condominium association to monitor and enforce tenants compliance with lease and other tenant obligations as set out herein and the City noise, nuisance and parking ordinances.

- iii. The condominium documents shall provide that, except in cases of actual hardship, no more than twenty-five percent (25%) of the units within the condominium may be leased at any time, unless otherwise approved by the City. Any owner wishing to lease a unit must notify the Board of Directors of its intention to lease. Except in the event of actual hardship, the Board of Directors shall deny the right of a unit owner to lease a unit if such lease would result in more than twenty-five percent (25%) of the units within the Condominium being leased. Hardship is defined as need based on military service, loss of employment, involuntary relocation, death, disability, or other such circumstances. In the event an exception to the 25% rental limit is granted due to hardship, any lease so granted shall not exceed twelve months in duration unless approved by the City. In no event shall the total rental percentage, including hardship exception rentals, exceed 30% of the units within the Condominium. Any unit owner seeking to lease a unit must comply with all applicable laws, including obtaining any required rental licenses. At the request of the Board of Directors or the City of College Park, each occupant of a unit may be required, not more than once in any twenty four (24) month period (or more often if reasonably necessary), to complete an affidavit certifying the status of the unit occupancy (i.e., whether the occupant is a unit owner, member of the unit owner's family, guest or invitee, or a lessee). The affidavit shall be in a form subject to the reasonable

approval by the City of College Park and may require that each occupant provide reasonable verification of the information contained in the affidavit. The minimum lease term for all leases within the for-sale condominium shall be twelve (12) months, and any rental of units will be subject to the prior review and approval of the Board of Directors. In this manner, the Board of Directors would be able to monitor the extent of leasing activity. No changes or modifications to these leasing restrictions will be permitted without the prior written consent of the City of College Park. The City of College Park would also be afforded the right, but not the obligation, to enforce these leasing restrictions against the individual unit owners, and would have the right, but not the obligation, to enforce other material use restrictions and rules against individual unit owners.

- iv. No transient tenants may be accommodated in any Unit, nor shall any Unit be utilized for short-term hotel purposes. No portion of a Unit (other than the entire Unit) may be rented, except that parking spaces shall be rented separately from the related residential Unit. All agreements of the lease of a Unit shall provide that the terms of the lease shall be subject in all respects to the provisions of the Maryland Condominium Act, the Condominium Declaration and Bylaws and that any failure of the lessee to comply with the terms of such provisions shall be a default under the lease, which default may be remedied by the Unit Owner in accordance with the lease and by the Condominium Association, in accordance with the Act. All leases must be in writing.
- v. No condominium Unit Owner or occupant shall make or permit to be made any disturbing noise in the Common Elements or in the Units by himself, his family, guests, tenants, employees, servants or invitees, nor permit anything to be done by any such persons as would materially interfere with the rights, comfort or convenience of other Unit Owners or occupants. No Unit Owner or occupant of any Unit shall carry on, or

permit to be carried on, any practice in his Unit or on the Property which unreasonably interferes with the quiet enjoyment and proper use of another Unit or the Common Elements by the Unit Owner or occupant of any other Unit, or which creates or results in a material hazard or nuisance on the Condominium.

- vi. Unit Owners and occupants must deposit all rubbish or litter in the designated areas and receptacles provided for such purpose.
- vii. Unless specific portions of the General Common Elements are designated by the Board of Directors for such purpose, no portion of the General Common Elements shall be used for the storage or placement of furniture or any other article, including, but not limited to, plants, boxes, shopping carts, bicycles, shoes or other articles of clothing and the like.
- viii. The Unit Owners and occupants shall not cause or permit the blowing of any horn from any vehicle in which his guests, family, tenants, invitees or employees shall be occupants, approaching or upon any of the driveways or parking areas serving the Condominium, except as may be necessary for the safe operation thereof.
- ix. The owners and occupants of the Units shall in general not act or fail to act in any manner that unreasonably interferes with the rights, comfort and convenience of other Unit Owners and occupants.
- x. No Unit Owner or any of his agents, servants, employees, licensees, or visitors shall at any time bring into or keep in his Unit any flammable, combustible or explosive fluid, material, chemical or substance, except for normal household use.
- xi. Subject to the provisions in the Condominium Declaration and in the Bylaws, household birds and fish, house dogs or domesticated house cats are allowed, provided that the same shall not unreasonably disturb or annoy other Unit Owners or occupants. Breeds of dogs that are prone to barking or howling are not allowed. Any unreasonably inconvenience,

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

- xii. Units shall be occupied by no more persons than the maximum permitted by law for the Unit.
- xiii. No rugs shall be beaten on Common Elements or the patios, decks, balconies or porches of any Unit, nor dust, rubbish or litter swept from the Unit or any other room or the patios, decks, balconies or porches thereof onto any of the Common Elements.
- xiv. No immoral, improper, offensive, or unlawful use shall be made of the Condominium or any part thereof, and all valid laws, zoning ordinances and regulations of all government agencies having jurisdiction thereof shall be observed. All laws, orders, rules, regulations, or requirements of any government agency having jurisdiction thereof, relating to the maintenance and repair of any portion of the Condominium, shall be complied with, by and at the sole expense of the Unit Owner or the Board of Directors, whichever shall have the obligation to maintain or repair such portion of the Condominium. No Unit Owner shall permit his Unit to be used or occupied for any prohibited purpose.
- xv. No one shall unreasonably interfere in any manner with the lighting in or about the buildings and Common Elements.

- xvi. Unit Owners and occupants, their employees, servants, agents, visitors, licensees and their families will obey the parking regulations posted at the parking areas, and any other traffic regulations promulgated in the future for the safety, comfort and convenience of the Unit Owners and occupants.
- xvii. Except as herein elsewhere provided, no junk vehicle or unlicensed or inoperable motor vehicle (which shall include, without limitation, any vehicle which would not pass applicable state inspection criteria), shall be kept upon any portion of the Condominium or upon the public or private streets adjacent to the Condominium (except for bona fide emergencies), nor shall the repair or extraordinary maintenance of automobiles or other vehicles be carried out thereon.
- xviii. Only streets and other parking areas within the Condominium shall be used by Unit Owners, occupants and guests for fully operable, inspected and registered four-wheel passenger vehicles, two wheel motorized bicycles and standard bicycles only. No recreational vehicles, vans (other than non-commercial passenger vans), mobile homes, trailers, boats, trucks (unless licensed as a passenger vehicle and less than three quarter ton capacity) or commercial vehicles (whether or not registered as a commercial vehicle with the Maryland Department of Motor Vehicles) except in the case of vehicles associated with the retail space and associated deliveries at the Property shall be permitted to be parked on the Property, except on a day-to-day temporary basis in connection with repairs, maintenance or construction work on the Unit.
- xix. Outdoor cooking or barbecuing is prohibited on any patios, decks, balconies or porches. This prohibition does not preclude outdoor cooking or barbecuing in the courtyard area of the Property.
- xx. Each Unit Owner shall maintain his Unit in a safe, clean and sanitary manner and condition, in good order and repair and in accordance with

all applicable restrictions, conditions, ordinances, codes and any rules or regulations which may be applicable hereunder or under law.

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

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

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

2. MR HILLCREST agrees to construct an access road, running north from Cherokee Street on the west side of Route 1 through a portion of the Property, and then running east to intersect with Route 1. A diagram of the proposed access road is attached as Exhibit A. MR HILLCREST agrees that said access road and appurtenances will be constructed to Prince George's County Department of Public Works and Transportation Urban Primary Residential Road Standards, subject to the requirements of the detailed site plan for the Property. The parties recognize that a portion of the access road, as shown on Exhibit A, will be accessible by reason of a grant of easement from Ronald V. Doyle and Sandra M. Doyle ("Trustees of the Doyle Living Trust") to MR HILLCREST. MR HILLCREST shall enter into a permanent public use easement with the Trustees of the Doyle Living Trust for said portion of the access road. To the extent consistent with

the approved detailed site plan, including Conditions 5 and 6, MR HILLCREST intends that, once constructed, the access road shall be open to traffic at all times and accessible to and may be used by the same persons who have the right of access under the easement entered into between MR HILLCREST and the Trustees of the Doyle Living Trust. The parties also recognize that the portion of the access road adjacent to Route 1, being that portion that runs east to west from Route 1, is to be constructed on an angle, as shown on Exhibit A. In the event that MR HILLCREST or its successors or assigns should acquire the property now owned by Ronald Doyle and Sandra Doyle, known as 9104 Baltimore Avenue, in College Park, MR HILLCREST agrees to reconstruct that east-west portion of the access road adjacent to Route 1 in such a manner as to align the access road with Cherokee Street on the east side of Route 1 subject to the approval of the City. The parties recognize that MR HILLCREST wishes to retain a developable parcel once said alignment occurs, and the City agrees that the approval of the City of said alignment will not be unreasonably withheld.

3. MR HILLCREST agrees that loading and unloading of trucks in the loading space to be provided on Route 1 along the northeast corner of the Property shall take place only during the hours of 10:00 a.m. to 3:00 p.m. and 7:00 p.m. to 10:00 p.m. Upon request of MR HILLCREST, the College Park City Council may modify the permissible hours of loading after consideration of the impact of traffic on Route 1, any practical difficulties associated with the then current loading hours, any proposed adverse impacts associated with altered loading hours, and input from neighboring residents. Approval of a request for alteration of permissible loading hours shall not be unreasonably withheld. MR HILLCREST shall ensure that all owners, tenants and occupants are aware of the hours of permissible loading as they exist from time to time. MR HILLCREST shall include in leases and instruments of conveyance for the Property, and thereafter enforce, prohibitions against loading in violation of the provisions of this paragraph.

4. In the event that a new or enhanced U.S. Route 1 shuttle system is operational and serving the Property at the time of issuance of the final use and occupancy permit for this project, MR HILLCREST shall contribute to the operator a proportionate share of the costs

of a U.S. Route 1 shuttle, which contribution shall not exceed the cost of a private shuttle for the Property alone. The timing and amount of the contribution shall be determined between MR HILLCREST and Prince George's County or other operator of the U.S. Route 1 shuttle. Compliance by MR HILLCREST with the timing and amount of the contribution as so determined will satisfy this condition. In the event that a new or enhanced U.S. Route 1 shuttle system is not operational and serving the Property at the time of issuance of the final use and occupancy permit for this project, MR HILLCREST shall provide a private shuttle for residents to and from the nearest Metro station beginning at the receipt of the final use and occupancy permit. The service shall be offered with service headway of thirty minutes during weekday AM and PM peak periods, and be free to residents, and vehicles must have a minimum capacity of fifteen persons. Specifications and financial assurances for the private service shall be provided to the City at the time of first use and occupancy permit. MR HILLCREST shall provide information on the shuttle service in any marketing or leasing brochure prepared for the project, including to rental and condominium units. If, after initiation of a private shuttle, a US Route 1 shuttle system is created, then MR HILLCREST shall participate in the new shuttle system in lieu of providing a private shuttle, and shall contribute a proportionate share of the costs of a US Route 1 shuttle, which contribution shall not exceed the cost of a private shuttle for the subject property alone.

5. In the event that, as part of the development process for the Property, the access road is not required to be dedicated to the public use, MR HILLCREST agrees that, upon receipt of notice from the City, it shall dedicate its interests in the access road as described in Exhibit A to the public use and shall execute documents required to accomplish this dedication once requested by the City. The determination of whether and when to request such dedication is within the sole discretion of the City, and shall be subject to the other requirements of this Declaration.

6. At the time of final plat approval, MR HILLCREST shall dedicate additional right of way as required by the State Highway Administration.

7. Total development of the Property shall be limited to uses which generate no more than 184 A.M. and 432 P.M. peak hour vehicle trips. Any development other than that identified herein shall require a new determination of adequacy.

8. The uses that are prohibited for the retail portions of the Project are attached hereto as Exhibit B and incorporated herein by reference. MR HILLCREST may request on the basis of hardship that other uses be allowed by the City after a good faith effort of at least one year. Such a request may not be considered by the City Council unless and until notice of such request has been given to the residents of Autoville Drive south of Erie Street. The granting of such a hardship request, after notice as herein provided, shall not be unreasonably withheld by the City.

9. MR HILLCREST agrees that no permanent direct vehicle access is allowed to the Property from Autoville Drive. MR HILLCREST shall make its best efforts to ensure that construction traffic for the project shall use U.S. Route 1 for ingress and egress, using Baltimore Avenue to access to the site, and that such traffic does not utilize other neighborhood streets except in extraordinary circumstances. These best efforts shall include but not be limited to monitoring said traffic and including the restrictions of this paragraph as to construction traffic in any contracts between MR HILLCREST and contractors working at or delivering to the site. Construction personnel and other employees involved in the project shall park on site, where practicable. When not practicable, MR HILLCREST, free of charge, shall provide off-street parking spaces within walking distance of the site for use by construction personnel and other employees involved in the project or a shuttle service (or other means of mass transportation), to ensure that construction personnel and other employees do not park in the neighborhood streets. Construction vehicles shall be parked on site and construction materials shall be stored on site, where practicable. Construction vehicles parked off site shall not be parked on City streets. Access to the site by construction vehicles and delivery of materials is limited to Monday through Friday, 7:00 a.m. to 6:00 p.m. and on Saturday from 8:00 a.m. to 6:00 p.m. - Work on Saturdays is limited to 8:00 a.m. to 6:00 p.m. When the

structured parking garage on the property is available for use, such vehicles and materials shall be parked/stored therein, where practicable.

At issuance of building permit, MR HILLCREST shall make a one-time contribution to the City of College Park in the amount of \$1,000 to be used to subsidize resident fees associated with a parking permit zone to be in place in the area during construction.

10. To the extent consistent with the approved detailed site plan, including Conditions 5 and 6, MR HILLCREST agrees to the following restrictions on the use of the access road depicted on Exhibit A:

- a) The use of the east/west segment of the access road, labeled as "Segment 1" on Exhibit A, by trucks other than single unit trucks is prohibited, except for access for vehicles necessary to service the retail space or ~~and necessary for trash collection, -or to provide moving services for residents. When providing service, the vehicles will be parked on site and not on Segment 1.~~ As used in this paragraph 11(b), a single unit truck is a truck that is constructed with a combined cab and chassis. The types of trucks whose use of Segment 1 is prohibited, except as exempted in this paragraph, include, but are not limited to, tractor-trailers, semi-trailers, and other types of trucks that have a cab and chassis as separate components.
- b) The use of the north/south segment of the access road, labeled as "Segment 2" on Exhibit A, by all trucks is prohibited except for the purpose of allowing vehicles authorized to use Segment 1 to maneuver to access the loading dock.
- c) Notwithstanding paragraphs 11(a) and (b), the restrictions against the use of the access road by trucks do not apply to fire trucks and other emergency and public safety trucks and apparatus.
- d) MR HILLCREST shall use its best efforts to prevent the use of the access road by trucks as prohibited by paragraphs 11(a) and (b). Such best efforts may include, but not be limited to, the placement of signage and artificial barriers. Additionally, MR HILLCREST shall use reasonable efforts to ensure that all owners, tenants and occupants are aware of the restrictions of the use of the

access road by trucks as provided in paragraph 11(a) and (b), and shall include in leases and instruments of conveyance for the Property, and thereafter enforce, prohibitions against the use of the access road by trucks in violation of the provisions of paragraphs 11(a) and (b).

11. Prior to building permit, MR HILLCREST shall provide a payment to the City of College Park in the amount of \$60,000 for the Project Feasibility Study for Undergrounding Utilities on US 1 from College Avenue to MD 193 being conducted by the Maryland State Highway Administration. In the event that the City institutes an assessment that involves the Property along Route 1 for undergrounding of utilities, MR HILLCREST, its executors and assigns, shall receive a credit for the \$60,000.00 payment against any such assessment.

12. The City recognizes MR HILLCREST's concern that future development in the immediate area, and in particular to the south, of the Property may eventually create a more intensive use of the access road than is now contemplated or can be sustained based on current plans. The City agrees to act in good faith in cooperation with MR HILLCREST to ensure that any such future development includes safeguards to protect access by the users of the Property.

13. MR HILLCREST shall maintain, in a manner reasonably acceptable to the City, all pedestrian light fixtures installed in any right-of-way pursuant to the DSP and/or this Agreement along Route 1, Baltimore Avenue, with the exception of the pedestrian light fixtures that are installed outside of the Project's property frontage. Maintenance and operation shall include but not be limited to electric utility charges, replacement of light bulbs, and repair and replacement of the pedestrian street lights within a reasonable period of time, pursuant to a maintenance schedule established with the City.

The City may invoice MR HILLCREST on a quarterly basis for electricity costs in the event MR HILLCREST is not invoiced the costs of electricity directly by the utility company. Invoices shall be payable to the City within thirty (30) days of receipt. In the event that any such invoice is not timely paid, in addition to any other remedy

available at law, any outstanding amount shall be a lien upon the Property to be collected in the same manner as City taxes are collected. MR HILLCREST shall indemnify and save harmless the City, its officers, employees and agents, from all suits, actions and damages or costs of every kind and description, including reasonable attorneys' fees, arising directly or indirectly out of the maintenance of the pedestrian light fixtures, caused by the negligent act or omission, intentional wrongful acts, intentional misconduct or failure to perform with respect obligations under this paragraph on the part of MR HILLCREST, its agents, servants, employees and subcontractors.

MR HILLCREST shall enter into any Memorandum of Understanding required by the State Highway Administration with respect to light fixture maintenance.

14. Prior to DSP certification, the plans for the Project shall be revised to:

- a. Eliminate the lay-by lane on Route 1 and continue the streetscape along the property frontage, subject to SHA approval.
- b. Provide a gate for the loading space on the north side of the building and screen from public view.
- c. Utilize a light-colored brick veneer or colored concrete finish in lieu of a green screen on the north and south elevations of the parking garage.
- d. Substitute brick veneer for cementitious panels on the west side building elevation north of the parking garage.
- e. Show up to two parking spaces reserved for a car-share program such as Zip Cars or Car-to-Go.
- f. Provide a 6-foot brick and metal fence along the Autoville Drive property line as shown in the illustrative drawing dated November 21, 2013, attached as Exhibit C. The brick color shall coordinate with the rear garage façade.
- g. Show landscaping details in the rear yard along Autoville Drive in accordance with the illustrative drawing dated November 21, 2013, attached as Exhibit D, except that benches shall be arranged to face each other rather than Autoville Drive.

15. MR HILLCREST shall include in all tenant leases a provision that states off-site parking by residents on adjacent roadways, including but not limited to Autoville Drive or on Cherokee Street, is a breach of the lease.

16. MR HILLCREST shall provide the use of the community room or other similar space in the Project for use for community related meetings quarterly at no cost, subject to reasonable notice and regulation. No alcohol will be served at such meetings.

17. Use of the driveway entrance on the north side of the building is limited to utility access and to scheduled use by small trucks during the hours noted in paragraph 3 of this Declaration for residential loading and unloading.

18. MR HILLCREST shall provide at the request of the City an appropriate space on the Property to accommodate a bikeshare station of up to eleven docks and six bikes. The cost of installation and maintenance shall be borne by the City.

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

20. These obligations are subject to and contingent upon final approval of the aforesaid DSP revision (with such approval being beyond appeal) and shall be recorded upon title to the Property being vested in MR HILLCREST.

21. In the event that MR HILLCREST assigns or transfers its contract purchase rights prior to taking title to the Property, MR HILLCREST agrees that the said contract purchase rights shall be assigned or transferred subject to the provisions of the Declaration of Covenants and Agreement and that the Agreement referenced herein shall be effective immediately as to MR HILLCREST and shall be binding on its heirs, successors and assigns.

22. This property shall be held, conveyed, encumbered, sold, leased, rented, used, and/or occupied subject to the terms and provisions of this Declaration of Covenants, which shall run with the land.

23. 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 MR HILLCREST pursuant to the provisions of this Declaration. The parties agree that if MR HILLCREST should breach the terms of this Declaration, 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 Declaration. In the

event the City is required to enforce this Declaration and MR HILLCREST is determined to have violated any provision of this Declaration, said party will reimburse the City for all reasonable costs of the proceeding including reasonable attorneys' fees. Should MR HILLCREST prevail in any action brought by the City to enforce a provision of this Declaration of Covenants, the City shall reimburse said party for all reasonable costs of the proceeding including reasonable attorneys' fees.

23. This Declaration may not be amended or modified except in a writing executed by all parties hereto, and no waiver of any provision or consent hereunder shall be effective unless executed in writing by the waiving or consenting party. This Declaration shall be constructed in accordance with the laws of the State of Maryland. The provisions of this Agreement shall be deemed severable, so that if any provision hereof is declared invalid, all other provisions of this Declaration shall continue in full force and effect.

IN WITNESS WHEREOF, the parties have caused these presents to be executed and delivered.

WITNESS/ATTEST:

MR HILLCREST REALTY

\_\_\_\_\_

\_\_\_\_\_

Name/Title

STATE OF MARYLAND)

)

ss:

COUNTY )

)

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

WITNESS my hand and Notarial Seal.

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

WITNESS/ATTEST:

CITY OF COLLEGE PARK

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

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

STATE OF MARYLAND            )  
COUNTY OF                    )        ss:

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

WITNESS my hand and notarial seal.

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

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

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

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

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

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# Undergrounding Utilities

## MEMORANDUM

**TO:** Mayor and Council

**FROM:** Terry Schum, Planning Director 

**THROUGH:** Joseph L. Nagro, City Manager

**DATE:** March 14, 2014

**SUBJECT:** Undergrounding Utilities Status Report

### ISSUE

The April 1, 2014 deadline established by the State Highway Administration (SHA) for a city decision on the payment for the undergrounding of utilities in conjunction with the reconstruction of the first phase of the Route 1 reconstruction project is near. This is an update on the status of the effort to fund this undergrounding.

### SUMMARY

On March 5, 2014, the City Manager, City Attorney, Finance Director and Planning Director met with SHA Project Manager and others to discuss various coordination issues regarding the project. Meeting minutes are not yet available but some key points addressed include:

- A letter of commitment from the city is needed by April 1, 2014 or the SHA will proceed to design for the aerial relocation of utilities. If the city requires more time to make a decision, it may cause delays to the project.
- If the city decides affirmatively to fund undergrounding, the SHA would develop a Memorandum of Understanding (MOU) with the city. Ideally this would be developed prior to any work under the Advanced Utility Breakout Contract (AUBC). It was stated, however, that this can be a very lengthy process and other arrangements may be needed so as not to delay the AUBC.
- SHA will require a surety from the city. Highway user revenues may be used for this.
- If the AUBC bids exceed the current estimate or available funds, the city could pay for the additional cost or elect not to proceed with the undergrounding and pay for the costs incurred by SHA.
- Any cost overruns during construction would be paid by the city.
- The cost estimate for undergrounding provided by the consultant has been revised to reflect additional overhead required by SHA (see attached). The cost has increased from \$14,080,000 to \$14,719,584 (+ \$639,584).

KCI Technologies is unable to provide a reasonable answer to the question asked previously by City Council regarding the cost of undergrounding north of Greenbelt Road. Instead, Pepco has been asked to provide their “official speculation” of the cost but no response is available at this time. Pepco has confirmed that they would utilize “armless” construction to maintain the poles on the west side of the roadway if undergrounding is not pursued. Staff has asked for a detail of what this might look like.

Staff has been asked if there are any studies available that quantify the economic development benefits of undergrounding. Reliability and aesthetics appear to be the primary reasons for undergrounding, however, excerpts from two reports (SHA, 2003 and Washington DC, 2012) are attached that indicate there may be an economic benefit associated with undergrounding.

A letter requesting Prince George’s County to establish a TIF District on Route 1 to assist with the undergrounding of utilities was just recently sent. Based on discussions with county officials, it is unlikely that the city will receive a favorable response. No additional funding state or local funding has been identified.

## **RECOMMENDATION**

Staff recommends further discussion of this matter in order to make and deliver a timely decision to the SHA.

## **ATTACHMENTS**

1. Revised Cost Estimate
2. Excerpt from Cost Benefits for Overhead/Underground Utilities, SHA 2003
3. Excerpt from DC Vibrant Retail Streets Toolkit, Streetsense, 2012

# US 1 – Baltimore Ave MD 193 to College Ave. Segment 1

## Utility Undergrounding Study

March 10, 2014

### Cost Estimate

- Cost to underground utilities are based upon utilization of a AUBC approach.
- Utility Cost Estimates provided without a design basis.
- No “other” utility relocation or replacement is included.
- SHA and Utilities will be responsible for their cost up to the original limit if the City selects the undergrounding project.

#### Estimated AUBC and Utility Relocation Costs

Description	Cost
Civil Construction Work (Conduit MOT, E&S, Paving, etc)	\$9,193,974
PEPCO	\$ 858,050
Verizon	\$ 900,000
Signal Interconnect	\$ 300,000*
COMCAST	\$ 540,000*
Sub-Total	\$11,792,024
25% Contingency of Subtotal	\$ 2,948,006
24% SHA Overhead and Additives of Civil Construction	\$ 2,209,554
Right of Way	\$ 155,000
<b>Total Cost</b>	<b>\$17,104,584</b>

#### Estimated Overhead to Overhead Utility Relocation Costs

Description	Cost
PEPCO	\$ 600,000
Verizon	\$ 1,100,000
Signal Interconnect	\$ 300,000*
COMCAST	\$ 300,000*
Sub-Total	\$ 2,300,000
25% Contingency	\$ 575,000
Right of Way	\$ 155,000
<b>Total Cost</b>	<b>\$ 3,030,000</b>

## Total Cost Differential Aerial to Underground

<b>Description</b>	<b>Cost</b>
Total AUBC Construction and Utility Cost to Underground	\$ 17,104,584
Total AUBC Design and Bidding Package	\$ 155,000
Total AUBC Construction Services/Inspection	\$ 490,000
Total Aerial Relocation Cost	\$ <u>(3,030,000)</u>
<b>Potential Cost to the City</b>	<b>\$ 14,719,584</b>

\*No Utility Estimate Provided.

EIA bases its \$3.00 per kWh assumption both on more direct studies of consumers willingness to pay for reliability and on its analysis of historical utility planning criteria and reserve margins. In the latter approach, the value of unserved energy is the market price of power required to support enough new generating plants to provide the desired level of reliability.

### ***Aesthetics***

The contribution of aesthetic improvements to the overall cost-benefit balance of undergrounding is a function of property values and the impact on property values.

### ***Property Values***

For our life-cycle cost-benefit model, we assumed that the value of properties lining 1 mile of road in an urban area is \$9.5 million and in a rural area is \$2.5 million. However, it should be noted that these values are highly speculative. The value of real property along any mile of roadway in the state of Maryland is very much location-specific. Further, users of the model should know that the values of specific properties are generally available to the public through a state-managed database of assessments for property taxes. This database may be accessed through the Internet at [http://sdatcert3.resiusa.org/rp\\_rewrite](http://sdatcert3.resiusa.org/rp_rewrite). To arrive at our rough assumptions for urban and rural environments, we made use of housing density data published by the U.S. Census Bureau and average property sale price data published in the Maryland Department of Assessment and Taxation's 2003 Annual Report.

### ***Property Value Improvement***

It is our judgment that a figure of 2.5 percent represents a reasonable estimate for the potential improvement to the value of adjacent properties as a result of the undergrounding of utilities. Though there are no studies of the impact on property values of proximate distribution lines, several studies have investigated the impact of high voltage transmission lines. According to these studies, buyers and sellers adjust their valuation of property near transmission lines because of concerns regarding electromagnetic fields (EMFs) and because of the aesthetic impact of large transmission poles and towers. Since distribution lines require much smaller poles and produce much less intense electromagnetic fields than transmission lines, the impact of transmission lines on property values should represent an upper bound for the impact of distribution lines.

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<sup>3</sup> Telephone conversation with staff member Lori Aniti (3/18/2003). See also pages 15 and 39 of *Electricity Prices in a Competitive Environment*, Energy Information Administration, 1997.

# the building blocks of a vibrant street – table one: general observations

Examination of the metrics associated with each of these environments (see the Technical Appendix) leads to these conclusions about the relative importance of what factors support a vibrant retail street:

element	relevance	explanation
Year Established	○	The surveyed model retail streets were developed as early as 1640 (Champs Elysees) and as late as 1996 (Bethesda Row) and cover the spread in between.
Average Sidewalk Width	●	<p>Sidewalk widths on model retail streets are appropriately sized to accommodate the amount of customer traffic generated.</p> <p>Sidewalks for small-scale shopping streets are as narrow as eight feet (Madison Park) but are generally 9 or 10 feet wide. Two streets that draw regional customers and tenants, Bethesda Row and Oak Street, are significantly wider, with 14- and 17-foot-wide sidewalks, respectively.</p> <p>Destination retail streets have the largest sidewalks, with most ranging between 15 and 20 feet wide. Avenue d'Champs-Elysees takes the prize for widest sidewalks in this study, averaging 40 feet.</p>
Number of Blocks in Length	○	Streets range in length from two to 12 blocks.
Public Open Space	◐	Most of the suburban model streets do not have open spaces; almost every urban model street does.
Streetscape Design Program	◐	Of the streets in this survey, 2/3rds have an established streetscape program.
Located with a Business Improvement District (BID)	○	Only two out of 16 model streets are located within a BID.
Supported by a Merchant's Association or Non-Profit Organization	●	Every surveyed street is supported by an umbrella organization that represents the collection of businesses located there.
Located within an Historic District	●	Most of the evaluated streets (12 out of 16) are located within historic districts.
Underground Electrical and Telephone Lines	●	Every model retail street has underground utility lines.

legend	
○	Not a relevant factor
◐	Relevant for small-scale streets or destination streets
●	Relevant factor

ATTACHMENT THREE (3)

Previous theories suggested that high-performing retail streets might be dependent upon singular ownership of parcels. An effective alternative might be if independent landowners and tenants cooperate on management and promotion.



7

License  
Agreement for  
City R-O-W by  
University  
Gardens

## MEMORANDUM

**To:** Mayor and Council

**From:** Suellen M. Ferguson, Esq.

**CC:** Joe Nagro, City Manager

**Date:** March 14, 2014

**Re: Request by University Gardens for use of right of way**

### ISSUE:

Pursuant to Section 190-11(B) of the City Code, the Advisory Planning Commission (“APC”) is authorized to consider and make recommendations with respect to requests for certifications of nonconforming uses. A non-conforming use certification was requested by University Gardens, Inc. (Owner), for the property known as University Gardens, a 41-unit apartment building located at 4620, 4622, 4624, and 4626 Knox Road (“Property”). During this proceeding, it was determined that certain parking spaces, a sign, bollards and fence remnants related to the Property are located in the City’s Rhode Island Avenue right of way. The Owner of the Property has requested that the parking spaces (marked in orange on attached site plan) be allowed to remain for use by its tenants and guests. See attached letter from Larry Taub.

### SUMMARY:

The APC recommended granting the non-conforming use certification after a full hearing. That recommendation is before the Council on its consent agenda for March 25. The certification can be granted without including the parking spaces that are in the City right of way. The NCU site plan will note only those parking spaces that are on the Property (20). The APC decision requires that the Owner remove all bollards, signs, and fence remnants from the right of way. The decision further requires removal of the parking spaces from the right of way, unless the Council authorizes them to remain. The Owner bases the request to the Council for continued use of the parking spaces in the right of way on the fact that it will lessen parking congestion in the neighborhood. Planning staff supports this request.

The Council has previously granted a Declaration of Covenants and Property Use Agreements to various residents on 52<sup>nd</sup> and 53<sup>rd</sup> Avenues, which allowed them to fence in and maintain an unimproved alleyway. Each Declaration is revocable at the City’s option at any time. If the Council is inclined to grant the Owner’s request, a similar agreement is appropriate. This revocable agreement would include requirements that the Owner:

- a. install and maintain landscaping approved by the City;
- b. maintain the parking spaces;
- c. hold the City harmless for damages due to Owner acts or omissions; and

- d. remove parking spaces within a certain period of time upon notice from the City.

RECOMMENDATION:

That the Council consider granting the request for use of the parking spaces in the City right of way in conjunction with requiring a written agreement that is revocable at the option of the City.



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(1922-2010)

John D. Gilmore, Jr.  
(1921-1999)

March 14, 2014

The Honorable Andrew M. Fellows  
Mayor, City of College Park  
4500 Knox Road  
College Park, Maryland 20740

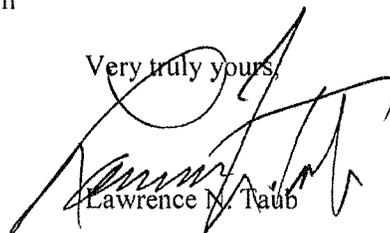
RE: University Gardens Apartments  
4620, 4622, 4624 and 4626 Knox Road  
College Park, Maryland

Dear Mayor Fellows:

On February 6, 2014, the College Park Advisory Planning Commission recommended approval of the certification of nonconforming apartments for the University Gardens Apartments, as referenced above. During the analysis of this application by the College Park Planning Staff, it was found that 20 of the 40 parking spaces upon the parking lot for this apartment complex were actually located within the Rhode Island Avenue right-of-way, which is owned by the City of College Park. In order to continue using this portion of the right-of-way for the 20 parking spaces so located, my client respectfully requests that the City enter into a license agreement with my client for this purpose.

Thank you for your kind attention to all of the above. We look forward to discussing this with you and the members of the City Council at the Council worksession to be held on Tuesday night, March 18, 2014. With best regards, I remain

Very truly yours,



Lawrence N. Taub

LNT: jet

cc: Mr. Joseph L. Nagro, City Manager

Ms. Janeen S. Miller, City Clerk

Suellen Ferguson, Esq., City Attorney

Honorable Andrew M. Fellows  
March 14, 2014  
Page 2

Ms. Terry Schum  
Ms. Miriam Bader  
College Park Planning Staff

Mr. Rick Smith  
Mr. Victor San Gabriel  
University Gardens Apartments

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# Council Retreat

## Draft Plan for City Council Retreat

DRAFT: 3/14/2014

### Retreat Objectives

- Discuss council-staff dynamics and agree on any changes that need to be made
- Review accomplishments and challenges during the past year
- Discuss goals and priorities for 2014-2015 and process for ongoing strategic planning

### Logistics

- Need facilitator?
- Breakfast and lunch (similar to budget work sessions)?
- Role of council and staff in the discussion?
- Should entire session be open to the public, or just the parts related to goal-setting and strategic planning?

### Proposed Agenda

8:00 – 8:30	Breakfast
8:30 – 9:30	Part I: Council-Staff Dynamics / Team-Building
9:30 – 11:00	Part II: Reflections on 2013
11:00 – 12:00	Part III: Discussion of Goals and Priorities
12:00 – 12:30	Lunch
12:30 – 2:00	Part III: Discussion of Goals and Priorities (continued)
2:00 – 3:30	Part IV: Discussion of Strategic Planning Process
3:30 – 4:00	Wrap-Up

### Future Retreats?

- Should we hold an annual retreat?
- If yes - suggest holding the retreat each January, in order to occur before the budget preparation process.
  - This timing would also enable the retreat to occur shortly after newly elected members are inducted into the council.
- To facilitate a January retreat date, the retreat agenda should be established the preceding fall.
  - An October work session to plan the retreat should allow sufficient time for followup and to finalize the agenda and any needed retreat materials.

**Proposed Agenda for City Council Retreat**  
DRAFT: 3/14/2014

**8:00 – 8:30      Breakfast**

**8:30 – 9:30      Part I: Council-Staff Dynamics / Team-building**

- Ice breaker / team-building exercise
  
- Council perspectives on core values and guiding principles
  - What motivates us to serve our community?
  - What is the role of a member of the College Park City Council?
  
- Council-staff dynamics
  - Councilmembers and staff discuss concerns and ideas about how we interact with one another, how we conduct meetings (and prepare for meetings), how to improve meetings, and other related issues.
  - Participants will seek agreement on any specific changes that could/should be made.

**9:30 – 11:00      Part II: Reflections on 2013**

- Review of community survey results
  
- Accomplishments during the past year
  - Each councilmember and staff member to identify 1-3 accomplishments
  
- What worked well? What could have been improved?
  - Public safety
  - Code enforcement
  - Public works
  - Economic and community development
  - Other?

**11:00 – 12:00      Part III: Discussion of Goals and Priorities**

Goals and priorities for the remainder of the current council – identification and discussion

- Ask each councilmember and staff person to identify 1-3 goals or priorities for the next 18 months (through the end of 2015)
  
- Use sticky dots to begin to prioritize the shared goals – with two different colored dots for councilmembers and staff members.
  
- Note that some goals may be high priority and have broad support but be difficult to achieve, while others may be lower priority but relatively easy to achieve.

**12:00 – 12:30 Lunch**

**12:30 – 2:00 Part III: Discussion of Goals and Priorities (continued)**

- Discussion to clarify and refine the shared goals – i.e., to make them more specific and actionable

**2:00 – 3:30 Part IV: Discussion of Strategic Planning Process**

- Discuss the relationship between our 5-year Strategic Plan and other planning processes and documents
  - 5-year Strategic Plan + annual Action Plans
  - Budget process
  - University District Vision 2020
  - Neighborhood Stabilization Committee
- Should we begin creating a new 5-year Strategic Plan (2015-2020)?
- Should we take steps to make the Strategic Plan more of a living document that guides our agenda setting, budget, and actions? If so, how?

**3:30 – 4:00 Wrap-Up**

- A year from now, when we look back on 2014-2015, how will we know if we were successful?

#### **Ground rules and expectations**

- Be brief when sharing your views to ensure that there is time for everyone to do the same.
- Participate actively in the discussion so all can benefit from your knowledge and perspective.
- Allow the facilitator to manage the meeting to ensure a balanced discuss and timely adjournment.
- Use technology respectfully; please silence your cell phone.
- *Members of the public are welcome to observe – but not to participate in – the discussion.*

## Possible Team-Building Exercises

### Option 1: "Guess Who?"

- All participants write down three important facts about themselves on a blank piece of paper and give to the facilitator.
- The facilitator writes a number on each sheet of paper, and makes a separate list of which number corresponds to which person.
- Post the sheets around the room, and give each participant a sheet of paper that lists all of the numbers.
- Participants read all of the sheets and record their guesses about who is described on each sheet. Whoever gets the most right wins a prize.

### Option 2: "We Are Alike"

- Everyone stands in the middle of the room. Facilitator explains that this exercise will show that we all belong to many groups and have many characteristics in common.
- Facilitator starts the exercise by saying "We are alike – we all \_\_\_\_\_" and inserts a characteristic. Possible examples include: were born in Maryland; have volunteered for a community organization; have walked or bicycled all the way around Lake Artemesia; own a Michael Jackson album; have successfully cooked a quiche; etc. Everyone will get a chance to choose a characteristic - creativity is good!
- All the people who share that characteristic gather on one side of the room, and those who don't share that characteristic gather on the other side of the room.
- Then the facilitator calls the name of a participant and it is that person's turn to list a characteristic that he or she has. Again, people who share that characteristic move to that person's side of the room, and those who don't gather on the other side of the room.
- The second person then names the third person, and the exercise continues for 10 minutes.

# A Guide to Planning and Conducting Successful Retreats

Edwin C. Thomas, Director  
 Governmental Research and Service  
 Institute for Public Service and Policy Research  
 University of South Carolina

This brief guide was written to help governmental managers, council members, and board members plan and conduct successful retreats. Organized as a series of answers to frequently asked questions, the information in this guide is based on years of experience in planning and facilitating retreats for governmental organizations. The guide includes a retreat planning checklist, and a listing of keys to a successful retreat.

## Contents

1. What is a retreat?
2. Why do a retreat?
3. Where should the retreat be held?
4. How often should we hold a retreat?
5. How long should the retreat be?
6. Do I need an outside facilitator?
7. Who should attend the retreat?
8. Groundrules
9. Setting Up the Room
10. Retreat Planning Checklist
11. Keys to effective retreats

### 1. What is a retreat?

A retreat is a meeting that is typically designed and organized specifically to facilitate the ability of a group to step back from their day-to-day demands and activities for an extended period of concentrated discussion, dialogue, and strategic thinking about the organization's future or about specific issues.

### 2. Why hold a retreat?

There are as many reasons for doing a retreat as there are issues and challenges facing an organization. Among the most common uses of retreats are:

- Strategic planning
- Budgeting
- Discussion of specific issues or challenges facing the organization
- Team building
- Problem solving
- Development of annual goals and objectives
- Orienting new members

### 3. Where should a retreat be held?

This is a challenging question for many organizations. Ideally, a retreat is conducted away from the normal workplace. The reasons for this are straightforward:

- Retreats are hard work and require long periods of intense, uninterrupted discussion
- Participants are less likely to be interrupted by phone calls and staff members if they are away from the office
- Participants can better focus on the topics under discussion
- Participants are more likely to stay for the entire time
- Being “away on retreat” creates an atmosphere that is more conducive to teamwork, creative thinking, and consensus building

Many governmental organizations are sensitive to holding meetings outside of their normal place of business. Citizens may criticize such meetings as efforts to “hide” from public scrutiny. There may also be criticism because of the cost of the retreat. Obviously, if a governmental organization enjoys a good relationship with the press and its citizens, such criticism is minimal.

It is usually possible to find a good retreat site within your city or county boundaries. Banks often have meeting rooms that you could use. The public library may be a good location. Local hotels have boardrooms or small meeting rooms that make good retreat locations. But the drawback to meeting close to home and office is the increased likelihood that participants will arrive late, leave early, or be interrupted by routine, day-to-day demands.

### 4. Are retreats subject to the Freedom of Information Act?

Yes! It is critical to remember that retreats are public meetings which are subject to the provisions of the FOIA like any other meetings. Council retreats have to be advertised like any other meeting of council.

Reporters will often attend some portion of the retreat. It is a good practice to provide them with briefing materials so that they can follow the discussions and more faithfully report the results. Most press reports of retreats are very positive.

Occasionally, citizens will attend retreats as well. Certainly they are entitled to attend since these are public meetings. Generally, space is limited, so you don't want to invite the public. And while this is a public meeting, it is not the public's meeting. Guests are generally not allowed to participate in the discussions. After all this is a retreat. It is not a council meeting, a public hearing, or a staff meeting.

### 5. How often should we hold a retreat?

The answer, of course, depends entirely on the organization and the issues it may be dealing with. As a general rule, it is good practice to conduct a retreat on an annual basis to consider the strategic direction of the organization, to prioritize the issues it faces, and to set goals and objectives for the year. Generally, time is set aside to review progress on the past year's goals as well.

It is also a good idea for council to hold a retreat whenever new members are elected. Retreats are an

excellent way to orient new members to the issues and to lay to the groundwork for effective teamwork and communications among the members.

## 6. How long should the retreat be?

This depends on the purpose of the retreat. Many retreats are planned for a day or a day and a half, with some social time built in. A typical retreat agenda might look like this:

### Day One

9:00 – 9:30 a.m.	Welcome, Introductions, Overview of Purpose, Groundrules
9:30 – 10:15 a.m.	Discussion
10:15- 10:30 a.m.	Break
10:30 – 12:00 noon	Discussion
12:00 – 1:00 p.m.	Lunch (provided)
1:00 – 2:15 p.m.	Discussion
2:15 – 2:30 p.m.	Break
2:30 – 4:00 p.m.	Discussion
4:00 – 4:15 p.m.	Break
4:15 – 5:00 p.m.	Summary of Days Discussions, Review of Agenda for Day Two
5:00 – Until	Dinner and Social Time for the Group

### Day Two

7:30 – 8:30 a.m.	Breakfast (provided)
8:30 – 10:00 a.m.	Discussion
10:00 – 10:15 a.m.	Break
10:15 – 11:30 a.m.	Discussion
11:30 – 12:00 noon	Wrap-up and Review of Action Steps

This agenda provides sufficient time to for in-depth discussion of the issues under consideration. In addition, it provides time during meals and the evening social time to allow the participants to get to know each other outside of the normal work setting. This facilitates the development of trust and

teamwork. In some cases, organizations invite spouses to the evening social events. Often participants enjoy the opportunity to cookout or barbecue as the highlight of the evening's social event. Participants may want to plan a covered dish supper. This can cut costs and increase camaraderie and team spirit.

### **7. Do I need an outside facilitator?**

Most organizations can benefit from using an outside facilitator for their retreats. An experienced facilitator can help you plan the retreat, develop the agenda, and set realistic goals and expectations for the session.

During the retreat the facilitator manages or "facilitates" the group discussion. Facilitators are not generally experts in the specific issue or issues you may be discussing. That is the role of the participants. Facilitators are experts in group dynamics, group processes, team building, decision making, and consensus building.

The facilitator should have no particular stake or interest in the issues being discussed. Their sole interest is in helping you have a successful retreat.

It is difficult for a retreat participant to serve as the facilitator. Participants, if correctly selected to attend the retreat, do have a stake in the outcome of the discussions. This interest makes it very challenging for them to also serve as a neutral group facilitator.

In addition to helping you plan the retreat before hand, and managing the group discussion during the retreat, the facilitator will generally function as a recorder for the group by capturing the key points on a flip chart or on computer. The facilitator will generally provide the group with a written report summarizing the discussions, any decisions that were made, and action steps to be taken.

### **8. Who should attend the retreat?**

The answer depends on the issues to be discussed during the retreat. As a general rule, those members of the organization who have an interest in the issues to be discussed should participate. As an example, if you are planning a council retreat, participants would include the members of council, the clerk to council, the administrator or manager, and key management staff if needed as resources. The roles of the participants should be clearly specified before the session.

In the case of council retreats, occasionally one or more members may be resistant to the idea of a retreat for any number of reasons. Ideally, all members should participate. As long as the majority of members support the idea of a retreat you should go forward with it.

### **9. Ground rules**

The facilitator usually outlines the ground rules for group discussion. A typical set of ground rules for a retreat would include:

- Success depends on the participants. Everyone should participate and express their ideas, questions, and concerns
- Participants must practice their active listening skills. Listen for understanding. Only one person

speaks at a time.

- Be positive, non-judgmental, and open to new ideas
- Conduct a civil dialogue. Disagree without being disagreeable.

## **10. Setting up the room**

The layout of the meeting room is critical to the success of the retreat. Group dynamics are linked to the ambiance of the meeting space. The room should be cozy but not cramped. There needs to be room for both the participants and the facilitator to move around easily.

There should be plenty of usable wall space to hang flip chart sheets.

The meeting table should be arranged in a “U” shape so the participants can see one another as they talk.

The facilitator will normally work from the open end of the “U”.

There should be coffee, water, soft drinks and snacks available during the meeting.

Equipment needs can range from the simple – a flip chart and markers, to the more sophisticated with computer projectors and automated decision systems. Keep it as simple as possible. Technology should not get in the way of discussion and human interaction.

It is essential that the room have comfortable chairs.

There should be plenty of paper and pencils on hand for the participants.

The room should have good HVAC and controls.

Make sure the windows have shades or blinds to control lighting and glare, and to minimize any distractions caused by the view.

## **Appendix A - Retreat Planning Checklist**

Use the following questions to help you plan the retreat.

### Purpose

1. What is the purpose of this retreat?
2. What criteria will you use to determine that the retreat was successful?

### Participants

3. Who needs to attend the retreat?
4. Who supports the idea of holding a retreat?
5. Who is opposed to the idea?
6. Will all the key participants be able to attend?
7. How much time will they be willing to spend at the retreat?

Location

8. Where will the retreat be held?
9. Are the rules governing the use of the space acceptable?
10. Can the room be arranged as we want it?
11. Are the chairs comfortable?
12. Is there good control over lighting and HVAC?
13. Can we have food, snacks, and refreshments in the room?
14. Who will provide food, snacks, and refreshments?
15. Can we hang flip chart paper on the walls?
16. How will breaks and meals be handled?
17. Will overnight accommodations be needed?

Equipment

18. What equipment will be needed?
19. Who will provide it?
20. Who will operate it?

Facilitator

21. Do we need an outside facilitator?
22. Who will do it?
23. How much experience does the facilitator have with groups like ours?

Recording and Reporting

24. Do we want to record the meeting?
25. What kind of a retreat report we need?

**Appendix B – Developing the Budget**

These are typical budget items for a retreat:

1. Meeting space rental. It is often possible to find meeting space at no cost.
2. Equipment rental. For most retreats, equipment needs are minimal. In some cases the facilitator will provide their own equipment at no additional charge to you.
3. Supplies. Generally this involves only pens, pencils, and markers.
4. Breaks and Meals
5. Facilitator fee
6. Participant travel, room and board

**Appendix C - Keys to a Successful Retreat**

1. Good retreats, like any successful meetings, are no accident. They are carefully planned in great detail.

2. Use an experienced, skilled, facilitator.
3. Meet with the facilitator well in advance of the meeting to discuss the purpose and plan the agenda.
4. Make sure that the “right” people are willing and able to participate.
5. Clearly communicate the purpose of the retreat to the participants.
6. Make sure the room layout and setup is conducive to group discussion.
7. Make sure you have the equipment you will need, that it works, and that someone knows how to set it up and operate it.
8. Have plenty of coffee, water, and soft drinks available. Snacks are a nice touch and help the participants keep their energy levels up throughout the session
9. Make sure everyone knows the ground rules.
10. Keep the ground rules simple.
11. Clearly explain any group techniques, processes, and decision making tools you plan to use.
12. Use worksheets to facilitate group processes where possible.
13. Provide participants with background material and briefing papers prior to the retreat. Bring extras copies to the retreat.
14. Provide pen and paper for each participant.
15. Make sure you have a flip chart easel that is stable, along with plenty of flip chart paper and markers. It is easiest to use flip chart pads such as 3M<sup>®</sup> that will stick on a wide variety of wall surfaces without damaging them.
16. If you must record the discussion, arrange for a staff member to operate and monitor the recording equipment.
17. Make sure you are in compliance with the FOIA.

# **Council-Staff Retreats**

**Municipal Research & Services Center of Washington**

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# **Council-Staff Retreats**

## FOREWORD

This research memorandum reports on the practice being adopted by a number of Washington cities of conducting "council-staff retreats." Drawing from the field of organization development, many municipalities are using council-staff retreats as an effective tool in improving working relationships and communication skills among councilmembers and between council and staff. Council-staff retreats also provide an excellent opportunity for councilmembers and staff to review and discuss current city programs, plan for future needs, and to determine issue priorities.

The report also contains a list of written resource materials (many of which are available from the library of the Municipal Research and Services Center) and copies of several retreat agendas that may be useful in planning and conducting a council-staff retreat.

Special acknowledgement is given to Byron K. Katsuyama, Public Policy Consultant, who is the author of this publication. The work of Mary K. Davis with respect to copy preparation is very much appreciated.

John S. Lamb  
Executive Vice President  
Municipal Research and Services  
Center of Washington

## COUNCIL-STAFF RETREATS

A growing number of Washington cities have discovered that "council-staff retreats" can play an important role in improving and strengthening working relationships, both within the city council and between council and staff members, and can ultimately lead to a more effective and efficient city council.<sup>1</sup> What is a council-staff retreat? While the topics discussed at a retreat may vary from city-to-city, most of these meetings share several characteristics which set them apart from regular city council meetings:

- \* They are held at a location away from the council chambers (oftentimes away from the city itself), where the participants will be free from normal office interruptions.
- \* They are conducted in an informal atmosphere to encourage an open discussion and exchange of ideas.
- \* They emphasize discussion of broad issues (e.g., goal setting and prioritization) outside of the normal day-to-day concerns of running the city.
- \* They offer council and staff members an opportunity to discuss, analyze and evaluate how well they work together as a team (e.g., council self-evaluation, city administrator/manager evaluations, and role negotiation and clarification) and to seek ways of improving their working relationships.

### Why Retreat?

City councils in Washington have conducted council-staff retreats for a number of reasons. In cities where councilmembers are experiencing difficulties in communicating with one another, a team building retreat may be an effective way to deal with the problem. However, retreats are not just for cities that are having communication problems. Quite the contrary, most cities that conduct council-staff retreats on a regular basis are already functioning quite well, but do so in order to improve their performance even more.

Team Building. Recognizing the importance of being able to work together as a team, some retreats emphasize improving consensus building and communication skills of councilmembers. In addition, the informal atmosphere of a retreat offers council and staff members a chance to get to know one another as people, outside of their formal roles as city officials. This simple process of meeting on equal terms in an informal atmosphere can produce surprising results in the form of increased understanding and mutual respect, improved communications and stronger working relationships. All of these improvements, in turn, can make important contributions toward a more effective city council and staff.

Program Evaluation. Retreats also afford city officials an opportunity to discuss the "big picture" of where they have been, where they are, and where they are going. In

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<sup>1</sup>Washington cities that have conducted council-staff retreats in recent years include: Bellevue, Redmond, Kirkland, Port Townsend, Issaquah, Vancouver, Des Moines, Spokane, Edmonds, Kent, Tacoma, Kennewick, Moses Lake, Pullman, Bellingham, Anacortes and Gig Harbor.

this connection many council-staff retreats include sessions for the purpose of reviewing and evaluating current city programs. These sessions usually involve presentations by department heads together with discussion and feedback by councilmembers.

Goal Setting, Prioritizing and Brainstorming. Another popular retreat topic is goal setting. Goal setting sessions allow council and staff to establish and prioritize short and long range goals and to evaluate progress on previously set goals. The importance of having a set of shared goals to provide a purpose and direction for group action is well established. The retreat environment is also generally thought to be more conducive to the processes of creative thinking and problem solving. Some retreats actually include brainstorming sessions on the agenda as a way for generating and investigating alternative solutions for problems.

Council Self-Evaluation, City Administrator/Manager Evaluation. Many city councils also use council-staff retreats for the purpose of self-evaluation. The object of this type of discussion is to take a self-critical look at the way in which the council functions as a group. Are our internal operating procedures working well? Do we seem to be spending too much time arguing without being able to resolve our differences in constructive ways? Have we been able to accomplish the goals which we have set for ourselves? Why or why not? What can we do to improve the situation?

In addition to taking stock of their own operation, city councils may also take the time to evaluate their city administrator's or manager's performance. The informal atmosphere of a council-staff retreat can make this process go a little easier than might otherwise be the case back in the more formal setting of the council chambers.

Role Negotiation and Clarification. Another subject which may be considered at a retreat that also falls within the context of council self-evaluation and administrator/manager evaluation, is the issue of defining and clarifying official roles and expectations. Much unnecessary conflict, which may hinder effective council-staff performance, can be avoided by taking the time to discuss and reach a consensus on some basic questions concerning the respective duties, roles and responsibilities of all participants. An issue that is often brought up in this context concerns the problem of defining the proper role of councilmembers and staff with respect to policy-making versus administration.

#### Who Should Participate?

The list of retreat participants will depend to a great extent upon the type of meeting that is planned. The core group usually includes the members of the city council together with the mayor, city administrator, or city manager. Other individuals such as the city attorney, clerk, or other selected department heads or staff members may also be included.

Since many cities include a review of current programs on their retreat agenda, department heads are often invited to come and make a presentation to the city council and to discuss their programs with the councilmembers. The department heads, in turn, can use this opportunity to get a better understanding of the city council's wishes and intentions with respect to their particular program.

Selecting a Facilitator. Another issue that needs to be considered in planning a retreat concerns the use of a facilitator or discussion leader. This is the individual who will take the lead and moderate the discussion. A question that usually arises is whether to use a professional facilitator who is specially trained in conducting and moderating group discussions or simply an in-house facilitator such as the mayor or city manager. The selection of the right individual for this job is important since he/she will play a key role in conducting and managing the flow of discussions throughout the retreat. The decision on whether to use a professional or an in-house facilitator will ultimately depend upon the individual needs and preferences of the retreat participants. For example, a city council that is conducting their first retreat may want to use the services of a professional facilitator to introduce the group to the retreat format and to lead them through the discussion. In cities where working relationships within the council or between the council and staff are strained and where communication is a problem, using a professional facilitator to act as an intermediary may also be the best way to go. As an outsider, a professional facilitator can be more objective and will be less likely to have any preconceived notions or biases with respect to the retreat participants. Using a professional facilitator also relieves the mayor or city manager from the responsibility of leading the discussion and puts everyone on an equal footing as discussants. Of course, one other item that must be considered in hiring a professional facilitator is the cost. Many cities may be unwilling to pay the price for a professional which typically may run anywhere from \$500.00 to \$2,000.00 for a one or two day retreat.

In those cities that have had some experience in conducting retreats or where council and staff have fewer problems communicating, an in-house facilitator may be all that is needed. There are also plenty of written resource materials available to offer guidance and suggestions as to how to conduct a retreat including information on goal setting, team building, city council self-evaluation, city manager evaluation, program evaluation, strategic planning and other similar topics. (A list of selected resource materials appears in Appendix A at the end of this report.)

#### News Media/Citizen Attendance

Since a council-staff retreat will, except in very limited circumstances, be open to the public, members of the news media and citizens may also want to attend.<sup>2</sup> Experience in many cities, however, demonstrates that few citizens actually do attend a council-staff retreat, particularly if one is held at a location away from the city. Members of the news media, on the other hand, are usually more interested in attending. Some cities report that they extend a special invitation to reporters and provide them with an agenda and meeting materials. Noting that the presence of a group of reporters can have an inhibiting effect on the kind of open and frank discussion that is desirable at a retreat, some cities have been successful in convincing reporters to

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<sup>2</sup>Any time a majority of the members of the city council are meeting to discuss city business, the provisions of the Open Public Meetings Act (Ch. 42.30 RCW) will apply. Therefore a council-staff retreat must be open to the public and must comply with the required notice provisions of the act (See RCW 42.30.080). The only exception to the open meeting requirement would be in those instances where the city council is meeting in an executive session to discuss one of the issues which may be legally discussed in an executive session pursuant to RCW 42.30.110.

refrain from directly quoting the participants. Overall, the reaction of local news media to council-staff retreats appears to have been favorable in most cities, although objections are sometimes raised to the idea of holding a retreat at a location away from the city.

#### Timing, Frequency and Length of Retreats

Questions concerning the timing, frequency and length of retreats are also dependent upon the particular needs and preferences of the city council. Many cities conduct regularly scheduled council-staff retreats (e.g., yearly goal setting retreats) while others hold such meetings only on an ad hoc basis in response to particular issues and problems. Most cities hold retreats on an annual basis, lasting anywhere from one-half to two days and generally over a weekend. The timing of a retreat will depend upon a couple of factors: (1) finding a date that is convenient for everyone to attend; and (2) the type of retreat being scheduled. A yearly goal setting retreat may be more useful if it is held during the summer months sometime prior to the yearly budget preparation process. In the case of a team building retreat, finding a convenient time when everyone can meet may be the only criterion that needs to be considered.

#### Location of Retreat

One of the most important aspects of a council-staff retreat is the location and setting that is selected for the retreat sessions. Usually some attempt is made to select a site away from city hall where the participants can engage in informal discussion in a comfortable setting without any unnecessary interruptions. Usually the site that is selected is located away from the city, however, some cities do conduct retreats using facilities that are located within the city.<sup>3</sup>

A local resort may provide the most ideal location and setting, and in Washington many of the popular resort hotels have been used as sites for council-staff retreats.

While a secluded resort location may provide the ideal setting, it is not absolutely essential in order to conduct a successful retreat. An important thing to avoid, however, is a location and setting that duplicates the city council chambers. The primary goal is a relaxed and informal atmosphere that will be most conducive to open, uninterrupted discussion.

#### Tips for Conducting a Successful Council-Staff Retreat

Once you have decided to hold a council-staff retreat it will be necessary to develop a plan establishing a time and location for the retreat, a list of participants, a list of suggested topics and to appoint a coordinator who can make all of the necessary arrangements regarding accommodations, transportation, meals and retreat materials.

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<sup>3</sup>It should be noted that state law requires all city council meetings in third and fourth class municipalities to be held within the city or town limits (see RCW 35.24.180 and 35.27.270 respectively). First, second and optional municipal code cities, on the other hand, do not appear to be similarly restricted and probably do have authority to hold special meetings such as council-staff retreats outside their city limits. Perhaps the best thing to do on this question is to check with your city attorney.

The following list of suggestions may also be worth considering while you are planning for a council-staff retreat:

- \* Develop a clear agenda (see Appendix B which contains sample retreat agendas) for the meeting, but allow for some flexibility to encourage a free flow of discussion.
- \* Get a commitment from all councilmembers to attend the retreat.
- \* Don't try to tackle too much on your first retreat; a one-day goal setting retreat may be a good way to start.
- \* Try to avoid a situation in which staff members outnumber the council; if necessary, rotate staff participants in and out of the retreat.
- \* If you can't go out of town, then try to find a meeting location with a comfortable and relaxed atmosphere, free from interruptions.
- \* Think about using a professional facilitator to help in getting you started.
- \* Plan some social events in addition to the working sessions.
- \* Decide on some action steps at the close of the meeting and implement one or several as soon afterwards as possible.

### Conclusion

Council-staff retreats seem to offer an ideal setting for councilmembers and staff to meet and discuss the internal working relationships of the council-staff team and to focus some attention on such big picture issues as program evaluation, goal setting and issue prioritization. Finding the time to deal with these important issues can be problematical, particularly when there are many day-to-day issues and problems that demand the attention of the city council. Setting aside a special time in the form of a council-staff retreat may be the best way to address this problem.

Most cities that have conducted council-staff retreats have reported favorable results and a high degree of satisfaction on the part of the retreat participants. For a growing number of Washington cities council-staff retreats have become an important tool in improving the efficiency and effectiveness of the council-staff team.

**APPENDICES**

A - Selected Resource Material List

B - Sample Council-Staff Retreat Agendas

## APPENDIX A

### RESOURCE MATERIAL LIST: COUNCIL-STAFF RETREATS \*

#### General Council Development

"Council-Manager Retreats," by Christine Schwarz-Becker, Selected Shorts, International City Management Association, Vol. 10/No. 1, January 1978.

"Council Development: Strategies for Increasing City Council Effectiveness," by Fred Fisher, National League of Cities, November 1980.

Group Techniques for Program Planning, by Andre Delbecq, et al., Foresman & Co., 1975.

"Getting Elected is Just the Beginning," by Christine Becker, Public Management, International City Management Association, July 1979, pp. 10-14.

"Elected Officials Retreats: Building an Effective Team," by Jack Azzaretto and Howard Smith, Urban Georgia, May 1984, pp. 35-37.

Elected Officials Handbooks: Practical Aids for Busy Local Officials, 2nd Ed., Vol. I, International City Management Association, 1983.

Elected Officials Handbooks: Practical Aids for Busy Local Officials, 2nd Ed., Vol. II, International City Management Association, 1983.

A Directory of Management Resources for City Councils, by Deborah A. White, National League of Cities, 1978.

Resource Directory of Council Innovations: Sixty-Four Reasons Not to Reinvent the Wheel, edited by Hervey L. Sweetwood, et al., National League of Cities, October 1980.

"Retreat' Helps Lawrence Move Forward," by Marc H. Pfeiffer and Barry Larson, New Jersey Municipalities, March 1987.

Managing With People: A Manager's Handbook of Organization Development Methods, by Jack K. Fordyce and Raymond Weil, Addison-Wesley Publishing Co., 2nd Ed., 1979.

#### Team Building

Team Building, by Tara Hamilton, Local Elected Officials' Handbook Series, International City Management Association, 1979.

Taking Stock: A Guide to Governing Body Self-Evaluation, Local Elected Officials' Handbook Series, International City Management Association, 1977.

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\*Many of the items included in this list are available from the library of the Municipal Research and Services Center of Washington.

Building City Council Leadership Skills: A Case Book of Models and Methods, edited by Stephen W. Burks and James F. Wolf, National League of Cities, February 1981.

Team Building: Issues and Alternatives, by William Dyer, Addison-Wesley, 1977.

"Team Development and Evaluation," by Richard V. Brown, Public Management, May 1976, pp. 8-9.

"Capacity Building and the Elements of Public Management," by Phillip M. Burgess, Public Administration Review, Vol. 35, December 1975, pp. 705-716.

Group Leadership, by Neely Gardner, National Training and Development Service, 1974.

"Team Building in the Local Jurisdiction: Two Case Studies," by William C. Giegold and Richard J. Dunsing, Public Administration Review, Vol. 38, January/February 1978, pp. 59-63.

"Successful Workshop Training of Local Government Officials," by Douglas J. Brunnette, Training and Development Journal, April 1976, pp. 24-27.

"Team Building: A New Life Style for City Council-Administrator Relationships," by Claude J. Klug and Melvin LeBaron, Western City, May 1976, pp. 7-12.

"Team Development Trainers' Workshop," Public Administration Review, March/April 1974, pp. 124-129.

#### Goal Setting and Strategic Planning

"Improving the Goal Setting Process in Local Government," by Louise G. White, Public Administration Review, January/February 1982, pp. 77-83.

"Setting Priorities: Three Techniques for Better Decision-Making," Management Information Service Report, Vol. 12, No. 9, International City Management Association, September 1980.

Tools for Leadership: A Handbook for Elected Officials, by Hervey L. Sweetwood, National League of Cities, September 1980.

"Goal Setting: Establishing Directions for the Community," by John Bramble, Colorado Municipalities, May-June 1984.

"Organizational Goal Setting in Local Governments," Management Information Service Report, Vol. 16, No. 5, International City Management Association, May 1984.

"Goal Setting by Officials: The Kansas City Experience," by Bruce B. Morgan, National Civic Review, Vol. 71, No. 6, June 1982.

"A Mission Statement May be the Missing Element in Coordinating the Efforts of Your Local Municipal Government," Illinois Municipal Review, March 1983, pp. 17-19.

Strategies for Cities and Counties: A Strategic Planning Guide, Public Technology Incorporated, 1986.

"Strategic Issue Management: Improving the Council-Manager Relationship," Management Information Service Report, Vol. 18, No. 6, International City Management Association, June 1986.

"Strategic Agenda Management: A Powerful Tool for Government," by Douglas C. Eadie, National Civic Review, January 1985, pp. 15-20.

"Strategic Planning: An Approach to Launching New Initiatives in an Era of Retrenchment," Management Information Service Report, Vol. 14, No. 9, International City Management Association, September 1982.

"Symposium: Strategic Planning" (various articles on strategic planning), Journal of the American Planning Association, Winter 1987, Vol. 53, No. 1, pp. 6-68.

#### Chief Administrative Officer Evaluation

Evaluating the Chief Administrator, by Christine Schwarz-Becker, from the Local Elected Officials Handbook Series, International City Management Association, 1977.

"A City Manager's Performance Evaluation Plan," Western City, 1977, pp. 8-9.

"Council Evaluation: State of the Art," by Christine Schwarz, from Public Management, May 1976, pp. 2-7.

"Personnel Appraisals in Local Government," by Charles J. Schwabe, Baseline Data Report, Vol. 18, No. 1, International City Management Association, August 1986.

"Evaluating Employee Performance - A Manual for Local Governments," by M. Peter Scontrino, for the Washington Local Government Personnel Institute, June 1979.

#### Program Evaluation

Practical Program Evaluation for State and Local Government Officials, by Harry P. Hatry, et al., The Urban Institute, 1973.

Program Analysis for State and Local Governments, by Harry P. Hatry, The Urban Institute, 1976.

Performance Measurement: A Guide for Local Officials, The Urban Institute, 1980.

"Strategies for Implementing Performance, Measurement," by Charles K. Beus, Management Information Service Report, Vol. 18, No. 11, International City Management Association, November 1986.

Measuring the Effectiveness of Basic Municipal Services, The Urban Institute, February 1974.

How Effective Are Your Community Services? Procedures for Monitoring the Effectiveness of Municipal Services, by Harry P. Hatry, et al., The Urban Institute, 1977.

APPENDIX B

SAMPLE COUNCIL-STAFF RETREAT AGENDAS

THE IMPACT OF CHANGE

Effort and Understanding - Key Elements for a Smooth Transition

1985 Kirkland City Council Retreat  
May 3 and May 17, 1985

Friday, May 3

1:00 sharp (estimated time - 4 hours)

City Council Chambers

- Agenda:    1.    Miscellaneous items needing Council direction or confirmation.  
          2.    Current Projects, Studies.

Friday, May 17 -- TENTATIVE AGENDA

8:00	-	8:30 a.m.	Coffee
8:30	-	10:30	Professional Facilitator Organization & Individual Reactions to Change
10:30	-	11:00	Jensen-Oldani Report
11:00	-	12:00 noon	Follow-up of May 3 Retreat
12:00	-	1:00 p.m.	Lunch Break
1:00	-	2:00	Setting Priorities - Goals
2:00	-	3:00	Professional Facilitator Follow-up
3:00	-	4:00	Wrap-up

\*\*\*\*\*

CITY COUNCIL RETREAT  
AGENDA AND ACTIVITIES  
CITY OF BELLEVUE  
FEBRUARY 1984

Friday                   WORKING RELATIONSHIPS AND PROCEDURES  
3:00-6:00               Activity 1: Governing a City in 1980's

- . City: A New Frame of Reference
- . Governing Process: What is It?
- . Shaping Forces of the 1980's
- . Leadership: Focus on Vision and Direction

Activity 2: Workings of a Council

- . Video Case Study
- . Analysis and Concepts

- . Insights
- . Link to Our Operations

Friday  
7:30-10:00

Activity 3: Our Council Operations: Actions for Enhancement

- . Focusing Key Issues
- . Discussion
- . Possible Actions
- . Future Direction

Saturday  
8:30-Noon

FOCUSING BELLEVUE'S FUTURE

Activity 1: Targeting Bellevue's Future: 1986

- . Individual Identification of Target Issues for 1986
- . Sharing Target and Compiling Target List
- . Review of Target Issues Identified by Staff
- . Finalize Target Issues List
- . Determination of Target Priorities: Top, High, Moderately High, Moderate, Low, Lowest

Saturday  
1:30-4:00

Activity 2: Targeting: An Ongoing Process

- . Target Action Planning Process
- . Target Monitoring Process

Activity 3: Targets: Action Planning

- . Issue Determination for Planning
- . Focus Desired Outcomes
- . Identification of Possible Actions
- . Discussion

Activity 4: Wrap-up

CITY COUNCIL RETREAT  
GOALS AND OBJECTIVES  
CITY OF BELLEVUE  
FEBRUARY 1984

Retreat Goals and Objectives

- . To build more effective work relations among City Council for enhanced leadership and performance
- . To build a better understanding of the governance process
- . To clarify roles and relationships among City Council, and between Council and staff
- . To explore ways of enhancing our Council operations and procedures

- . To identify specific issues which need to be addressed, determine issue priorities, and develop a work plan aimed at 1986
- . To initiate a process for planning how issues will be handled.

\* \* \* \* \*

**BELLINGHAM CITY COUNCIL**  
1983 Planning Workshop

- OBJECTIVES:
- 1) To evaluate and exchange ideas about the manner in which the Council conducts its business
  - 2) To discuss concerns facing the City and to identify some priorities and objectives for Council initiative, including objectives for Council committees
  - 3) To review certain procedures as an initial step in improving the Council's effectiveness in these areas (e.g. budget review and monitoring, capital project planning)

SCHEDULE:

- 9:00 a.m. Doughnuts and Coffee
- 9:15 a.m. The Council and Its Business
- . How are we doing as a team?
  - . How can we enhance the exchange of opinions, points of view and ideas about issues that come before us?
  - . Can we better communicate to the public the basis of our decisions?
- 10:15 a.m. Break
- 10:40 a.m. The Council and Capital Projects/Budget
- . What have been the strengths of our budget review process? How could we improve it?
  - . What changes could be made in the format of the budget itself?
  - . How much do we need to know about capital projects? When should the Council be involved in planning, reviewing progress, etc.?
- 12:00 noon Lunch--smorgasbord sandwiches
- 1:15 p.m. The Council and its Priorities
- . Which issues seem most important to us as Council members? What will have the most immediate impact on the City's future?
  - . What initiatives should the Council implement and how can the committee system be used to advantage?
- 3:30-4:00 p.m. Review/Summary

\* \* \* \* \*

SPOKANE

AGENDA FOR COUNCIL RETREAT

April 13-14, 1985

Gonzaga University  
Retreat Center

Saturday, April 13:

- 9:00 a.m. Information on arrangements and agenda -- Skip Rowland and presiding officer.
- 9:15 - 12:00 Priority-setting -- Barnard/Bender
- 12:00 - 12:45 LUNCH
- 12:45 - 1:45 Government organization and fiscal outlook
- 1:45 - 2:45 City/County relationships
- 2:45 - 3:00 BREAK
- 3:00 - 4:00 Planning utilities and fringe area concerns
- 4:00 - 5:00 Ag-Trade Center/Coliseum/people mover
- 5:00 - 7:00 Volleyball, etc.
- 7:00 - 8:00 DINNER
- 8:00 - 9:00 Community promotion and economic development
- 9:00 - on Refreshments

Sunday, April 14:

- 7:30 - 9:00 Breakfast available
- 9:00 - 10:00 Federal relations and concerns
- 10:00 - 11:00 State legislation, progress or lack thereof
- 11:00 - 12:00 The summer's capital projects/retreat wrap-up

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First Session: 8:30 - Noon  
at Klickitat Valley Bank

Review of Legislative Policies

Lunch Noon - 1:30 p.m.

Second Session: 1:30 - 5:00 p.m.  
at Klickitat Valley Bank

1. Ballot Measure for Roads
2. Officers' Row Status
3. Marshall House
4. Zone 1 Parking
5. Health District
6. Camas/Vancouver Water Boundary

9

# Legislation

## LEGISLATIVE INFORMATIONAL REPORT

TO: Mayor and City Council  
FROM: Bill Gardiner, Assistant City Manager *BG*  
THROUGH: Joseph Nagro, City Manager  
DATE: March 14, 2014  
SUBJECT: State Legislation Update

### City Priority Legislation

**HB1046** City of College Park Employees - Participation in the Employees' Pension System  
*Third Reading Passed the House (136-0).*  
*Hearing in the Senate Budget and Taxation Committee on 3/20 at 9:00 a.m. City staff will attend and Mayor Fellows will testify at the hearing.*

**HB1057** Prince George's County - University of Maryland, College Park Bus Service -  
Motor Carrier Permit Exemption - Removal of Sunset  
*Passed the House and has been assigned to the Senate Finance Committee. Hearing in the Senate Finance Committee scheduled for 3/20 at 1 pm. City staff will attend and testify if Mayor or Council not available.*

**SB0600 (HB0742)** Regional Institution Strategic Enterprise Zone Program  
Budget and Taxation (Senate); Ways and Means (House)

*SB 600 was voted favorable with amendments out of committee, and then passed the second reading with additional amendments sponsored by Senator Rosapepe. These amendments provided for municipalities to propose a different percentage tax credit if the municipality is part of a joint application. Counties that are not part of a joint application would provide only a five-year, 50 percent tax credit, instead of the 10-year tax credit at 80 percent for the first five years. The amendments also add expanded language for using tax-increment financing (TIF) and hotel tax revenue for a broad range of public and private uses. TIF financing is usually restricted to finance public improvements (streets, water and sewer, etc.).*

The legislation would provide for a mechanism by which institutions such as colleges and universities could engage in economic development planning in coordination with DBED *without any local input*, while local property tax credits subsidize the development. ***As this bill is written, there is not an adequate partnership between the State, local governments, and potential RISE Zone applicants when setting long-term economic development plans and allocating limited tax revenues.***

## Other Legislation

**HB0025** Local Government - Municipal Elections - No-Excuse Absentee Voting  
*Third Reading passed the House; hearing in the Senate Education, Health, and Environmental Affairs Committee.*

**HB0292** Natural Gas - Hydraulic Fracturing - Prohibition  
Unfavorable Report by Environmental Matters

### **SB 212 (HB1265) Fairness for all Marylanders Act of 2014**

**Synopsis:** Prohibits discrimination based on gender identity with regard to public accommodations, housing, and employment and by specified licensed or regulated persons; alters the applicability of specified provisions of law prohibiting discrimination in places of public accommodation; prohibits discrimination based on sexual orientation or gender identity with regard to commercial leasing; alters the applicability of provisions of law prohibiting discrimination in employment; provides specified immunity; etc.

*SB 212 passed the Senate with amendments, and will have its first Reading in the House Health and Government Operations Committee. Hearing date had not been set as of 3/14/14.*

March 18, 2014

Delegate Peter A. Hammen, Chair  
House Health and Government Operations Committee  
House Office Building, Room 241  
Annapolis, MD 21401-1912

**RE: Support for HB 1265 - Fairness for All Marylanders Act of 2014**

Dear Chairman Hammen and Committee Members:

The College Park City Council voted on March 18, 2014 to support the Fairness for All Marylanders Act of 2014. This legislation extends important civil rights protections to residents by banning discrimination based on sexual orientation and gender identity.

We believe this legislation provides a significant advance for equality in Maryland, and ensures that discrimination based on gender identity will not be tolerated. We applaud the leaders who crafted and have supported the bill to this point, and respectfully urge the Committee to provide a favorable report on this historic legislation.

Sincerely,

Andrew M. Fellows  
Mayor

cc: 21<sup>st</sup> District Delegation

# HOUSE BILL 1265

D5

4lr2517  
CF SB 212

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By: Delegates Clippinger, Anderson, Barkley, Barnes, Barve, Bobo, Bromwell, Cardin, Carr, Carter, Clagett, Costa, Cullison, Dumais, Fraser-Hidalgo, Frick, Frush, Gaines, Gilchrist, Gutierrez, Guzzone, Hammen, Haynes, Healey, Hixson, Hubbard, Hucker, Ivey, Jones, Kaiser, A. Kelly, Kramer, Lafferty, Lee, Love, Luedtke, Malone, McIntosh, A. Miller, Mitchell, Mizeur, Morhaim, Murphy, Nathan-Pulliam, Niemann, Pena-Melnyk, Reznik, B. Robinson, S. Robinson, Rosenberg, Simmons, Stein, Summers, Swain, F. Turner, V. Turner, Valderrama, Waldstreicher, A. Washington, M. Washington, and Zucker

Introduced and read first time: February 7, 2014

Assigned to: Health and Government Operations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Fairness for All Marylanders Act of 2014**

3 FOR the purpose of prohibiting discrimination based on gender identity with regard to  
4 public accommodations, housing, and employment; prohibiting discrimination  
5 based on gender identity by certain licensed or regulated persons; prohibiting  
6 discrimination based on sexual orientation or gender identity with regard to the  
7 leasing of property for commercial usage or in the provision of certain services  
8 or facilities; altering a certain exception for employers that relates to standards  
9 concerning dress and grooming; providing that an employer is immune from  
10 certain liability for certain acts to verify the gender identity of any employee or  
11 applicant in response to a certain charge; making certain remedies and  
12 procedures regarding discrimination applicable to discrimination based on  
13 sexual orientation and gender identity; requiring certain State personnel  
14 actions to be made without regard to gender identity or sexual orientation;  
15 defining the term "gender identity"; making certain conforming changes;  
16 making certain legislative findings and declarations; and generally relating to  
17 discrimination based on sexual orientation and gender identity.

18 BY renumbering

19 Article – State Government  
20 Section 20–101(e) and (f), respectively  
21 to be Section 20–101(f) and (g), respectively  
22 Annotated Code of Maryland

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2009 Replacement Volume and 2013 Supplement)

2 BY adding to

3 Article – State Government

4 Section 20–101(e) and 20–102

5 Annotated Code of Maryland

6 (2009 Replacement Volume and 2013 Supplement)

7 BY repealing and reenacting, without amendments,

8 Article – State Government

9 Section 20–301 and 20–303

10 Annotated Code of Maryland

11 (2009 Replacement Volume and 2013 Supplement)

12 BY repealing and reenacting, with amendments,

13 Article – State Government

14 Section 20–302, 20–304, 20–401, 20–402, 20–501, 20–602, 20–603, 20–605(a)(2),

15 20–606(a) through (e), 20–608, 20–702(a), 20–704(a)(2), 20–705,

16 20–707(b) and (c), and 20–1103(b)

17 Annotated Code of Maryland

18 (2009 Replacement Volume and 2013 Supplement)

19 BY repealing and reenacting, with amendments,

20 Article – State Personnel and Pensions

21 Section 2–302

22 Annotated Code of Maryland

23 (2009 Replacement Volume and 2013 Supplement)

24 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
25 MARYLAND, That Section(s) 20–101(e) and (f), respectively, of Article – State  
26 Government of the Annotated Code of Maryland be renumbered to be Section(s)  
27 20–101(f) and (g), respectively.

28 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
29 read as follows:

30 **Article – State Government**

31 20–101.

32 (E) “GENDER IDENTITY” MEANS A GENDER-RELATED IDENTITY,  
33 APPEARANCE, EXPRESSION, OR BEHAVIOR OF AN INDIVIDUAL REGARDLESS OF  
34 THE INDIVIDUAL’S ASSIGNED SEX AT BIRTH.

35 20–102.

1 THE GENERAL ASSEMBLY FINDS AND DECLARES THAT:

2 (1) THERE IS A NEED TO PROHIBIT DISCRIMINATION ON THE  
3 BASIS OF RACE, COLOR, RELIGION, ANCESTRY, NATIONAL ORIGIN, AGE, SEX,  
4 MARITAL STATUS, DISABILITY, SEXUAL ORIENTATION, AND GENDER IDENTITY IN  
5 THE AREAS OF EMPLOYMENT, HOUSING, CREDIT, AND PUBLIC  
6 ACCOMMODATIONS;

7 (2) THE STATE HAS THE RESPONSIBILITY TO ACT TO ASSURE  
8 THAT EVERY INDIVIDUAL WITHIN THE STATE IS AFFORDED AN EQUAL  
9 OPPORTUNITY TO ENJOY A FULL AND PRODUCTIVE LIFE, AND THE FAILURE TO  
10 PROVIDE SUCH EQUAL OPPORTUNITY, WHETHER BECAUSE OF DISCRIMINATION,  
11 PREJUDICE, OR INTOLERANCE, THREATENS THE WELFARE OF THE STATE AND  
12 ITS INHABITANTS;

13 (3) MANY RESIDENTS OF THE STATE HAVE ENCOUNTERED  
14 PREJUDICE ON ACCOUNT OF THEIR RACE, COLOR, RELIGION, ANCESTRY,  
15 NATIONAL ORIGIN, AGE, SEX, MARITAL STATUS, DISABILITY, SEXUAL  
16 ORIENTATION, OR GENDER IDENTITY, AND THIS PREJUDICE HAS SEVERELY  
17 LIMITED OR ACTUALLY PREVENTED ACCESS TO BASIC NECESSITIES OF LIFE,  
18 LEADING TO DEPRIVATION AND SUFFERING;

19 (4) THE OPPORTUNITY TO OBTAIN EMPLOYMENT, HOUSING,  
20 CREDIT, AND PUBLIC ACCOMMODATIONS WITHOUT DISCRIMINATION IS HEREBY  
21 RECOGNIZED AS AND DECLARED TO BE A CIVIL RIGHT; AND

22 (5) THESE FINDINGS ARE INTENDED TO CODIFY THE PRINCIPLES  
23 OF JUSTICE AND EQUAL OPPORTUNITY AND TO ENSURE THAT THE PUBLIC  
24 UNDERSTANDS THAT DISCRIMINATION ON THE BASIS OF RACE, COLOR,  
25 RELIGION, ANCESTRY, NATIONAL ORIGIN, AGE, SEX, MARITAL STATUS,  
26 DISABILITY, SEXUAL ORIENTATION, OR GENDER IDENTITY IS EXPRESSLY  
27 PROHIBITED.

28 20-301.

29 In this subtitle, "place of public accommodation" means:

30 (1) an inn, hotel, motel, or other establishment that provides lodging  
31 to transient guests;

32 (2) a restaurant, cafeteria, lunchroom, lunch counter, soda fountain, or  
33 other facility principally engaged in selling food or alcoholic beverages for consumption  
34 on or off the premises, including a facility located on the premises of a retail  
35 establishment or gasoline station;

1 (3) a motion picture house, theater, concert hall, sports arena,  
2 stadium, or other place of exhibition or entertainment;

3 (4) a retail establishment that:

4 (i) is operated by a public or private entity; and

5 (ii) offers goods, services, entertainment, recreation, or  
6 transportation; and

7 (5) an establishment:

8 (i) 1. that is physically located within the premises of any  
9 other establishment covered by this subtitle; or

10 2. within the premises of which any other establishment  
11 covered by this subtitle is physically located; and

12 (ii) that holds itself out as serving patrons of the covered  
13 establishment.

14 20-302.

15 This subtitle does not prohibit the proprietor or employees of any establishment  
16 from denying service to any person for failure to conform to the usual and regular  
17 requirements, standards, and regulations of the establishment, provided that the  
18 denial is not based on discrimination on the grounds of race, sex, age, color, creed,  
19 national origin, marital status, sexual orientation, **GENDER IDENTITY**, or disability.

20 20-303.

21 This subtitle does not apply:

22 (1) to a private club or other establishment that is not open to the  
23 public, except to the extent that the facilities of the private club or other establishment  
24 are made available to the customers or patrons of an establishment within the scope of  
25 this subtitle;

26 (2) with respect to sex discrimination, to a facility that is:

27 (i) uniquely private and personal in nature; and

28 (ii) designed to accommodate only a particular sex; and

29 (3) to an establishment providing lodging to transient guests located  
30 within a building that:

- 1 (i) contains not more than five rooms for rent or hire; and  
2 (ii) is occupied by the proprietor of the establishment as the  
3 proprietor's residence.  
4 20-304.

5 An owner or operator of a place of public accommodation or an agent or  
6 employee of the owner or operator may not refuse, withhold from, or deny to any  
7 person any of the accommodations, advantages, facilities, or privileges of the place of  
8 public accommodation because of the person's race, sex, age, color, creed, national  
9 origin, marital status, sexual orientation, **GENDER IDENTITY**, or disability.

10 20-401.

11 This subtitle does not prohibit any person that is licensed or regulated by the  
12 Department of Labor, Licensing, and Regulation from refusing, withholding from, or  
13 denying accommodations, advantages, facilities, privileges, sales, or services to any  
14 person for failure to conform to the usual and regular requirements, standards, and  
15 regulations of the licensed or regulated person, provided that the denial is not based  
16 on discrimination on the grounds of race, sex, color, creed, national origin, marital  
17 status, sexual orientation, age, **GENDER IDENTITY**, or disability.

18 20-402.

19 A person that is licensed or regulated by a unit in the Department of Labor,  
20 Licensing, and Regulation listed in § 2-108 of the Business Regulation Article may not  
21 refuse, withhold from, or deny any person any of the accommodations, advantages,  
22 facilities, privileges, sales, or services of the licensed or regulated person or  
23 discriminate against any person because of the person's race, sex, creed, color, national  
24 origin, marital status, sexual orientation, age, **GENDER IDENTITY**, or disability.

25 20-501.

26 An owner or operator of commercial property, an agent or employee of the owner  
27 or operator of commercial property, or a person that is licensed or regulated by the  
28 State may not discriminate against an individual in the terms, conditions, or  
29 privileges of the leasing of property for commercial use, or in the provision of services  
30 or facilities in connection with the leasing of property for commercial use, because of  
31 the individual's race, color, religion, sex, age, disability, marital status, **SEXUAL**  
32 **ORIENTATION**, **GENDER IDENTITY**, or national origin.

33 20-602.

1 It is the policy of the State, in the exercise of its police power for the protection  
2 of the public safety, public health, and general welfare, for the maintenance of  
3 business and good government, and for the promotion of the State's trade, commerce,  
4 and manufacturers:

5 (1) to assure all persons equal opportunity in receiving employment  
6 and in all labor management–union relations, regardless of race, color, religion,  
7 ancestry or national origin, sex, age, marital status, sexual orientation, **GENDER**  
8 **IDENTITY**, or disability unrelated in nature and extent so as to reasonably preclude  
9 the performance of the employment; and

10 (2) to that end, to prohibit discrimination in employment by any  
11 person.

12 20–603.

13 This subtitle does not require:

14 (1) an employer, employment agency, labor organization, or joint  
15 labor–management committee subject to this subtitle to grant preferential treatment  
16 to any individual or group on the basis of the race, color, religion, sex, age, national  
17 origin, **GENDER IDENTITY**, sexual orientation, or disability of the individual or group  
18 because an imbalance may exist with respect to the total number or percentage of  
19 individuals of any race, color, religion, sex, age, national origin, **GENDER IDENTITY**,  
20 or sexual orientation or individuals with disabilities employed by the employer,  
21 referred or classified for employment by the employment agency or labor organization,  
22 admitted to membership or classified by the labor organization, or admitted to, or  
23 employed in, any apprenticeship or other training program, compared to the total  
24 number or percentage of individuals of that race, color, religion, sex, age, national  
25 origin, **GENDER IDENTITY**, or sexual orientation or individuals with disabilities in the  
26 State or any community, section, or other area, or in the available work force in the  
27 State or any community, section, or other area; or

28 (2) an employer to reasonably accommodate an employee's religion or  
29 disability if the accommodation would cause undue hardship on the conduct of the  
30 employer's business.

31 20–605.

32 (a) Notwithstanding any other provision of this subtitle, this subtitle does  
33 not prohibit:

34 (2) an employer from establishing [standards concerning an  
35 employee's dress and grooming, if the standards are directly related to the nature of  
36 the employment of the employee] **AND REQUIRING AN EMPLOYEE TO ADHERE TO**  
37 **REASONABLE WORKPLACE APPEARANCE, GROOMING, AND DRESS STANDARDS**

1 THAT ARE DIRECTLY RELATED TO THE NATURE OF THE EMPLOYMENT OF THE  
2 EMPLOYEE AND THAT ARE NOT PRECLUDED BY ANY PROVISION OF STATE OR  
3 FEDERAL LAW, AS LONG AS THE EMPLOYER ALLOWS ANY EMPLOYEE TO APPEAR,  
4 GROOM, AND DRESS CONSISTENT WITH THE EMPLOYEE'S GENDER IDENTITY;

5 20-606.

6 (a) An employer may not:

7 (1) fail or refuse to hire, discharge, or otherwise discriminate against  
8 any individual with respect to the individual's compensation, terms, conditions, or  
9 privileges of employment because of:

10 (i) the individual's race, color, religion, sex, age, national origin,  
11 marital status, sexual orientation, **GENDER IDENTITY**, genetic information, or  
12 disability unrelated in nature and extent so as to reasonably preclude the performance  
13 of the employment; or

14 (ii) the individual's refusal to submit to a genetic test or make  
15 available the results of a genetic test;

16 (2) limit, segregate, or classify its employees or applicants for  
17 employment in any way that would deprive or tend to deprive any individual of  
18 employment opportunities or otherwise adversely affect the individual's status as an  
19 employee because of:

20 (i) the individual's race, color, religion, sex, age, national origin,  
21 marital status, sexual orientation, **GENDER IDENTITY**, genetic information, or  
22 disability unrelated in nature and extent so as to reasonably preclude the performance  
23 of the employment; or

24 (ii) the individual's refusal to submit to a genetic test or make  
25 available the results of a genetic test;

26 (3) request or require genetic tests or genetic information as a  
27 condition of hiring or determining benefits; or

28 (4) fail or refuse to make a reasonable accommodation for the known  
29 disability of an otherwise qualified employee.

30 (b) An employment agency may not:

31 (1) fail or refuse to refer for employment or otherwise discriminate  
32 against any individual because of the individual's race, color, religion, sex, age,  
33 national origin, marital status, sexual orientation, **GENDER IDENTITY**, or disability

1 unrelated in nature and extent so as to reasonably preclude the performance of the  
2 employment; or

3 (2) classify or refer for employment any individual on the basis of the  
4 individual's race, color, religion, sex, age, national origin, marital status, sexual  
5 orientation, **GENDER IDENTITY**, or disability unrelated in nature and extent so as to  
6 reasonably preclude the performance of the employment.

7 (c) A labor organization may not:

8 (1) exclude or expel from its membership, or otherwise discriminate  
9 against, any individual because of the individual's race, color, religion, sex, age,  
10 national origin, marital status, sexual orientation, **GENDER IDENTITY**, or disability  
11 unrelated in nature and extent so as to reasonably preclude the performance of the  
12 employment;

13 (2) limit, segregate, or classify its membership, or classify or fail or  
14 refuse to refer for employment any individual, in any way that would deprive or tend  
15 to deprive the individual of employment opportunities, limit the individual's  
16 employment opportunities, or otherwise adversely affect the individual's status as an  
17 employee or as an applicant for employment because of the individual's race, color,  
18 religion, sex, age, national origin, marital status, sexual orientation, **GENDER**  
19 **IDENTITY**, or disability unrelated in nature and extent so as to reasonably preclude  
20 the performance of the employment; or

21 (3) cause or attempt to cause an employer to discriminate against an  
22 individual in violation of this section.

23 (d) An employer, labor organization, or joint labor-management committee  
24 controlling apprenticeship or other training or retraining programs, including  
25 on-the-job training programs, may not discriminate against any individual in  
26 admission to, or employment in, any program established to provide apprenticeship or  
27 other training or retraining because of the individual's race, color, religion, sex, age,  
28 national origin, marital status, sexual orientation, **GENDER IDENTITY**, or disability  
29 unrelated in nature and extent so as to reasonably preclude the performance of the  
30 employment.

31 (e) (1) Except as provided in paragraph (2) of this subsection, an  
32 employer, labor organization, or employment agency may not print or cause to be  
33 printed or published any notice or advertisement relating to employment by the  
34 employer, membership in or any classification or referral for employment by the labor  
35 organization, or any classification or referral for employment by the employment  
36 agency that indicates any preference, limitation, specification, or discrimination based  
37 on race, color, religion, sex, age, national origin, marital status, sexual orientation,  
38 **GENDER IDENTITY**, or disability.

1           (2) A notice or advertisement may indicate a preference, limitation,  
2 specification, or discrimination based on religion, sex, age, national origin, marital  
3 status, or disability if religion, sex, age, national origin, marital status, or disability is  
4 a bona fide occupational qualification for employment.

5 20-608.

6           An employer shall be immune from liability under this title or under the  
7 common law arising out of reasonable acts taken by the employer to verify the sexual  
8 orientation **OR GENDER IDENTITY** of any employee or applicant in response to a  
9 charge filed against the employer on the basis of sexual orientation **OR GENDER**  
10 **IDENTITY**.

11 20-702.

12           (a) It is the policy of the State:

13                 (1) to provide for fair housing throughout the State to all, regardless of  
14 race, color, religion, sex, familial status, national origin, marital status, sexual  
15 orientation, **GENDER IDENTITY**, or disability; and

16                 (2) to that end, to prohibit discriminatory practices with respect to  
17 residential housing by any person, in order to protect and insure the peace, health,  
18 safety, prosperity, and general welfare of all.

19 20-704.

20           (a) This subtitle does not apply to:

21                 (2) with respect to discrimination on the basis of sex, sexual  
22 orientation, **GENDER IDENTITY**, or marital status:

23                         (i) the rental of rooms in any dwelling, if the owner maintains  
24 the dwelling as the owner's principal residence; or

25                         (ii) the rental of any apartment in a dwelling that contains not  
26 more than five rental units, if the owner maintains the dwelling as the owner's  
27 principal residence.

28 20-705.

29           Except as provided in §§ 20-703 and 20-704 of this subtitle, a person may not:

30                 (1) refuse to sell or rent after the making of a bona fide offer, refuse to  
31 negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to

1 any person because of race, color, religion, sex, disability, marital status, familial  
2 status, sexual orientation, **GENDER IDENTITY**, or national origin;

3 (2) discriminate against any person in the terms, conditions, or  
4 privileges of the sale or rental of a dwelling, or in the provision of services or facilities  
5 in connection with the sale or rental of a dwelling, because of race, color, religion, sex,  
6 disability, marital status, familial status, sexual orientation, **GENDER IDENTITY**, or  
7 national origin;

8 (3) make, print, or publish, or cause to be made, printed, or published,  
9 any notice, statement, or advertisement with respect to the sale or rental of a dwelling  
10 that indicates any preference, limitation, or discrimination based on race, color,  
11 religion, sex, disability, marital status, familial status, sexual orientation, **GENDER**  
12 **IDENTITY**, or national origin, or an intention to make any preference, limitation, or  
13 discrimination;

14 (4) represent to any person, because of race, color, religion, sex,  
15 disability, marital status, familial status, sexual orientation, **GENDER IDENTITY**, or  
16 national origin, that any dwelling is not available for inspection, sale, or rental when  
17 the dwelling is available; or

18 (5) for profit, induce or attempt to induce any person to sell or rent  
19 any dwelling by representations regarding the entry or prospective entry into the  
20 neighborhood of a person of a particular race, color, religion, sex, disability, marital  
21 status, familial status, sexual orientation, **GENDER IDENTITY**, or national origin.

22 20-707.

23 (b) (1) A person whose business includes engaging in residential real  
24 estate-related transactions may not discriminate against any person in making  
25 available a transaction, or in the terms or conditions of a transaction, because of race,  
26 color, religion, sex, disability, marital status, familial status, sexual orientation,  
27 **GENDER IDENTITY**, or national origin.

28 (2) Paragraph (1) of this subsection does not prohibit a person engaged  
29 in the business of furnishing appraisals of real property from taking into consideration  
30 factors other than race, color, religion, sex, disability, marital status, familial status,  
31 sexual orientation, **GENDER IDENTITY**, or national origin.

32 (c) A person may not, because of race, color, religion, sex, disability, marital  
33 status, familial status, sexual orientation, **GENDER IDENTITY**, or national origin:

34 (1) deny a person access to, or membership or participation in, a  
35 multiple-listing service, real estate brokers' organization, or other service,  
36 organization, or facility relating to the business of selling or renting dwellings; or

1 (2) discriminate against a person in the terms or conditions of  
2 membership or participation.

3 20-1103.

4 (b) Whether or not acting under color of law, a person may not, by force or  
5 threat of force, willfully injure, intimidate, interfere with, or attempt to injure,  
6 intimidate, or interfere with:

7 (1) any person because of race, color, religion, sex, disability, marital  
8 status, familial status, sexual orientation, **GENDER IDENTITY**, or national origin and  
9 because the person is or has been:

10 (i) selling, purchasing, renting, financing, occupying, or  
11 contracting or negotiating for the sale, purchase, rental, financing, or occupation of  
12 any dwelling; or

13 (ii) applying for or participating in any service, organization, or  
14 facility relating to the business of selling or renting dwellings;

15 (2) any person because the person is or has been, or in order to  
16 intimidate the person or any other person or any class of persons from:

17 (i) participating, without discrimination on account of race,  
18 color, religion, sex, disability, marital status, familial status, sexual orientation,  
19 **GENDER IDENTITY**, or national origin, in any of the activities, services, organizations,  
20 or facilities described in item (1) of this subsection; or

21 (ii) affording another person or class of persons the opportunity  
22 or protection to participate in any of the activities, services, organizations, or facilities  
23 described in item (1) of this subsection; or

24 (3) any person because the person is or has been, or in order to  
25 discourage the person or any other person from:

26 (i) lawfully aiding or encouraging other persons to participate,  
27 without discrimination on account of race, color, religion, sex, disability, marital  
28 status, familial status, sexual orientation, **GENDER IDENTITY**, or national origin, in  
29 any of the activities, services, organizations, or facilities described in item (1) of this  
30 subsection; or

31 (ii) participating lawfully in speech or peaceful assembly  
32 opposing any denial of the opportunity to participate in any of the activities, services,  
33 organizations, or facilities described in item (1) of this subsection.

34 **Article – State Personnel and Pensions**

1 2-302.

2 (a) The State recognizes and honors the value and dignity of every person  
3 and understands the importance of providing employees and applicants for  
4 employment with a fair opportunity to pursue their careers in an environment free of  
5 discrimination or harassment prohibited by law.

6 (b) (1) Except as provided in paragraph (2) of this subsection or by other  
7 law, all personnel actions concerning a State employee or applicant for employment in  
8 State government shall be made without regard to:

9 (i) age;

10 (ii) ancestry;

11 (iii) color;

12 (iv) creed;

13 (v) **GENDER IDENTITY;**

14 [(v)] (VI) marital status;

15 [(vi)] (VII) mental or physical disability;

16 [(vii)] (VIII) national origin;

17 [(viii)] (IX) race;

18 [(ix)] (X) religious affiliation, belief, or opinion; [or]

19 [(x)] (XI) sex; OR

20 (XII) **SEXUAL ORIENTATION.**

21 (2) A personnel action may be taken with regard to age, sex, or  
22 disability to the extent that age, sex, or physical or mental qualification is required by  
23 law or is a bona fide occupational qualification.

24 (c) (1) Each State employee is expected to assume personal responsibility  
25 and leadership in ensuring fair employment practices and equal employment  
26 opportunity in Maryland State government.

27 (2) Employment discrimination and harassment by State managers,  
28 supervisors, or other employees is prohibited.

1           (3) A State employee who violates this subtitle is subject to  
2 disciplinary action by the employee's appointing authority, including the termination  
3 of State employment.

4           (d) The Equal Employment Opportunity Program in Title 5, Subtitle 2 of this  
5 article governs all employees of any unit in the Executive Branch of State government,  
6 including a unit with an independent personnel system.

7           (e) (1) At least annually, the Secretary shall report on the Equal  
8 Employment Opportunity Program established in § 5-202 of this article to the Joint  
9 Committee on Fair Practices and State Personnel Oversight.

10           (2) The head of a personnel system in the Legislative and Judicial  
11 branches may report periodically on equal employment opportunity programs and  
12 policies in effect in that personnel system to the Joint Committee on Fair Practices  
13 and State Personnel Oversight.

14           SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
15 October 1, 2014.

10

# Policy for use of City R-O-W

## MEMORANDUM

**To:** Mayor and Council

**From:** Suellen M. Ferguson, Esq.

**CC:** Joe Nagro, City Manager

**Date:** March 14, 2014

**Re: Policy for permitting use of City right-of-way for undergrounding for private use**

### ISSUE:

The City has begun to receive requests for permits to install fiber optic cable in a conduit under City rights of way. These are permanent installations, which must then share space under City streets with utilities such as WSSC and Washington Gas. The City does not currently have a policy with respect to fees or other requirements for this type of installation.

### SUMMARY:

Requests for permanent use of the City rights-of-way by private parties are likely to increase over time due to increased use of technology. Permitting this use, unlike other building permits, requires long-term involvement by the City, which must then keep track of where such facilities are located. Some other local governments have adopted regulations that require applicants to enter into an agreement and pay an enhanced fee for use of the rights-of-way, or to install dark fiber on behalf of the government when the permitted fiber is installed. City staff has concluded that it would be most useful to require that permit applicants provide dark fiber to the City, which can then be used to help expand the City's fiber intranet and hopefully reduce the cost of connecting various sites in the future, with a fee charged when dark fiber is not appropriate. Based on the process in the City of Rockville, I have drafted an agreement, which is attached. If the Council is in support of going forward with permitting in the underground rights-of-way to also include the requirement for an agreement, and installation of dark fiber or payment of a fee, then a policy and fee schedule will be developed for adoption.

### RECOMMENDATION:

That the Council consider whether it wishes to adopt a permit policy for installation of conduit and fiber under City rights-of-way.

**RIGHTS-OF-WAY USE AGREEMENT**

This Rights-of-Way Use Agreement (the "Agreement") is executed as of the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, between \_\_\_\_\_, a \_\_\_\_\_ corporation, and the CITY OF COLLEGE PARK, (the "City"), a municipal corporation.

**WITNESSETH**

WHEREAS, \_\_\_\_\_ will offer telecommunications services to customers located in the City; and

WHEREAS, \_\_\_\_\_ desires to place communications facilities underground within conduits, ducts, mains and/or pipes, which communications facilities are or will be located under and/or on rights-of-way controlled by the City; and

WHEREAS, the City is willing to permit, under certain conditions set forth herein, the construction of a communications system and placement of communications facilities on the rights-of-way controlled by the City.

NOW, THEREFORE, in consideration of the mutual covenants, terms and conditions herein contained, the parties do hereby mutually covenant and agree as follows:

1. Before constructing or placing communications facilities on or in the rights-of-way controlled by the City, \_\_\_\_\_ shall make application in the form of Exhibit "A" and receive a permit therefor in the form of Exhibit "B." Prior to making application pursuant to this paragraph, \_\_\_\_\_ will: A) in the case of construction of new conduits, provide notice to other utility companies having a right-of-way in the same location in which \_\_\_\_\_ wishes to place its telecommunication facilities, or B) in the case of locating new cable in existing conduits, obtain a conduit occupancy agreement or a pole attachment agreement from the owner of the conduit. \_\_\_\_\_ shall construct its facilities so that they do not interfere with the existing facilities of other utility companies. Any cott markers used by \_\_\_\_\_ shall be flush-type cott markers and shall be approved by the City's Department of Public Works.
2. The City will use its best efforts to approve or deny any applications within thirty (30) business days after receipt.
3. \_\_\_\_\_ will be responsible for all site survey and other engineering costs. \_\_\_\_\_ will pay the then current City permit fee at the time of filing the application for any required permit. \_\_\_\_\_ shall also comply with all applicable City ordinances with respect to the posting of the surety bond described in Article 14 hereof.
4. Upon application for a permit for installation of underground conduit, \_\_\_\_\_ will provide the City with specifications regarding conduit materials, which specifications shall meet the City's reasonable requirements as to such materials. \_\_\_\_\_ will

notify the City at least 48 hours in advance whenever work is proposed which will interfere with or cause damage to any portion of the public right-of-way.

5. \_\_\_\_\_ will join "Miss Utility;" will comply with the "Miss Utility" notice requirements, and will provide to the City evidence of having joined "Miss Utility" before the City will issue any permit.
6. \_\_\_\_\_ will comply with applicable federal, state, county and City laws, including but not limited to any ordinance imposing franchise fees, rental fees, etc.
7. \_\_\_\_\_ will maintain all facilities constructed or installed pursuant to the permits issued under this Agreement in safe condition and in good repair.
8. Prior to commencement of construction, \_\_\_\_\_ shall post or shall cause to be posted notices of such construction along the City right-of-way where the construction will take place. The notices shall include a local or toll-free telephone number for residents to call with questions or complaints regarding the construction work. \_\_\_\_\_ will maintain a log of any complaints received and will provide the City with a copy of such log upon request. During construction \_\_\_\_\_ will take all necessary precautions to protect persons and property against injury. After construction, \_\_\_\_\_ will restore the rights-of-way to substantially the same condition as existed prior to construction. Upon completion of construction, \_\_\_\_\_ shall provide to the City two (2) complete sets of copies of all "as-built" plans for the telecommunications facilities in paper and one set in an electronic format compatible with the City's GIS system.
9. It is expressly understood by \_\_\_\_\_ that this Agreement and any permits issued hereunder do not create or vest in \_\_\_\_\_ any easement or other ownership of real property rights in or on the rights-of-way. This Agreement and the permits are in the nature of a non-exclusive license which is revocable by the City to the extent such revocation is necessary to protect the public health, safety and welfare. Except as otherwise provided in Articles 10 and 16 hereof, prior to any such revocation, the City will provide \_\_\_\_\_ with as much written notice as possible, but in no event less than ninety (90) days.
10. If \_\_\_\_\_ shall be in breach of any provision of this Agreement or a permit issued hereunder, the City will provide \_\_\_\_\_ with a written notice of default specifying the alleged breach. \_\_\_\_\_ shall have thirty (30) days from receipt of notice to cure such breach, provided that if the breach, by its nature cannot be cured within said thirty (30) days, \_\_\_\_\_ shall not be in default if it commences curing within said thirty (30) days and thereafter continuously and diligently pursues the cure to completion. If \_\_\_\_\_ fails to so cure the breach, the City may declare \_\_\_\_\_ in default and revoke the relevant permit or permits upon ten (10) days advance written notice to \_\_\_\_\_.

11. \_\_\_\_\_ shall indemnify and hold harmless the City from and against any and all losses, claims, suits or demands for damages to property or persons arising out of \_\_\_\_\_'s use of the rights-of-way, unless such loss, claim, suit or demand for damages is caused by the gross negligence or willful misconduct of the City, its employees, agents or contractors.
12. \_\_\_\_\_, at its expense, will carry and keep in force and effect during the term of this Agreement including all extensions, commercial general liability insurance, automobile liability insurance and excess/umbrella liability insurance that will name the City as an additional insured and will protect the parties against losses, claims, suits, or demands for damages to property or persons arising out of \_\_\_\_\_'s use of the rights-of-way, with a combined single coverage limit of not less than Two Million Dollars (\$2,000,000.00). \_\_\_\_\_ also will carry and assign a waiver of subrogation for workers' compensation and employers' liability insurance at statutory minimums.

Endorsements reflecting the City as an additional insured are required to be submitted with the insurance certificate. \_\_\_\_\_'s insurance coverage shall be primary insurance as respects the City, its elected and appointed officials, officers, consultants, agents and employees and any insurance or self-insurance maintained by the City, shall be excess of \_\_\_\_\_'s insurance and shall not be called upon to contribute with it. \_\_\_\_\_ will provide 45-day written notice of any change in insurance coverage.

13. \_\_\_\_\_ shall not assign or transfer this Agreement without the written consent of the City, such consent not to be unreasonably withheld or delayed. Notwithstanding the foregoing, \_\_\_\_\_ may assign this Agreement without the consent of the City to an entity that controls, is controlled by, or is under common control with, \_\_\_\_\_; however, \_\_\_\_\_ shall provide the City notice of such assignment. Furthermore, nothing in this provision shall be construed as prohibiting \_\_\_\_\_ from entering into secured financing arrangements involving the communications systems or facilities.
14. In installing its facilities \_\_\_\_\_ shall satisfy all of the applicable provisions of the City Code. Prior to the issuance of any permit by the City \_\_\_\_\_ shall furnish a performance bond in form satisfactory to the City, and in an amount to be determined in accordance with the Code provisions governing such bonds, as security for the commitment of \_\_\_\_\_ to satisfy the Code and to otherwise perform the installation in compliance with this Agreement. Such bond shall be released upon the expiration of five (5) years (ten (10) years for boring) after completion of construction, final inspection and acceptance of same by the City. Further, although a bond must be maintained in effect until five years after completion of construction, final inspection and acceptance of the same by the City, the City will accept a bond with a term of one year, provided the same is renewed annually and that the City receives notice at least ninety (90) days prior to the expiration of any one year term of the bond if the bonding company will not be renewing such bond for an additional one year term. If

the bond is not renewed, \_\_\_\_\_ shall obtain a replacement bond in the same amount for an additional one year term. If the bond is not renewed and a replacement bond is not provided, \_\_\_\_\_'s rights to use the public right-of-way pursuant to this Agreement shall terminate.

15. Failure of either party to enforce or insist upon compliance with any provision of this Agreement shall not constitute a waiver of such provision by such party.

16. Should a conflict arise between an \_\_\_\_\_ facility and an existing or proposed City facility, then \_\_\_\_\_ shall at its sole expense, relocate or eliminate said conflicting \_\_\_\_\_ facility upon written notice from the City to do so and said relocation or elimination shall be completed as soon as practicable after receipt of said notice, but under no circumstances more than sixty (60) days thereafter, unless an extension of the sixty (60) day limit is specifically granted in writing by the City. The City shall use good faith efforts to designate locations for any relocated facilities that will permit \_\_\_\_\_ to continue to serve its existing customers. Notwithstanding the foregoing, \_\_\_\_\_ shall not be required to pay to the City any permit fees in connection with a relocation required by the City under this Article 16.

17. As additional consideration for the granting of the license to use the public right-of-way as set forth herein, \_\_\_\_\_ will provide

\_\_\_\_\_

18. In the event \_\_\_\_\_ chooses to extend its network beyond the initial design, \_\_\_\_\_ shall obtain City approval for such extension. It is understood that \_\_\_\_\_ may be required to provide additional cable, connections or other considerations for City facilities in the vicinity of the extended network.

19. Subject to Article 13, this Agreement shall extend to and bind the successors and assigns of the parties hereto.

20. Notice required under this Agreement will be addressed as follows:

If to the City:

City Manager  
College Park City Hall  
4500 Knox Road  
College Park, MD 20740

With a copy to:

City Engineer  
College Park City Hall  
4500 Knox Road  
College Park, MD 20740

If to \_\_\_\_\_:

\_\_\_\_\_

Notices shall be mailed to the addressee by registered or certified mail, return receipt requested, with postage prepaid, or delivered by reputable courier service, with signed evidence of receipt, and shall be deemed delivered when received or refused by the addressee.

21. \_\_\_\_\_ shall provide to the City's Department of Public Works 24-hour, 7-day per week emergency contact information. This information shall include the emergency contact's name, title, phone number, cellular/mobile phone number, e-mail address, and mailing address. \_\_\_\_\_ shall provide updated information whenever it changes. If \_\_\_\_\_ fails to provide the information required in this paragraph 21, the City shall be relieved of any liability for any and all reasonable actions it takes to handle emergency situations, and \_\_\_\_\_ shall reimburse the City for any and all reasonable additional expenses the City incurs as a result of the failure of \_\_\_\_\_ to provide the information require in this paragraph 21.

22. This Agreement shall be governed by the laws of the State of Maryland. The parties agree that any litigation arising from this Agreement shall be brought in the Circuit Court for Prince George' County, Maryland, to the extent such court has jurisdiction, and the parties hereby waive any objection to venue in such court.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their duly authorized representatives as of the date first above written.

ATTEST:

\_\_\_\_\_

\_\_\_\_\_

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

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

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

ATTEST:

CITY OF COLLEGE PARK

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

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

11

# Boards and Committees

## March 18, 2014 Appointments to Boards and Committees

Critical vacancies to bring to your attention:

- College Park Housing Authority – needs one Commissioner
- Neighborhood Stabilization Committee – needs 4 City Residents
- Sustainable Maryland Certified Green Team – needs UMD, business and resident appointments

Thank You!

**City of College Park**  
**Board and Committee Appointments**

Shaded rows indicate a vacancy or reappointment opportunity.  
The date following the appointee's name is the initial date of appointment.

<b>Advisory Planning Commission</b>			
Appointee	Represents	Appointed by	Term Expires
Larry Bleau 7/9/02	District 1	Mayor	12/15
Rosemarie Green Colby 04/10/12	District 2	Mayor	04/15
Christopher Gill 09/24/13	District 1	Mayor	09/16
James E. McFadden 2/14/99	District 3	Mayor	04/16
Clay Gump 1/24/12	District 3	Mayor	01/15
VACANT (formerly Smolka)	District 4	Mayor	08/14
Mary Cook 8/10/10	District 4	Mayor	08/13
City Code Chapter 15 Article IV: The APC shall be composed of 7 members appointed by the Mayor with the approval of Council, shall seek to give priority to the appointment of residents of the City and assure that there shall be representation from each of the City's four Council districts. Vacancies shall be filled by the Mayor with the approval of the Council for the unexpired portion of the term. Terms are three years. The Chairperson is elected by the majority of the Commission. Members are compensated. Liaison: Planning.			

<b>Airport Authority</b>			
Appointee	Resides in	Appointed by	Term Expires
James Garvin 11/9/04	District 3	M&C	07/14
Jack Robson 5/11/04	District 3	M&C	02/14
Anna Sandberg 2/26/85	District 3	M&C	03/16
Gabriel Iriarte 1/10/06	District 3	M&C	04/16
Christopher Dullnig 6/12/07	District 2	M&C	01/17
VACANT		M&C	
VACANT		M&C	
City Code Chapter 11 Article II: 7 members, must be residents and qualified voters of the City, appointed by Mayor and City Council, <i>term to be decided by appointing body</i> . Vacancies shall be filled by M&C for an unexpired portion of a term. Authority shall elect Chairperson from membership. Not a compensated committee. Liaison: City Clerk's Office.			

<b>Animal Welfare Committee</b>			
Appointee	Resides in	Appointed by	Term Expires
Cindy Vernasco 9/11/07	District 2	M&C	02/17
Dave Turley 3/23/10	District 1	M&C	03/16
Christiane Williams 5/11/10	District 1	M&C	05/15
Patti Brothers 6/8/10	Non resident	M&C	02/17
Taimi Anderson 6/8/10	Non resident	M&C	06/13
Harriet McNamee 7/13/10	District 1	M&C	02/17
Suzie Bellamy 9/28/10	District 4	M&C	09/13
Christine Nagle 03/13/12	District 1	M&C	03/15
10-R-20: Up to fifteen members appointed by the Mayor and Council for three-year terms. Not a compensated committee. Liaison: Public Services.			

<b>Board of Election Supervisors</b>			
Appointee	Represents	Appointed by	Term Expires
John Robson (Chief) 5/24/94	Mayoral appt	M&C	03/15
Terry Wertz 2/11/97	District 1	M&C	03/15
Maxine Gross 3/25/03	District 2	M&C	03/15
Janet Evander 07/16/13	District 3	M&C	03/15
VACANT (formerly Smolka)	District 4	M&C	03/15

City Charter C4-3: The Mayor and Council shall, not later than the first regular meeting in March of each year in which there is a general election, appoint and fix the compensation for five qualified voters as Supervisors of Elections, one of whom shall be appointed from the qualified voters of each of the four election districts and one of whom shall be appointed by the Mayor with the consent of the Council. The Mayor and Council shall designate one of the five Supervisors of Elections as the Chief of Elections. This is a compensated committee; compensation is based on a fiscal year. Per Council action (item 11-G-66) effective in March, 2013: In an election year all of the Board receives compensation. In a non-election year only the Chief Election Supervisor will be compensated. Liaison: City Clerk's office.

<b>Cable Television Commission</b>			
Appointee	Resides in	Appointed by	Term Expires
Jane Hopkins 06/14/11	District 1	Mayor	06/14
Blaine Davis 5/24/94	District 1	Mayor	12/15
James Sauer 9/9/08	District 3	Mayor	09/14
Tricia Homer 3/12/13	District 1	Mayor	03/16
Clay Gump 3/12/02	District 3	Mayor	01/17

City Code Chapter 15 Article III: Composed of four Commissioners plus a voting Chairperson, appointed by the Mayor with the approval of the Council, three year terms. This is a compensated committee. Liaison: City Manager's Office.

<b>College Park City-University Partnership</b>			
Appointee	Represents	Appointed by	Term Expires
Robert T. Catlin	Class A Director	UMD President	01/13
	Class A Director	UMD President	01/13
Linda Clement	Class A Director	UMD President	01/11
Brian Darmody	Class A Director	UMD President	01/12
Andrew Fellows	Class B Director	M&C	01/17
Maxine Gross	Class B Director	M&C	01/15
Senator James Rosapepe	Class B Director	M&C	02/16
Stephen Brayman	Class B Director	M&C	01/17
Dr. Richard Wagner	Class C Director	City and University	01/13

The CPCUP is a 501(c)(3) corporation whose mission is to promote and support commercial revitalization, economic development and quality housing opportunities consistent with the interests of the City of College Park and the University of Maryland. The CPCUP is not a City committee but the City makes appointments to the Partnership. Class B Directors are appointed by the Mayor and City Council; Class C Directors are jointly appointed by the Mayor and City Council and the President of the University of Maryland.

<b>Citizens Corps Council</b>			
Appointee	Represents	Appointed by	Term Expires
VACANT		M&C	
VACANT		M&C	
VACANT	Neighborhood Watch	M&C	
Dan Blasberg 3/27/12		M&C	03/15
David L. Milligan (Chair) 12/11/07		M&C	02/17

Resolution 05-R-15. Membership shall be composed as follows: A Citizen Corps Coordinator for each neighborhood shall be nominated and appointed by the Mayor and Council and serve as a potential member of the CPCCC for the term of their respective office in the neighborhood group. Mayor and Council shall nominate and appoint 5 to 7 residents to serve as community coordinators and to serve on the CPCCC. At least one member of the CPCCC shall be the Neighborhood Watch Coordinator, and at least one member shall represent each of the other Citizen Corps programs such as CERT, Fire Corps, Volunteers In Police Service, etc. Each member of the CPCCC shall serve for a term of 3 years, and may be reappointed for an unlimited number of terms. The Mayor, with the approval of the City Council, shall appoint the Chair and Co-Chair of the CPCCC from among the members of the committee. The Director of Public Services shall serve as an ex officio member. Not a compensated committee. Liaison: Public Services.

<b>Committee For A Better Environment</b>			
Appointee	Resides in	Appointed by	Term Expires
Janis Oppelt 8/8/06	District 1	M&C	09/15
Suchitra Balachandran 10/9/07	District 4	M&C	01/17
Donna Weene 9/8/09	District 1	M&C	12/15
Gemma Evans 1/25/11	District 1	M&C	01/17
Benjamin Mellman 1/10/12	District 1	M&C	01/15
Macrina Xavier 08/14/12	District 1	M&C	08/15
Kennis Termini 01/14/14	District 1	M&C	01/17

City Code Chapter 15 Article VIII: No more than 25 members, appointed by the Mayor and Council, three year terms, members shall elect the chair. Not a compensated committee. Liaison: Planning.

<b>Education Advisory Committee</b>			
Appointee	Represents	Appointed by	Term Expires
Brian Bertges 06/18/13	District 1	M&C	06/15
Cory Sanders 09/24/13	District 1	M&C	09/15
Charlene Mahoney	District 2	M&C	12/14
VACANT	District 2	M&C	
VACANT	District 3	M&C	
Melissa Day 9/15/10	District 3	M&C	11/14
Carolyn Bernache 2/9/10	District 4	M&C	02/14
Doris Ellis 9/28/10	District 4	M&C	09/13
Peggy Wilson 6/8/10	UMCP	UMCP	02/14

Resolutions 97-R-17, 99-R-4 and 10-R-13: At least 9 members who shall be appointed by the Mayor and Council: at least two from each Council District and one nominated by the University of Maryland. Two year terms. The Committee shall appoint the Chair and Vice-Chair of the Committee from among the members of the Committee. Not a compensated committee. Liaison: Youth and Family Services.

<b>Ethics Commission</b>			
Appointee	Represents	Appointed by	Term Expires
Edward Maginnis 09/13/11	District 1	Mayor	08/15
VACANT	District 2	Mayor	
Sean O'Donnell 4/13/10	District 3	Mayor	04/12
Gail Kushner 09/13/11	District 4	Mayor	01/16
Robert Thurston 9/13/05	At Large	Mayor	02/16
Alan C. Bradford 1/23/96	At-Large	Mayor	07/15
Frank Rose 05/08/12	At-Large	Mayor	05/14

City Code Chapter 38 Article II: Composed of seven members appointed by the Mayor and approved by the Council. Of the seven members, one shall be appointed from each of the City's four election districts and three from the City at large. 2 year terms. Commission members shall elect one member as Chair for a renewable one-year term. Commission members sign an Oath of Office. Not a compensated committee. Liaison: City Clerk's office.

<b>Farmers Market Committee</b>			
Appointee	Represents	Appointed by	Term Expires
Margaret Kane 05/08/12	District 1	M&C	05/15
Robert Boone 07/10/12	District 1	M&C	07/15
Leo Shapiro 07/10/12	District 3	M&C	07/15
Julie Forker 07/10/12	District 3	M&C	07/15
Kimberly Schumann 09/11/12	District 1	M&C	09/15
VACANT			
VACANT		M&C	
VACANT	Student	M&C	

Established April 10, 2012 by 12-R-07. Up to 7 members. Quorum = 3. Three year terms. Not a compensated committee. Liaison: Planning Department. Agreement reached during July 3, 2012 Worksession to fill the seven positions as outlined above. Effective September 11, 2012 by 12-R-17: Membership increased to 8.

<b>Housing Authority of the City of College Park</b>			
VACANT		Mayor	05/01/17
Betty Rodenhausen 04/09/13		Mayor	05/01/18
John Moore 9/10/96		Mayor	05/01/14
Thelma Lomax 7/10/90		Mayor	05/01/15
Carl Patterson 12/11/12	Attick Towers resident	Mayor	05/01/16
<p>The College Park Housing Authority was established in City Code Chapter 11 Article I, but it operates independently under Article 44A Title I of the Annotated Code of Maryland. The Housing Authority administers low income housing at Attick Towers. The Mayor appoints five commissioners to the Authority; each serves a five year term; appointments expire May 1. Mayor administers oath of office. One member is a resident of Attick Towers. The Authority selects a chairman from among its commissioners. The Housing Authority is funded through HUD and rent collection, administers their own budget, and has their own employees. The City supplements some of their services.</p>			

<b>Neighborhood Stabilization Committee – as amended February 11, 2014</b>			
Name:	Represents:	Appointed By:	Term Ends:
Mayor and City Council of the City of College Park			Term in office
Chief David Mitchell	UMD DPS (UMD Police)	University	02/16
Dr. Andrea Goodwin	UMD Administration – Rep 1	University	02/16
	UMD Administration – Rep 2	University	
	UMD Administration – Rep 3	University	
	UMD Administration – Rep 4	University	
Jackie Pearce Garrett	City Resident 1	City Council	10/15
Aaron Springer	City Resident 2	City Council	10/15
	City Resident 3	City Council	
	City Resident 4	City Council	
	City Resident 5	City Council	
	City Resident 6	City Council	
Catherine McGrath	UMD Student 1	Student Liaison	10/15
	UMD Student 2	SGA Representative	
	UMD Student 3	IFC	
	UMD Student 4	Pan Hellenic Assn.	
	UMD Student 5	Nat'l Pan-Hell. Council, Inc. / United Greek Council	
	Graduate Student	GSG Representative	
	Student Co-Operative Housing	City Council	
	PG County Police Dept.	PG County Police	
Bob Ryan	Director of Public Services	City Council	10/15
Jeannie Ripley	Manager of Code Enforcement	City Council	
Lisa Miller	Rental Property Owner	City Council	02/16

Richard Biffel	Rental Property Owner	City Council	02/16
Paul Carlson	Rental Property Owner	City Council	03/16

Established by Resolution 13-R-20 adopted September 24, 2013 to replace the Neighborhood Stabilization and Quality of Life Workgroup. Amended October 8, 2013 (13-R-20.Amended). Amended February 11, 2014 (14-R-03). City Liaison: Clerk's Office. Two year terms. Main Committee to meet four times per year. This is not a compensated committee.

<b>Neighborhood Watch Steering Committee</b>			
	Resident of:	Appointed By:	Term Expires:
Robert Boone 04/12/11	District 1	M&C	04/15
Aaron Springer 02/14/12	District 3	M&C	02/14
VACANT	District 4	M&C	

The Neighborhood Watch Steering Committee was created on April 12, 2011 by Resolution 11-R-06 as a three-person Steering Committee whose members shall be residents. Coordinators of individual NW programs in the City shall be ex-officio members. Terms are for two years. Annually, the members of the Steering Committee shall appoint a Chairperson to serve for a one-year term. Meetings shall be held on a quarterly basis. This Resolution dissolved the Neighborhood Watch Coordinators Committee that was established by 97-R-15. This is not a compensated committee. Liaison: Public Services.

<b>Noise Control Board</b>			
Appointee	Represents	Appointed by	Term Expires
Mark Shroder 11/23/10	District 1	Council, for District 1	11/14
Harry Pitt, Jr. 9/26/95	District 2	Council, for District 2	03/16
Alan Stillwell 6/10/97	District 3	Council, for District 3	09/16
Suzie Bellamy	District 4	Council, for District 4	12/16
Adele Ellis 04/24/12	Mayoral Appt	Mayor	04/16
Bobbie P. Solomon 3/14/95	Alternate	Council - At large	12/12
Larry Wenzel 3/9/99	Alternate	Council - At large	02/18

City Code Chapter 138-3: The Noise Control Board shall consist of five members, four of whom shall be appointed by the Council members, one from each of the four election districts, and one of whom shall be appointed by the Mayor. In addition, there shall be two alternate members appointed at large by the City Council. The members of the Noise Control Board shall select from among themselves a Chairperson. Four year terms. This is a compensated committee. Liaison: Public Services.

<b>Recreation Board</b>			
Appointee	Represents	Appointed by	Term Expires
Wade Price 12/14/05	District 1	M&C	02/15
Sarah Araghi 7/14/09	District 1	M&C	07/15
Alan C. Bradford 1/23/96	District 2*	M&C	02/17
VACANT	District 2	M&C	
Adele Ellis 9/13/88	District 3	M&C	02/17
VACANT	District 3	M&C	
Barbara Pianowski 3/23/10	District 4	M&C	03/13
Judith Oarr 05/14/13	District 4	M&C	05/16
Bettina McCloud 1/11/11	Mayoral	Mayor	02/17
Solonnie Privett	Mayoral	Mayor	04/16

City Code Chapter 15 Article II: 10 members: two from each Council district appointed by the Mayor and Council and two members nominated by the Mayor and confirmed by the Mayor and Council. The Chairperson will be chosen from among and by the district appointees. 3 year terms. Not a compensated committee. Liaison: Public Services.

\*Although Mr. Bradford lives in what is now considered District 1, his residence was part of District 2 when he was appointed. The designation of his residence was changed to District 1 during the last redistricting. He is still considered an appointment from District 2.

\*\* Effective April 2012: Jay Gilchrist, Director of UMD Campus Recreation Services, changed his status from Rec Board member (Mayoral Appointment) to UM liaison to the Rec Board, similar to the M-NCPPC representative.

<b>Rent Stabilization Board</b>			
Appointee	Represents	Appointed by	Term Expires
VACANT	Tenant	M&C	
VACANT	Tenant	M&C	
Richard Biffi 6/6/06	Landlord	M&C	09/13
Bradley Farrar 6/14/11	Landlord	M&C	06/14
Chris Kujawa 10/11/11	Resident	M&C	10/14

City Code Chapter 15 Article IX: Board shall have between 5 - 7 members appointed by M&C with priority given to the appointment of residents and to owners of real property located in the City. Three year terms. Vacancies shall be filled for unexpired portions of a term. At least two members should be tenants and two members should be landlords. Chairperson chosen by the Board from among the members. This is a compensated committee. Liaison: Public Services.

→06/18/2013: Ordinance was extended until September 1, 2014, and the administration and enforcement of the law was suspended until September 1, 2014. The RSB is on hiatus. There is no need to maintain a quorum at this time.

<b>Sustainable Maryland Certified Green Team</b>		
Appointee	Represents	Term Expires
Denise Mitchell 04/10/12	City Elected Official	04/14
Patrick Wojahn 04/10/12	City Elected Official	04/14
VACANT	City Staff	
Loree Talley 05/08/12	City Staff	05/14
VACANT	CBE Representative	
VACANT	A City School	
VACANT	UMD Student	
VACANT	UMD Faculty or Staff	
VACANT	City Business Community	
Ben Bassett - Proteus Bicycles 09/25/12	City Business Community	09/14
VACANT	Resident	
Christine Nagle 04/10/12	Resident	04/14
VACANT		
VACANT	Resident	
Established March 13, 2012 by Resolution 12-R-06. Up to 14 people with the following representation: 2 elected officials from the City of College Park, 2 City staff, 1 representative from the CBE, 1 representative of a City school, 1 student representative from the University of Maryland, 1 faculty or staff representative from the University of Maryland, 2 representatives of the City business community, up to 4 City residents. Two year terms. Not a compensated committee. A quorum shall be 6 people. The SMCGT shall select a Chair and a Co-Chair from among the membership on an annual basis. The SMCGT should meet at least bi-monthly. The liaison shall be the Planning Department.		

<b>Tree and Landscape Board</b>			
Member	Represents	Appointed by	Term Expires
Dennis Herschbach 3/26/02	Citizen	M&C	07/13
John Krouse	Citizen	M&C	11/14
VACANT	Citizen	M&C	
Mark Wimer 7/12/05	Citizen	M&C	02/14
Amelia Murdoch 9/9/97	Citizen	M&C	11/11
	CBE Chair Liaison		
John Lea-Cox 1/13/98	City Forester	M&C	12/14
Steve Beavers	Planning Director		
Brenda Alexander	Public Works Director		
City Code Chapter 179-5: The Board shall have 9 voting members: 5 citizens appointed by M&C, plus the CBE Chair, the City Forester, the Planning Director and the Public Works Director. Two year terms. Members choose their own officers. Not a compensated committee. Liaison: City Clerk's office.			

<b>Veterans Memorial Improvement Committee</b>			
Appointee	Represents	Appointed by	Term Expires
Deloris Cass 11/7/01		M&C	12/15
Joseph Ruth 11/7/01	VFW	M&C	12/15
Leonard Smith 11/25/08		M&C	03/15
Blaine Davis 10/28/03	American Legion	M&C	12/15
Rita Zito 11/7/01		M&C	02/15
Doris Davis 10/28/03		M&C	12/15
Mary Cook 3/23/10		M&C	03/13
Arthur Eaton		M&C	11/16
VACANT			
Resolution 01-G-57: Board comprised of 9 to 13 members including at least one member from American Legion College Park Post 217 and one member from Veterans of Foreign Wars Phillips-Kleiner Post 5627. Appointed by Mayor and Council. Three year terms. Chair shall be elected each year by the members of the Committee. Not a compensated committee. Liaison: Public Works.			

