



TUESDAY, NOVEMBER 10, 2015
CITY OF COLLEGE PARK
COUNCIL CHAMBERS

7:00 P.M.
PUBLIC HEARINGS

CHARTER RESOLUTION 15-CR-01

A Charter Resolution Of The Mayor And Council Of The City Of College Park, To Amend Article X, Finance And Taxation, §10-2, "Preparation Of Budget", §10-3, "City Council Action On Budget", §10-5, "Amendments To Budget After Adoption", §10-6, "Lapse Of Appropriations", And §10-11, "Property Subject To Taxation, Rates, Levy And Collections; Admissions And Amusement Tax", To Generally Clarify Certain Terms And Reflect Current Finance And Taxation Practices By Authorizing Appropriated Funds That Are Lawfully Encumbered To Be Retained And Expended After The End Of The Fiscal Year, Clarifying That Constant Yield Tax Rate Provisions Apply To Setting The Real Property Tax Rate, In Addition To The Public Hearing And Notice Requirements Set By The City, Providing For Additional Public Notice Of The Budget, Clarifying Budget Actions That Require Amendment By Ordinance, And Deleting Outdated Or Incorrect Provisions.

and

ORDINANCE 15-O-06

An Ordinance Of The Mayor And Council Of The City Of College Park, Amending Chapter 4, "Administrative Organization", §4-4, "Finance Department", Chapter 42, "Finance", §§42-2, "Required Signatures", 42-3, "Certification Of Signatures", 42-4, "Authorized Signatures", And 42-6, "Authorized Signatures On Nonrestricted Documents", And Chapter 69, "Purchasing Procedures" §§69-2, "Materials Excluded", 69-3, "Responsibilities Of Finance Director" And 69-4 "Professional Service Contracts" To Change The Individuals Who Are Approved Signatories For Certain Accounts, Exclude Goods And Services Acquired From Prince George's County From Purchasing Procedures; Change The Requirements For Publication Of Required Advertisements For Bids, Set The Threshold At Which The Council Must Approve Contracts For Professional Service Contracts At \$30,000.00 And Require Reporting Of City Manager Approved Contracts To Council Only When Requested

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

MEDITATION

PLEDGE OF ALLEGIANCE: Councilmember Stullich

ROLL CALL

MINUTES: October 27, 2015 Regular Meeting

ANNOUNCEMENTS

ACKNOWLEDGMENT OF DIGNITARIES

ACKNOWLEDGMENT OF NEWLY APPOINTED BOARD AND COMMITTEE MEMBERS

AWARDS

PROCLAMATIONS: Small Business Saturday-November 28, 2015

AMENDMENTS TO THE AGENDA

CITY MANAGER'S REPORT: Scott Somers

STUDENT LIAISON'S REPORT: Cole Holocker

COMMENTS FROM THE AUDIENCE ON NON-AGENDA ITEMS

PRESENTATIONS

CONSENT AGENDA

- 15-R-24 CPV-2015-06, Resolution Of The Mayor And Council Of The City Of College Park, Maryland Adopting The Recommendations Of The Advisory Planning Commission Regarding Variance Application Number CPV-2015-06, 9603 53rd Avenue, College Park, Maryland, Recommending Approval Of Variances From The Prince George's County Zoning Ordinance: Section 27-442(C), Table II, Prescribing Maximum Lot Coverage And Section 27-442(E), Table IV, Prescribing Minimum Required
- Motion By:
To: Adopt
Second:
Aye: ___
Nay: ___
Other: _____
- 15-G-122 Approval of a letter to Governor Hogan requesting increased funding for Youth Service Bureaus

ACTION ITEMS

- 15-G-123 Approval of FY '16 Public School Education Grants
- Motion By: Mitchell
To: Approve
Second:
Aye: ___ Nay: ___
Other: _____
- 15-G-124 Award of Contract for Public Works Modular Building RFP CP-16-01 to Modular Genius of Joppa Maryland in an amount not to exceed \$722,445.00
- Motion By: Hew
To: Approve
Second:
Aye: ___ Nay: ___
Other: _____
- 15-G-125 Approval of contract with O'Malley, Miles, Nylen & Gilmore, P.A. for 2016 lobbying services
- Motion By: Dennis
To: Approve
Second:
Aye: ___ Nay: ___
Other: _____

- 15-G-126 Approval of a City FY 2016 application for DHCD’s Technical Assistant Grant for \$25,000 to support a joint City, UMD and CPCUP Safety Ambassador pilot project
 Motion By: Wojahn
 To: Approve
 Second:
 Aye: ___ Nay: ___
 Other: _____
- 15-CR-01 Adoption of Charter Resolution 15-CR-01, A Charter Resolution Of The Mayor And Council Of The City Of College Park, To Amend Article X, Finance And Taxation, §10-2, “Preparation Of Budget”, §10-3, “City Council Action On Budget”, §10-5, “Amendments To Budget After Adoption”, §10-6, “Lapse Of Appropriations”, And §10-11, “Property Subject To Taxation, Rates, Levy And Collections; Admissions And Amusement Tax”, To Generally Clarify Certain Terms And Reflect Current Finance And Taxation Practices By Authorizing Appropriated Funds That Are Lawfully Encumbered To Be Retained And Expended After The End Of The Fiscal Year, Clarifying That Constant Yield Tax Rate Provisions Apply To Setting The Real Property Tax Rate, In Addition To The Public Hearing And Notice Requirements Set By The City, Providing For Additional Public Notice Of The Budget, Clarifying Budget Actions That Require Amendment By Ordinance, And Deleting Outdated Or Incorrect Provisions.
 Motion By: Day
 To: Adopt
 Second:
 Aye: ___
 Nay: ___
 Other: _____
- 15-O-06 Adoption of Ordinance 15-O-06, An Ordinance Of The Mayor And Council Of The City Of College Park, Amending Chapter 4, “Administrative Organization”, §4-4, “Finance Department”, Chapter 42, “Finance”, §§42-2, “Required Signatures”, 42-3, “Certification Of Signatures”, 42-4, “Authorized Signatures”, And 42-6, “Authorized Signatures On Nonrestricted Documents”, And Chapter 69, “Purchasing Procedures” §§69-2, “Materials Excluded” , 69-3, “Responsibilities Of Finance Director” And 69-4 “Professional Service Contracts” To Change The Individuals Who Are Approved Signatories For Certain Accounts, Exclude Goods And Services Acquired From Prince George’s County From Purchasing Procedures; Change The Requirements For Publication Of Required Advertisements For Bids, Set The Threshold At Which The Council Must Approve Contracts For Professional Service Contracts At \$30,000.00 And Require Reporting Of City Manager Approved Contracts To Council Only When Requested
 Motion By: Day
 To: Adopt
 Second:
 Aye: ___
 Nay: ___
 Other: _____
- 15-O-05 Introduction of FY 2016 Budget Amendment #1: An Ordinance of the Mayor and Council of the City of College Park to Amend the Fiscal Year 2016 Operating and Capital Budget of the City of College Park, Maryland
 Motion By: Day
 To: Introduce
 Second:
- 15-G-127 Appointments to Boards and Committees
 Motion By:
 To: Adopt
 Second:
 Aye: ___ Nay: ___
 Other: _____

COUNCIL COMMENTS

COMMENTS FROM THE AUDIENCE

ADJOURN

INFORMATION/STATUS REPORTS (For Council Review)

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

**PUBLIC
HEARING:
CHARTER
AMENDMENT
15-CR-01**

CHARTER RESOLUTION
OF THE MAYOR AND COUNCIL OF THE CITY OF COLLEGE PARK, TO AMEND
ARTICLE X, FINANCE AND TAXATION, §10-2, “PREPARATION OF BUDGET”,
§10-3, “CITY COUNCIL ACTION ON BUDGET”, §10-5, “AMENDMENTS TO
BUDGET AFTER ADOPTION”, §10-6, “LAPSE OF APPROPRIATIONS”, AND §10-
11, “PROPERTY SUBJECT TO TAXATION, RATES, LEVY AND COLLECTIONS;
ADMISSIONS AND AMUSEMENT TAX”, TO GENERALLY CLARIFY CERTAIN
TERMS AND REFLECT CURRENT FINANCE AND TAXATION PRACTICES BY
AUTHORIZING APPROPRIATED FUNDS THAT ARE LAWFULLY ENCUMBERED
TO BE RETAINED AND EXPENDED AFTER THE END OF THE FISCAL YEAR,
CLARIFYING THAT CONSTANT YIELD TAX RATE PROVISIONS APPLY TO
SETTING THE REAL PROPERTY TAX RATE, IN ADDITION TO THE PUBLIC
HEARING AND NOTICE REQUIREMENTS SET BY THE CITY, PROVIDING FOR
ADDITIONAL PUBLIC NOTICE OF THE BUDGET, CLARIFYING BUDGET
ACTIONS THAT REQUIRE AMENDMENT BY ORDINANCE, AND DELETING
OUTDATED OR INCORRECT PROVISIONS.

A Charter Resolution of the Mayor and Council of the City of College Park, Maryland, adopted pursuant to the authority of Article XI-E of the Constitution of Maryland and §4-301 *et seq.*, Local Government Article, Annotated Code of Maryland, as amended.

WHEREAS, the Mayor and Council have determined that certain provisions of Article X, “Finance and Taxation”, require amendment in order to reflect current practice, clarify certain provisions, and delete outdated or incorrect provisions.

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

Section 1. Article X, “Finance and Taxation” §C10-2 “Preparation of budget” be repealed, reenacted and amended to read as follows:

§C10-2 Preparation of budget.

A. – B. * * * *

C. Budget. The proposed budget shall provide a complete financial plan of all city operating funds and activities for the ensuing fiscal year and, except as required by law or this Charter, shall be in such form as the City Manager deems desirable or as the Mayor and Council may require. The proposed budget shall begin with a clear general summary of its contents; shall show in detail all estimated [income] REVENUES, indicating the proposed property tax levy, and all proposed expenditures, including debt service, for the ensuing fiscal year; and shall be

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.

so arranged as to show comparative figures for actual and estimated [~~income~~] REVENUES and expenditures of the current fiscal year and actual revenue and expenditures of the preceding THREE fiscal yearS. It shall indicate in separate sections:

(1) The proposed goals and objectives and expenditures for current operations during the ensuing fiscal year, detailed for each operating fund by organization unit, and program, purpose or activity, and the method of financing such expenditures.

(2) Proposed capital expenditures during the ensuing fiscal year, detailed for each operating fund by PROJECT [~~organization unit when practicable~~], and the proposed method of financing each such capital expenditure.

(3) The anticipated income and expense and profit and loss for the ensuing year for each enterprise fund operated by the city.

D. Balanced budget. For any operating fund, the total of proposed expenditures shall not exceed the total of estimated [~~income~~] REVENUES plus [~~carried forward fund balance or retained earnings, exclusive of reserves~~] A DESIGNATION (IF ANY) OF THE UNASSIGNED FUND BALANCE.

E. General fund; fund balance retention. An amount equal to 25% of the ensuing year's expenditures in the general fund shall be a retention goal in the [~~unappropriated fund balance account~~] UNASSIGNED FUND BALANCE of the general fund.

Section 2. BE IT FURTHER RESOLVED by the Mayor and Council of the City of College Park, Maryland, that Article X, "Finance and Taxation" §C10-3, "City Council action on budget" be repealed, reenacted and amended to read as follows:

§C10-3 City Council action on budget.

A. Notice and hearing.

(1) The city shall [~~publish~~] POST AT CITY HALL, TO THE OFFICIAL CITY WEBSITE, TO THE CITY-MAINTAINED EMAIL LISTSERV, AND ON THE CITY CABLE CHANNEL; AND PUBLISH IN ANY CITY NEWSLETTER [~~in one or more newspapers of general circulation in the City~~] the general summary of the proposed budget, the proposed tax rate and a notice stating:

- (a) The times and places where copies of the message and budget are available for inspection by the public at least two weeks prior to the date of the hearing; and
- (b) The time and place for a public hearing on the proposed budget and proposed tax rate.

THE ENTIRE PROPOSED BUDGET SHALL BE AVAILABLE ON THE CITY WEBSITE AT LEAST TWO WEEKS PRIOR TO THE DATE OF THE HEARING.

B. CONSTANT YIELD TAX RATE. [~~(2) This notice and hearing~~] IN SETTING THE REAL PROPERTY TAX RATE, THE CITY COUNCIL shall conform to the requirementS of § 6-

308, CONSTANT YIELD TAX RATE, of the Tax-Property Article of the Annotated Code of Maryland, as amended from time to time [~~dealing with constant yield tax rate~~].

~~[B.]~~C. Amendment before adoption. After the public hearing, the City Council may adopt the proposed budget with or without amendment in the form of an ordinance, without the need of further advertising or public hearings. In amending the proposed budget, it may add or increase programs or amounts and may deplete or decrease any programs or amounts, except expenditures required by law or for REQUIRED debt service or for an estimated [~~cash~~] deficit, provided that no amendment to the proposed budget shall increase the authorized expenditures to an amount greater than the total estimated [~~income~~] REVENUES plus [~~carried forward fund balance or retained earnings, exclusive of reserves~~] A DESIGNATION (IF ANY) OF THE UNASSIGNED FUND BALANCE.

~~[C.]~~ D. Adoption. The City Council shall adopt the budget on or before May 31 of the fiscal year currently ending. A favorable vote of at least a majority of the total elected membership of the Council shall be necessary for adoption. If it fails to adopt a budget by this date, the budget proposed by the City Manager shall go into effect.

~~[D.]~~ E. Notification to county of tax rates. Upon adoption, the Finance Director is authorized to notify Prince George's County of the city's tax rate. In the event that the City fails to adopt a budget by May 31, the Finance Director is authorized to notify Prince George's County that the tax rate for the ensuing fiscal year shall be the same rate as proposed by the City Manager.

Section 3. BE IT FURTHER RESOLVED by the Mayor and Council of the City of College Park, Maryland, that Article X, "Finance and Taxation" §C10-5, " Amendments to budget after adoption" be repealed, reenacted and amended to read as follows:

§C10-5. Amendments to budget after adoption. EXCEPT AS PROVIDED IN THIS SECTION, THE CITY MAY NOT EXPEND FUNDS NOT APPROPRIATED AT THE TIME OF THE ANNUAL LEVY FOR THAT PURPOSE.

A. Supplemental appropriations. If the City Manager certifies in writing that there are available for appropriation revenues in excess of those estimated in the budget for the current or prior fiscal year, the City Council, by budget ordinance procedures, may make supplemental appropriations up to the amount of such excess for the fiscal year so certified.

B. Emergency appropriations. To meet a public emergency affecting life, health, property or the public peace, the City Council may make emergency appropriations. Such appropriations may be made by emergency ordinance in accordance with the provisions of §C8-2B.

C. [~~Reduction of~~] INSUFFICIENT appropriations. If at any time during the fiscal year it appears probable to the City Manager that the revenues or fund balances available will be insufficient to finance the expenditures for which appropriations have been authorized, the City Manager shall report to the City Council without delay, indicating the estimated amount of the deficit, any remedial action taken by the City Manager and recommendations as to any other

steps to be taken. The City Council shall then take such further action as it deems necessary to prevent or reduce any deficit and for that purpose it may by budget ordinance procedures reduce one or more appropriations.

D. Transfer of appropriations.

(1) THE COUNCIL MAY EXPEND FUNDS FOR A PURPOSE DIFFERENT FROM THE PURPOSE FOR WHICH THEY WERE APPROPRIATED. At any time the City Council may by ~~resolution~~ ORDINANCE transfer part or all of the unencumbered appropriation from one department, FUND or major organizational unit to the appropriation for other departments, FUNDS, or major organizational units for the current or prior fiscal year.

(2) The City Manager may transfer part or all of any unencumbered appropriation balance ~~[among programs]~~ TO ANOTHER APPROPRIATED PROGRAM OR EXPENDITURE within a department or organizational unit ~~[or among departments or organizational units within a fund. Such transfers between departments or organizational units within a fund require subsequent written notification to the City Council as to the reason and amounts of the transfer.]~~

E. Limitation; effective date. No appropriation for debt service may be reduced or transferred, and no appropriation may be reduced below any amount required by law to be appropriated or by more than the amount of the unencumbered balance thereof. The supplemental and emergency appropriations and reduction or transfer of appropriations authorized by this section may be made effective immediately upon adoption.

F. VOTE REQUIRED. A TWO-THIRDS (2/3) VOTE OF ALL MEMBERS OF THE CITY COUNCIL SHALL BE REQUIRED FOR THE AUTHORIZATION OF SUPPLEMENTAL AND EMERGENCY APPROPRIATIONS, REDUCTION OF APPROPRIATIONS, OR TRANSFER OF APPROPRIATIONS FROM ONE DEPARTMENT, FUND OR MAJOR ORGANIZATIONAL UNIT TO ANOTHER.

Section 4. BE IT FURTHER RESOLVED by the Mayor and Council of the City of College Park, Maryland, that Article X, “Finance and Taxation” §C10-6, “ Lapse of appropriations” be repealed, reenacted and amended to read as follows:

§C10-6. Lapse of appropriations.

Every appropriation, except an appropriation for a capital projects fund expenditure, shall lapse at the close of the fiscal year to the extent that it has not been expended OR LAWFULLY ENCUMBERED. An appropriation for a capital projects fund expenditure shall continue in force until expended, revised or repealed [~~; the purpose of any such appropriation shall be deemed abandoned if three years pass without any disbursement from or encumbrance of the appropriation].~~

Section 5. BE IT FURTHER RESOLVED by the Mayor and Council of the City of College Park, Maryland, that Article X, “Finance and Taxation” §C10-9, “ City Council action on capital improvement program” be repealed, reenacted and amended to read as follows:

§C10-9. City Council action on capital improvement program.

A. Notice and hearing.

(1) The city shall ~~[publish in one or more newspapers of general circulation in the City]~~ POST AT CITY HALL, TO THE OFFICIAL CITY WEBSITE, TO THE CITY-MAINTAINED EMAIL LISTSERV, AND ON THE CITY CABLE CHANNEL; AND PUBLISH IN ANY CITY NEWSLETTER the general summary of the proposed capital improvement program and a notice stating:

(a) The times and places where copies of the proposed capital improvement program are available for inspection by the public at least two weeks prior to the date of the hearing; and

(b) The time and place for a public hearing on the proposed capital improvement program.

~~[(2) This notice and hearing shall conform to the requirement of the Tax Property Article of the Annotated Code of Maryland, as amended from time to time dealing with constant yield tax rate].~~

B. Adoption. The City Council by resolution shall adopt the capital improvement program with or without amendment after the public hearing and on or before May 31 of the fiscal year currently ending.

Section 6. BE IT FURTHER RESOLVED by the Mayor and Council of the City of College Park, Maryland, that Article X, “Finance and Taxation” §C10-11, “ Property subject to taxation, rates, levy and collections; admissions and amusement tax” be repealed, reenacted and amended to read as follows:

§C10-11. Property subject to taxation, rates, levy and collections; admissions and amusement tax

A. * * * *

B. Personal property within the corporate limits of the city, except for property that is exempt under the law, such as University of Maryland property as set forth in § C12-4 of the City Charter, shall be subject to taxation for municipal purposes and shall be levied upon assessments made by ~~[Prince George's County, Maryland, or by]~~ the State Department of Assessments and Taxation of the State of Maryland ~~[as is now provided by law for the collection of such taxes due Prince George's County].~~

C. – E. * * * *

Section 7. BE IT FURTHER RESOLVED by the Mayor and Council of the City of College Park, Maryland, that Article X, “Finance and Taxation” §C10-12, “Financial statement and independent audit” be repealed, re-enacted and amended to read as follows:

§C10-12. Financial statement and independent audit.

A. * * * * *

B. The Mayor and Council shall provide for an independent annual audit of all city accounts, as required by [~~§ 40 of Article 19~~] §16-305 of the LOCAL GOVERNMENT ARTICLE, Annotated Code of Maryland, as amended from time to time, and may provide for more frequent audits as it deems necessary. Such audits shall be made by a certified public accountant or firm of such accountants who have no personal interest, direct or indirect, in the fiscal affairs of the City government or any of its officers. The accountant or firm chosen as the auditor may not serve for more than four consecutive fiscal years and may not be reengaged/rehired unless at least two fiscal years will have elapsed from the termination of that person's or firm's prior engagement with the city. The Mayor and Council shall designate such accountant or firm pursuant to the city's procedures for purchasing professional services~~], but the designation for any particular fiscal year shall be made not later than 30 days after the beginning of such fiscal year].~~ If the state makes such an audit, the Council may accept it as satisfying the requirements of this subsection.

Section 8. BE IT FURTHER RESOLVED by the Mayor and Council of the City of College Park that, upon formal introduction of this proposed Charter Resolution, the City Clerk shall publish this proposed Charter Resolution or a fair summary thereof in a newspaper having a general circulation in the City of College Park together with a notice setting out the time and place for a public hearing thereon and for its consideration by the Council. The public hearing is hereby set for 7:00 p.m. on the 10th day of November, 2015. All persons interested shall have an opportunity to be heard.

Section 9. BE IT FURTHER RESOLVED that this Charter Resolution is adopted this _____ day of _____, 2015, and that the amendment to the Charter of the City of College Park, hereby proposed by this enactment, shall be and become effective upon the fiftieth (50th) day after its passage by the City unless petitioned to referendum in accordance with §4-304 of the Local Government Article, Annotated Code of Maryland within forty (40) days following its passage. A complete and exact copy of this Charter Resolution shall be posted in the City offices located at 4500 Knox Road, College Park, Maryland for forty (40) days following its passage by the Mayor and Council and a fair summary of the Charter Resolution shall be published in a newspaper having general circulation in the City not less

than four (4) times, at weekly intervals, also within the forty (40) day period following its adoption by the City.

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

Section 11. **BE IT FURTHER RESOLVED** that the City Manager of the City of College Park be, and hereby is specifically enjoined and instructed to carry out the provisions of Sections 9 and 10 as evidence of compliance herewith; and said City Manager shall cause to be affixed to the minutes of this meeting (i) an appropriate Certificate of Publication of the newspaper in which the fair summary of the Charter Resolution shall have been published; and (ii) return receipts of the mailing referred to in Section 3 and shall further cause to be completed and executed the Municipal Charter or Annexation Resolution Registration Form.

INTRODUCED by the Mayor and Council of the City of College Park at a regular meeting on the 27th day of October, 2015.

ADOPTED by the Mayor and Council of the City of College Park at a regular meeting on the _____ day of _____ 2015.

EFFECTIVE the _____ day of _____, 2015.

ATTEST:

CITY OF COLLEGE PARK,

Janeen S. Miller, CMC, City Clerk

By _____
Andrew M. Fellows, Mayor

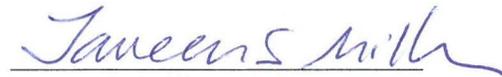
**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:**

Suellen M. Ferguson, City Attorney

Notice of Public Hearing for Charter Resolution 15-CR-01:

- Published in the Washington Post on October 29, 2015
- Posted to City Bulletin Boards and City Website on October 28, 2015
- Posted on Cable Channel on November 2, 2015
- Sent out to College Park Connected email list on November 1, 2015

ATTEST:



Janeen S. Miller
City Clerk



**NOTICE OF PUBLIC HEARINGS
TUESDAY, NOVEMBER 10, 2015
7:00 P.M.
2ND FLOOR COUNCIL CHAMBERS
CITY HALL, 4500 KNOX ROAD
COLLEGE PARK, MD 20740**

Charter Resolution 15-CR-01:

Charter Resolution of the Mayor and Council of the City of College Park, to Amend Article X, Finance and Taxation, §10-2, "Preparation of Budget", §10-3, "City Council Action on Budget", §10-5, "Amendments to Budget After Adoption", §10-6, "Lapse of Appropriations", and §10-11, "Property Subject to Taxation, Rates, Levy and Collections; Admissions and Amusement Tax", to Generally Clarify Certain Terms and Reflect Current Finance and Taxation Practices by Authorizing Appropriated Funds That Are Lawfully Encumbered to be Retained and Expended After the End of the Fiscal Year, Clarifying that Constant Yield Tax Rate Provisions Apply To Setting The Real Property Tax Rate, In Addition To The Public Hearing and Notice Requirements Set By The City, Providing For Additional Public Notice of the Budget, Clarifying Budget Actions That Require Amendment By Ordinance, and Deleting Outdated or Incorrect Provisions.

Ordinance 15-O-06:

An Ordinance of the Mayor and Council of the City of College Park, Amending Chapter 4, "Administrative Organization", §4-4, "Finance Department", Chapter 42, "Finance", §§42-2, "Required Signatures", 42-3, "Certification Of Signatures", 42-4, "Authorized Signatures", And 42-6, "Authorized Signatures On Nonrestricted Documents", and Chapter 69, "Purchasing Procedures" §§69-2, "Materials Excluded", 69-3, "Responsibilities Of Finance Director" And 69-4 "Professional Service Contracts" to Change the Individuals Who Are Approved Signatories For Certain Accounts, Exclude Goods and Services Acquired From Prince George's County From Purchasing Procedures; Change the Requirements for Publication of Required Advertisements For Bids, Set the Threshold at Which the Council Must Approve Contracts For Professional Service Contracts At \$30,000.00 and Require Reporting of City Manager Approved Contracts to Council Only When Requested

Copies of these Ordinances may be obtained from the City Clerk's Office, 4500 Knox Road, College Park, MD 20740, call 240-487-3501, or visit www.collegeparkmd.gov. In accordance with the Americans with Disabilities Act, if you need special assistance, please contact the City Clerk's Office and describe the assistance that is necessary. City Clerk's Office: 240-487-3501

**PUBLIC
HEARING:
ORDINANCE
15-0-06**

AN ORDINANCE
OF THE MAYOR AND COUNCIL OF THE CITY OF COLLEGE PARK, AMENDING
CHAPTER 4, “ADMINISTRATIVE ORGANIZATION”, §4-4, “FINANCE
DEPARTMENT”, CHAPTER 42, “FINANCE”, §§42-2, “REQUIRED SIGNATURES”,
42-3, “CERTIFICATION OF SIGNATURES”, 42-4, “AUTHORIZED SIGNATURES”,
AND 42-6, “AUTHORIZED SIGNATURES ON NONRESTRICTED DOCUMENTS”,
AND CHAPTER 69, “PURCHASING PROCEDURES” §§69-2, “MATERIALS
EXCLUDED” , 69-3, “RESPONSIBILITIES OF FINANCE DIRECTOR” AND 69-4
“PROFESSIONAL SERVICE CONTRACTS” TO CHANGE THE INDIVIDUALS WHO
ARE APPROVED SIGNATORIES FOR CERTAIN ACCOUNTS, EXCLUDE GOODS
AND SERVICES ACQUIRED FROM PRINCE GEORGE’S COUNTY FROM
PURCHASING PROCEDURES; CHANGE THE REQUIREMENTS FOR
PUBLICATION OF REQUIRED ADVERTISEMENTS FOR BIDS, SET THE
THRESHOLD AT WHICH THE COUNCIL MUST APPROVE CONTRACTS FOR
PROFESSIONAL SERVICE CONTRACTS AT \$30,000.00 AND REQUIRE REPORTING
OF CITY MANAGER APPROVED CONTRACTS TO COUNCIL ONLY WHEN
REQUESTED

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

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

WHEREAS, pursuant to this authority, the City enacted Chapter 4, “Administration”, Chapter 42, “Finance” and Chapter 69 “Purchasing Procedures” to establish the ways in which the City can acquire certain items, services and materials; and

WHEREAS, the Mayor and Council have determined there is a need to change the individuals who are approved signatories for certain accounts, exclude goods and services

CAPS
 [Brackets]
 Asterisks * * *

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

acquired from Prince George's County from purchasing procedures; change the requirements for publication of required advertisement for bids, set the threshold at which the Council must approve contracts for professional service contracts at \$30,000.00 and to require reporting of City Manager approved contracts to Council only when requested.

Section 1. NOW, THEREFORE, BE IT ORDAINED AND ENACTED, by the Mayor and Council of the City of College Park, Maryland, that Chapter 4 "Administrative Organization", §4-4, "Finance Department" of the Code of the City of College Park be, and is hereby, repealed, reenacted and amended to read as follows:

§4-4. Finance Department.

The Finance Department shall be responsible for the following operations and such other operations as may hereafter be assigned thereto by the Mayor and City Council and/or the City Manager:

A. - F. * * * *

G. Investments of City moneys made by the Finance Director and/or City Manager under the provisions of [~~Article 95, § 22~~] §17-101 *ET SEQ.*, of the LOCAL GOVERNMENT ARTICLE, Annotated Code of Maryland.

H. All of the several financial affairs and operations of the City as to collections.

(1) The Director is authorized to write off uncollectible accounts, defined as those that do not lend themselves to collection in an economically practicable way. Any such account balance in excess of [~~\$100~~] \$1,000.00 would require the written approval of the City Manager.

(2) Subject to review by the City Manager, the Director is authorized to establish collection procedures which will set appropriate levels of collection for various dollar amounts delinquent.

(3) Subject to review by the City Manager, the Director is authorized to negotiate payment terms with delinquent accounts, and this authorization extends to freezing additional penalties and/or interest if payments are received by the City as negotiated. Nothing herein shall be construed as authorizing forgiveness of any past due indebtedness or interest or penalties, unless such forgiveness of interest or lateness penalties is part of an advertised program of amnesty directed, not at an individual but at an inclusive group of code violators or an inclusive group of accounts for a given revenue source. Any such amnesty program shall be of limited duration, shall be effective for violations committed or delinquent accounts for a given revenue

source during a specified period of time and shall require the authorization of the City Manager.

I. * * * *

Section 2. **BE IT FURTHER ORDAINED AND ENACTED**, by the Mayor and Council of the City of College Park, Maryland, that Chapter 42 “Finance”, §42-2, “Authorized signatures” of the Code of the City of College Park be, and is hereby, repealed, reenacted and amended to read as follows:

§42-2. Authorized signatures.

A. Authorized signatures on all checks drawn against the payroll account shall be those of the Finance Director countersigned by the City Manager, or, in the absence of either of the foregoing, payroll checks may be countersigned by the [~~Mayor~~] DEPUTY DIRECTOR OF FINANCE.

B. Authorized signatures for disbursements from all other accounts shall be those of the Finance Director countersigned by the [~~Mayor~~] CITY MANAGER, or, in the absence of either of the foregoing, all checks may be countersigned by the [~~City Manager~~] DEPUTY DIRECTOR OF FINANCE.

Section 3. **BE IT FURTHER ORDAINED AND ENACTED**, by the Mayor and Council of the City of College Park, Maryland, that Chapter 42 “Finance”, Article I, “Maintenance of bank accounts”, §42-3, “Certification of signatures” of the Code of the City of College Park be, and is hereby, repealed, reenacted and amended to read as follows:

§42-3. Certification of signatures.

Signatures of the [~~Mayor,~~] City Manager, FINANCE DIRECTOR and DEPUTY DIRECTOR OF Finance [~~Director~~] shall be duly certified to the depositories, and no checks drawn against any account of the City of College Park shall be valid unless so signed and countersigned. These certifications shall remain in effect until written notice of any change in incumbent is duly served upon said depository.

Section 4. **BE IT FURTHER ORDAINED AND ENACTED**, by the Mayor and Council of the City of College Park, Maryland, that Chapter 42 “Finance”, Article II, “Short term notes; tax anticipation warrants”, §42-4, “Authorized signatures” of the Code of the City of College Park be, and is hereby, repealed, reenacted and amended to read as follows:

§42-4. Authorized signatures

Any two of the following listed three City officials do represent the Mayor and Council and do have authority to sign and execute any short-term notes and/or anticipation warrants:

- A. The [~~Mayor~~] CITY MANAGER.
- B. The Finance Director.
- C. The [~~City Manager~~] DEPUTY DIRECTOR OF FINANCE.

Section 5. **BE IT FURTHER ORDAINED AND ENACTED**, by the Mayor and Council of the City of College Park, Maryland, that Chapter 42 “Finance”, Article III, “Miscellaneous validations”, §42-6, “Authorized signatures on nonrestricted documents” of the Code of the City of College Park be, and is hereby, repealed, reenacted and amended to read as follows:

§42-6. Authorized signatures on nonrestricted documents.

A. The [~~Mayor, the~~] City Manager, THE FINANCE DIRECTOR and the [~~Finance~~] DEPUTY Director OF FINANCE are authorized to sign checks, savings withdrawal slips, certificates of deposit and any and all other financial instruments not specifically restricted to the signature of a designated official.

B. The signatures of any two of the above-named officials will validate such documents.

Section 6. **BE IT FURTHER ORDAINED AND ENACTED** by the Mayor and Council of the City of College Park that, that Chapter 69 “Purchasing Procedures”, §69-2, “Materials excluded” of the Code of the City of College Park be, and is hereby, repealed, re-enacted and amended to read as follows:

§69-2. Materials excluded.

A. Items, services or materials of not more than \$30,000 in value and authorized in the Appropriation Ordinance for the current year may be purchased on negotiation at the direction of the City Manager in a manner approved by him/her. Items, materials or services obtained from utility companies having exclusive franchises in the area OR FROM PRINCE GEORGE'S COUNTY are excluded from the provisions of this chapter. Items, materials or services supplied to the City by a contractor or developer as part of a permit-approved improvement are not subject to the provisions of this chapter.

B. * * * *

C. Nothing in this section shall be deemed to require the City Manager to use another jurisdiction's bid process when purchasing items, services and materials. The City Manager retains the right to issue a request for proposals for all items, services and materials purchased by the City. Upon deciding to award a contract where the approval of the Mayor and Council is not required, the City Manager shall immediately notify the Mayor and Council of the purchase IF REQUESTED TO DO SO BY THE MAYOR AND COUNCIL. The notification shall contain:

- (1) A description of the item, service or material purchased;
- (2) The cost of the item, service or material;
- (3) Who is providing the item, service or material;
- (4) A description of the bid process used; and
- (5) A statement as to whether the successful bidder was the lowest most responsive and responsible bidder, and if not, why not.

Section 7. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that, that Chapter 69 "Purchasing Procedures", §69-3, "Responsibilities of Finance Director" of the Code of the City of College Park be, and is hereby, repealed, reenacted and amended to read as follows:

§69-3. Responsibilities of Finance Director.

It shall be the responsibility of the Finance Director to provide for the direction of the purchasing function, as specified in the Administrative Ordinance.^[1] In that connection and under the general supervision of the City Manager, he/she shall:

A. * * * *

B. Provide notice [~~in at least one newspaper of general circulation in Prince George's County for~~] IN EMARYLAND MARKETPLACE a minimum of one week prior to the date set for the

opening of bids. Said notice shall include a brief description of the item or items to be bid, the time and location where specifications may be obtained for the item or items to be bid, the time and date on which sealed bids are to be received, the location to which bids are to be returned and any special conditions to which the item or items may be subject. The notice shall contain the time, date and location of the bid opening, and all such openings are to be public. The notice shall also contain the name of the authorizing officer.

C. - E. * * * *

Section 8. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that, that Chapter 69 “Purchasing Procedures”, §69-4, “Professional service contracts” of the Code of the City of College Park be, and is hereby, repealed, reenacted and amended to read as follows:

§69-4. Professional service contracts.

A. - C. * * * * *

D. Nothing in this section shall be construed as limiting the power of the City Manager to negotiate for and purchase professional or other services of not more than ~~[\$7,500]~~ \$30,000.00 in value.

Section 9. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that, upon formal introduction of this proposed Ordinance, which shall be by way of a motion duly seconded and without any further vote, the City Clerk shall distribute a copy to each Council member and shall maintain a reasonable number of copies in the office of the City Clerk and shall publish this proposed ordinance or a fair summary thereof in a newspaper having a general circulation in the City of College Park together with a notice setting out the time and place for a public hearing thereon and for its consideration by the Council. The public hearing, hereby set for 7:00 p.m. on the 10th day of November, 2015, 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

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

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 _____, 2015 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 27th day of October, 2015.

ADOPTED by the Mayor and Council of the City of College Park, Maryland at a regular meeting on the _____ day of _____ 2015.

EFFECTIVE the _____ day of _____, 2015.

ATTEST:

CITY OF COLLEGE PARK,

Janeen S. Miller, CMC, City Clerk

Andrew M. Fellows, Mayor

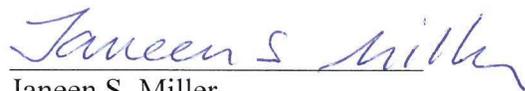
**APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:**

Suellen M. Ferguson, City Attorney

Notice of Public Hearing for Ordinance 15-O-06:

- Published in the Washington Post on October 29, 2015
- Posted to City Bulletin Boards and City Website on October 28, 2015
- Posted on Cable Channel on November 2, 2015
- Sent out to College Park Connected email list on November 1, 2015

ATTEST:



Janeen S. Miller
City Clerk



**NOTICE OF PUBLIC HEARINGS
TUESDAY, NOVEMBER 10, 2015
7:00 P.M.
2ND FLOOR COUNCIL CHAMBERS
CITY HALL, 4500 KNOX ROAD
COLLEGE PARK, MD 20740**

Charter Resolution 15-CR-01:

Charter Resolution of the Mayor and Council of the City of College Park, to Amend Article X, Finance and Taxation, §10-2, "Preparation of Budget", §10-3, "City Council Action on Budget", §10-5, "Amendments to Budget After Adoption", §10-6, "Lapse of Appropriations", and §10-11, "Property Subject to Taxation, Rates, Levy and Collections; Admissions and Amusement Tax", to Generally Clarify Certain Terms and Reflect Current Finance and Taxation Practices by Authorizing Appropriated Funds That Are Lawfully Encumbered to be Retained and Expended After the End of the Fiscal Year, Clarifying that Constant Yield Tax Rate Provisions Apply To Setting The Real Property Tax Rate, In Addition To The Public Hearing and Notice Requirements Set By The City, Providing For Additional Public Notice of the Budget, Clarifying Budget Actions That Require Amendment By Ordinance, and Deleting Outdated or Incorrect Provisions.

Ordinance 15-O-06:

An Ordinance of the Mayor and Council of the City of College Park, Amending Chapter 4, "Administrative Organization", §4-4, "Finance Department", Chapter 42, "Finance", §§42-2, "Required Signatures", 42-3, "Certification Of Signatures", 42-4, "Authorized Signatures", And 42-6, "Authorized Signatures On Nonrestricted Documents", and Chapter 69, "Purchasing Procedures" §§69-2, "Materials Excluded", 69-3, "Responsibilities Of Finance Director" And 69-4 "Professional Service Contracts" to Change the Individuals Who Are Approved Signatories For Certain Accounts, Exclude Goods and Services Acquired From Prince George's County From Purchasing Procedures; Change the Requirements for Publication of Required Advertisements For Bids, Set the Threshold at Which the Council Must Approve Contracts For Professional Service Contracts At \$30,000.00 and Require Reporting of City Manager Approved Contracts to Council Only When Requested

Copies of these Ordinances may be obtained from the City Clerk's Office, 4500 Knox Road, College Park, MD 20740, call 240-487-3501, or visit www.collegeparkmd.gov. In accordance with the Americans with Disabilities Act, if you need special assistance, please contact the City Clerk's Office and describe the assistance that is necessary. City Clerk's Office: 240-487-3501

MINUTES

MINUTES
Regular Meeting of the College Park City Council
Tuesday, October 27, 2015
Council Chambers
7:33 p.m. – 9:05 p.m.

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

ABSENT: Councilmember Hew.

ALSO PRESENT: Bill Gardiner, Acting City Manager; Janeen Miller, City Clerk; Suellen Ferguson, City Attorney; Steve Groh, Director of Finance; Bob Ryan, Director of Public Services; Jim Miller, Parking Enforcement Manager; Cole Holocker, Student Liaison; Adler Pruitt, Deputy Student Liaison.

Mayor Fellows opened the Regular Meeting at 7:33 p.m. Councilmember Dennis led the Pledge of Allegiance.

Minutes: A motion was made by Councilmember Dennis and seconded by Councilmember Day to approve the confidential minutes of the closed session on September 1, 2015, the Special Session on October 6, 2015, and the Regular Meeting on October 13, 2015. The motion passed 7 – 0 – 0.

Announcements: None.

Amendments to the Agenda: Councilmember Mitchell moved 15-G-116 and 15-G-117 to the Consent Agenda. Councilmember Kabir added 15-G-119 (Winter Coat Drive) and 15-G-120 (Community Health Fair) to the Consent Agenda. Councilmember Kabir announced he would be making a motion later in the meeting to designate the 5100 block of Mineola Road as a Permit Parking zone (15-G-121). Mr. Gardiner said to remove the Introduction of 15-O-05 from tonight's agenda – this item will return at the next Worksession.

City Manager's Report: Mr. Gardiner announced that City elections are November 3. He said the City Manager's Weekly Bulletin is distributed through College Park Connected and is posted on our website. The Council Worksession is on Wednesday next week.

Student Liaison's Report: Mr. Holocker congratulated the UMD Police Department on their IACP Community Policing award. He discussed last week's Safety Walk.

Comments From The Audience on Non-Agenda Items:

James Mulholland, 7411 Columbia Avenue, Member, Phi Kappa Psi: Discussed their recent clean-up efforts.

Thomas Tanner, Vice President, Branchville Volunteer Fire Company: He announced the death of the Past President of the Ladies Auxiliary, Grace Gardiner.

Sarah Jazs Araghi, Recreation Board: She discussed the College Park Blues Festival which is on November 14.

CONSENT AGENDA: A motion was made by Councilmember Mitchell and seconded by Councilmember Stullich to adopt the Consent Agenda, which consisted of the following items:

- 15-G-116 Approval of an application for PY 42 CDBG funding for The Art House in the amount of \$100,000**
- 15-G-117 Approval of an application for PY 42 CDBG funding for Norwich Road in the amount of \$100,000**
- 15-G-119 City participation in a Winter Coat Drive through One Warm Coat and expenditure of \$100.00**
- 15-G-120 City (non-monetary) Sponsorship of the Community Health Fair**

The motion passed 7 – 0 – 0.

ACTION ITEMS:

- 15-G-113 Council Action on Residential Permit Restricted Parking in the 5200 block of Mineola Road**

A motion was made by Councilmember Kabir and seconded by Councilmember Mitchell to approve residential permit restricted parking in the 5200 block of Mineola Road with 2 parking permits per house, 24/7 enforcement, and two visitors permits per house.

There were no audience comments due to the earlier public hearing

Councilmember Wojahn recognizes that there is a parking problem, but said the solution is not so easy. If you restrict parking to two cars per house, the additional cars are just going to move down the street. Handling the problem one block at a time is not the right approach; we need a comprehensive approach.

A motion was made by Councilmember Wojahn and seconded by Councilmember Stullich to table this until November 24 to give us time to look at the entire block and give public notice to the additional residents that would be impacted.

Councilmember Stullich said she is sympathetic to the residents but supports the idea of dealing with the broader area at one time.

Councilmember Kabir said tabling this action is not necessary. We can move forward with the 5200 block tonight and not make the residents wait any longer.

Councilmember Brennan is sympathetic and agrees that a solution is needed, but is concerned about the unintended consequences if we move too quickly without hearing from the people who are not here tonight that would be impacted. He doesn't believe a one-block solution is what is needed.

Councilmember Dennis asked how we will address any unintended spillover to streets in other parts of the neighborhood? Mr. Ryan said it will take 30-60 days to get the signs ordered, installed and then issue the permits. Then there would be a two-week warning period.

Motion to Table:

Aye: Wojahn, Brennan, Stulich

Nay: Kabir, Dennis, Day Mitchell

Motion to table fails 3 – 4 – 0.

Vote on the main motion (Residential Permit Restricted Parking in the 5200 block of Mineola Road, 2 parking permits per house, 2 visitors permits per house, with 24/7 enforcement):

The motion passed 6 – 0 – 1 (Councilmember Wojahn abstained).

15-G-121 Designate a new permit parking zone in the 5100 block of Mineola Road, 3 permits per house, 24/7 enforcement, with 2 visitors permits per house.

A motion was made by Councilmember Kabir and seconded by Councilmember Mitchell to designate a new permit parking zone in the 5100 block of Mineola Road, 3 permits per house, 24/7 enforcement, with 2 visitors permits per house.

Comments from the audience:

Christine Nagle: Asked the Council to move forward on this as quickly as possible.

Councilmember Wojahn said our previous vote leaves us no choice but to move forward quickly and wants to make sure that we provide notice of the Public Hearing to the surrounding streets.

The motion passed 7 – 0 – 0.

15-G-114 Approval of a Letter to the Department of Housing and Community Development on the application by Cruz Development Corporation for state financing for the Branchville Crossing project

A motion was made by Councilmember Dennis and seconded by Councilmember Day to send the attached letter to the Director of Multifamily Housing at the Maryland Department of Housing and Community Development with the City's comments on the application by the Cruz Development Corporation for state financing for the Branchville Crossing Project.

Councilmember Dennis said this application is for federal Low Income Tax Credits and state Rental Housing Funds for a 72-unit, 6-story affordable rental housing building located on Branchville Road opposite the Branchville Volunteer Fire Department. Funding is competitive and the DHCD will consider the comments of the local jurisdiction during the application review process. The letter addresses many concerns expressed by community stakeholders during meetings with the developer.

Comments from the audience:

Thomas Tanner, Vice President, Branchville Volunteer Fire Company: Mr. Tanner referred to his written comments that were submitted earlier. He approves of the letter. He notified the Council that Branchville has pending litigation with Cruz disputing ownership of the property.

Councilmember Brennan asked our legal counsel how that pending litigation might impact the proposal that is before the City Council. Ms. Ferguson said we don't control the process for that application and she doesn't know what weight the pending litigation will be given. Until a judge decides otherwise, Cruz Development owns the property.

Elaine Grant, 8711 Rhode Island Avenue: She wants to make sure College Park's growth meets the needs of people from diverse economic backgrounds and feels there is a strong, unmet need for affordable housing in our community. The lack of affordable housing has the most impact on female heads of households. This housing would be occupied predominately by residents who earn \$68,000 with rents from \$1,300-\$1,900. We are talking about the middle class – teachers, firefighters, police, University employees - who should be able to live near where they work. She doesn't want College Park to take any action that would push them out of College Park. She said the letter does not make reference to the lack of affordable housing that exists now.

Todd Larsen, 8711 Rhode Island Avenue: At a recent meeting he learned that the property is zoned R-10 and this project is likely to move forward, so it is important to work with the developer to make this the best project it can be, rather than oppose it. It will provide affordable housing for people starting their careers who want to live near their work. When he finished grad school his first job paid \$28,000 and he would have appreciated such housing. We have very little affordable housing now, which our letter should reflect.

Sarah Jazs, 9700 block Wichita: She commutes past this property and believes this is not the right location for a housing development. She cited the traffic impacts. How would it be pedestrian or bicycle friendly?

Councilmember Dennis said this letter only addresses their application for financing. There are a lot of concerns about the development itself. The discussion about the need for affordable housing should be a different discussion.

A motion was made by Councilmember Wojahn and seconded by Councilmember Brennan to amend the letter by adding a second bullet: "On the other hand, it is important to emphasize the large demand for affordable housing in this area that is evidenced by the long waiting lists for local affordable housing developments. For example, the Alden-Berkley Townhomes in College Park are currently full and not accepting additional applicants on their waiting list. Currently, a search on the LowIncomeHousing.us website demonstrates the closest affordable housing development to College Park that has vacancies available for rent is Capitol Commons located in Washington, DC. Senior housing such as Attick Towers and Spellman House are also full and have long waiting lists."

Councilmember Dennis said senior housing is not proposed for this development. He does not support the amendment.

Councilmember Wojahn said this is factual information that helps shed light on affordable housing in College Park.

Comments from the audience on the amendment:

Chad Stern, 8513 48th Avenue: The market study specifies other affordable housing in the area and their wait lists.

Celeste Roschuni, 4913 Tecumseh: Supports the amendment; it indicates that the market study is not completely wrong.

Councilmember Brennan supports the amendment because it reflects the community discussion and balances the tone we are trying to convey.

Councilmember Day doesn't want to dilute the message in this letter. This letter is about financing. He does not support the amendment.

Councilmember Mitchell called the question.

On the amendment:

Aye: Wojahn, Brennan, Stullich

Nay: Kabir, Dennis, Day, Mitchell

The amendment fails 3– 4 – 0.

Vote on the main motion:

The motion passed 7 – 0 – 0.

15-G-115 Support for the City Operations Sustainability Plan

A motion was made by Councilmember Stullich and seconded by Councilmember Day to express the Council's support for the City Operations Sustainability Plan, and request that the City Manager begin implementation of the Plan.

Councilmember Stullich said in 2014 the City Council authorized an inter-departmental task force to develop a plan that would reduce carbon emissions and other environmental and unhealthy impacts created by City operations; coordinate sustainable practices across all City operations; position the City as an organization receptive to innovation and leading practices in sustainability; improve the quality of life for residents; and conserve financial and capital resources. The task force has developed a City Operations Sustainability Plan that includes goals and recommended strategies for the following areas of City Operations: Solid Waste and Recycling, Buildings and Public Areas, City-wide Policies and Events, and Fleet and Transportation. The Implementation Plan identifies the responsible departments, the timelines, and the resources required to carry out the actions. Reducing the impact of City operations on the environment will be challenging and require changes in City functions and services. However, other organizations, including the University of Maryland, have successfully implemented similar plans. With support from Council, commitment by staff, and excellent

communications with residents, College Park can reduce its impact on the environment and become a regional leader in sustainability.

There were no comments from the audience or the Council.

The motion passed 7 – 0 – 0.

15-CR-01 Introduction of Charter Resolution 15-CR-01, A Charter Resolution Of The Mayor And Council Of The City Of College Park, To Amend Article X, Finance And Taxation, §10-2, “Preparation Of Budget”, §10-3, “City Council Action On Budget”, §10-5, “Amendments To Budget After Adoption”, §10-6, “Lapse Of Appropriations”, And §10-11, “Property Subject To Taxation, Rates, Levy And Collections; Admissions And Amusement Tax”, To Generally Clarify Certain Terms And Reflect Current Finance And Taxation Practices By Authorizing Appropriated Funds That Are Lawfully Encumbered To Be Retained And Expended After The End Of The Fiscal Year, Clarifying That Constant Yield Tax Rate Provisions Apply To Setting The Real Property Tax Rate, In Addition To The Public Hearing And Notice Requirements Set By The City, Providing For Additional Public Notice Of The Budget, Clarifying Budget Actions That Require Amendment By Ordinance, And Deleting Outdated Or Incorrect Provisions.

A motion was made by Councilmember Day and seconded by Councilmember Dennis to introduce Charter Amendment 15-CR-01.

Councilmember Day read the title. Mayor Fellows announced that the Public Hearing will be November 10, 2015 at 7:00 p.m. in the Council Chambers.

15-O-06 Introduction of Ordinance 15-O-06, An Ordinance Of The Mayor And Council Of The City Of College Park, Amending Chapter 4, “Administrative Organization”, §4-4, “Finance Department”, Chapter 42, “Finance”, §§42-2, “Required Signatures”, 42-3, “Certification Of Signatures”, 42-4, “Authorized Signatures”, And 42-6, “Authorized Signatures On Nonrestricted Documents”, And Chapter 69, “Purchasing Procedures” §§69-2, “Materials Excluded” , 69-3, “Responsibilities Of Finance Director” And 69-4 “Professional Service Contracts” To Change The Individuals Who Are Approved Signatories For Certain Accounts, Exclude Goods And Services Acquired From Prince George’s County From Purchasing Procedures; Change The Requirements For Publication Of Required Advertisements For Bids, Set The Threshold At Which The Council Must Approve Contracts For Professional Service Contracts At \$30,000.00 And Require Reporting Of City Manager Approved Contracts To Council Only When Requested

A motion was made by Councilmember Day and seconded by Councilmember Dennis to introduce Ordinance 15-O-06.

Councilmember Day read the title. Mayor Fellows announced that the Public Hearing will be November 10, 2015 at 7:00 p.m. in the Council Chambers.

15-G-118 Appointments to Boards and Committees

A motion was made by Councilmember Stulich and seconded by Councilmember Dennis to appoint Javid Farazad to the Advisory Planning Commission, and to reappoint James Garvin to the Airport Authority for a three-year term. The motion passed 7 – 0 – 0.

COUNCIL COMMENTS:

Councilmember Kabir announced the winter coat drive from November 9 – 29, with collection boxes at Davis Hall, City Hall and Youth and Family Services. He also announced the Community Health Fair at the MOM/REI shopping center on Saturday, November 7.

COMMENTS FROM THE AUDIENCE: None.

ADJOURN: A motion was made by Councilmember Dennis and seconded by Councilmember Stulich to adjourn the meeting and with a vote of 7 – 0 – 0, Mayor Fellows adjourned the meeting at 9:05 p.m.

Janeen S. Miller, CMC
City Clerk

Date
Approved

15- R-24

RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLLEGE PARK, MARYLAND ADOPTING THE RECOMMENDATIONS OF THE ADVISORY PLANNING COMMISSION REGARDING VARIANCE APPLICATION NUMBER CPV-2015-06, 9603 53RD AVENUE, COLLEGE PARK, MARYLAND, RECOMMENDING APPROVAL OF VARIANCES FROM THE PRINCE GEORGE'S COUNTY ZONING ORDINANCE: SECTION 27-442(C), TABLE II, PRESCRIBING MAXIMUM LOT COVERAGE AND SECTION 27-442(E), TABLE IV, PRESCRIBING MINIMUM REQUIRED SETBACKS

- WHEREAS**, the City of College Park, Maryland (hereinafter, the "City") has, pursuant to §190-1 *et seq.*, and in accordance with Section 27-924 of the Prince George's County Zoning Ordinance (hereinafter, "Zoning Ordinance"), enacted procedural regulations governing any or all of the following: departures from design and landscaping standards, parking and loading standards, sign design standards, and variances for lot size, setback, and similar requirements for land within the corporate boundaries of the City, alternative compliance from landscaping requirements, certification, revocation, and revision of nonconforming uses, and minor changes to approved special exceptions; and
- WHEREAS**, the City is authorized by the Ordinance to grant an application for a waiver or variance for lot size, setback, and similar requirements where, by reason of exceptional narrowness, shallowness, shape, topography, or other extraordinary situation or condition of the specific parcel of property, the strict application of the Zoning Ordinance would result in peculiar and unusual practical difficulties or an exceptional or undue hardship upon the owner of the property, and a variance can be granted without substantial impairment of the intent, purpose and integrity of the General Plan or Master Plan; and
- WHEREAS**, Section 27-422 (c), Table II, of the Prince George's County Zoning Ordinance prescribes a maximum lot coverage of 5% in the O-S zoning district; and
- WHEREAS**, Section 27-442(e), Table IV of the Prince George's County Zoning Ordinance prescribes a minimum side yard setback of 20 feet in the O-S zoning district; and
- WHEREAS**, the Advisory Planning Commission (hereinafter "APC") is authorized by §190-3 of the City Code to hear requests for variances from the terms of the Zoning Ordinance with respect to lot size, setback, and other requirements from which a variance may be granted by the Prince George's County Board of Appeals, including variances from Section 27-442(c) of the Prince George's County Zoning Ordinance, and to make recommendations to the Mayor and Council in connection therewith; and

WHEREAS, on September 8, 2015, Neil Ordiers (hereinafter, the “Applicant”), submitted an application for variances from Prince George’s County Zoning Ordinance, Section 27-442 (c), Table II, and Section 27-442 (e), Table IV to permit the applicant to construct an addition at the premises known as 9603 53rd Avenue, College Park, Maryland (the “Property”); and

WHEREAS, on October 1, 2015, the APC conducted a hearing on the merits of the application, at which time the APC heard testimony and accepted evidence, including the staff report and Exhibits 1 – 10 with respect to whether the subject application meets the standards for granting variances set forth in the Ordinance.

WHEREAS, based upon the evidence and testimony presented, the APC voted 4-0-0 to recommend that the variances be granted; and

WHEREAS, the Mayor and Council are authorized by §190-6 to accept or deny the recommendation of the APC with respect to variance requests; and

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

WHEREAS, no exceptions have been filed; and

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

Section 1. Findings of Fact

- 1.1 The property is located at 9603 53rd Avenue in the Daniels’ Park subdivision and is zoned O-S (“Property”).
- 1.2 The Property is irregular in shape and has an area of 9,150 square feet.
- 1.3 The front property line measures 113 feet, the rear property line measures 70 feet, the eastern side property line measures 109 feet, and the western side property line measures 100 feet.
- 1.4 The Property is improved with a one-story single family home, detached garage now used as a shed, and driveway.
- 1.5 The surrounding neighborhood is zoned R-55, single-family detached residential and O-S, open space.
- 1.6 The existing home was constructed in 1960 and the subdivision dates to 1906.

- 1.7 There are a total of 5 single-family residential properties in the O-S zone in this area, two on Kenesaw Street and three on the east side of 53rd Avenue (including the applicant's property). These properties, all originally zoned R-55, have developed similarly to the Property in terms of lot size, setbacks, house size, etc. None of these properties now comply with the minimum O-S development standards (net lot area, lot width/frontage at the front building line, and front and side yard setbacks).
- 1.8 The existing improvements on the Property were constructed before it was re-zoned from R-55 to O-S and are grandfathered. The Property complies with all the R-55 requirements, and no variance would be required for the addition if the Property were still zoned R-55.
- 1.9 The Property is adjacent to the Davis Field Playground and City-owned property that features a stormwater management pond.
- 1.10 The applicant applied for and was granted a variance for this same addition on November 9, 2011 but did not apply for a building permit until November 14, 2014, over a year after the variance expired. The dimensions of the grandfathered addition are increased only a small amount by this variance.
- 1.11 The original variance was to allow the applicant to construct a 6-inches by 8-foot addition (rounded up to 1-foot by 8-foot) to an existing 8.0-foot by 12.6-foot addition for a total dimension of 8-feet by 13-feet. This original addition was not built according to code and has been torn down. The applicant proposes to build a new 8-foot by 13-foot addition, to the same dimensions as originally approved. The lot coverage variance has been reduced from the original request because the applicant has reduced the size of his driveway.
- 1.12 The applicant states in his application that he did not obtain a building permit within the two-year time frame due to financial reasons but that he did comply with the condition of the original variance which specifically required that "the Applicant remove the concrete that connects the gravel driveway to the garage." Staff field verified that this condition was met.
- 1.13 In response to a concern about additional lot coverage, the applicant has proffered that he will remove the lawn tarp covering his front yard by November 1, 2015.

Section 2 Conclusions of Law

The Mayor and Council make the following conclusions of law with regard to CPV-2015-06, for the following Variances from the Prince George's County Zoning Ordinance: Section 27-442(c) prescribing maximum lot coverage, and Section 27-442(e) prescribing minimum front yard setback:

- 2.1 The Property has an extraordinary situation in that the existing home is located in the O-S zone and does not conform to any requirements of the zone. The existing improvements were constructed before the Property was re-zoned from R-55 to O-S and are grandfathered. The Property

complies with all the R-55 requirements, and no variance would be required for the addition if the Property were still zoned R-55.

- 2.2 The strict application of the County Zoning Ordinance will result in an undue hardship to the Applicant because the O-S zone is more restrictive than the R-55 that originally applied to the Property. The side yard setback of 20 feet in the O-S zone could only be met if the applicant's entire house were moved 13 feet to the northeast, which would be an undue hardship. The lot coverage requirement could only be met if the house, garage and driveway were all reduced to not exceed a total square footage of 457.5 square feet, which would also be an undue hardship.
- 2.3 Granting the requested variances will not impair the intent and purpose of the applicable County General Plan or County Master Plan. The O-S zoning was placed on the property after it was subdivided and improvements constructed. The new addition replaces a previous addition in approximately the same location where a previous variance request was granted. The subject property is consistent with other houses in the vicinity zoned O-S and meets the requirements of the R-55 zone, which is the prevalent zone in the neighborhood. The proposed addition is consistent with development in the surrounding neighborhood.
- 2.4 There is no reason based on the evidence in this record to override the prior grant of this variance on November 9, 2011.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the City of College Park, Maryland to approve CPV-2015-06, and grant a variance of 20.3% or 1,856.22 square feet from the maximum allowable lot coverage of 5% or 457.5 square feet and a variance of 13 feet from the minimum side yard setback requirement of 20 feet to allow the Applicant to construct an 8-foot by 13-foot addition.

ADOPTED, by the Mayor and Council of the City of College Park, Maryland at a regular meeting on the 10th day of November 2015.

CITY OF COLLEGE PARK,
MARYLAND

Janeen S. Miller, CMC
City Clerk

Andrew M. Fellows, Mayor

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

Suellen M. Ferguson
City Attorney

15-G-122

November 10, 2015

Governor Larry Hogan
State House
Annapolis, MD 21401

Dear Governor Hogan:

On behalf of the City Council and the citizens of College Park, I am writing in strong support of the important work of Maryland's Youth Services Bureaus and to encourage you to increase funding of Youth Services Bureaus for fiscal year 2017.

For over 40 years, the City of College Park has been a strong, engaged partner with the state in providing valuable, effective Youth Services Bureau community-based counseling and outreach services for College Park families and the nearby community. We are one of 19 Youth Services Bureaus in the State.

The 19 Youth Services Bureaus statewide are integrally woven into the fabric of their respective communities and have strong partnerships with local schools, faith-based organizations and other community providers. They are the state's only delinquency prevention program established in the Annotated Code of Maryland.

Youth Services Bureaus are providing a necessary, valuable resource and proven alternative for vulnerable youth and their families experiencing difficulties in relationships. They have an impressive record of 95% success rate in preventing young people from entering the juvenile justice system in the two years following formal counseling. 74% of youth counseled in FY 14 showed an average 24-point improvement in functioning in the Child and Adolescent Functional Assessment Scale (CAFAS) by the end of counseling. They are cost effective. They offer financial and social return by interrupting the likely trajectory of challenged youth involved in risky behaviors. Further, state dollars, currently \$1.8 million through the Governor's Office for Children, leverages \$11 - \$12 million in additional local funding.

College Park values our longstanding partnership with the state but notes that state funds of Youth Services Bureaus have been reduced or flat-funded for many years. Given the complex challenges an increasing number of Maryland's youth and families face, their growing need for services cannot be sustained by continued reduced and flat state funding.

Youth Services Bureaus provide a vital service in Maryland and are on the frontline with youth and families helping them to address the challenges they face. Their proven outcomes, result in safer communities and healthier children who are more successful in school and beyond.

We urgently request the \$1 million increase in YSB state funding for a state total of \$2.8 million in order to strengthen these critical quality community-based service to youth and families.

We thank you for your continued service to our state and invite you to visit College Park any time and see firsthand the quality services being provided youth and families through our partnership.

Sincerely,

Andrew M. Fellows
Mayor

cc: The Honorable James Rosapepe, District 21 State Senator
The Honorable Barbara Frush, District 21 State Delegate
The Honorable Joseline Peña-Melnyk, District 21 State Delegate
The Honorable Mary Lehman, Councilmember, District 1
The Honorable Dannielle Glaros, Councilmember, District 3
The Honorable Rushern Baker III, Prince George's County Executive
Theresa Grant, Acting Director, Prince George's County Department of Family Services

15-G-123

MOTION:

I move that the City Council award the following FY 2016 Education Grants:

- **\$7,500 to Hollywood Elementary for Equipment and Materials Investment to Enhance Educational Opportunities**
- **\$7,500 to Paint Branch Elementary for Educational Technology**
- **\$7,500 to Greenbelt Middle School for Greenbelt Middle School College Awareness**
- **\$7,500 to Parkdale High School for Parkdale Robotics.**

- **\$2,500 to Berwyn Heights Elementary for Science and Museum Week Excursions**
- **\$2,500 to Cherokee Lane Elementary for Cherokee Lane Science Club**
- **\$2,500 to University Park Elementary for Parent Engagement Program**
- **\$2,500 to Buck Lodge Middle School for Positive Behavior Intervention and Supports Incentive Program**
- **\$2,500 to Hyattsville Middle School for Environmental/Wildlife Outings – Baltimore Aquarium/National Zoo and Nutrition Intervention**
- **\$2,500 to High Point High School for SAT Saturday School Program**

The total of these awards is \$45,000, which is budgeted in the FY 2016 budget.

COMMENTS:

The City of College Park supports its local schools in many ways. Since 2008, the City has provided public education grants to each of its local neighborhood schools. Through these awards, these schools can provide innovative programming to our College Park students. This year's grant awards continue the City's support of these important school initiatives.

15-G-124

MOTION:

I move that the City of College Park award a design/build contract to Modular Genius, Inc. of Joppa, Maryland in the amount of \$722,445.00 for the replacement of the existing 60 foot x 28 foot double-wide trailer at the Public Works facility with a 55 foot x 66 foot modular building. The contract price includes the base contract of \$719,545.00 and Option 2: Thermoplastic Polyolefin (TPO) roof of \$2,900.00. This contract was competitively bid under RFP CP-16-01. By this contract award, the Mayor and City Council authorize the City Manager to execute the Contractor Agreement prepared by the City Attorney. Funding for this award is provided in the Public Works Facility Improvements C.I.P. project 015002.

ADDITIONAL COMMENTS

On September 9, 2015, the City issued RFP CP-16-01, Public Works Modular Building, which was advertised on eMaryland Marketplace and other sites and posted to the City website. Eleven potential bidders attended mandatory pre-bid meetings at Davis Hall in order to ask questions of City staff and the City Attorney, and view the site.

The City received 3 bids by the October 26 public bid opening. Each of the bids was complete, including all required forms, affidavits and bid bond. The lowest responsive bidder was Modular Genius, Inc.

In the base building cost, we specified “green” favored materials to the extent economically possible, including moisture protection wrap under the floor and on exterior walls, upgraded insulation, low maintenance siding, energy reducing roof covering, “Low E” double insulated windows, insulated doors and frames, high efficiency natural gas HVAC units with programmable thermostats, low flow toilets and urinals, electronic infrared sink faucets, occupancy light controls and energy efficient lighting. The very fact that we are replacing a 23-year-old trailer with no energy efficiency with the new modular building represents a substantial part of the “green” benefits.

The tentative construction schedule submitted with the Modular Genius bid estimates completion in late April 2016, assuming that permits are received in a reasonable timeframe. The construction schedule will be updated as the process continues.

**CITY OF COLLEGE PARK, MARYLAND
PUBLIC WORKS MODULAR BUILDING, RFP CP-16-01
Contractor Agreement**

THIS CONTRACTOR AGREEMENT is made this _____ day of _____, 2015, by and between CITY OF COLLEGE PARK (hereinafter referred to as the "City"), a municipal corporation of the State of Maryland, whose address is 4500 Knox Road, College Park, Maryland 20740 and MODULAR GENIUS, INC. (hereinafter referred to as "Contractor"), whose address is 1201 South Mountain Road, Joppa, Maryland 21085.

WHEREAS, the Contractor desires to demolish and dispose of an existing 60 foot long x 28 foot wide, 12 foot high, double-wide trailer and provide design plans for, and build, a permanent 56'0" x 66'0" nominal box size modular building and related work for an operations building at the City's Department of Public Works, 9217 51st Avenue, College Park, MD 20740 in accordance with the specific floor plans, drawings, site plans, project details and exhibits and other design build documents provided by the Contractor; and

WHEREAS, the City desires that Contractor provide said materials and services.

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

I. SCOPE OF WORK

The work to be performed by the Contractor under this Agreement is as follows:

Demolishing and disposing of an existing 60 foot long x 28 foot wide, 12 foot high, double-wide trailer and providing design plans for, and building, a permanent 56'0" x 66'0" nominal box size modular building and related work for an operations building at the City's Department of Public Works, 9217 51st Avenue, College Park, MD 20740 in accordance with the specific floor plans, drawings, site plans, project details and exhibits and other design build documents provided by the Contractor. The scope of work is described in more detail in the Contract Documents, including Exhibit A, attached hereto and incorporated herein by this reference. The Contractor shall furnish all of the material and perform all of the work as described in these Contract Documents.

Option 2: Thermoplastic Polyolefin (TPO) Roof is included in this Agreement.

The work required of the Contractor will be performed in coordination with the City's Project Manager and/or his/her designee.

II. DATES OF WORK

Work under the Contract shall not commence until a Notice to Proceed has been issued. All work shall be performed pursuant to the approved project schedule submitted by the Contractor. It is understood by the parties hereto that time is of the essence in the completion of the services under this Agreement. Provision for liquidated damages for failure to comply with the Contract Time are set forth in the General Provisions.

III. CONTRACT PRICE

The City agrees to pay to the Contractor, as consideration for the Contractor's satisfactory performance of all obligations under this Agreement, the sum of SEVEN HUNDRED TWENTY-TWO THOUSAND FOUR HUNDRED FORTY-FIVE AND 00/100 Dollars (\$ 722,445.00). Said Contract Price shall include all incidental costs, including, but not limited to, travel, printing, copying, drawings, diagrams and photographs. Invoices for payment under this Contract may be submitted on a monthly basis and must be accompanied by a statement of work completed and percent completed by phase and/or any other documentation required by the City.

IV. CONTRACT DOCUMENTS

This Agreement and the following enumerated documents form the Contract and they are fully a part of the Contract as if attached hereto:

- Request for Bid Proposals
- Bid Proposal Forms and Affidavits
- Specifications
- General Provisions
- Special Provisions
- Exhibit A
- Addenda
- Permits
- Performance Bond
- Labor and Materials Bond
- Other Documents Contained within the Bid Specifications
- Certifications and Affirmations Required by the City
- Certificates of Insurance

The bid documents and construction schedule submitted by the Contractor are incorporated herein and made a part of the Contract Documents by reference.

V. CAPACITY TO PERFORM

The Contractor represents that all equipment and personnel necessary for providing the described services and items will be available as needed.

VI. STATUS OF CONTRACTOR

The Contractor shall perform the services described herein as an independent contractor and not as an employee of the City.

VII. INSURANCE AND INDEMNIFICATION

The Contractor shall provide proof of compliance with State law as to workers compensation and unemployment insurance, and of adequate comprehensive general liability insurance (bodily injury \$1,000,000 for each occurrence/aggregate; property damage \$500,000 for each occurrence/aggregate), automobile fleet insurance (\$1,000,000 for each occurrence/aggregate; property damage \$500,000 for each occurrence/aggregate) and professional errors and omissions insurance with policy limits of not less than \$1,000,000.00 each occurrence/aggregate. The Contractor 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, arising directly or indirectly out of the performance of the contract, whether caused by negligence on the part of the successful bidder, its agents and employees, or other causes. The Contractor shall name the City as an additional insured on said policies of insurance, with the exception of the workers compensation and professional errors and omissions coverage, and shall provide certificates of insurance before starting work on the Contract.

Provision of any insurance required herein does not relieve Contractor of any of the responsibilities or obligations assumed by the Contractor in the contract awarded, or for which the Contractor may be liable by law or otherwise. Provision of such insurance is not intended in any way to waive the City's immunities or any damage limits applicable to municipal government as provided by law.

VIII. LICENSES, PERMITS, APPLICABLE LAWS

The Contractor will be responsible for obtaining any and all licenses and permits pertaining to performance of work under the Contract. All services and materials provided by the Contractor shall conform to all applicable laws and regulations.

IX. MATERIALS AND STANDARD OF WORK

All work performed, and material provided, pursuant to this Agreement shall be in conformance with standards adopted by the State of Maryland and Prince George's County and will be appropriate for existing conditions. All work shall be performed in a neat and workmanlike manner by trained and experienced personnel. Defective or unsuitable materials or workmanship shall be rejected and shall be made good by the Contractor at Contractor's expense, notwithstanding that such deficiencies have been previously accepted or were due to no fault of the Contractor. The Contractor will guarantee that materials conform to specifications herein, that the items will be free from defects, and that the items are fit for the purpose for which intended. Further, the Contractor shall, in a manner acceptable to the City, return to original condition any property disturbed or damaged during the work.

X. ACCURATE INFORMATION

The Contractor certifies that all information provided in response to the Request for Bid Proposals CP-16-01 or in response to other requests for information is true and correct. Any false or misleading information is grounds for the City to reject the bid and to terminate this Agreement.

XI. PERIODIC AND FINAL INSPECTION

The City will make periodic inspections of the work through the Project Manager or other City representative. A final inspection of the work shall be made by a representative of the City and the Contractor at the end of the work and cure period to ensure that all requirements have been met.

XII. RETAINAGE

The City will pay the Contract Price, less five percent (5%) retainage, to the Contractor upon completion of the contract work, and correction of any deficiencies discovered as a result of final inspection. The remaining 5% retainage shall be paid to the Contractor within six (6) months following substantial completion, and correction of any deficiencies. The said retainage is held as security for performance and not as liquidated damages and the forfeiture of the retainage shall not release the Contractor from any liability in excess of the retainage.

XIII. PERFORMANCE, LABOR and MATERIALS BOND

The Contractor shall give a Performance and Labor and Materials Bond within ten (10) business days after the date of the award of the Contract. The Performance and Labor and Material Bond shall be in the amount of 100% of the Contract Price.

XIV. RESTORATION OF PROPERTY

The Contractor, at its own expense, will restore or replace any property displaced or damaged as a result of work performed under this Agreement, to the satisfaction of the City.

XV. TERMINATION FOR DEFAULT

Failure of the Contractor to deliver work, supplies, materials, or services in a timely manner, to correct defective work or materials, to act in good faith, or to carry out the work in accordance with Contract Documents shall constitute a breach of contract. In such event, the City may give notice to the contractor to cease work until the cause for such order has been eliminated. Should the Contractor fail to correct such default within 24 hours after receipt of notification, the City may terminate any such contract. This provision shall not limit the City in exercising any other rights or remedies it may have.

XVI. TERMINATION FOR CONVENIENCE

The performance of work or delivery of services may be terminated in whole or in part at any time upon written notice when the City determines that such termination is in its best interest. The City will be liable only for labor, materials, goods and services furnished prior to the effective date of such termination.

XVII. EQUAL BENEFITS

Contractor certifies that it:

1. Currently complies with the conditions of §69-6 "Equal Benefits" of the City Code, (available from the City's website at www.collegeparkmd.gov under

the Government tab) by providing equality of benefits between employees with spouses and/or dependents of spouses and employees with domestic partners and/or dependents of domestic partners, and/or between spouses of employees and/or dependents of spouses and domestic partners of employees and/or dependents of domestic partners; or

2. Will comply with the conditions of §69-6 at time of contract award; or
3. Is not required to comply with the conditions of §69-6 because of allowable exemption.

Contractor certifies that it does not discriminate on the basis of race, religion, sex, age, ethnicity, ancestry or national origin, physical or mental disability, color, marital status, sexual orientation, gender identity, genetic information, political affiliation or any other factors not related to the ability to perform the work.

XVIII. NOTICES

All notices shall be sufficient if delivered in person or sent by certified mail to the parties at the following addresses:

For the City:
Scott Somers, City Manager
City of College Park
4500 Knox Road
College Park, MD 20740

For the Contractor:
Damon T. Pross, President
Modular Genius, Inc.
1201 South Mountain Road
Joppa, MD 21085

XIX. COSTS

In the event of any breach or failure by a party to fulfill any term, covenant or provision of this Agreement, the breaching party shall be responsible for any and all costs and expenses, including reasonable attorneys' fees, incurred on account of such breach.

XX. ERRORS IN SPECIFICATIONS

The Contractor shall take no advantage of any error or omission in the specifications. The City shall make such corrections and interpretations as may be deemed necessary and that decision shall be final.

XXI. GOVERNING LAW

This Agreement is executed in the State of Maryland and shall be governed by Maryland law, excluding its conflict of law rules. The Contractor, by executing this Contract, consents to the jurisdiction of the Maryland state courts with respect to any dispute arising out of this Contract.

XXII. SEVERABILITY

If any term or provision of this Agreement shall be held invalid or unenforceable to any extent, the remainder of this Agreement shall not be affected thereby, and each term and provision of this Agreement shall be enforced to the fullest extent permitted by law.

XXIII. INTERPRETATION

Any questions concerning conditions and specifications shall be directed in writing to the Project Manager. No interpretation shall be considered binding unless provided in writing by the Project Manager. By execution of this contract, the Contractor certifies that it understands the terms and specifications.

XXIV. ATTORNEYS' FEES AND COSTS

The prevailing party shall be entitled to attorney's fees and costs incurred in any actions or claims brought to enforce this Agreement, or for damages thereunder.

XXV. SUCCESSORS AND ASSIGNS

This Agreement shall inure to the benefit of and be binding upon the successors and assigns of the parties hereto. In any event, the Contractor shall not assign any right or obligation under this Agreement without the City's express written consent, which may be withheld in the City's sole discretion.

XXVI. ENTIRE AGREEMENT

This Agreement, including all Contract Documents, constitutes the entire agreement between the City and the Contractor. No modification or addition to this Agreement shall have any effect unless made in writing and signed by both parties hereto.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement under seal the day and year first above written.

ATTEST:

CITY OF COLLEGE PARK, MARYLAND

Janeen S. Miller, CMC, City Clerk

By: _____
Scott Somers, City Manager

WITNESS:

CONTRACTOR: MODULAR GENIUS, INC.

By: _____
Damon T. Pross, President

APPROVED AS TO LEGAL SUFFICIENCY:

Suellen M. Ferguson
City Attorney

15-G-125

MOTION:

I move to approve the City engagement of the firm O’Malley, Miles, Nylen & Gilmore, P.A., represented by Len Lucchi and Eddie Pounds, to provide lobbying services from November 15, 2015 through November 14, 2016 at an annual total cost of \$30,000. The general services to be provided are listed below and will be incorporated into an agreement letter similar to the letter signed in 2014.

DISCUSSION:

In December 2014 the City hired the firm O’Malley, Miles, Nylen & Gilmore, P.A. (OMNG) to provide legislative services for four months during the Maryland General Assembly session. The cost was \$20,000. OMNG has proposed a 12-month engagement at a cost of \$30,000. The cost is not proportional to the increased time because most of the work will occur during the General Assembly session.

It is anticipated that OMNG will be able to assist the City throughout the year by providing information on potential issues that could impact the City, developing strategies to promote the City’s interests, and facilitating communications with State agencies.

Services to be provided by OMNG:

- Review and analyze proposed Maryland policies, programs, and legislation; identify issues that may impact the City and promptly notify City officials.
- Work with the Mayor and City Council and City department heads to develop and implement legislative strategies and positions on specific legislation.
- Communicate the City's positions and concerns about specific legislation to the appropriate legislators and possibly state officials.
- Facilitate meetings among the City, the 21st District Delegation, other State legislators, and officials to strengthen relationships and advance the City's priorities and protect its interests.
- Provide weekly written reports during the Session that track the status of legislation of interest to the City.
- Coach City elected officials and staff on how to present testimony, interact with legislators, and be successful advocates in Annapolis.
- Represent the City's interests in the State budget process as well as identify, solicit and lobby for capital bond bills and grants.

15-G-126

MOTION:

I move to approve a City FY 2016 application for DHCD's Technical Assistant Grant for \$25,000 to support a joint City, UMD and CPCUP Safety Ambassador pilot project.

DISCUSSION

A College Park City-University Partnership (CPCUP) Public Safety Sub-Committee goal is the development of a Safety Ambassador program to enhance public safety and hospitality. A Maryland Department of Housing and Community Development (DHCD) source of grant funds which may be used for this program has been identified.

The CPCUP Public Safety Sub-Committee has previously identified a goal of establishing a "Safety Ambassador" program. This would be similar to other urban area programs such as those found in Baltimore, Philadelphia, etc. Identifiable, trained staff would be on patrol and would be additional eyes and ears to report suspicious activity to police, and to meet and greet visitors and provide local information. Working with City and CPCUP staff to develop a proposed pilot project, UMD PD has submitted a grant application to the Governor's Office of Crime Control and Prevention (GOCCP) for a proposed basic 12 month pilot program to place Safety Ambassadors in the UMPD area of concurrent jurisdiction.

This kind of program has proven to be useful in urban areas with a dense pedestrian and visitor population. A primary role is to be visible to visitors unfamiliar with the local area, who may benefit from local information, such as maps and directions to various public amenities such as restaurants and points of interest. In addition, these highly visible walking patrols may deter criminal activity, and will serve as additional eyes and ears to report suspicious activity to police.

While the pilot project may be limited to areas where UMPD has concurrent jurisdiction, there are advantages with City-wide impact. This kind of program is modeled after programs in areas dense with pedestrians and visitors. The advantage of such patrols in the concurrent jurisdiction is that this is the area of the City with most off campus student housing. These patrols will help report problems associated with off campus student housing to UMPD and to the Office of Student Conduct. This kind of patrol is anticipated to also free up some of the demand for police services in these areas, allowing PGPD and City Contract Police to focus more patrol time in other areas of the City, including North College Park.

UMPD's experience and infrastructure with their civilian Police Auxiliary program makes UMPD the logical organizational location for a Safety Ambassador pilot project. The UMD grant application has been received favorably by GOCCP, with Sen. Rosapeppe's support, and is expected to be funded.

CPCUP staff have sought and identified other potential sources of funds for this pilot project. They are pursuing grants to non-profits which CPCUP can use to supplement the GOCCP grant. They identified a grant opportunity with DHCD for which the City applied for supplemental funds for this project. This application was due to be submitted on Thursday, 29 Oct. 2015. Due

to very short notice to CPCUP and City staff of funds available, staff was not able to prepare the application in time for Council discussion prior to submitting the application.

The alternative to Council approval of this grant application is for the City to withdraw our application. This would only result in losing an opportunity to make the pilot project more robust.

15-CR-01

I move to adopt Charter Resolution 15-CR-01, A Charter Resolution Of The Mayor And Council Of The City Of College Park, To Amend Article X, Finance And Taxation, §10-2, “Preparation Of Budget”, §10-3, “City Council Action On Budget”, §10-5, “Amendments To Budget After Adoption”, §10-6, “Lapse Of Appropriations”, And §10-11, “Property Subject To Taxation, Rates, Levy And Collections; Admissions And Amusement Tax”, To Generally Clarify Certain Terms And Reflect Current Finance And Taxation Practices By Authorizing Appropriated Funds That Are Lawfully Encumbered To Be Retained And Expended After The End Of The Fiscal Year, Clarifying That Constant Yield Tax Rate Provisions Apply To Setting The Real Property Tax Rate, In Addition To The Public Hearing And Notice Requirements Set By The City, Providing For Additional Public Notice Of The Budget, Clarifying Budget Actions That Require Amendment By Ordinance, And Deleting Outdated Or Incorrect Provisions.

Additional Comments:

This Charter Resolution amends various section of the Charter relating to the operation of the Finance Department to correct terminology, incorrect references to State law, and provisions that do not coincide with current practice. Additional clarification is provided relating to budget adoption, amendment and transfers; budget public hearing notices; constant yield tax rate; lapse of appropriations; and other non-substantive changes.

A public hearing on this Charter Resolution was held earlier tonight.

CHARTER RESOLUTION
OF THE MAYOR AND COUNCIL OF THE CITY OF COLLEGE PARK, TO AMEND
ARTICLE X, FINANCE AND TAXATION, §10-2, “PREPARATION OF BUDGET”,
§10-3, “CITY COUNCIL ACTION ON BUDGET”, §10-5, “AMENDMENTS TO
BUDGET AFTER ADOPTION”, §10-6, “LAPSE OF APPROPRIATIONS”, AND §10-
11, “PROPERTY SUBJECT TO TAXATION, RATES, LEVY AND COLLECTIONS;
ADMISSIONS AND AMUSEMENT TAX”, TO GENERALLY CLARIFY CERTAIN
TERMS AND REFLECT CURRENT FINANCE AND TAXATION PRACTICES BY
AUTHORIZING APPROPRIATED FUNDS THAT ARE LAWFULLY ENCUMBERED
TO BE RETAINED AND EXPENDED AFTER THE END OF THE FISCAL YEAR,
CLARIFYING THAT CONSTANT YIELD TAX RATE PROVISIONS APPLY TO
SETTING THE REAL PROPERTY TAX RATE, IN ADDITION TO THE PUBLIC
HEARING AND NOTICE REQUIREMENTS SET BY THE CITY, PROVIDING FOR
ADDITIONAL PUBLIC NOTICE OF THE BUDGET, CLARIFYING BUDGET
ACTIONS THAT REQUIRE AMENDMENT BY ORDINANCE, AND DELETING
OUTDATED OR INCORRECT PROVISIONS.

A Charter Resolution of the Mayor and Council of the City of College Park, Maryland, adopted pursuant to the authority of Article XI-E of the Constitution of Maryland and §4-301 *et seq.*, Local Government Article, Annotated Code of Maryland, as amended.

WHEREAS, the Mayor and Council have determined that certain provisions of Article X, “Finance and Taxation”, require amendment in order to reflect current practice, clarify certain provisions, and delete outdated or incorrect provisions.

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

Section 1. Article X, “Finance and Taxation” §C10-2 “Preparation of budget” be repealed, reenacted and amended to read as follows:

§C10-2 Preparation of budget.

A. – B. * * * *

C. Budget. The proposed budget shall provide a complete financial plan of all city operating funds and activities for the ensuing fiscal year and, except as required by law or this Charter, shall be in such form as the City Manager deems desirable or as the Mayor and Council may require. The proposed budget shall begin with a clear general summary of its contents; shall show in detail all estimated [income] REVENUES, indicating the proposed property tax levy, and all proposed expenditures, including debt service, for the ensuing fiscal year; and shall be

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.

so arranged as to show comparative figures for actual and estimated [~~income~~] REVENUES and expenditures of the current fiscal year and actual revenue and expenditures of the preceding THREE fiscal yearS. It shall indicate in separate sections:

(1) The proposed goals and objectives and expenditures for current operations during the ensuing fiscal year, detailed for each operating fund by organization unit, and program, purpose or activity, and the method of financing such expenditures.

(2) Proposed capital expenditures during the ensuing fiscal year, detailed for each operating fund by PROJECT [~~organization unit when practicable~~], and the proposed method of financing each such capital expenditure.

(3) The anticipated income and expense and profit and loss for the ensuing year for each enterprise fund operated by the city.

D. Balanced budget. For any operating fund, the total of proposed expenditures shall not exceed the total of estimated [~~income~~] REVENUES plus [~~carried forward fund balance or retained earnings, exclusive of reserves~~] A DESIGNATION (IF ANY) OF THE UNASSIGNED FUND BALANCE.

E. General fund; fund balance retention. An amount equal to 25% of the ensuing year's expenditures in the general fund shall be a retention goal in the [~~unappropriated fund balance account~~] UNASSIGNED FUND BALANCE of the general fund.

Section 2. BE IT FURTHER RESOLVED by the Mayor and Council of the City of College Park, Maryland, that Article X, "Finance and Taxation" §C10-3, "City Council action on budget" be repealed, reenacted and amended to read as follows:

§C10-3 City Council action on budget.

A. Notice and hearing.

(1) The city shall [~~publish~~] POST AT CITY HALL, TO THE OFFICIAL CITY WEBSITE, TO THE CITY-MAINTAINED EMAIL LISTSERV, AND ON THE CITY CABLE CHANNEL; AND PUBLISH IN ANY CITY NEWSLETTER [~~in one or more newspapers of general circulation in the City~~] the general summary of the proposed budget, the proposed tax rate and a notice stating:

- (a) The times and places where copies of the message and budget are available for inspection by the public at least two weeks prior to the date of the hearing; and
- (b) The time and place for a public hearing on the proposed budget and proposed tax rate.

THE ENTIRE PROPOSED BUDGET SHALL BE AVAILABLE ON THE CITY WEBSITE AT LEAST TWO WEEKS PRIOR TO THE DATE OF THE HEARING.

B. CONSTANT YIELD TAX RATE. [~~(2) This notice and hearing~~] IN SETTING THE REAL PROPERTY TAX RATE, THE CITY COUNCIL shall conform to the requirementS of § 6-

308, CONSTANT YIELD TAX RATE, of the Tax-Property Article of the Annotated Code of Maryland, as amended from time to time [~~dealing with constant yield tax rate~~].

~~[B.]~~C. Amendment before adoption. After the public hearing, the City Council may adopt the proposed budget with or without amendment in the form of an ordinance, without the need of further advertising or public hearings. In amending the proposed budget, it may add or increase programs or amounts and may deplete or decrease any programs or amounts, except expenditures required by law or for REQUIRED debt service or for an estimated [~~cash~~] deficit, provided that no amendment to the proposed budget shall increase the authorized expenditures to an amount greater than the total estimated [~~income~~] REVENUES plus [~~carried forward fund balance or retained earnings, exclusive of reserves~~]. A DESIGNATION (IF ANY) OF THE UNASSIGNED FUND BALANCE.

~~[C.]~~ D. Adoption. The City Council shall adopt the budget on or before May 31 of the fiscal year currently ending. A favorable vote of at least a majority of the total elected membership of the Council shall be necessary for adoption. If it fails to adopt a budget by this date, the budget proposed by the City Manager shall go into effect.

~~[D.]~~ E. Notification to county of tax rates. Upon adoption, the Finance Director is authorized to notify Prince George's County of the city's tax rate. In the event that the City fails to adopt a budget by May 31, the Finance Director is authorized to notify Prince George's County that the tax rate for the ensuing fiscal year shall be the same rate as proposed by the City Manager.

Section 3. BE IT FURTHER RESOLVED by the Mayor and Council of the City of College Park, Maryland, that Article X, "Finance and Taxation" §C10-5, " Amendments to budget after adoption" be repealed, reenacted and amended to read as follows:

§C10-5. Amendments to budget after adoption. EXCEPT AS PROVIDED IN THIS SECTION, THE CITY MAY NOT EXPEND FUNDS NOT APPROPRIATED AT THE TIME OF THE ANNUAL LEVY FOR THAT PURPOSE.

A. Supplemental appropriations. If the City Manager certifies in writing that there are available for appropriation revenues in excess of those estimated in the budget for the current or prior fiscal year, the City Council, by budget ordinance procedures, may make supplemental appropriations up to the amount of such excess for the fiscal year so certified.

B. Emergency appropriations. To meet a public emergency affecting life, health, property or the public peace, the City Council may make emergency appropriations. Such appropriations may be made by emergency ordinance in accordance with the provisions of §C8-2B.

C. [~~Reduction of~~] INSUFFICIENT appropriations. If at any time during the fiscal year it appears probable to the City Manager that the revenues or fund balances available will be insufficient to finance the expenditures for which appropriations have been authorized, the City Manager shall report to the City Council without delay, indicating the estimated amount of the deficit, any remedial action taken by the City Manager and recommendations as to any other

steps to be taken. The City Council shall then take such further action as it deems necessary to prevent or reduce any deficit and for that purpose it may by budget ordinance procedures reduce one or more appropriations.

D. Transfer of appropriations.

(1) THE COUNCIL MAY EXPEND FUNDS FOR A PURPOSE DIFFERENT FROM THE PURPOSE FOR WHICH THEY WERE APPROPRIATED. At any time the City Council may by ~~resolution~~ ORDINANCE transfer part or all of the unencumbered appropriation from one department, FUND or major organizational unit to the appropriation for other departments, FUNDS, or major organizational units for the current or prior fiscal year.

(2) The City Manager may transfer part or all of any unencumbered appropriation balance ~~[among programs]~~ TO ANOTHER APPROPRIATED PROGRAM OR EXPENDITURE within a department or organizational unit ~~[or among departments or organizational units within a fund. Such transfers between departments or organizational units within a fund require subsequent written notification to the City Council as to the reason and amounts of the transfer.]~~

E. Limitation; effective date. No appropriation for debt service may be reduced or transferred, and no appropriation may be reduced below any amount required by law to be appropriated or by more than the amount of the unencumbered balance thereof. The supplemental and emergency appropriations and reduction or transfer of appropriations authorized by this section may be made effective immediately upon adoption.

F. VOTE REQUIRED. A TWO-THIRDS (2/3) VOTE OF ALL MEMBERS OF THE CITY COUNCIL SHALL BE REQUIRED FOR THE AUTHORIZATION OF SUPPLEMENTAL AND EMERGENCY APPROPRIATIONS, REDUCTION OF APPROPRIATIONS, OR TRANSFER OF APPROPRIATIONS FROM ONE DEPARTMENT, FUND OR MAJOR ORGANIZATIONAL UNIT TO ANOTHER.

Section 4. BE IT FURTHER RESOLVED by the Mayor and Council of the City of College Park, Maryland, that Article X, “Finance and Taxation” §C10-6, “ Lapse of appropriations” be repealed, reenacted and amended to read as follows:

§C10-6. Lapse of appropriations.

Every appropriation, except an appropriation for a capital projects fund expenditure, shall lapse at the close of the fiscal year to the extent that it has not been expended OR LAWFULLY ENCUMBERED. An appropriation for a capital projects fund expenditure shall continue in force until expended, revised or repealed [~~; the purpose of any such appropriation shall be deemed abandoned if three years pass without any disbursement from or encumbrance of the appropriation].~~

Section 5. BE IT FURTHER RESOLVED by the Mayor and Council of the City of College Park, Maryland, that Article X, “Finance and Taxation” §C10-9, “ City Council action on capital improvement program” be repealed, reenacted and amended to read as follows:

§C10-9. City Council action on capital improvement program.

A. Notice and hearing.

(1) The city shall ~~[publish in one or more newspapers of general circulation in the City]~~ POST AT CITY HALL, TO THE OFFICIAL CITY WEBSITE, TO THE CITY-MAINTAINED EMAIL LISTSERV, AND ON THE CITY CABLE CHANNEL; AND PUBLISH IN ANY CITY NEWSLETTER the general summary of the proposed capital improvement program and a notice stating:

(a) The times and places where copies of the proposed capital improvement program are available for inspection by the public at least two weeks prior to the date of the hearing; and

(b) The time and place for a public hearing on the proposed capital improvement program.

~~[(2) This notice and hearing shall conform to the requirement of the Tax Property Article of the Annotated Code of Maryland, as amended from time to time dealing with constant yield tax rate].~~

B. Adoption. The City Council by resolution shall adopt the capital improvement program with or without amendment after the public hearing and on or before May 31 of the fiscal year currently ending.

Section 6. BE IT FURTHER RESOLVED by the Mayor and Council of the City of College Park, Maryland, that Article X, “Finance and Taxation” §C10-11, “ Property subject to taxation, rates, levy and collections; admissions and amusement tax” be repealed, reenacted and amended to read as follows:

§C10-11. Property subject to taxation, rates, levy and collections; admissions and amusement tax

A. * * * *

B. Personal property within the corporate limits of the city, except for property that is exempt under the law, such as University of Maryland property as set forth in § C12-4 of the City Charter, shall be subject to taxation for municipal purposes and shall be levied upon assessments made by ~~[Prince George's County, Maryland, or by]~~ the State Department of Assessments and Taxation of the State of Maryland ~~[as is now provided by law for the collection of such taxes due Prince George's County].~~

C. – E. * * * *

Section 7. BE IT FURTHER RESOLVED by the Mayor and Council of the City of College Park, Maryland, that Article X, “Finance and Taxation” §C10-12, “Financial statement and independent audit” be repealed, re-enacted and amended to read as follows:

§C10-12. Financial statement and independent audit.

A. * * * * *

B. The Mayor and Council shall provide for an independent annual audit of all city accounts, as required by [~~§ 40 of Article 19~~] §16-305 of the LOCAL GOVERNMENT ARTICLE, Annotated Code of Maryland, as amended from time to time, and may provide for more frequent audits as it deems necessary. Such audits shall be made by a certified public accountant or firm of such accountants who have no personal interest, direct or indirect, in the fiscal affairs of the City government or any of its officers. The accountant or firm chosen as the auditor may not serve for more than four consecutive fiscal years and may not be reengaged/rehired unless at least two fiscal years will have elapsed from the termination of that person's or firm's prior engagement with the city. The Mayor and Council shall designate such accountant or firm pursuant to the city's procedures for purchasing professional services~~], but the designation for any particular fiscal year shall be made not later than 30 days after the beginning of such fiscal year].~~ If the state makes such an audit, the Council may accept it as satisfying the requirements of this subsection.

Section 8. BE IT FURTHER RESOLVED by the Mayor and Council of the City of College Park that, upon formal introduction of this proposed Charter Resolution, the City Clerk shall publish this proposed Charter Resolution or a fair summary thereof in a newspaper having a general circulation in the City of College Park together with a notice setting out the time and place for a public hearing thereon and for its consideration by the Council. The public hearing is hereby set for 7:00 p.m. on the 10th day of November, 2015. All persons interested shall have an opportunity to be heard.

Section 9. BE IT FURTHER RESOLVED that this Charter Resolution is adopted this _____ day of _____, 2015, and that the amendment to the Charter of the City of College Park, hereby proposed by this enactment, shall be and become effective upon the fiftieth (50th) day after its passage by the City unless petitioned to referendum in accordance with §4-304 of the Local Government Article, Annotated Code of Maryland within forty (40) days following its passage. A complete and exact copy of this Charter Resolution shall be posted in the City offices located at 4500 Knox Road, College Park, Maryland for forty (40) days following its passage by the Mayor and Council and a fair summary of the Charter Resolution shall be published in a newspaper having general circulation in the City not less

than four (4) times, at weekly intervals, also within the forty (40) day period following its adoption by the City.

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

Section 11. **BE IT FURTHER RESOLVED** that the City Manager of the City of College Park be, and hereby is specifically enjoined and instructed to carry out the provisions of Sections 9 and 10 as evidence of compliance herewith; and said City Manager shall cause to be affixed to the minutes of this meeting (i) an appropriate Certificate of Publication of the newspaper in which the fair summary of the Charter Resolution shall have been published; and (ii) return receipts of the mailing referred to in Section 3 and shall further cause to be completed and executed the Municipal Charter or Annexation Resolution Registration Form.

INTRODUCED by the Mayor and Council of the City of College Park at a regular meeting on the 27th day of October, 2015.

ADOPTED by the Mayor and Council of the City of College Park at a regular meeting on the _____ day of _____ 2015.

EFFECTIVE the _____ day of _____, 2015.

ATTEST:

CITY OF COLLEGE PARK,

Janeen S. Miller, CMC, City Clerk

By _____
Andrew M. Fellows, Mayor

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

Suellen M. Ferguson, City Attorney

15-0-06

I Move To Adopt Ordinance 15-O-06, An Ordinance Of The Mayor And Council Of The City Of College Park, Amending Chapter 4, “Administrative Organization”, §4-4, “Finance Department”, Chapter 42, “Finance”, §§42-2, “Required Signatures”, 42-3, “Certification Of Signatures”, 42-4, “Authorized Signatures”, And 42-6, “Authorized Signatures On Nonrestricted Documents”, And Chapter 69, “Purchasing Procedures” §§69-2, “Materials Excluded” , 69-3, “Responsibilities Of Finance Director” And 69-4 “Professional Service Contracts” To Change The Individuals Who Are Approved Signatories For Certain Accounts, Exclude Goods And Services Acquired From Prince George’s County From Purchasing Procedures; Change The Requirements For Publication Of Required Advertisements For Bids, Set The Threshold At Which The Council Must Approve Contracts For Professional Service Contracts At \$30,000.00 And Require Reporting Of City Manager Approved Contracts To Council Only When Requested.

Additional Comments:

This Ordinance amends various section of the City Code relating to the operation of the Finance Department to correct terminology, incorrect references to State law, and provisions that do not coincide with current practice. Additional corrections relate to authorized signatures on bank accounts and other documents, purchasing requirements, advertising for requests for proposals, and other non-substantive changes.

A public hearing on this Ordinance was held earlier this evening.

AN ORDINANCE
OF THE MAYOR AND COUNCIL OF THE CITY OF COLLEGE PARK, AMENDING
CHAPTER 4, “ADMINISTRATIVE ORGANIZATION”, §4-4, “FINANCE
DEPARTMENT”, CHAPTER 42, “FINANCE”, §§42-2, “REQUIRED SIGNATURES”,
42-3, “CERTIFICATION OF SIGNATURES”, 42-4, “AUTHORIZED SIGNATURES”,
AND 42-6, “AUTHORIZED SIGNATURES ON NONRESTRICTED DOCUMENTS”,
AND CHAPTER 69, “PURCHASING PROCEDURES” §§69-2, “MATERIALS
EXCLUDED” , 69-3, “RESPONSIBILITIES OF FINANCE DIRECTOR” AND 69-4
“PROFESSIONAL SERVICE CONTRACTS” TO CHANGE THE INDIVIDUALS WHO
ARE APPROVED SIGNATORIES FOR CERTAIN ACCOUNTS, EXCLUDE GOODS
AND SERVICES ACQUIRED FROM PRINCE GEORGE’S COUNTY FROM
PURCHASING PROCEDURES; CHANGE THE REQUIREMENTS FOR
PUBLICATION OF REQUIRED ADVERTISEMENTS FOR BIDS, SET THE
THRESHOLD AT WHICH THE COUNCIL MUST APPROVE CONTRACTS FOR
PROFESSIONAL SERVICE CONTRACTS AT \$30,000.00 AND REQUIRE REPORTING
OF CITY MANAGER APPROVED CONTRACTS TO COUNCIL ONLY WHEN
REQUESTED

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

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

WHEREAS, pursuant to this authority, the City enacted Chapter 4, “Administration”, Chapter 42, “Finance” and Chapter 69 “Purchasing Procedures” to establish the ways in which the City can acquire certain items, services and materials; and

WHEREAS, the Mayor and Council have determined there is a need to change the individuals who are approved signatories for certain accounts, exclude goods and services

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

acquired from Prince George's County from purchasing procedures; change the requirements for publication of required advertisement for bids, set the threshold at which the Council must approve contracts for professional service contracts at \$30,000.00 and to require reporting of City Manager approved contracts to Council only when requested.

Section 1. NOW, THEREFORE, BE IT ORDAINED AND ENACTED, by the Mayor and Council of the City of College Park, Maryland, that Chapter 4 "Administrative Organization", §4-4, "Finance Department" of the Code of the City of College Park be, and is hereby, repealed, reenacted and amended to read as follows:

§4-4. Finance Department.

The Finance Department shall be responsible for the following operations and such other operations as may hereafter be assigned thereto by the Mayor and City Council and/or the City Manager:

A. - F. * * * *

G. Investments of City moneys made by the Finance Director and/or City Manager under the provisions of [~~Article 95, § 22~~] §17-101 *ET SEQ.*, of the LOCAL GOVERNMENT ARTICLE, Annotated Code of Maryland.

H. All of the several financial affairs and operations of the City as to collections.

(1) The Director is authorized to write off uncollectible accounts, defined as those that do not lend themselves to collection in an economically practicable way. Any such account balance in excess of [~~\$100~~] \$1,000.00 would require the written approval of the City Manager.

(2) Subject to review by the City Manager, the Director is authorized to establish collection procedures which will set appropriate levels of collection for various dollar amounts delinquent.

(3) Subject to review by the City Manager, the Director is authorized to negotiate payment terms with delinquent accounts, and this authorization extends to freezing additional penalties and/or interest if payments are received by the City as negotiated. Nothing herein shall be construed as authorizing forgiveness of any past due indebtedness or interest or penalties, unless such forgiveness of interest or lateness penalties is part of an advertised program of amnesty directed, not at an individual but at an inclusive group of code violators or an inclusive group of accounts for a given revenue source. Any such amnesty program shall be of limited duration, shall be effective for violations committed or delinquent accounts for a given revenue

source during a specified period of time and shall require the authorization of the City Manager.

I. * * * *

Section 2. **BE IT FURTHER ORDAINED AND ENACTED**, by the Mayor and Council of the City of College Park, Maryland, that Chapter 42 “Finance”, §42-2, “Authorized signatures” of the Code of the City of College Park be, and is hereby, repealed, reenacted and amended to read as follows:

§42-2. Authorized signatures.

A. Authorized signatures on all checks drawn against the payroll account shall be those of the Finance Director countersigned by the City Manager, or, in the absence of either of the foregoing, payroll checks may be countersigned by the [~~Mayor~~] DEPUTY DIRECTOR OF FINANCE.

B. Authorized signatures for disbursements from all other accounts shall be those of the Finance Director countersigned by the [~~Mayor~~] CITY MANAGER, or, in the absence of either of the foregoing, all checks may be countersigned by the [~~City Manager~~] DEPUTY DIRECTOR OF FINANCE.

Section 3. **BE IT FURTHER ORDAINED AND ENACTED**, by the Mayor and Council of the City of College Park, Maryland, that Chapter 42 “Finance”, Article I, “Maintenance of bank accounts”, §42-3, “Certification of signatures” of the Code of the City of College Park be, and is hereby, repealed, reenacted and amended to read as follows:

§42-3. Certification of signatures.

Signatures of the [~~Mayor,~~] City Manager, FINANCE DIRECTOR and DEPUTY DIRECTOR OF Finance [~~Director~~] shall be duly certified to the depositories, and no checks drawn against any account of the City of College Park shall be valid unless so signed and countersigned. These certifications shall remain in effect until written notice of any change in incumbent is duly served upon said depository.

Section 4. BE IT FURTHER ORDAINED AND ENACTED, by the Mayor and Council of the City of College Park, Maryland, that Chapter 42 “Finance”, Article II, “Short term notes; tax anticipation warrants”, §42-4, “Authorized signatures” of the Code of the City of College Park be, and is hereby, repealed, reenacted and amended to read as follows:

§42-4. Authorized signatures

Any two of the following listed three City officials do represent the Mayor and Council and do have authority to sign and execute any short-term notes and/or anticipation warrants:

- A. The [~~Mayor~~] CITY MANAGER.
- B. The Finance Director.
- C. The [~~City Manager~~] DEPUTY DIRECTOR OF FINANCE.

Section 5. BE IT FURTHER ORDAINED AND ENACTED, by the Mayor and Council of the City of College Park, Maryland, that Chapter 42 “Finance”, Article III, “Miscellaneous validations”, §42-6, “Authorized signatures on nonrestricted documents” of the Code of the City of College Park be, and is hereby, repealed, reenacted and amended to read as follows:

§42-6. Authorized signatures on nonrestricted documents.

A. The [~~Mayor, the~~] City Manager, THE FINANCE DIRECTOR and the [~~Finance~~] DEPUTY Director OF FINANCE are authorized to sign checks, savings withdrawal slips, certificates of deposit and any and all other financial instruments not specifically restricted to the signature of a designated official.

B. The signatures of any two of the above-named officials will validate such documents.

Section 6. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that, that Chapter 69 “Purchasing Procedures”, §69-2, “Materials excluded” of the Code of the City of College Park be, and is hereby, repealed, re-enacted and amended to read as follows:

§69-2. Materials excluded.

A. Items, services or materials of not more than \$30,000 in value and authorized in the Appropriation Ordinance for the current year may be purchased on negotiation at the direction of the City Manager in a manner approved by him/her. Items, materials or services obtained from utility companies having exclusive franchises in the area OR FROM PRINCE GEORGE’S COUNTY are excluded from the provisions of this chapter. Items, materials or services supplied to the City by a contractor or developer as part of a permit-approved improvement are not subject to the provisions of this chapter.

B. * * * *

C. Nothing in this section shall be deemed to require the City Manager to use another jurisdiction's bid process when purchasing items, services and materials. The City Manager retains the right to issue a request for proposals for all items, services and materials purchased by the City. Upon deciding to award a contract where the approval of the Mayor and Council is not required, the City Manager shall immediately notify the Mayor and Council of the purchase IF REQUESTED TO DO SO BY THE MAYOR AND COUNCIL. The notification shall contain:

- (1) A description of the item, service or material purchased;
- (2) The cost of the item, service or material;
- (3) Who is providing the item, service or material;
- (4) A description of the bid process used; and
- (5) A statement as to whether the successful bidder was the lowest most responsive and responsible bidder, and if not, why not.

Section 7. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that, that Chapter 69 “Purchasing Procedures”, §69-3, “Responsibilities of Finance Director” of the Code of the City of College Park be, and is hereby, repealed, reenacted and amended to read as follows:

§69-3. Responsibilities of Finance Director.

It shall be the responsibility of the Finance Director to provide for the direction of the purchasing function, as specified in the Administrative Ordinance.^[1] In that connection and under the general supervision of the City Manager, he/she shall:

A. * * * *

B. Provide notice [~~in at least one newspaper of general circulation in Prince George's County for~~] IN EMARYLAND MARKETPLACE a minimum of one week prior to the date set for the

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

opening of bids. Said notice shall include a brief description of the item or items to be bid, the time and location where specifications may be obtained for the item or items to be bid, the time and date on which sealed bids are to be received, the location to which bids are to be returned and any special conditions to which the item or items may be subject. The notice shall contain the time, date and location of the bid opening, and all such openings are to be public. The notice shall also contain the name of the authorizing officer.

C. - E. * * * *

Section 8. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that, that Chapter 69 “Purchasing Procedures”, §69-4, “Professional service contracts” of the Code of the City of College Park be, and is hereby, repealed, reenacted and amended to read as follows:

§69-4. Professional service contracts.

A. - C. * * * * *

D. Nothing in this section shall be construed as limiting the power of the City Manager to negotiate for and purchase professional or other services of not more than [~~\$7,500~~] \$30,000.00 in value.

Section 9. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that, upon formal introduction of this proposed Ordinance, which shall be by way of a motion duly seconded and without any further vote, the City Clerk shall distribute a copy to each Council member and shall maintain a reasonable number of copies in the office of the City Clerk and shall publish this proposed ordinance or a fair summary thereof in a newspaper having a general circulation in the City of College Park together with a notice setting out the time and place for a public hearing thereon and for its consideration by the Council. The public hearing, hereby set for 7:00 p.m. on the 10th day of November, 2015, 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 _____, 2015 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 27th day of October, 2015.

ADOPTED by the Mayor and Council of the City of College Park, Maryland at a regular meeting on the _____ day of _____ 2015.

EFFECTIVE the _____ day of _____, 2015.

ATTEST:

CITY OF COLLEGE PARK,

Janeen S. Miller, CMC, City Clerk

Andrew M. Fellows, Mayor

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

Suellen M. Ferguson, City Attorney

15-0-05

ORDINANCE 15-O-05

An Ordinance of the Mayor and Council of the City of College Park to Amend the Fiscal Year 2016 Operating and Capital Budget of the City of College Park, Maryland (Amendment #1) (revised 10/23/15)

WHEREAS, the Mayor and Council of the City of College Park, Maryland did adopt a budget for the fiscal year beginning July 1, 2015 and ending June 30, 2016 (hereinafter referred to as “Fiscal Year 2016” or “FY2016”) on May 26, 2015 by the enactment of Ordinance 15-O-03; and

WHEREAS, the Mayor and Council of the City of College Park, Maryland desire to amend the FY2016 adopted budget in order to provide an increased expenditure budget and an additional interfund transfer to a Capital Improvement Program (“C.I.P.”) project.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the City of College Park, Maryland, that the budget for fiscal year 2016 be, and hereby is, amended in accordance with the following schedule, with said amendments being indicated by asterisks in the right column. The individual budget amendment changes are itemized in Appendix A, attached hereto and incorporated herein by this reference.

General Fund

	<u>Budget as Adjusted</u>	<u>As Amended by this Ordinance</u>
Revenues		
Taxes	\$ 10,900,642	\$ 10,900,642
Licenses & Permits	1,193,935	1,193,935
Intergovernmental	261,772	261,772
Charges for Services	999,078	999,078
Fines & Fees	2,510,600	2,510,600
Miscellaneous Revenues	194,569	194,569
<i>Total Operating Revenues</i>	\$ 16,060,596	\$ 16,060,596
Non-Revenue Receipts		
Interfund Transfer from Parking Debt Service Fund	257,392	257,392
Use of Unassigned Reserve	0	1,500,000 *
Total Revenues	\$ 16,317,988	\$ 17,817,988 *

Expenditures

General Government	\$ 3,305,207	\$ 4,327,207 *
Public Services	4,019,776	4,019,776
Planning, Community & Economic Development	664,463	664,463
Youth, Family & Senior Services	1,114,881	1,114,881
Public Works	5,215,750	5,215,750
Contingency	10,000	10,000
Debt Service	557,411	557,411
Interfund Transfers to Capital Projects Fund	<u>1,430,500</u>	<u>1,908,500</u> *
Total Expenditures	<u>\$ 16,317,988</u>	<u>\$ 17,817,988</u> *

Parking Debt Service Fund

	<u>Budget as Adjusted</u>	<u>As Amended by this Ordinance</u>
Revenues		
Highways & Streets		
Parking Meter Revenue	\$ 205,000	\$ 205,000
Fines		
Parking Fines Revenue	<u>45,000</u>	<u>45,000</u>
Total Revenues	<u>\$ 250,000</u>	<u>\$ 250,000</u>

Expenditures

Interfund Transfer to General Fund	<u>\$ 257,392</u>	<u>\$ 257,392</u>
Total Expenditures	<u>\$ 257,392</u>	<u>\$ 257,392</u>

BE IT FURTHER ORDAINED that:

1. All matters and facts contained in Ordinance 15-O-03 other than the amendments contained herein shall remain in full force and effect;
2. In addition to the projected General Fund operating revenue of \$16,060,596, the amount of \$1,500,000 is appropriated from the unassigned reserve and the sum of \$257,392 is transferred from the Parking Debt Service Fund;
3. This budget amendment Ordinance provides for an increased expenditure budget and an additional interfund transfer to the Capital Improvement Program (C.I.P.), as itemized in Appendix A, attached hereto and incorporated herein by this reference. The net result is a \$1,500,000 increase in the budgeted use of

unassigned reserve from \$0 to \$1,500,000 in order to utilize a fiscal year 2015 surplus of \$1,500,000, and

4. This Ordinance shall become effective at the expiration of twenty (20) calendar days following its adoption.

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

A public hearing will be held on the proposed Ordinance at ____ p.m. on the ____ day of _____, 2015 in the Council Chambers, City Hall, 4500 Knox Road, College Park, Maryland. The public hearing will be held in connection with a regular Council meeting. All persons interested will have an opportunity to be heard. After the public hearing, the Council may adopt the proposed Ordinance, with or without amendment, by the affirmative vote of at least six (6) members of the Council. It shall become effective twenty (20) days following its adoption. After its 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 shall have copies of the adopted Ordinance available at City offices.

Introduced on the _____ day of _____, 2015

Adopted on the _____ day of _____, 2015

Effective on the _____ day of _____, 2015

Andrew M. Fellows, Mayor

ATTEST:

Janeen S. Miller, CMC, City Clerk

APPROVED AS TO FORM:

Suellen M. Ferguson, City Attorney

CITY OF COLLEGE PARK, MARYLAND
Ordinance 15-O-05, Appendix A
Itemized FY2016 Budget Amendment #1 Changes

Program	Description	Increase (Decrease)
Revenues- Unassigned Reserve Transfer 399.00	Use of Unassigned Reserve in Adjusted Budget	\$ 0
Gen Govt-Board of Election Supr- 1012	Add FY16 budget for rental of voting machines for November 2015 municipal elections (account 1012-4825)	15,000
Gen Govt-Publ Relations-1017	Add FY16 budget for University of Maryland program contributions (account 1017-2541)	7,000
Gen Govt- Finance-Non Departmental- 1025	Increase FY16 budgeted repayment to the General Fund for the MSRP prior service credit purchase from \$250,000 to \$1,250,000 in order to shorten the repayment period (account 1025-1127).	1,000,000
Interfund Transfers-9210	Provide \$478,000 in additional funding for the City Hall Expansion (C.I.P. project 041003) to cover design and construction of a new City Hall.	<u>478,000</u>
Revenues- Unassigned Reserve Transfer 399.00	Use of Unassigned Reserve in Amended Budget	<u>\$ 1,500,000</u>

15-G-127

Appointments to Boards and Committees

15-G-127

Mayor Fellows:

- Reappoint Alan Bradford to the Ethics Commission

Councilmember Stulich

- Appoint Alethea Teneyk-Sanders to the Education Advisory Committee