



TUESDAY, JULY 12, 2016
CITY OF COLLEGE PARK
COUNCIL CHAMBERS
7:30 P.M.

MAYOR AND COUNCIL REGULAR MEETING
AGENDA

(There will be a closed session at the end of the Regular Meeting)

COLLEGE PARK MISSION STATEMENT

The City Of College Park Provides Open And Effective Governance And Excellent Services That Enhance The Quality Of Life In Our Community.

- 1. MEDITATION**
- 2. PLEDGE OF ALLEGIANCE**
- 3. ROLL CALL**
- 4. ANNOUNCEMENTS**
- 5. CITY MANAGER'S REPORT**
- 6. ACKNOWLEDGMENTS**
- 7. PROCLAMATIONS AND AWARDS:** 125th Anniversary of the First Baptist Church of College Park
- 8. AMENDMENTS TO AND APPROVAL OF THE AGENDA**
- 9. PUBLIC COMMENT ON CONSENT AGENDA AND NON-AGENDA ITEMS** - Speakers are asked to provide their name and address for the record, and are given three minutes to address the Council.
- 10. PRESENTATIONS**
 - a. City Social Media – Ryna Quiñones, Communication Coordinator
- 11. PUBLIC HEARINGS**
 - a. Public Comment on the Proposal for Permit Parking around The Boulevard at 9091 (formerly The Metropolitan development)
 - b. Public Hearing On Ordinance 16-O-04, An Ordinance Of The Mayor And Council Of The City Of College Park Amending City Code Chapter 138 "Noise", §§138-5, "Prohibited Acts", 138-6, "Violations And Penalties" And 138-9, "Imposition Of A Fine By Noise Control Board" And Chapter 110, "Fees And Penalties", §110-2, "Penalties", To Clarify The Circumstances Under Which A Non-Resident Owner

Has Violated The Noise Ordinance, Make Any Repeat Violation Within A Twelve Month Period Subject To An Increased Fine, And Modify The Mitigating Factors That May Justify A Reduction In The Fine For A Violation

- c. Public Hearing on Ordinance 16-O-05, An Ordinance Of The Mayor And Council Of The City Of College Park Amending City Code Chapter 138 “Noise”, §§138-2, “Definitions” To Revise The Definitions Of Day And Night To Shorten The Hours During Which Certain Noise Generating Activities May Take Place On Saturdays, Sundays And Holidays
- d. Public Hearing on Charter Amendment 16-CR-01, A Charter Resolution Of The Mayor And Council Of The City Of College Park, To Amend Article III, “Mayor And Council”, §3-6, “Vacancies”, Article IV, “Voting And Elections”, §C4-4 “Other Election Officials” And Article VIII, “Ordinances”, §8-2, “Passage”, To Change The Manner In Which Notice Is Given Of Vacancies In Elective Office, Appointment Of Election Officials, And Adoption Of Ordinances

12. CONSENT AGENDA - Note: Consent Agenda items are routine items of business that are collectively presented for approval through a single motion. A Councilmember may request that an item be pulled from the Consent Agenda and placed under Action Items for separate discussion and action.

- | | | |
|---------|---|---|
| 16-R-16 | Adoption of Resolution 16-R-16, A Resolution to Amend the City’s homeownership grant program | Motion By:
To:
Second:
Aye: ____
Nay: ____
Other: ____ |
| 16-G-87 | Adoption of a Memorandum Of Understanding between the City and the College Park City-University Partnership re: the homeownership grant program in substantially the form attached and authorization for the City Manager to sign the MOU | |
| 16-R-18 | Resolution in support of the College Park City-University Partnership Community Legacy Grant Application | |
| 16-G-90 | Letter of support for the College Park Community Center Stormwater Stewardship Grant Application to the Chesapeake Bay Trust – Mayor Wojahn | |
| 16-G-94 | Approval of a Driveway Apron Variance for 5008 Huron Street subject to the homeowner entering in to a Declaration of Covenants with the City in substantially the form attached, and authorization for the City Manager to sign the Declaration | |
| 16-G-95 | Approval of MTA Right-Of-Entry Agreement for two City locations for Purple Line Construction in substantially the form attached, for signature by the City Manager – Scott Somers, City Manager | |
| 16-G-91 | Approval of the minutes of the Regular Meetings of April 25, May 24, and June 14, 2016 | |

13. ACTION ITEMS

- | | | |
|----------|---|---|
| 16-G-92 | Motion indicating that the proffer by the Terrapin Row developers is in substantial conformance with Section 11 of the Declaration of Covenants | Motion By: Day
To: Approve
Second:
Aye: ___ Nay: ___
Other: ___ |
| 16-G-86 | Consideration of Permit Parking Restrictions around The Boulevard at 9091 | Motion By:
To:
Second:
Aye: ___ Nay: ___
Other: ___ |
| 16-O-04 | Adoption of Ordinance 16-O-04, An Ordinance Of The Mayor And Council Of The City Of College Park Amending City Code Chapter 138 "Noise", §§138-5, "Prohibited Acts", 138-6, "Violations And Penalties" And 138-9, "Imposition Of A Fine By Noise Control Board" And Chapter 110, "Fees And Penalties", §110-2, "Penalties", To Clarify The Circumstances Under Which A Non-Resident Owner Has Violated The Noise Ordinance, Make Any Repeat Violation Within A Twelve Month Period Subject To An Increased Fine, And Modify The Mitigating Factors That May Justify A Reduction In The Fine For A Violation | Motion By:
To: Adopt
Second:
Aye: ___
Nay: ___
Other: ___ |
| 16-O-05 | Adoption of Ordinance 16-O-05, An Ordinance Of The Mayor And Council Of The City Of College Park Amending City Code Chapter 138 "Noise", §§138-2, "Definitions" To Revise The Definitions Of Day And Night To Shorten The Hours During Which Certain Noise Generating Activities May Take Place On Saturdays, Sundays And Holidays | Motion By:
To: Adopt
Second:
Aye: ___
Nay: ___
Other: ___ |
| 16-CR-01 | Adoption of Charter Amendment 16-CR-01, A Charter Resolution Of The Mayor And Council Of The City Of College Park, To Amend Article III, "Mayor And Council", §3-6, "Vacancies", Article IV, "Voting And Elections", §C4-4 "Other Election Officials" And Article VIII, "Ordinances", §8-2, "Passage", To Change The Manner In Which Notice Is Given Of Vacancies In Elective Office, Appointment Of Election Officials, And Adoption Of Ordinances | Motion By:
To: Adopt
Second:
Aye: ___
Nay: ___
Other: ___ |
| 16-G-93 | Consideration of Property Use Agreements with Old Maryland Grill, Potomac Pizza, Kapnos Taverna and The Hotel at UMD – Suellen Ferguson, City Attorney | Motion By:
To:
Second:
Aye: ___ Nay:
Other: ___ |
| 16-G-70 | Award of Contract for the Construction of Duvall Field Concession Building and Plaza – Terry Schum, Director of Planning | Motion By:
To:
Second:
Aye: ___ Nay:
Other: ___ |

- | | | |
|---------|---|---|
| 16-G-97 | Approval of revisions to Residential Permit Parking Zones 11 and 11A | Motion By:
To:
Second:
Aye: _____
Nay: ___ Other: ___ |
| 16-O-07 | Adoption of an Emergency Ordinance to increase the monthly permit fee in the Downtown Parking Garage to \$125/month beginning in August | Motion By:
To:
Second:
Aye: _____
Nay: ___ Other: ___ |
| 16-G-98 | Approve the purchase of five pay stations for the new pay-to-park zone around Terrapin Row | Motion By:
To:
Second:
Aye: _____
Nay: ___ Other: ___ |
| 16-R-17 | Resolution to create a workgroup to explore the feasibility of volume-based trash pricing in the City | Motion By:
To:
Second:
Aye: _____
Nay: ___ Other: ___ |
| 16-O-06 | Introduction of Ordinance 16-O-06, An Ordinance Of The Mayor And Council Of The City Of College Park Amending City Code Chapter 184 "Vehicles And Traffic", Article I, "General Regulations" By Adopting §184-6, "Through Truck Traffic", To Provide For Regulation Of Through Truck Traffic.
<i>The Public Hearing will be held on Tuesday, August 9 at 7:30 p.m. in the Council Chambers.</i> | Motion By:
To: Introduce
Second: |
| 16-G-96 | Appointments to Boards and Committees | Motion By:
To:
Second:
Aye: _____
Nay: ___ Other: ___ |
| 16-G-74 | Award of Contract for Development Consultant - Terry Schum, Director of Planning (<i>This item will include a Closed Session to discuss a matter relating to a contract award and to Consult with Counsel on a legal matter</i>) | Motion By:
To:
Second:
Aye: _____
Nay: ___ Other: ___ |

14. MAYOR AND COUNCILMEMBER REPORTS/COMMENTS

15. STUDENT LIAISON'S REPORT/COMMENTS

16. CITY MANAGER'S REPORT/COMMENTS

17. GENERAL COMMENTS FROM THE AUDIENCE

18. ADJOURN

CLOSED SESSION

1) To consider the acquisition of real property for a public purpose

STATUS/INFORMATION REPORTS FOR COUNCIL REVIEW

None.

-
-
- This agenda is subject to change. For the most current information, please contact the City Clerk at 240-487-3501.
 - Public Comment is taken during Regular Business meetings on the second and fourth Tuesdays of the month in one of the following ways. All speakers are requested to complete a card with their name and address for the record.
 - To comment about a topic not on the meeting agenda: Speakers are given three minutes to address the Council during “Public Comment on Non-Agenda Items” at the beginning of each Regular Meeting.
 - To comment on an agenda item during a Regular Business meeting: When an agenda item comes up for consideration by the Council, the Mayor will invite public comment prior to Council deliberation. Speakers are given three minutes to address the Council on that agenda item.
 - In accordance with the Americans with Disabilities Act, if you need special assistance, please contact the City Clerk’s Office at 240-487-3501 and describe the assistance that is necessary.

Proclamation:

125th Anniversary of
the First Baptist
Church of College
Park

**A PROCLAMATION OF THE MAYOR AND COUNCIL
OF THE CITY OF COLLEGE PARK, MARYLAND
RECOGNIZING THE 125th ANNIVERSARY OF THE
FIRST BAPTIST CHURCH OF COLLEGE PARK, MARYLAND**

WHEREAS, the First Baptist Church of College Park has been serving the Lakeland Community for 125 years, and is one of the oldest African-American congregations in Prince George’s County; and

WHEREAS, the First Baptist Church of College Park has been an important part of the spiritual life of the Lakeland community for all these years; and

WHEREAS, churches like the First Baptist Church of College Park play an important role in bringing communities together, providing spiritual guidance and sustenance, and providing charity to people in need; and

WHEREAS, since 1998 the First Baptist Church has continued to thrive under the leadership of Pastor Stephen L. Wright, Sr.; and

WHEREAS, often referred to as the “Little Big Church”, the First Baptist Church extends a warm welcome to all with a with a Christian loving spirit.

NOW, THEREFORE, I, Patrick L. Wojahn, as Mayor of the City of College Park, Maryland, join colleagues, family and friends in extending the best wishes of the City Council, staff and residents to the First Baptist Church of College Park on their 125th anniversary!

PROCLAIMED this 12th day of July 2016.

Patrick L. Wojahn
Mayor

Public Hearing

Permit Parking around
The Boulevard at 9091

Janeen S Miller

From: Mary Ann Hartnett [2ufrommah@gmail.com]
Sent: Tuesday, June 07, 2016 1:08 PM
To: cpmc
Subject: Boulevard at 9091 parking permits

We wish to have parking permits at least for the 4900 block of Blackfoot Road if not the proposed permit parking zone covered by the recent survey. A minimum of 2 permits for household owners and 2 for visitors, and have the enforcement 24/7 no matter what is decided about "Boulevard at 9091".

We have lived at 4915 Blackfoot Road since 1974. Parking was not an issue until the Tech bubble burst in 2000, and real estate investing became the way to make money. About 50% of the homes on our block are rentals. This has led to occupants with 5 cars plus their guests parking at a single family home originally designed for the parking of 2 vehicles.

Another problem we have is overflow parking from Attick Towers. This has only been a problem for about the last 6 years. We have frequently called Parking Enforcement about this problem. The most annoying was Spring of 2015 when a "friend/relative?" of an Attick Towers resident was living in the friend's car in front of our home for months.

I understand that there is a proposed plan to increase the number of parking spaces at Attick Towers, but this has been a rumor for years. Even if the number of spaces is increased (I have heard they will be adding 7 spaces) I do not think this will remedy the current problem we have. The overflow parking interferes with street sweeping, snow plowing, leaf collection and in one case the fire department's access to a smoldering tree that had been set on fire by a fallen electrical wire.

As you can see, the development of Boulevard at 9091 might make a bad situation worse, but the need for parking permits already exists in the 4900 block of Blackfoot Road and along the RI Ave service road from Blackfoot Road to Cherokee Street.

Mary Ann Hartnett
Dennis Hartnett



**Berwyn
Baptist
Church**

City Clerk
4500 Knox Rd.
College Park, MD 20740

June 7, 2016

RECEIVED

JUN 9 2016

City of College Park
City Clerk's Office

M & C

Re: Residents & Proposed Permit Parking
"Boulevard at 9091"

Dear Clerk:

If the Mayor and Council vote to have permit parking at the above location with the development of "The Boulevard", we would request four permits for our employees at Berwyn Baptist Church to have on-street parking access. We also have handicap access parking already established and would need to know how those with disabilities and handicap parking permits will be affected.

Thank you for your notification. We look forward to notification regarding the outcome of the hearing on July 12th and the answer to the above question.

Sincerely,

Jennifer Martinez
Berwyn Baptist Church Secretary

June 13, 2016

re: Public Hearing
Permit Parking Zone

m/c
Ryan

You have already made your decision. Why bother commenting. Does any council member live in our once lovely area?

What a shame you have made of this area. Across the street is enough living space that will never be filled.

Route 1 is a major artery (I believe you also want a bike path) When will you change the speed limit to 25 MPH ? ! ? !

A recession is near - what will your plans be then?

A once happy College Park Home Owner

RECEIVED

JUN 14 2016

City of College Park
Administration Office



PUBLIC HEARING NOTICE

TO: Residents in and around the proposed “Boulevard at 9091”
Permit Parking zone (see attached map)

FROM: Janeen S. Miller, City Clerk 

DATE: June 1, 2016

RE: Public Hearing On A Proposal For Permit Restricted Parking

As you are probably aware, the Mayor and Council of the City of College Park conducted a survey of area households in spring of 2016 to gauge interest in permit restricted parking in anticipation of the 2017 opening of The Boulevard at 9091 (formerly known as the Metropolitan development). This development consists of 45 townhomes, 238 apartments, 4,100 square feet of retail and a parking garage, and is situated between Baltimore Avenue, Cherokee Street, Catawba Street, and the University Boulevard ramp, as shown on the map.

Based on feedback from the survey, the Mayor and Council will hold a Public Hearing to take public comment on a proposal to implement permit restricted parking in the area indicated on the map. This Public Hearing will be held on **Tuesday, July 12, at 7:30 p.m.** in the 2nd floor Council Chambers at City Hall, 4500 Knox Road, College Park. All interested parties will have the opportunity to be heard.

The Mayor and Council will take comments on:

- 1) Whether or not to implement a permit restricted zone at this time
- 2) The boundaries of any permit restricted zone
- 3) Days and hours of enforcement
- 4) Number of permits per household
- 5) Number of visitors permits per household

If you are unable to attend the public hearing in person, you may submit written comment by 5:00 p.m. on Thursday, July 7, 2016 by mail to: City Clerk, 4500 Knox Road, College Park, MD 20740, or by email to: cpmc@collegeparkmd.gov.

In accordance with the Americans With Disabilities Act, if you need special assistance, please contact the City Clerk's Office at 240-487-3501 and describe the assistance that is necessary.

If you have any additional questions, please feel free to contact Jim Miller, Parking Enforcement Manager, at 240-487-3520.

The Boulevard at 9091 Permit Parking Survey Results and Proposed Permit Parking Zone



Legend –

- = YES (Want permit parking)
- = NO (Do not want permit parking)
- — — — — Proposed Permit Parking Zone

Public Hearing

16-O-04



**NOTICE OF PUBLIC HEARINGS
TUESDAY, JULY 12, 2016**

7:30 P.M.

**2ND FLOOR COUNCIL CHAMBERS
CITY HALL, 4500 KNOX ROAD
COLLEGE PARK, MD 20740**

Charter Resolution 16-CR-01:

Charter Resolution Of The Mayor And Council Of The City Of College Park, To Amend Article III, "Mayor And Council", §3-6, "Vacancies", Article IV, "Voting And Elections", §C4-4 "Other Election Officials" And Article VIII, "Ordinances", §8-2, "Passage", To Change The Manner In Which Notice Is Given Of Vacancies In Elective Office, Appointment Of Election Officials, And Adoption Of Ordinances

Ordinance 16-O-04:

Ordinance Of The Mayor And Council Of The City Of College Park Amending City Code Chapter 138 "Noise", §§138-5, " Prohibited Acts", 138-6, "Violations And Penalties" And 138-9, "Imposition Of A Fine By Noise Control Board" And Chapter 110, "Fees And Penalties", §110-2, "Penalties", To Clarify The Circumstances Under Which A Non-Resident Owner Has Violated The Noise Ordinance, Make Any Repeat Violation Within A Twelve Month Period Subject To An Increased Fine, And Modify The Mitigating Factors That May Justify A Reduction In The Fine For A Violation

Ordinance 16-O-05:

Ordinance Of The Mayor And Council Of The City Of College Park Amending City Code Chapter 138 "Noise", §§138-2, "Definitions" To Revise The Definitions Of Day And Night To Shorten The Hours During Which Certain Noise Generating Activities May Take Place On Saturdays, Sundays And Holidays

Copies of these Ordinances and Charter Resolution 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

Notice of Public Hearings

16-O-04:

- Published in the Washington Post on June 23, 2016
- Posted to City Bulletin Board on June 16, 2016
- Posted to City Website on June 15, 2016
- Posted on Cable Television Channel on June 16, 2016
- Published in the Municipal Scene on July 1, 2016

16-O-05:

- Published in the Washington Post on June 23, 2016
- Posted to City Bulletin Board on June 16, 2016
- Posted to City Website on June 15, 2016
- Posted on Cable Television Channel on June 16, 2016
- Published in the Municipal Scene on July 1, 2016

16-CR-01:

- Published in the Washington Post on June 23, 2016
- Posted to City Bulletin Board on June 16, 2016
- Posted to City Website on June 15, 2016
- Posted on Cable Television Channel on June 16, 2016
- Published in the Municipal Scene on July 1, 2016

ATTEST:



Janeen S. Miller, City Clerk
July 7, 2016

ORDINANCE
OF THE MAYOR AND COUNCIL OF THE CITY OF COLLEGE PARK AMENDING
CITY CODE CHAPTER 138 “NOISE”, §§138-5, “ PROHIBITED ACTS”, 138-6,
“VIOLATIONS AND PENALTIES” AND 138-9, “IMPOSITION OF A FINE BY NOISE
CONTROL BOARD” AND CHAPTER 110, “FEES AND PENALTIES”, §110-2,
“PENALTIES”, TO CLARIFY THE CIRCUMSTANCES UNDER WHICH A NON-
RESIDENT OWNER HAS VIOLATED THE NOISE ORDINANCE, MAKE ANY
REPEAT VIOLATION WITHIN A TWELVE MONTH PERIOD SUBJECT TO AN
INCREASED FINE, AND MODIFY THE MITIGATING FACTORS THAT MAY
JUSTIFY A REDUCTION IN THE FINE FOR A VIOLATION

WHEREAS, the Local Government Article of the Annotated Code of Maryland provides that the Mayor and Council of the City of College Park, Maryland have the authority to pass such ordinances as it deems necessary to preserve peace and good order, and to protect the health, comfort and convenience of the citizens of the municipality; and

WHEREAS, the Mayor and Council determined that the residents of the City have a right to an environment that is free from noise that may jeopardize their health, general welfare or property and as a result adopted Chapter 138, “Noise”; and

WHEREAS, the Mayor and Council have determined that it is in the public interest to amend Chapter 138 to allow a violation to be issued to a non-resident owner with notice of any previous noise violations, to provide for an increased fine for any repeat violations in a twelve month period, and to modify the mitigating factors that may justify a reduction in the fine for a violation.

Section 1. NOW THEREFORE, BE IT ORDAINED AND ENACTED, by the Mayor and Council of the City of College Park, Maryland that Chapter138 “Noise”, §138-5, “Prohibited acts” be, and is hereby, repealed, re-enacted and amended to read as follows:

§ 138-5. Prohibited acts.

A. Unless it is for the purpose of necessary property maintenance during the day, it shall be unlawful:

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.

(1) For any owner or occupant of real property located within the City to make or to generate loud or raucous sound on said property, or to permit any loud or raucous sound to be made or generated on said property, so as to cause unreasonable annoyance or disturbance to others living or located nearby;

(2) For the owner or occupant of real property located within the City to make any noise or operate any sound amplifier on said property, or to permit any noise to be made or any sound amplifier to be operated on said property, so as to be clearly audible to any person located beyond the property line of such property at a level higher than 65 dBA during the day or 55 dBA during the night, as such sound may be measured from any point along the curb in front of the property line upon which the noise is being generated or at any place on adjacent property, provided that the person measuring the sound shall first obtain the permission of the adjacent property owner to enter upon said property; and

(3) ~~NO~~ FOR ANY person ~~shall~~ TO cause, suffer, allow or permit the operation of an amplified source of sound in such a manner that it raises the total sound levels to greater than the following permissible sound level limits, when measured from within a building on an adjacent property.

dBC above neighborhood residual sound level

Nights 3 dBC

All other times 6 dBC

(4) For the owner or occupant of real property located within the City to permit guests or invitees to such property to make noise on adjacent property, whether public or private, where that noise, if made or generated on the property itself, would violate subsections A(1), (2), or (3) of this section.

B. ~~[In the case of real property which is not occupied by the owner of such property], [i] It shall be unlawful for the NON-RESIDENT owner of [such] A property to permit the occupants of such property to violate the provisions of Subsection A of this section. [; provided, however, that~~ The owner ~~[of such property]~~ shall not be deemed to have violated this subsection unless THE OWNER, OR OWNER'S AGENT:

(1) ~~[Such owner or the agent of such owner shall have]~~ HAS received notice ~~[or other information,]~~ from any source, that ~~[the]~~ A CURRENT OR PRIOR occupant of such property has, OR IS ALLEGED TO HAVE, PREVIOUSLY engaged in conduct ~~[or is alleged to have engaged in conduct which]~~ THAT violates ~~[Subsection A of]~~ this section ~~[on one or more prior occasions], [without regard to]~~ REGARDLESS OF whether ~~[such conduct has been the subject of]~~ a finding of a violation ~~[of this section]~~ by the Noise Control Board or by a court of competent jurisdiction WAS MADE; or

(2) ~~[Such owner or the agent of such owner]~~ has failed to take action reasonably calculated under the circumstances to prevent a violation of this section from occurring or recurring.

C. A violation of this section shall be a municipal infraction, subject to the fine imposed by Chapter 110, Fees and Penalties.

D. Each repeat violation within a ~~[six]~~ TWELVE-month period shall give rise to a charge as set forth in Chapter 110, Fees and Penalties.

Section 2. BE IT FURTHER ORDAINED AND ENACTED, by the Mayor and Council of the City of College Park, Maryland, that Chapter 138 "Noise", §138-6, "Violations and penalties" be, and is hereby, repealed, re-enacted and amended to read as follows:

§ 138-6. Violations and penalties.

A. Code Enforcement or Law Enforcement Officer. When a City Code Enforcement Officer, or a state, county, University of Maryland or other law enforcement officer chosen by the City, determines, based upon the results of a test conducted using a calibrated sound-level meter, that noise is being or has been generated in violation of § 138-5A(2) or (3) of this chapter, he/she shall issue a municipal infraction citation to the violator(s) in accordance with the provisions of [~~Article 23A, § 3~~] §6-103 OF THE LOCAL GOVERNMENT ARTICLE of the Annotated Code of Maryland. In the event that more than one owner and/or more than one occupant of the real property is alleged to have violated the provisions of this chapter, a municipal infraction citation [~~shall~~] MAY be issued to each alleged violator.

B. – D. * * * *

E. In addition, the Public Services Director shall schedule a show-cause hearing before the College Park [~~Board of Housing Hygiene~~] ADVISORY PLANNING COMMISSION as to why the City [~~use and~~] occupancy permit for the property should not be revoked for three or more violations of the provisions of this chapter within any twelve-month period, and may otherwise request such a hearing for violations of this chapter at his/her discretion

Section 3. BE IT FURTHER ORDAINED AND ENACTED, by the Mayor and Council of the City of College Park, Maryland, that Chapter138 “Noise”, §138-9, “Imposition of a fine by Noise Control Board” be, and is hereby, repealed, re-enacted and amended to read as follows:

§ 138-9. Imposition of a fine by Noise Control Board.

A. Except as set forth in Subsection C of this section, in the event that the Board finds that a violation of § 138-5 has occurred, it shall impose the fine set forth in Chapter 110, Fees and Penalties.

B. In the event that the Board finds that the owner and the occupant of real property have each violated this chapter, the Board shall impose a fine as set forth in Chapter 110, Fees and Penalties, upon the owner and the occupant.

C. In the event that there are more than one owner and/or more than one occupant, the fine shall be imposed upon each owner and upon each occupant who has been found in violation of the this chapter, except that in the event that there is more than one occupant, the fine shall be divided proportionately among those occupants who have been found to have violated this chapter, with the amount of the fine imposed on each occupant rounded to the nearest dollar; provided, however, that in the event that the property is leased to a corporate entity, the fine for a violation by an occupant shall be imposed upon such corporate entity.

D. IF A VIOLATION IS A FIRST OFFENSE AND IS NOT EGREGIOUS, THE FOLLOWING MITIGATING FACTORS MAY BE CONSIDERED BY THE BOARD TO WARRANT ~~[The Board shall consider with respect to whether the evidence indicates that significant mitigating factors warranting a]~~ A reduction in the amount of the fine to be imposed ~~[are present]:~~

(1) ~~[Whether person subject to a fine has a past record which is free of any violation of this chapter;~~

(2) ~~Whether t]~~ The person subject to a fine has taken action reasonably calculated under the circumstances to prevent or mitigate future violations of this chapter, IS REMORSEFUL AND

HAS A PRESENT Demeanor THAT DEMONSTRATES A SINCERE DESIRE TO PREVENT FUTURE VIOLATIONS OF THIS CHAPTER;

~~{(3) Whether the present demeanor of the person subject to a fine indicates that such person is remorseful with respect to the violation and, including whether such person has apologized, prior to the hearing, to the persons who were disturbed by the violation};~~

(2) THE PERSON SUBJECT TO A FINE HAS APOLOGIZED, PRIOR TO THE HEARING, TO THE PERSON(S) WHO FILED THE COMPLAINT AND OTHER KNOWN PERSONS WHO WERE DISTURBED BY THE VIOLATION.

(3) ~~[Whether t] The violation was not so egregious or lengthy in duration. [that a reasonable person would view the violation as reprehensible]~~

E. For each factor set forth in Subsection D above which is satisfied by the evidence, the Board ~~[shall]~~ MAY reduce the fine set forth in Chapter 110, Fees and Penalties, by \$100.00~~[125]~~. IN ANY EVENT, THE MINIMUM FINE SHALL BE \$200.00.

Section 4. BE IT FURTHER ORDAINED AND ENACTED, by the Mayor and Council of the City of College Park, Maryland, that Chapter 110 “Fees and Penalties”, §110-2, “Penalties” be, and is hereby, repealed, re-enacted and amended to read as follows:

§110-2 Penalties.

Chapter/Section	Description	Fee/Interest
	* * * * *	
Ch. <u>138</u> , Noise		
§ <u>138-5</u>	Chapter:	
	Citation	\$500
	Repeat violation within any [6] 12-month period	\$1,000
	* * * * *	

Section 5. 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 7:30 P.M. on the 12th day of July, 2016, 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 ____ day of _____ 2016.

ADOPTED by the Mayor and Council of the City of College Park, Maryland at a regular meeting on the ____ day of _____ 2016.

EFFECTIVE the ____ day of _____, 2016.

ATTEST:

CITY OF COLLEGE PARK

Janeen S. Miller, CMC, City Clerk

Patrick L. Wojahn, Mayor

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

Suellen M. Ferguson, City Attorney

Public Hearing

16-0-05

ORDINANCE
OF THE MAYOR AND COUNCIL OF THE CITY OF COLLEGE PARK AMENDING
CITY CODE CHAPTER 138 “NOISE”, §§138-2, “DEFINITIONS” TO REVISE THE
DEFINITIONS OF DAY AND NIGHT TO SHORTEN THE HOURS DURING WHICH
CERTAIN NOISE GENERATING ACTIVITIES MAY TAKE PLACE ON
SATURDAYS, SUNDAYS AND HOLIDAYS

WHEREAS, the Local Government Article of the Annotated Code of Maryland provides that the Mayor and Council of the City of College Park, Maryland have the authority to pass such ordinances as it deems necessary to preserve peace and good order, and to protect the health, comfort and convenience of the citizens of the municipality; and

WHEREAS, the Mayor and Council determined that the residents of the City have a right to an environment that is free from noise that may jeopardize their health, general welfare or property and as a result adopted Chapter 138, “Noise”; and

WHEREAS, the Mayor and Council have determined that it is in the public interest to amend Chapter 138 to further limit the hours during which certain noise generating activities, such as yard maintenance, can take place on Saturdays, Sundays and holidays.

Section 1. NOW THEREFORE, BE IT ORDAINED AND ENACTED, by the Mayor and Council of the City of College Park, Maryland that Chapter 138 “Noise”, §138-5, “Prohibited acts” be, and is hereby, repealed, re-enacted and amended to read as follows:

§138-2 Definitions.

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

* * * *

DAY- FROM MONDAY THROUGH FRIDAY, THE period between 7:00 a.m. and 8:00 pm.
ON SATURDAYS, SUNDAYS AND HOLIDAYS, THE PERIOD BETWEEN 8:00 A.M.
AND 8:00 P.M.

* * * *

NIGHT- FROM MONDAY THROUGH FRIDAY, THE period between 8:00 p.m. and 7:00

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.

a.m. ON SATURDAYS, SUNDAYS AND HOLIDAYS, THE PERIOD BETWEEN 8:00 P.M. AND 8:00 A.M.

* * * *

Section 2. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that, upon formal introduction of this proposed Ordinance, which shall be by way of a motion duly seconded and without any further vote, the City Clerk shall distribute a copy to each Council member and shall maintain a reasonable number of copies in the office of the City Clerk and shall publish this proposed ordinance or a fair summary thereof in a newspaper having a general circulation in the City of College Park together with a notice setting out the time and place for a public hearing thereon and for its consideration by the Council. The public hearing, hereby set for 7:30 P.M. on the 12th day of July, 2016, 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 ____ day of _____ 2016.

ADOPTED by the Mayor and Council of the City of College Park, Maryland at a regular meeting on the ____ day of _____ 2016.

EFFECTIVE the ____ day of _____, 2016.

ATTEST:

CITY OF COLLEGE PARK

Janeen S. Miller, CMC, City Clerk

Patrick L. Wojahn, Mayor

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

Suellen M. Ferguson, City Attorney

Public Hearing

16-CR-01

CHARTER RESOLUTION
OF THE MAYOR AND COUNCIL OF THE CITY OF COLLEGE PARK, TO AMEND
ARTICLE III, “MAYOR AND COUNCIL”, §3-6, “VACANCIES”, ARTICLE IV,
“VOTING AND ELECTIONS”, §C4-4 “OTHER ELECTION OFFICIALS” AND
ARTICLE VIII, “ORDINANCES”, §8-2, “PASSAGE”, TO CHANGE THE MANNER
IN WHICH NOTICE IS GIVEN OF VACANCIES IN ELECTIVE OFFICE,
APPOINTMENT OF ELECTION OFFICIALS, AND ADOPTION OF ORDINANCES

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 to change the manner in which notice of vacancies in office, appointment of election officials, and adoption of ordinances is given, in order to more efficiently provide information about important events to City residents; and

WHEREAS, the Mayor and Council have determined that certain provisions of Article III, “Mayor and Council”, Article IV, “Voting and Elections”, and Article VIII, “Ordinances”, require amendment in order to provide this notice.

Section 1. NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of College Park that Article III, “Mayor and Council”, §3-6, “Vacancies” be repealed, reenacted and amended to read as follows:

§3-6 Vacancies

A. * * * * *

B. Election or appointment to fill vacancies.

(1) – (2) * * * *

(3) Vacancy in office of Mayor or Council.

(a) Upon it becoming necessary to fill a vacancy in the office of Mayor or Council member pursuant to Subsection B(1) above, the City Clerk shall [place,] 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 a

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.

~~newspaper of general circulation in the City~~], an announcement of the vacancy, containing the qualifications of the office, the geographical boundaries of the district(s) to be represented, the procedure to apply for appointment to the vacancy or to be placed on the special election ballot, as appropriate, and the deadline for applications. Applications for appointment shall be forwarded by the Clerk to the Mayor and Council. Applications to be placed on the special election ballot shall be forwarded by the Clerk to the Supervisors of Elections, who shall review the applications for the purpose of determining the qualifications of the candidates. The application shall include a petition in a form satisfactory to the Board of Election Supervisors containing the names, addresses and signatures of not less than 20 registered voters residing in the applicant's district or, in the case of the Mayor, not less than 15 registered voters from each district in the City, indicating support of the applicant's candidacy. The applicant's name and signature may appear and be counted toward the required number on any such petition. Any candidate wishing to withdraw his or her application must do so no later than noon on the 11th calendar day before the election.

(b)– (c) * * * *

C. * * * *

Section 2. BE IT FURTHER RESOLVED by the Mayor and Council of the City of College Park, Maryland, that Article IV, “Voting and Elections”, §C4-4 “Other election officials” be repealed, reenacted and amended to read as follows:

§C4-4 “Other election officials.

Biennially, after due notice given [~~in the usual and customary methods in use by the City and, at minimum, printed in a newspaper having general circulation in the City,~~] BY POSTING AT CITY HALL, TO THE OFFICIAL CITY WEBSITE, TO THE CITY-MAINTAINED EMAIL LISTSERV, AND ON THE CITY CABLE CHANNEL; AND PUBLICATION IN ANY CITY NEWSLETTER, the Supervisors of Elections shall appoint such election officials as they deem necessary, who shall be compensated by the Mayor and Council, and conduct an election by ballot for the election of these officers provided for in this Charter. The Judges of Election shall prepare ballots containing the names of those persons eligible to become candidates for office and designating the office they seek and, except as otherwise provided herein in this Charter and in Chapter 34 of the Code, conduct elections under this Charter as nearly as practicable as

is now, or hereafter may be, provide for in the election of officers for Prince George's County under the general election laws.

Section 3. BE IT FURTHER RESOLVED by the Mayor and Council of the City of College Park, Maryland, that Article VIII, “Ordinances”, §C8-2 “Passage” be repealed, reenacted and amended to read as follows:

§C8-2 Passage.

A. A proposed ordinance may be introduced by any member of the City Council at any regular or special meeting of the Council. Prior to formal introduction of the proposed ordinance, the City Council may, at the request of any two Council members, schedule an informational meeting to present information to the public as to the proposed measure and to receive responses back from the public, at which meeting a presentation will ordinarily be made by the Mayor and Council or city staff. Such informational meeting shall be advertised in advance in such manner as the Mayor and Council deem advisable under the circumstances. Following the informational meeting, the Council may, in its discretion, recommit the proposed ordinance for discussion to a work session. Upon formal introduction of the 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~~] 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 proposed ordinance or a fair summary thereof in a newspaper having general circulation in the City of College Park and, if time permits, in the City newsletter, 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 shall follow the publication by at least seven 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 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, ~~[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 published in the City newsletter and available at the city's offices.]~~ Except as otherwise provided, every ordinance adopted shall become effective at the expiration of twenty (20) days after its adoption or at any later date specified therein. However, with respect to the limited zoning-type ordinances that may be passed by the Mayor and City Council pursuant to the authority of §25-303 OF THE LAND USE ARTICLE ~~[8-112.1 of Article 28]~~ of the Annotated Code of Maryland, the provisions of the Annotated Code of Maryland shall control as to the effective date of the proposed ordinance.

B. * * * * *

Section 4. 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 **7:30 p.m.** on the **12th** day of **July, 2016.** All persons interested shall have an opportunity to be heard.

Section 5. BE IT FURTHER RESOLVED that this Charter Resolution is adopted this _____ day of _____, 2016, 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 6. 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 7. 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 4 and 5 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 6 and shall further cause to be completed and executed the Municipal Charter or Annexation Resolution Registration Form.

INTRODUCED by the Mayor and Council of the City of College Park at a regular meeting on the _____ day of _____ 2016.

ADOPTED by the Mayor and Council of the City of College Park at a regular meeting on the _____ day of _____ 2016.

EFFECTIVE the _____ day of _____, 2016.

ATTEST:

CITY OF COLLEGE PARK,

Janeen S. Miller, CMC, City Clerk

By _____
Patrick L. Wojahn, Mayor

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

Suellen M. Ferguson, City Attorney

16-R-16

Homeownership Grant Program



**CITY OF COLLEGE PARK, MARYLAND
REGULAR COUNCIL MEETING AGENDA ITEM**

AGENDA ITEM NUMBER 16-R-16

Prepared By: Bill Gardiner
Assistant City Manager

Meeting Date: July 12, 2016

Presented By: Bill Gardiner

Consent Agenda: Yes

Originating Department: Administration

Action Requested: Adoption of Resolution 16-R-16, A Resolution to authorize homeownership grant funds to be combined with the CPCUP homeownership program under certain circumstances

Strategic Plan Goal: Goal 1: One College Park

Background/Justification:

The City of College Park's Homeownership Grant provides \$5,000 to homebuyers of former rental or foreclosed properties and new single-family homes in the City, and to qualified public safety officers and City employees (for any home). The College Park City-University Partnership (CPCUP) created a homeownership program that provides a \$15,000 forgivable loan to UMD employees and City employees who purchase a home in College Park. Each program places a lien on the property in case the homebuyer violates the terms of the loan.

Coupling the City and the CPCUP programs for a qualified homebuyer has been difficult because homebuyers are not able to secure a mortgage with two additional liens (one from the City and one from CPCUP) on the home purchase.

The attached resolution amending the City's Homeownership program enables the City to provide funding to the CPCUP when a homebuyer is qualified for both programs. Essentially, the City would provide its \$5,000 to CPCUP (not directly to the homebuyer), and CPCUP would provide a \$20,000 loan to the homebuyer with conditions. If the homebuyer failed to abide by the conditions, the CPCUP would obtain repayment from the homeowner and would be responsible to repay the City its outstanding portion of the \$5,000.

The City Council discussed this proposal during the July 5, 2016 Worksession and supported these changes. Enacting the changes requires the attached resolution to amend the homeownership grant program.

Fiscal Impact:

The City has budgeted funds for this program and will continue to offer the funds for qualified homebuyers for the City's program. These funds would also be available to CPCUP for buyers meeting the City's and the CPCUP criteria.

Council Options:

1. Adopt Resolution 16-R-16 to amend the City's Homeownership Grant Program as noted above.
2. Take no action and therefore keep the program as it currently operates.

Staff Recommendation:

Option 1.

Recommended Motion:

I move to adopt Resolution 16-R-16 to amend the City's homeownership grant program so that qualified homebuyers can easily use both the City and the CPCUP programs, while still protecting the City in case of a violation of the terms.

Attachments:

Resolution 16-R-16 to authorize homeownership grant funds to be combined with the CPCUP homeownership program under certain circumstances.

RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLLEGE PARK, MARYLAND, TO AUTHORIZE HOMEOWNERSHIP GRANT FUNDS TO BE COMBINED WITH THE COLLEGE PARK CITY-UNIVERSITY PARTNERSHIP HOMEOWNERSHIP PROGRAM UNDER CERTAIN CIRCUMSTANCES

WHEREAS, the Mayor and Council of the City of College Park have authority pursuant to §5-202 of the Local Government Article, Annotated Code of Maryland, to make those laws and regulations that protect the health and welfare of residents within the City; and

WHEREAS, the Mayor and Council have adopted the Homeownership Grant Program to encourage a balanced mix of homeownership in the City; and

WHEREAS, the College Park City-University Partnership (CPCUP) has developed a homeownership program that provides forgivable loan funding for up to \$15,000.00 to full time University of Maryland employees who agree to purchase and reside in single family homes in the City; and

WHEREAS, at times eligibility requirements are satisfied by an applicant for both the City and CPCUP programs, and securing both the grant and the forgivable against a property can complicate financing; and

WHEREAS, CPCUP has requested that the City combine the payment that it would ordinarily provide under its Homeownership Grant with the payment to be provided to a CPCUP eligible recipient (“combined funding”), with CPCUP assuming the administrative processing of the application and enforcement of the combined funding requirements; and

WHEREAS, the Mayor and Council have determined that it is in the public interest to combine payments under the City’s Homeownership Grant program with those available

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 Resolution

from CPCUP when eligibility requirements are satisfied by an applicant for both programs under certain circumstances as described in this resolution.

NOW THEREFORE, the Mayor and Council of the City of College Park do hereby resolve that the Homeownership Grant Program is amended to read as follows:

HOMEOWNERSHIP GRANT PROGRAM

1. That the Homeownership Grant Program is hereby established.
2. Subject to funding, buyers of single family residences (including townhouses) within the City that have been used for at least two years prior to purchase as non-owner occupied rental properties, or as owner occupied properties rented to more than two (2) other persons, who agree to be owner-occupants for five consecutive years may request a grant of up to \$5,000.00 to be used at closing toward the purchase of the property. During the said five years, the residence for which this grant is used shall be owner occupied and not rented to more than two (2) other persons at any time during the period. For city employee grants only, a non-employee co-owner of the property is exempted from the residency requirements of this section.
3. For purposes of this grant program, police officers are defined as those certified officers who are full time employees of the State of Maryland, the University of Maryland, the Washington Metropolitan Area Transit Authority, Prince George's County, and the Maryland-National Capital Park and Planning Commission.
4. For purposes of this grant program, City employees are defined as regular full time employees.

5. For purposes of this grant program, firefighters and emergency medical technicians are defined as full time, career firefighters and full time emergency medical technicians who are employed in Prince George's County and bona fide members of Volunteer Fire Departments in Prince George's County who can provide certification from their Department.
6. In the alternative, City employees and police officers, firefighters and emergency medical technicians who agree to be owner occupants for five consecutive years may apply for a grant of up to \$5,000.00 for use at closing on the purchase of any single family home or condominium within the City, regardless of whether it is or has been used as a rental. During the said five years, the residence for which this grant is used shall be owner occupied and not rented to more than two (2) other persons at any time during the period. For city employee grants only, a non-employee co-owner of the property is exempted from the residency requirements of this section.
7. In the alternative, any person(s) who agrees to be owner occupant for five consecutive years of a single family residence (including townhouses), or a condominium unit, that is in foreclosure or short sale status prior to purchase, may apply for a grant of up to \$5,000.00 for use at closing on the purchase of said single family home or condominium. During the said five years, the residence for which this grant is used shall be owner occupied and not rented to more than two (2) other persons at any time during the period.
8. In the alternative, any person(s) who agrees to be owner occupant for five consecutive years of a newly constructed detached single family residence may

apply for a grant of up to \$5,000.00 for use at closing on the purchase of said single family home. During the said five years, the residence for which this grant is used shall be owner occupied and not rented to more than two (2) other persons at any time during the period.

9. In the event that a participant fails to remain an owner occupant for the agreed five consecutive year period, the funds provided under the grant shall be repaid to the City by the participant, subject to a credit of one/fifth of the grant sum for each full year during which the property was in compliance with the terms of the grant.
10. The Owner, while residing at the Property, may rent to up to two other persons during the five (5) year period. If not residing at the Property, Owner shall not rent to any other person during the five (5) year period. Should the Owner rent any portion of the property to any person while not living at the Property, or to more than 2 other persons while residing at the Property, then the full grant sum shall be repaid to the City.
11. Repayment of any funds pursuant to paragraph 9 or 10 shall become due immediately upon the happening of the event that triggers the condition (i.e. sale of the property, non-residence or rental of the property). Any repayment amount due hereunder which is not paid within thirty (30) days from becoming due may be included in the real property tax bill and shall be collected as city taxes are collected.
12. All participants in this grant program shall be required to sign a Declaration of Covenants and Conditional Repayment Agreement that shall include the terms

of the grant as set out herein and be binding upon the property, in substantially the form as attached to this resolution.

13. All participants in the grant program shall file an annual certification on a form provided by the City that they are in compliance with the terms of the grant. Failure to file the form as requested is a breach of grant requirements, and may result in the required repayment of grant amounts, as set out in paragraph 9.
14. City staff may, when otherwise appropriate, extend the date upon which a grant recipient must take up residence at the property for up to six months from settlement, or until an existing lease expires, whichever first occurs, when the property is subject to a existing lease.
15. To be eligible for a grant, an applicant must be in good standing with the City.
16. CITY GRANT FUNDING MAY BE COMBINED WITH THE FUNDING AVAILABLE THROUGH THE CPCUP HOMEOWNERSHIP PROGRAM PURSUANT TO TERMS AGREED IN A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY AND CPCUP. IN THIS EVENT, THE ADMINISTRATION OF THE GRANT OR FORGIVABLE LOAN APPLICATION, FUNDING, AND ENFORCEMENT WILL BE PERFORMED BY CPCUP. A CITY DECLARATION OF COVENANTS WILL NOT BE REQUIRED FROM THESE APPLICANTS. IN THE EVENT THAT AN APPLICANT WHO RECEIVES FUNDING UNDER THIS PARAGRAPH DEFAULTS ON OR FAILS TO COMPLY WITH ANY CITY GRANT REQUIREMENT, CPCUP SHALL REFUND AN AMOUNT CALCULATED PURSUANT TO PARAGRAPH 9 AND 10 OF THIS

RESOLUTION TO THE CITY WITHIN 180 DAYS OF THE DEFAULT OR
FAILURE TO COMPLY.

ADOPTED by the Mayor and City Council of the City of College Park at a regular
meeting on the _____ day of _____, 2016.

EFFECTIVE the _____ day of _____, 2016.

WITNESS:

CITY OF COLLEGE PARK

Janeen S. Miller, CMC, City Clerk

Patrick L. Wojahn, Mayor

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

Suellen M. Ferguson, City Attorney

16-G-87

Adoption of a MOU between the City and CPCUP



**CITY OF COLLEGE PARK, MARYLAND
REGULAR COUNCIL MEETING AGENDA ITEM**

AGENDA ITEM NUMBER 16-G-87

Prepared By: Bill Gardiner
Assistant City Manager

Meeting Date: July 12, 2016

Presented By: Bill Gardiner

Consent Agenda: Yes

Originating Department: Administration

Action Requested: Adoption of a Memorandum Of Understanding between the City and the College Park City-University Partnership regarding the homeownership grant program in substantially the form attached and authorization for the City Manager to sign the MOU.

Strategic Plan Goal: Goal 1: One College Park

Background/Justification:

The City Council must approve a Memorandum of Understanding (MOU) with the College Park City-University Partnership (CPCUP) in order to implement proposed changes that would facilitate the joint use of the City's homeownership grant program and the CPCUP homeownership grant program for homebuyers qualified for both programs.

The attached MOU identifies the eligibility criteria to receive funds from each program; the criteria to remain in good standing (owner-occupied and not rented to more than two people for a certain number of years); and the administration of the application, funding, and compliance.

Fiscal Impact:

The City has budgeted funds for the City's program, and these funds would also be available to CPCUP for buyers meeting the City's and the CPCUP criteria.

Council Options:

1. Adopt the MOU and authorize the City Manager to sign it.
2. Take no action.

Staff Recommendation:

Option 1.

Recommended Motion:

I move to adopt in substantially the form attached the Memorandum Of Understanding (MOU) between the City and the College Park City-University Partnership regarding the homeownership grant program and to authorize the City Manager to sign the MOU.

Attachments:

Memorandum of Understanding between the City of College Park and the College Park City-University Partnership.

MEMORANDUM OF UNDERSTANDING

THIS MEMORANDUM OF UNDERSTANDING (“MOU”), is effective this _____ day of _____, 2016, between the College Park City-University Partnership, Inc., (hereinafter “CPCUP”) and the City of College Park (hereinafter the “City”), referred to herein collectively as “the Parties”.

WHEREAS, the Mayor and Council of the City have authority pursuant to §5-202 of the Local Government Article, Annotated Code of Maryland, to make those laws and regulations that protect the health and welfare of residents within the City; and

WHEREAS, the Mayor and Council have adopted the Homeownership Grant Program to encourage a balanced mix of homeownership in the City; and

WHEREAS, the College Park City-University Partnership (CPCUP) has developed a homeownership forgivable loan program that provides funding for up to \$15,000.00 to full time benefits eligible University of Maryland employees and full time City employees who agree to purchase and reside in single family homes in the City; and

WHEREAS, at times eligibility requirements are satisfied by an applicant for both the City and CPCUP programs, and securing both grants against a property can complicate financing; and

WHEREAS, CPCUP has requested that the City combine the payment that it would ordinarily provide under its Homeownership Program with the payment to be provided to an applicant who is also a CPCUP eligible recipient, with CPCUP assuming the administrative processing of the application and enforcement of the grant and loan requirements; and

WHEREAS, the City has determined that it is in the public interest to combine payments under the City's Homeownership Grant Program with those available from CPCUP when eligibility requirements are satisfied by an applicant for both programs under certain circumstances under the terms and conditions set out herein.

NOW THEREFORE, in consideration of the foregoing, and 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 agree as follows:

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

1. The Parties agree that this MOU applies and that a City grant may be combined with a CPCUP forgivable loan ("combined funding") when eligibility requirements are satisfied by an applicant who is:
 - A. A full time, benefits eligible University of Maryland employee who is buying a single family residence (including townhouses) within the City that has been used for at least two years prior to purchase a non-owner occupied rental property, or an owner occupied property rented to more than two (2) other persons.
 - B. A City of College Park full time employee who is buying a single family residence (including townhouses) within the City.
 - C. A University of Maryland police officer, firefighter or emergency medical technician who is buying a single family residence (including townhouses) within the City.

- D. A full time, benefits eligible University of Maryland employee for the purchase of a newly constructed detached single family residence.
 - E. All combined funding recipients must agree to be owner occupants for five consecutive years with respect to City funding and for the number of consecutive years required by CPCUP for CPCUP funding. During the said period, the residence for which the combined funding is used shall be owner occupied and not rented to more than two (2) other persons at any time.
2. Grants and forgivable loans are subject to available funding.
 3. The requirements of the City's Homeownership Grant Program, which are attached hereto as Exhibit A, are made applicable to the City portion of any combined funding except as otherwise stated herein and are incorporated herein by reference.
 4. In the event that funding is combined under this MOU, CPCUP shall process the application for the City grant and the CPCUP forgivable loan pursuant to its Homeownership Program and shall administer and enforce the combined funding obligations.
 5. CPCUP agrees to require annual certification by combined funding recipients that they are in compliance with the terms of the City grant. Failure to file the form as requested is a breach of grant requirements.
 6. In the event that a combined funding recipient fails to comply with the restrictions set out herein for at least five years, the City shall be entitled to reimbursement by CPCUP of the amount that the recipient would be obligated

to repay to the City under the Homeownership Grant Program attached as Exhibit A.

7. The Parties agree to cooperate in publicizing the Program.
8. The terms and conditions of this MOU shall be governed by the laws of the State of Maryland without regard to its conflict of laws provisions.
9. The Parties shall not discriminate in employment because of religion, race, sex, age, color, occupation, familial status, marital status, political opinion, personal appearance, sexual orientation, physical/mental handicaps or national origin.
10. Failure of either party to enforce any provision or terms of this MOU shall not be deemed a waiver of said provision and terms.
11. No changes, modifications or amendments shall be effective for any purpose without prior written approval of the Parties.
12. Notwithstanding anything to the contrary herein, this MOU may be terminated at any time upon written notice when either party determines that such termination is in its best interest, with the exception that the obligations of paragraph 6 shall survive termination. The terminating party will be liable only for grants to which it has already committed. This provision shall not limit either party in exercising any other rights or remedies it may have.

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

ATTEST:

CITY OF COLLEGE PARK

Janeen S. Miller, CMC, City Clerk

By: _____
Scott Somers, City Manager

WITNESS:

COLLEGE PARK CITY-UNIVERSITY
PARTNERSHIP

By: _____

Name:

Title:

APPROVED AS TO LEGAL SUFFICIENCY:

Suellen M. Ferguson
City Attorney

16-R-18

CPCUP Community Legacy Grant Application



**CITY OF COLLEGE PARK, MARYLAND
REGULAR COUNCIL MEETING AGENDA ITEM**

AGENDA ITEM NUMBER 16-R-18

Prepared By: Janeen S. Miller, City Clerk

Meeting Date: July 12, 2016

Presented By:

Consent Agenda: Yes

Originating Department: Administration

Action Requested: Approve a resolution in support of the College Park City-University Partnership (CPCUP) Community Legacy Grant Application

Strategic Plan Goal: Goal 1: One College Park

Background/Justification:

At the July 5 Worksession, CPCUP Executive Director Eric Olson discussed the Partnership's successful Homeownership Program and the Community Legacy Grant Application that they intend to submit to the Maryland Department of Housing and Community Development for continued funding. Mr. Olson requested Council's support for their application in the form of a Resolution, which is attached. It has been determined that the City will not be submitting its own Community Legacy application this year, so we would not be in competition with the Partnership for these funds. The Community Legacy application deadline is July 15.

Fiscal Impact:

None

Council Options:

- #1: Approve Resolution 16-R-18 in support of the Partnership's Community Legacy Application
- #2: Do not approve 16-R-18

Staff Recommendation:

#1

Recommended Motion:

I move to approve Resolution 16-R-18 in support of the Community Legacy Application by the College Park City University Partnership for funding for their Homeownership program

Attachments:

Letter from the College Park City University Partnership
Resolution 16-R-18



Eric Olson, Executive Director
eolson@collegeparkpartnership.org
240-416-3184

Valerie Woodall, Program Associate
vwoodall@collegeparkpartnership.org
845-649-2477

COLLEGE PARK CITY-UNIVERSITY PARTNERSHIP

June 15, 2016

Mayor Wojahn and City Council
City of College Park
4500 Knox Road
College Park, MD 20740

RE: Support for the Partnership's DHCD Grant application to continue the Homeownership program

Dear Mayor Wojahn and City Council Members,

Thank you for your budget support of \$50,000 toward the Partnership's Homeownership Program. We are adding City of College Park employees to the program.

As you know, the program is an effort to improve our local economy, reduce commutes, and encourage more people to live near work. The program, which was launched in the summer of 2015, provides \$15,000 forgivable loans to full-time, benefits-eligible employees of the University of Maryland (and now, employees of the City of College Park) to purchase a home in College Park. The home must be their permanent residence. The program was initially supported by a \$100,000 DHCD Community Legacy Grant and a \$50,000 grant from the University of Maryland. A year ahead of schedule, the Partnership has dispersed this initial funding to support 10 home purchases in the City. These have spanned every city council district.

This is a successful program, and we are seeking additional funding from the Maryland Department of Housing and Community Development's Community Legacy Grant program in FY17 to continue our program. In order to apply, as in 2014, we are required to have a resolution of support from the City of College Park. We respectfully request the City Council's continued support. Attached we are including a sample resolution for the Council's consideration. The application to DHCD is due on July 15th at 3:00 pm, so we respectfully request your action at your July meeting.

As you know, this project complements the City of College Park's current New Neighbors Program and augments the effort to stabilize our residential areas through homeownership. Each home purchased through our program helps bolster the City's economy, neighborhoods, and reduce commutes.

The Partnership requests the City's support for its grant application to DHCD, in the form of a Council resolution. Please let me know if you have any questions. This will build upon existing City, University, and State investment and will continue to enhance College Park.

Thank you for your time and consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "E. Olson".

Eric Olson
Executive Director

**RESOLUTION
OF THE MAYOR AND COUNCIL OF THE CITY OF COLLEGE PARK
EXPRESSING SUPPORT FOR THE COLLEGE PARK CITY-UNIVERSITY
PARTNERSHIP'S APPLICATION AND RECEIPT OF FINANCING
FOR A COMMUNITY LEGACY GRANT**

The City of College Park has approved the College Park City-University Partnership's application and receipt of financing for a Community Legacy Grant (the "Project") further described in the Application dated July 15, 2016 ("The Application") either directly by the Department of Housing and Community Development (the "Department") of the State of Maryland or through other departments or agencies of the State of Maryland.

WHEREAS, the City of College Park recognizes that there is a significant need for reinvestment and revitalization in the community; and

WHEREAS, the College Park City-University Partnership proposes to continue, and expand, its Homeownership Program (the "Project") as further described in the Application, the purpose of which is to contribute to the reinvestment and revitalization in the Sustainable Community Area; and

WHEREAS, the Department, through Community Legacy, may provide some or all of the financing for the Project (the "Project Financing") in order to assist in making it financially feasible; and

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

WHEREAS, the applicable law and regulations require approval of the Project, and the Project financing by the City of College Park and, where appropriate, by the chief elected official of the local subdivision;

NOW, THEREFORE BE IT RESOLVED that the City of College Park hereby endorses the Project; and, hereby approves the request for financial assistance in the form of a grant or loan up to the amount of \$250,000; and

BE IT FURTHER RESOLVED that the chief elected official be, and is hereby requested to endorse this Resolution, thereby indicating the City's approval thereof; and

BE IT FURTHER RESOLVED that copies of this Resolution be sent to the Secretary of the Department of Housing and Community Development of the State of Maryland.

READ AND PASSED this 12th day of July, 2016.

BY ORDER: I hereby certify that Resolution Number **16-R-18** is true and correct and duly adopted by the City Council of the City of College Park.

WITNESS:

CITY OF COLLEGE PARK

Janeen S. Miller, CMC, City Clerk

Patrick L. Wojahn, Mayor

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

Suellen M. Ferguson, City Attorney

16-G-90

Stormwater Stewardship Grant Application



**CITY OF COLLEGE PARK, MARYLAND
REGULAR COUNCIL MEETING AGENDA ITEM**

AGENDA ITEM NUMBER 16-G-90

Prepared By: Janeen S. Miller, City Clerk

Meeting Date: July 12, 2016

Presented By:

Consent Agenda: Yes

Originating Department: Administration

Action Requested: Approve a letter of support for the College Park Community Center Stormwater Stewardship Grant Application to the Chesapeake Bay Trust

Strategic Plan Goal: Goal 2: Environmental Sustainability

Background/Justification:

Mayor Wojahn received a request from Antonia Bookbinder, Sustainability Instructor for the Department of Parks and Recreation for Prince George's County (M-NCPPC) for a letter of support for a rain garden project they are proposing at the College Park Community Center. They are applying for a grant under the Stormwater Stewardship Program of the Chesapeake Bay Trust; the grant program is further described at http://www.cbtrust.org/site/c.miJPKXPCJnH/b.9167947/k.BF6B/Prince_Georges_Stormwater_Stewardship.htm
The grant deadline is July 21.

Fiscal Impact:

None

Council Options:

- #1: Approve the attached letter in support of M-NCPPC's grant application
- #2: Do not approve the attached letter

Staff Recommendation:

#1

Recommended Motion:

I move to approve the attached letter in support of the M-NCPPC's grant application to the Chesapeake Bay Trust for a rain garden at the College Park Community Center, and authorize the Mayor to sign the letter.

Attachments:

Letter

July 12, 2016

Ms. Sadie Drescher
Chesapeake Bay Trust
Prince George's County Stormwater Stewardship Grant Program
60 West Street, Suite 400
Annapolis, MD 21401

Re: M-NCPPC Stormwater Stewardship grant proposal

Dear Ms. Drescher:

The City Council joins me in supporting The Maryland-National Capital Park & Planning Commission's Stormwater Stewardship application. The projects proposed in M-NCPPC's application include installation of a rain garden at College Park Community Center and restoration of streamside forest buffer along Paint Branch Stream at Acredale Park where trees have been lost due to damage by the invasive emerald ash borer. Both projects will benefit the City of College Park by reducing the amount of unfiltered stormwater runoff entering Paint Branch Stream, and the restoration of forest buffer at Acredale Park will help to control streambank erosion that has intensified as native ash trees have died and been removed. Furthermore, both projects will include volunteer opportunities in which community residents and students at K-12 schools in College Park can help to plant trees or areas of the rain garden and can learn about stormwater mitigation practices that they can implement at their own homes and neighborhoods. Because M-NCPPC's proposal includes support for and collaboration with several groups that advocate for Anacostia River tributaries, College Park will further benefit from the restoration and stream cleanup activities to be carried out by these advocacy groups.

As part of our support for these projects, we anticipate that the College Park Committee for a Better Environment will collaborate with M-NCPPC in creation of educational programs and volunteer opportunities. We hope that the Chesapeake Bay Trust will consider support M-NCPPC's Stormwater Stewardship proposal.

Sincerely,

Patrick L. Wojahn
Mayor

16-G-94

Approval of a Driveway Apron Variance



**CITY OF COLLEGE PARK, MARYLAND
REGULAR MEETING AGENDA ITEM**

AGENDA ITEM 16-G-94

Prepared By: Steven E. Halpern

Meeting Date: July 12, 2016

Presented By: Steven E. Halpern

Proposed Consent Agenda: Yes

Originating Department: Administration

Issue Before Council: Request for A Driveway Apron Variance To Construct A Double Wide Concrete Curb-Cut At 5008 Huron Street

Strategic Plan Goal: Goal 4: Quality Infrastructure

Background/Justification:

Attached is a letter dated June 16, 2016 from Mr. Erica Sosa Rubio, owner of the property at 5008 Huron Street, requesting permission to construct a double wide concrete curb-cut to access his proposed double wide driveway.

City policy requires staff to review requests for non-standard driveway aprons (those that differ from the City standard) and recommend approval or disapproval to the Mayor and Council. Mr. Rubio is requesting permission to construct a concrete double wide curb-cut. The City Standard is a singlewide driveway apron and curb-cut 17 feet wide at the street and 10 feet wide at the property line. Standard attached. It is the intent of the policy established by the Mayor and Council on March 26, 1996 to have the property owners of non-standard driveway aprons assume financial responsibility for the replacement of that portion of the driveway apron in excess of the City Standard, and to convey this responsibility to all future owners of the property if the variance request is approved.

Mr. Rubio's appeared before the Advisory Planning Commission (APC) requesting that he be allowed to construct a double wide driveway in front of his house. Based on the evidence and testimony presented at the variance hearing the APC recommended that Mr. Rubio's variance be granted under the condition that the City Council grant him a double wide concrete curb-cut. The City Council adopted this recommendation in Special Session on July 5, 2016.

5008 Huron Street is located in the Daniel's Park subdivision and is located on the north side of the street roughly midblock between Rhode Island Avenue and 50th Place. Huron Street is a typical local residential street within a 30-ft right-of-way. The street is 26 feet wide, provides for two way traffic, and on-street parking is available on both sides of the street. Because the right-of-way is 30 feet only the curb-cut will be maintained by the City after it is constructed by Mr. Rubio. The reason for this is because the road width is 26 feet. After you subtract the roadway width (26 feet) from the right-of-way width (30 feet) you are left with 4 feet. You then divide the 4 feet by 2 because the roadway is centered in the right-of-way and you distribute the difference 2 feet to each side of the roadway. Effectively the right-of-way or property line is 16-inches back from the face of the curb.

It is staff's opinion that the construction of a double wide curb-cut will not impact future on-street parking or affect the traffic operation of Huron Street in any way.

Mr. Rubio is agreeable with the condition that a Declaration of Covenants be a condition for granting approval for constructing a double wide concrete driveway apron and recognizes that the property owner shall be solely responsible for all construction costs associated with this work.

Based on staff's review of Mr. Rubio's request for permission to construct a doublewide concrete curb-cut, it is recommended that his request be granted.

Fiscal Impact: None

Council Options:

1. Grant Mr. Rubio's variance request to construct a double wide curb-cut, subject to his entering into a Declaration of Covenants with the City.
2. Do not approve Mr. Rubio's variance request
3. Direct staff to conduct additional research
4. Table action to a later Council meeting

Staff Recommendation:

1

Recommended Motion:

I move to approve a request for a Driveway Apron Variance to construct a double wide curb-cut at 5008 Huron Street subject to the applicant entering into a Declaration of Covenants with the City in substantially the form attached, and authorize the City Manager to sign the Declaration.

Attachments:

Letter from Mr. Erika Sosa Rubio requesting a double wide curb-cut variance
Location Map
City Standards: Singlewide Driveway Apron and Curb

Steve Halpern

From: Erika Sosa [erika.sosa1227@gmail.com]
Sent: Thursday, June 16, 2016 3:22 PM
To: Steve Halpern
Subject: Request for a Double wide curbcut

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Hello Mr. Steve Halpern.

The reason for this e-mail is that we need a double wide curbcut 'cause due to the lot configuration we requested a variance to do a double car driveway in front of our house and is also similar to our neighbors double car driveways..... also we have a 2 year old boy who is runnig jumping and playing so we need to keep him off the street as much as possible for obvious safety reasons and i'm expecting my second child and not having a parking space at my house is not fun when we have to bring groceries, my child and have to walk 30 feet from the car to the house. This are some of the reason why we need our double car driveway

Sincerely,

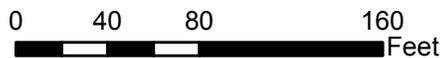
Erika Sosa Rubio

Attachment 5008 Huron Street - Driveway Apron Variance



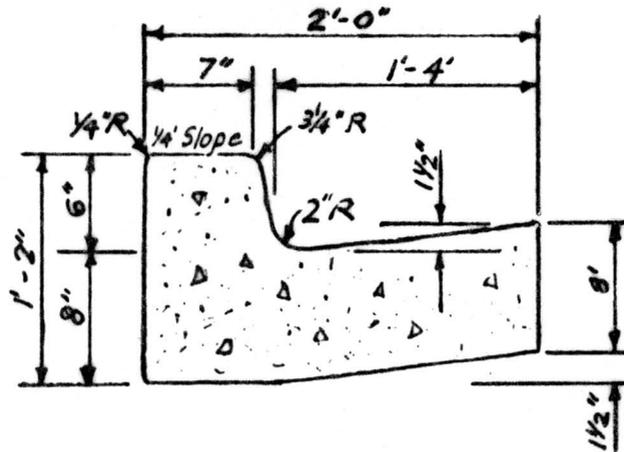
APC Approved 24' x 24' Driveway Pad Expansion on the condition that the City Council grant a double-wide curb-cut

By: College Park Engineering
Date :06-21-16
Source: M-NCPPC GIS

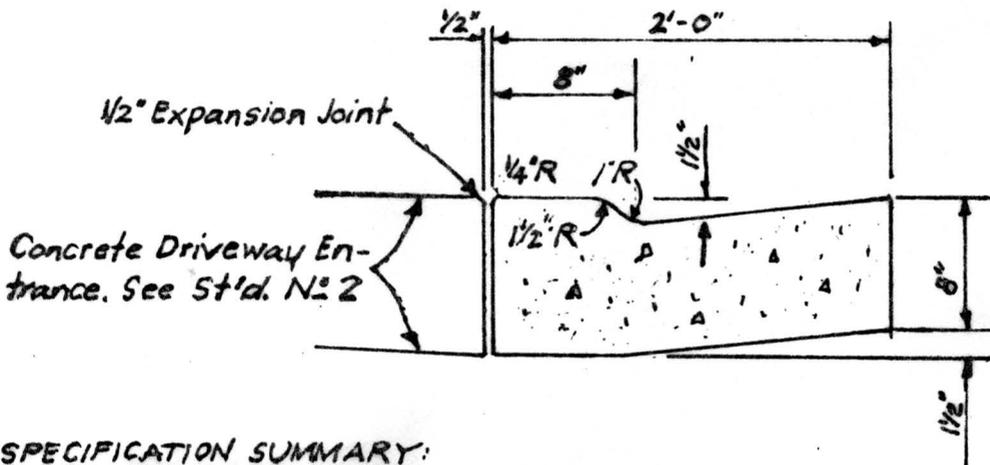


COMBINATION CONCRETE CURB & GUTTER STANDARD NO. 1

Scale 1" = 1'-0"



Standard Sections to be 10' Length. Sections to be Min. of 4' Length.
Premoulded expansion joint at intervals not to exceed - 40 feet



SPECIFICATION SUMMARY:

1. Subgrade thoroughly compacted with vibratory or pneumatic compactor - unsatisfactory material replaced with S.R.C. Spec. G.P. - 1.
2. Concrete shall not be placed on frozen subgrade.
3. Forms - steel or wood - subject to approval of Municipal Engineer.
4. Camel's hair brush finish & clear cure.
5. Concrete - Air Entrained, 6 1/2 bag portland cement concrete, Max. Slump = 4 inches.
6. Backfill - mechanically compacted in accordance with S.R.C. Spec. 31.07 - Tamped fill.

DROP CURB

City of College Park

APPROVED:

DATE: May 24, 1977

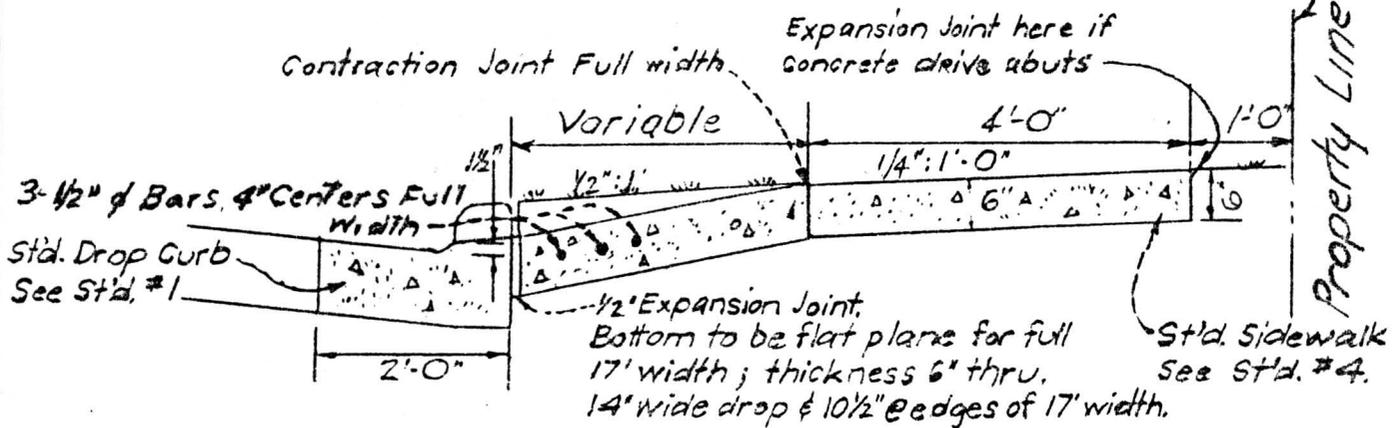
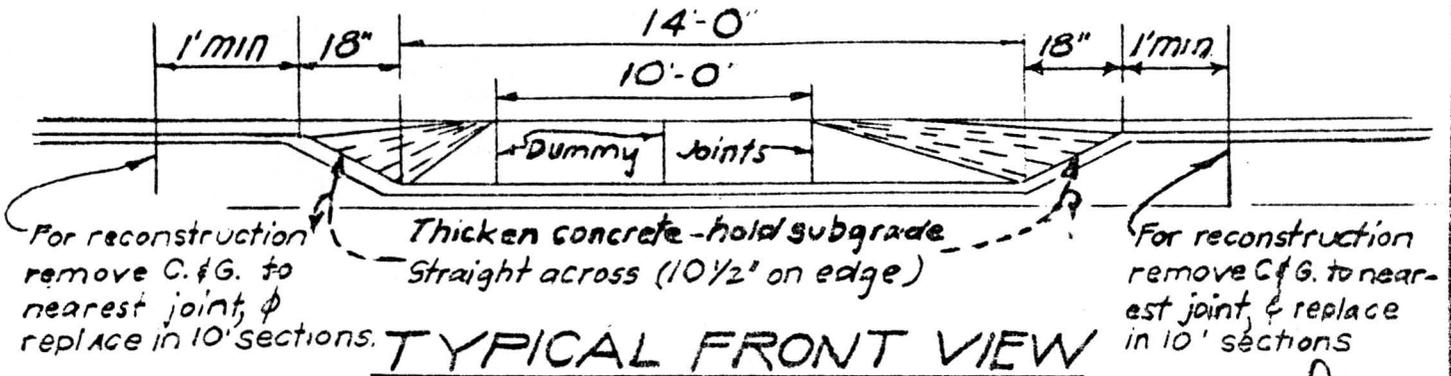
St. Clair Thomas
MAYOR

K. N. [Signature]
ENGINEER

GREENHORNE & O'MARA
CIVIL ENGINEERS - LAND SURVEY
6715 Kenilworth Ave. Riverdale, M
Appleton 7-2122

Drawn by	Scale 1 1/2" = 1'-0"	Date Jan, 1977
Checked by	Job No.	File No.
Approved by		M-1150-L

STANDARD DRIVEWAY ENTRANCE STANDARD No 2



SPECIFICATION SUMMARY:

1. Subgrade thoroughly compacted with vibratory or pneumatic compactor - unsatisfactory material replaced with S. R. C. Spec. G. P. - 1.
2. Concrete shall not be placed on frozen subgrade.
3. Forms - steel or wood - subject to approval of Municipal Engineer.
4. Hair broom finish & clear cure
5. Concrete - air entrained, 6 1/2 bag portland cement concrete, Max Slump = 4 inches.
6. Special attention is called to thickened edges.

7. All expansion joint material shall be premoulded, non-extrudable, asphalt impregnated.

City of College Park

APPROVED

DATE: May 24 1972

MAYOR

ENGINEER

GREENHORNE & O'MARA
CIVIL ENGINEERS — LAND SURVEYORS

6715 Kenilworth Ave. Riverdale, Md.
AP plate 22

Drawn by JM

Scale As Shown

Date Jan, 1972

Checked by

Job No.

File No.

Approved by

M-1159-L

DECLARATION OF COVENANTS

THIS DECLARATION OF COVENANTS, is made this _____ day of July, 2016 by Erika S. Rubio and Nolvía Sosa (hereinafter referred to as the "Declarants"), in favor of the CITY OF COLLEGE PARK (the "City") a municipal corporation of the State of Maryland.

WHEREAS, the Declarants are the owners of certain real property situated within the City of College Park, referenced as map 25, grid 00F3, subdivision 3730, lot 17 and 18, block 22, Plat E-2747, with the address of 5008 Huron Street, College Park, Maryland, Tax Identification No. 21-2315141, and with deed reference Liber 34323 folio 00411 as recorded among the land records of Prince George's County, Maryland (the "Property"); and

WHEREAS, the Declarants wish to construct a double-wide driveway apron, with a twenty four foot (24') width at the street and a twenty foot (20') width at the property line; and

WHEREAS, the City standard provides for a driveway with a seventeen foot (17') width at the street and ten foot (10') width at the property line; and

WHEREAS, the construction of a doublewide driveway apron in the size desired by the Declarant would create a non-standard driveway apron; and

WHEREAS, the Mayor and City Council of the City of College Park have reviewed the Declarants' application for a building permit to allow a doublewide driveway apron and have approved same, conditioned upon the Declarants providing perpetual maintenance of the expanded portion of the driveway apron, to be evidenced by the execution of this Declaration of Covenants.

NOW, THEREFORE, in consideration of the premises, the sum of \$1.00 and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Declarants hereby declare that the Property is and shall be held, transferred, sold, leased, rented, hypothecated, encumbered, conveyed or otherwise occupied subject to the following covenants,

conditions, restrictions, limitations and obligations which shall run with and bind the Property or any part thereof, and shall inure to the benefit of and be enforceable by the City, its successors and assigns.

1. Declarants shall be solely responsible for the new double-wide driveway apron on the Property which, except for the width of twenty four feet (24') at the street and twenty feet (20') at the property line, shall comply with all City and County requirements. All costs and expenses associated with the construction of the driveway apron shall be borne by the Declarants.

2. Declarants and their successors and assigns shall be solely responsible to the City for all costs and expenses associated with the maintenance of that portion of the driveway apron that exceeds the City standard of a seventeen foot (17') width at the street and a ten foot (10') width at the property line.

3. The Property shall be held, conveyed, encumbered, sold, leased, rented, used and/or occupied subject to the terms and provisions of this Declaration.

4. Declarants hereby agree to indemnify and hold the City harmless from and against any and all claims, causes of action, liability, damages and/or expenses associated with the installation and maintenance of the doublewide driveway and driveway apron on the Property, except as otherwise stated herein.

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

IN WITNESS WHEREOF, Erika S. Rubio and Nolvía Sosa and the City have caused these presents to be executed and delivered.

WITNESS/ATTEST:

DECLARANTS:

Erika S. Rubio

STATE OF MARYLAND)

) ss:

COUNTY)

I HEREBY CERTIFY, that on this __ day of _____ 2016, before me, a Notary Public in and for the State aforesaid, personally appeared Erika S. Rubio, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that she executed the same for the purposes therein contained.

WITNESS my hand and Notarial Seal.

_____(SEAL)

Notary Public

My Commission Expires:_____

WITNESS/ATTEST:

DECLARANT:

Nolvía Sosa

STATE OF MARYLAND)

) ss:

COUNTY)

I HEREBY CERTIFY, that on this __ day of _____ 2016, before me, a Notary Public in and for the State aforesaid, personally appeared Nolvía Sosa, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that she executed the same for the purposes therein contained.

WITNESS my hand and Notarial Seal.

_____(SEAL)

Notary Public

My Commission Expires:_____

WITNESS/ATTEST:

CITY OF COLLEGE PARK

Janeen S. Miller, CMC, City Clerk

By: _____
Scott Somers, City Manager

STATE OF MARYLAND)
)
COUNTY OF) ss:

I HEREBY CERTIFY that on this ____ day of _____, 2016, before me, the subscriber, a Notary Public in the State and County aforesaid, personally appeared Scott Somers, who acknowledged himself to be the City Manager of the City of College Park, and that he, as such City Manager, being authorized so to do, executed the foregoing Declaration of Covenants for the purposes therein contained by signing, in my presence, the name of said City of College Park, by himself, as City Manager.

WITNESS my hand and notarial seal.

_____(SEAL)
Notary Public
My Commission Expires:_____

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

Suellen M. Ferguson

After recording, please return to:

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

16-G-95

Approval of MTA Right-Of-Entry Agreement



**CITY OF COLLEGE PARK, MARYLAND
REGULAR COUNCIL MEETING AGENDA ITEM**

AGENDA ITEM NUMBER 16-G-95

Prepared By: Scott Somers, City Manager

Meeting Date: July 12, 2016

Presented By: Scott Somers, City Manager

Consent Agenda: Yes

Originating Department: City Manager's Office

Action Requested: Approval of Maryland Transit Administration (MTA) Right-Of-Entry Agreement for two City locations for Purple Line Construction in substantially the form attached, for signature by the City Manager.

Strategic Plan Goal: Goal 4: Quality Infrastructure

Background/Justification:

The City has received a request from the Maryland Transit Administration (MTA) for Right-of-Entry permits for two locations adjacent to the future Purple Line construction area (please see the attached map). Both locations are slivers of right-of-way where paper streets (Dartmouth Ave. and Columbia Ave.) intersect Campus drive (formerly Paint Branch Parkway). Approval of the Right-of-Entry permits would allow MTA to trespass onto City right-of-way to construct the Purple Line. The attached draft agreement has been reviewed by the City Attorney.

Fiscal Impact:

None

Council Options:

- #1: Approve the request for Right-of-Entry permits
- #2: Deny the request for Right-of-Entry permits
- #3: Direct staff to conduct addition research

Staff Recommendation:

Option #1

Recommended Motion:

I move approval of Maryland Transit Administration (MTA) Right-Of-Entry Agreement for two City locations for Purple Line Construction in substantially the form attached, for signature by the City Manager.

Attachments:

MTA map showing areas needed for right of entry.

STATE OF MARYLAND 900700(SHA)/01822, 01823(MTA)		
REC'D	FOLIO	
LIBER		
1	N 38°09'16" W	13.70'
2	S 67°46'16" E	149.25'
	R = 5188.00'	L=206.37'
3	CHD. S 67°08'47" E	206.36'
4	S 65°56'52" E	178.72'
	R = 638.00'	L=15.64'
5	CHD. S 65°14'40" E	15.64'
6	S 76°16'32" W	27.60'
7	N 67°24'11" W	79.99'
8	N 65°58'20" W	135.74'
9	N 22°35'49" E	15.00'
10	N 72°07'22" W	44.24'
11	N 67°24'11" W	255.91'
PERPETUAL EASEMENT AREA 6,500 SQ. FT. OR 0.149 ACRES± SHOWN THUS: [Hatched]		

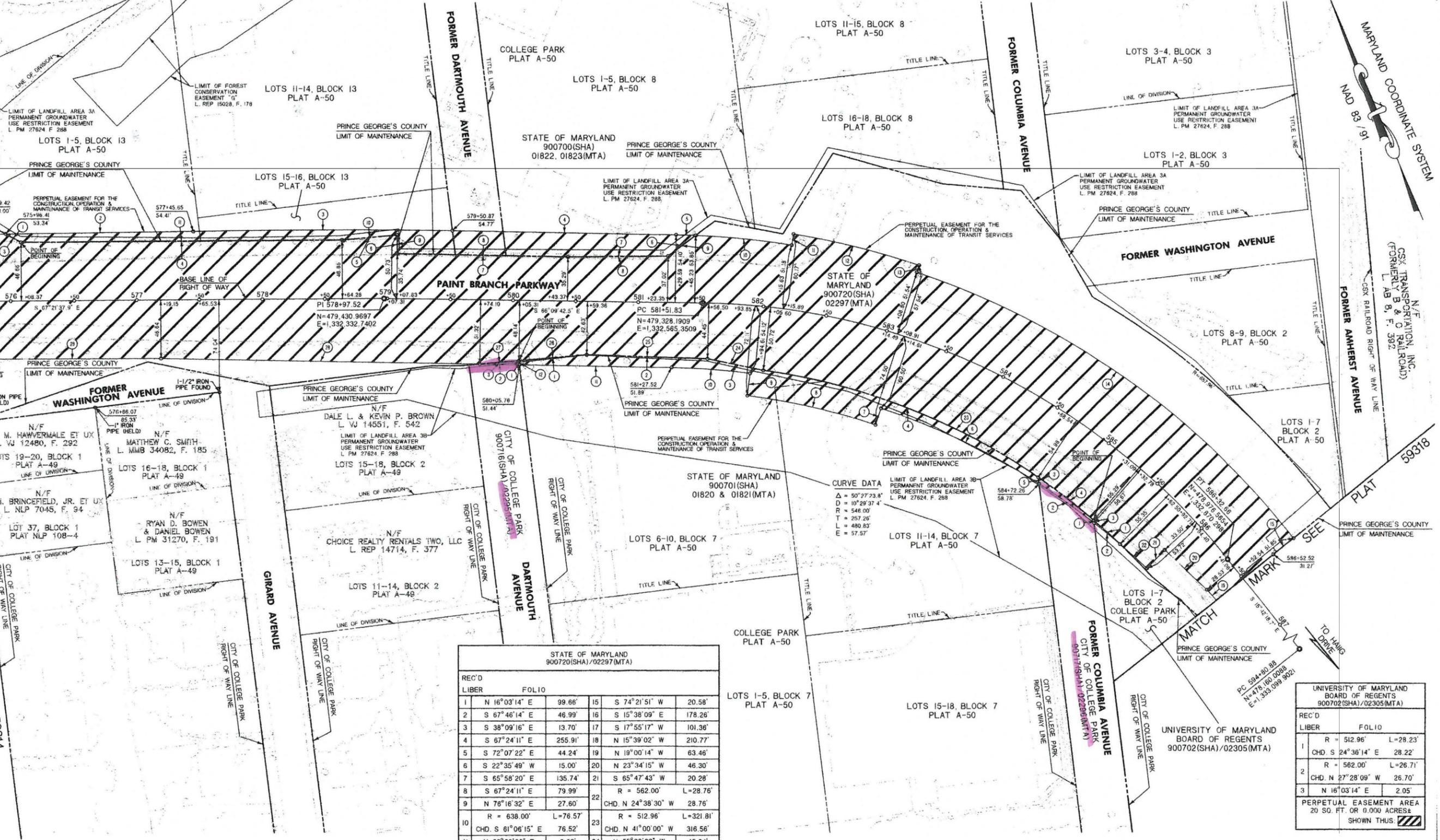
CITY OF COLLEGE PARK 900717(SHA)/02295(MTA)		
REC'D	FOLIO	
LIBER		
1	S 16°03'14" W	2.05'
2	R = 562.00'	L=54.15'
3	CHD. N 31°35'26" W	54.13'
4	N 16°03'14" E	5.06'
	R = 512.96'	L=56.23'
5	CHD. S 29°19'15" E	56.20'
PERPETUAL EASEMENT AREA 148 SQ. FT. OR 0.003 ACRES± SHOWN THUS: [Hatched]		

STATE OF MARYLAND 900701(SHA) 01820 & 01821(MTA)		
REC'D	FOLIO	
LIBER		
1	S 71°58'40" E	54.33'
2	S 65°04'36" E	96.77'
3	S 55°08'02" E	45.24'
	R = 512.96'	L=237.35'
4	CHD. S 45°43'01" E	235.24'
5	S 16°03'14" W	5.06'
	R = 562.00'	L=140.32'
6	CHD. N 41°30'14" W	139.96'
7	S 41°20'35" W	14.00'
	R = 548.00'	L=104.41'
8	CHD. N 54°06'55" W	104.25'
9	N 30°25'35" E	18.00'
	R = 566.00'	L=62.96'
10	CHD. N 62°45'37" W	62.93'
11	N 65°56'49" W	121.75'
12	N 16°03'14" E	3.33'
PERPETUAL EASEMENT AREA 4,505 SQ. FT. OR 0.103 ACRES± SHOWN THUS: [Hatched]		

CITY OF COLLEGE PARK 90716(SHA)/02295(MTA)		
REC'D	FOLIO	
LIBER		
1	S 16°03'14" W	3.33'
2	N 65°56'49" W	31.67'
3	S 71°58'38" E	31.38'
PERPETUAL EASEMENT AREA 530 SQ. FT. OR 0.001 ACRES± SHOWN THUS: [Hatched]		

I HEREBY CERTIFY THAT THE PROPERTY LINES SHOWN HEREON ARE CORRECT AND ARE BASED ON THE FIELD SURVEY PERFORMED UNDER MY SUPERVISION AND THE RECORD DESCRIPTIONS THEREOF, AND THAT THIS PLAT MEETS THE REQUIREMENTS AS CONTRACTED FOR BY THE MARYLAND DEPARTMENT OF TRANSPORTATION STATE HIGHWAY ADMINISTRATION.

PAUL S. EWELL
PROFESSIONAL LAND SURVEYOR
DATE: 8-6-14
MD REG. NO. 21116
EXP. DATE 1/18/2016



Project: The Purple Line
City of College Park MD 20740

RIGHT OF ENTRY AGREEMENT

THIS RIGHT OF ENTRY AGREEMENT (this "Agreement"), entered into this _____ day of _____, 2016, by and between CITY OF COLLEGE PARK, a body corporate and politic of the State of Maryland ("GRANTOR"), whose address is 4500 Knox Road, College Park MD 20740, and the MARYLAND TRANSIT ADMINISTRATION OF THE MARYLAND DEPARTMENT OF TRANSPORTATION, acting for and on behalf of the State of Maryland (the "ADMINISTRATION").

Deleted: Maryland

WHEREAS, the ADMINISTRATION has been authorized to design and construct the proposed 16.2-mile light rail line extending from Bethesda in Montgomery County to New Carrollton in Prince George's County, identified as the Purple Line (hereinafter referred to as the "Project"); and

WHEREAS, GRANTOR has jurisdiction and control of two parcels of land known and identified as the Dartmouth Avenue and Columbia Avenue rights-of-way, just south of Paint Branch Parkway, in College Park MD 20740 (the "Properties"); and

Deleted: is the holder of title to

WHEREAS, the ADMINISTRATION has requested and GRANTOR has agreed, at no cost to either party, to enter upon the Properties to perform construction of the Project (the "Work"); and

WHEREAS, MTA anticipates commencing the Work on or after June 17, 2016, and completing the Work no later than December 31, 2021; and

WHEREAS, GRANTOR and the ADMINISTRATION wish to memorialize herein said request and agreement.

NOW, THEREFORE, WITNESSETH: That for and in consideration of the Recitals

28 above and payment by the ADMINISTRATION of One and 00/100 Dollars (\$1.00) to
29 GRANTOR, and further, for and in consideration of the premises herein, the receipt and
30 adequacy of all of which is hereby acknowledged, the Parties hereto, intending to be
31 legally bound, agree as follows:

32 GRANTOR hereby gives and grants the right to the ADMINISTRATION, its
33 agents, contractors, employees, officials, and representatives, and particularly, its
34 Concessionaire (hereinafter, collectively, the "GRANTEE"), to enter immediately upon,
35 over, onto, and through the Properties as shown and set forth on SHA Plat No. 59317,
36 attached hereto and incorporated herewith as **Exhibit 1** (the "Right of Entry").

37 IT IS UNDERSTOOD AND AGREED that upon said entry, as aforesaid,
38 GRANTEE may proceed immediately with its Work, which is the performance and
39 completion of the construction of the Project ~~adjacent to~~ the Properties, see Exhibit 1.

Deleted: on

40 IT IS FURTHER UNDERSTOOD AND AGREED that the Right of Entry given
41 and granted herein shall be subject to the following conditions:

- 42 A. That the consideration given and stated hereinabove shall comprise the
43 full consideration given by GRANTEE and accepted by GRANTOR for the
44 PERMISSION granted and given hereby;
- 45 B. That, the Right of Entry given and granted hereby shall commence on the
46 date of this Agreement and shall terminate no later than December 31,
47 2021, at which time the ADMINISTRATION shall cease the Work and
48 restore the Properties as nearly as possible to their previous condition as
49 provided in paragraph C, below, and all rights and interests granted to
50 and held by the ADMINISTRATION in the Properties by virtue of said
51 Right of Entry shall terminate and revert to GRANTOR;
- 52 C. That the ADMINISTRATION, when removing, displacing, boring, or

54 excavating soil from the Properties, shall replace such soil or topsoil in a
55 manner that will achieve as nearly as possible the level of compaction and
56 contour as when removed, and shall return the Properties ~~as near as~~
57 possible to the condition in which it existed when the ADMINISTRATION
58 entered upon such Properties;

Deleted: to

- 59 D. That the ADMINISTRATION shall be responsible for obtaining all permits
60 and approvals required by law for the Work;
- 61 E. That GRANTOR makes no representations or warranties concerning the
62 physical condition of the Properties, including, but not limited to, the
63 location of utility lines, underground storage tanks, or other underground
64 structures on or under the Properties;
- 65 F. That the ADMINISTRATION shall take all necessary measures to ensure
66 that the Work does not damage or disrupt utilities including, but not
67 limited to, performing a "Miss Utility" notification at least three business
68 days prior to commencing the Work and, if necessary, hiring a private
69 utility locating service;
- 70 G. That the ADMINISTRATION's performance of the Work pursuant to this
71 Agreement is and shall remain subject to the rights of GRANTOR, and the
72 ADMINISTRATION shall use reasonable efforts to minimize interference
73 with GRANTOR's use of the Properties. GRANTOR or GRANTOR's
74 representative shall have the right to be present and observe any or all
75 elements of the Work;
- 76 H. That the ADMINISTRATION and its agents, servants, and/or employees
77 shall, to the fullest extent permitted by law, indemnify, defend, and hold
78 harmless GRANTOR, its agents, servants, and/or employees, from any

80 and all claims, demands, suits, and actions, brought against GRANTOR,
81 its agents, servants and employee, arising out of the use of the Properties
82 described in this Right of Entry, and caused by the willful or negligent act
83 or omission of the ADMINISTRATION, its elected/appointed officials,
84 employees, contractors, agents, or representatives during the performance
85 and completion of the preliminary engineering, including but not limited
86 to soil borings and test pitting for utility location for the Project, all as set
87 forth hereinabove, with the exception of those claims, demands, or
88 liability arising from GRANTOR's negligence or willful misconduct.
89 Furthermore, this provision shall survive the termination of this Right of
90 Entry;

91 I. That neither GRANTOR nor GRANTEE may transfer or assign this Right
92 of Entry without the prior written consent of the other;

93 J. That this Right of Entry shall be given effect and construed by application
94 of the law of Maryland, and any action or proceeding arising hereunder
95 shall be brought in a Maryland court of competent jurisdiction; provided,
96 that if any such action or proceeding arises under the Constitution, laws
97 or treaties of the United States of America, or if there is a diversity of
98 citizenship between the parties thereto, so that it is to be brought in a
99 United States District Court, it shall be brought in the United States
100 District Court for the District of Maryland or any successor federal court
101 having original jurisdiction;

102 K. That the rights and remedies of GRANTOR provided for under this Right
103 of Entry are in addition to any other rights and remedies that GRANTOR
104 may have as a matter of law. A waiver by either party of any terms and

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106 conditions of the Right of Entry in any instance shall not be deemed or
107 construed to be a waiver of any such term or condition for the future or
108 any subsequent breach or occurrence thereof;

109 L. That the ADMINISTRATION acknowledges that GRANTOR's execution
110 of this Agreement, and its granting of this Right of Entry shall in no way
111 prejudice any of GRANTOR's rights to fair and just compensation to
112 which GRANTOR may be entitled under the Constitution of the United
113 States, the Constitution of Maryland, and all applicable law, as the result
114 of any acquisition of all or part of the Properties, if any there be, including,
115 but not limited to, GRANTOR's rights to oppose such acquisition, the
116 terms, extent, and/or location of such acquisition, or the compensation
117 therefor, and GRANTOR expressly reserves all such rights and the
118 remedies flowing therefrom;

119 M. That, notwithstanding the provisions set forth in ¶ L. above, GRANTOR
120 acknowledges that the ADMINISTRATION reserves all rights and
121 remedies available to it by law in the prosecution of the Work covered in
122 this Agreement;

123 N. That, if any part, term, or provision of this Right of Entry is held to be
124 illegal, unenforceable or in conflict with any applicable federal, state, or
125 local law or regulation, such part, term, or provision shall be severable,
126 with the remainder of the Right of Entry remaining valid and enforceable.
127 If any provision or any part of a provision of this Right of Entry shall be
128 finally determined to be superseded, invalid, illegal, or otherwise
129 unenforceable pursuant to any applicable law, ordinance, rule, or
130 regulation, such determination shall not impair or otherwise affect the

131 validity, legality, or enforceability of the remaining provision or parts of
132 the provision of this Right of Entry, which shall remain in and be given
133 full force and effect as if the unenforceable provision or part were deleted;
134 and

135 O. That this Right of Entry embodies the entire understanding of the parties,
136 may not be waived or modified except in writing signed by authorized
137 representatives of both parties, and supersedes all prior or
138 contemporaneous written or oral understandings, agreements or
139 negotiations regarding its subject matter.

140 P. Except as specifically provided hereinabove, all notices and other
141 communications under this Agreement shall be in writing, and shall be
142 deemed duly given (a) upon delivery, if personally delivered with signed
143 receipt, (b) the next business day after being sent by reputable commercial
144 overnight delivery service, with signed receipt, or (c) the second business
145 day after being mailed by certified U.S. mail, return receipt requested, first
146 class, postage prepaid:

148 If to GRANTOR,

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

154 With a copy to

Suellen M. Ferguson, Esq.
Council, Baradel, Kosmerl & Nolan
125 West Street, 4th Floor
Annapolis, MD 21404

Formatted: Superscript

159 And if to GRANTEE, William A. Parks
160 Purple Line Project Director
161 100 South Charles Street
162 Tower II – Suite 700
163 Baltimore, Maryland 21201

164 With a copy to Wanda R. Stansbury
165 Assistant Attorney General
166 Office of the Attorney General for the
167 Maryland Transit Administration
168 100 South Charles Street
169 Tower II – Suite 700
170 Baltimore, Maryland 21201
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172

173 IT IS FURTHER UNDERSTOOD AND AGREED that the ADMINISTRATION
174 will require its contractor(s) to purchase and maintain comprehensive general public
175 liability and Properties damage insurance and to obtain a certificate of insurance
176 naming GRANTOR as an additional insured, and, prior to the commencement of the
177 work as provided herein, to provide GRANTOR and the ADMINISTRATION
178 satisfactory documented proof thereof.

179 IN WITNESS WHEREOF the parties hereto have set their respective hands and
180 seals.

181 **ATTEST:** CITY OF COLLEGE PARK, MARYLAND,
182 GRANTOR
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184 _____
185 Janeen S. Miller, CMC, City Clerk

By: _____(Seal)
Scott Somers
Title City Manager

Deleted: Name

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ATTEST OR WITNESS:

**MARYLAND TRANSIT
ADMINISTRATION**

By: _____

Charles E. Lattuca
Executive Director
Transit Development and Delivery

**Approved as to
Form and Legal Sufficiency:**

Wanda R. Stansbury
Assistant Attorney General

16-G-91

Approval of Minutes

MINUTES
Public Hearing and Regular Meeting of the College Park City Council
Monday, April 25, 2016
Council Chambers
7:36 p.m. – 10:45 p.m.

PRESENT: Mayor Wojahn; Councilmembers Kabir, Nagle, Brennan, Dennis, Stullich, Day, Cook and Kujawa.

ABSENT: None.

ALSO PRESENT: Bill Gardiner, Assistant City Manager; Yvette Allen, Assistant City Clerk; Suellen Ferguson, City Attorney; Terry Schum, Director of Planning; Steve Groh, Director of Finance; Peggy Higgins, Director of Youth, Family and Senior Services; Jill Clements, Director of Human Resources and Cole Holocker, Student Liaison.

Mayor Wojahn opened the Regular Meeting at 7:36 p.m.

Announcements:

Councilmember Kabir reminded everyone that Councilmembers from Districts 1, 2 and 4 will host a Budget Town Hall Meeting on Friday, April 29, 2016 at the Youth and Family Services building at 6:00 p.m.

Councilmember Nagle announced that this Saturday, April 30, is the final day of Spring Cleanup Month. Davis Hall will be open from 7:30 a.m. to noon. Residents may drop-off bulky trash, electronics for recycling, and yard waste.

Councilmember Brennan announced that the College Park Community Foundation will host the 3rd Annual College Park Mother's Day Race on Saturday, May 7, beginning at 8:00 a.m.

Councilmember Kujawa announced that the Student Liaison subcommittee met today with the applicant. A new student liaison will be appointed within the next few weeks.

Councilmember Cook announced that the Veterans Memorial Committee will meet on Thursday, May 28 at the VFW located at 5051 Branchville Road at 6:00 p.m.

Mayor Wojahn stated that this was the last week of the National Mayor's Challenge for Water Conservation. He challenged all residents to take the pledge at www.mywaterpledge.com.

City Manager's Report: Mr. Gardiner reported that the Primary Election will be held tomorrow, Tuesday, April 25; Maryland Day will be held on campus this Saturday April 30; the mbike bikeshare program will launch on Wednesday, May 4, and the Arbor Day celebration will be held on Thursday, April 28 in the 8500 block of Rhode Island Avenue on the hiker/biker trail.

Acknowledgement of Newly Appointed Board Members: Mayor Wojahn acknowledged Marilyn Morin who was recently appointed to the Citizens Corp Council and thanked her for her service.

Proclamations: Mayor Wojahn read the City's proclamation for Children's Mental Health Awareness Week which will take place May 1 – 7, 2016.

Amendments To And Approval Of The Agenda:

A motion was made by Councilmember Dennis and seconded by Councilmember Day to approve the agenda as presented. The motion passed 8 – 0 – 0.

Presentations: Mayor Wojahn introduced Peggy Higgins, Director of Youth, Family and Senior Services, and together they recognized and thanked the three graduate interns for their service to the City: Jessica Quaranto of Chicago School of Professional Psychology; Kalphria Wilson of the University of Maryland and Christopher Soves (absent, in class) of Catholic University.

Ms. Higgins introduced Catarina Marzella, a 2010 – 2014 UMD College Park Scholars Tutor/Coordinator of the Lakeland S.T.A.R.S (Students Taking Active Responsibility) Program. Certificates were presented to the Lakeland S.T.A.R.S. students and to their tutors from the University of Maryland College Park Scholars program.

Mayor Wojahn introduced Len Lucchi, City Lobbyists, and Eddie Pounds from O'Malley, Miles, Nylen and Gilmore, P.A. who gave a presentation on this year's Maryland General Assembly Session.

Public Comment on Consent and Non-Agenda Items: None

Public Hearing: Greater College Park RISE (Regional Institution Strategic Enterprise) Zone Application

Bill Gardiner, Assistant City Manager, gave a brief summary of the purpose of the program and an overview of the application process of City participation in the RISE Zone with the University of Maryland, Prince George's County, and Riverdale Park.

Mr. Gardiner explained that in 2014, the State created the RISE Zone program to encourage investment and job creation near universities committed to economic development in their communities. The City has been working with the University, the County, the CPCUP, and Riverdale Park on a joint RISE Zone application. The Prince George's County Council has introduced a resolution in support of the RISE Zone with a five-year, 75 percent County tax credit for high-technology new investment.

The application specifies that anywhere in the entire RISE Zone, new commercial and industrial buildings will be eligible for the minimum real property tax credit on the increased value of the property due to new investment (a new building or the expansion / major renovation of an existing building). Hotels, motels, grocery stores, and retail are NOT included in this category of commercial and industrial.

The proposed tax credits are:

City of College Park:	50 percent first year, 10 percent following four years
Prince George's County:	50 percent first year, 10 percent following four years

Additionally, the application proposes that within the Innovation District and the Research Park areas of the RISE Zone, new investment for high technology businesses in the fields of engineering, data analytics, earth sciences, virtual reality, cybersecurity, quantum computing, linguistics, additive manufacturing, e-commerce, robotics, aerospace, biotechnology and similar industries will be eligible for the following real property tax credits on the increase to the property assessment:

City of College Park:	50 percent for five years or a 75 percent for five years
Prince George's County:	75 percent for five years

The intent of the higher RISE Zone tax credits is to attract technology investment to these specific parts of the RISE Zone. The proposed tax credits are significant and targeted. The RISE Zone incentives offered by the State, County, municipalities, and University should lead to new investment that would not occur otherwise.

Councilmember Cook asked, on behalf of a resident, "What would preclude a business from leaving after five years?"

Mr. Gardiner stated that there is no legislation that will preclude a business from leaving the City after five years. The tax credit is only in effect for five years so after that date, the City will begin to tax it at full value.

Comments From The Audience:

David Engle, 4103 Metzertott Road: Came to UMD in 2011 to thrive in entrepreneurship (Start-up Village). He graduated in May 2016 and decided to stay to build his businesses. Mr. Engle supports the idea of collaborating through the RISE Zone and foster innovation.

Eric Golman, 4103 Metzertott Road: Mr. Golman recently won the Kevin Plank Underarmour Cupid Cup competition for his business "Javaend" (coffee and tea), and he was successful through the sense of community in College Park. Mr. Golman supports the RISE Zone program.

Councilmember Cook stated that that the RISE Zone doesn't support food and clothing businesses and asked Mr. Engle how he felt about it? Mr. Engle stated that every company helps each other and may not directly benefit from the tax incentives, but will benefit from the community itself.

Mayor Wojahn asked Mr. Gardiner to clarify which type of businesses qualify as technology.

Mr. Gardiner stated that if a new building was constructed that housed Javasend warehouse and operations, and that new building was in the RISE Zone, it would be eligible for the minimum tax credit. If it was high tech, it would be eligible for the higher level.

David Dorsch, 4607 Calvert Road (PGPOA): PGPOA supports the RISE Zone program.

Oscar Gregory, 9253 Limestone Place: Mr. Gregory is against the RISE Zone program moving forward; feels that there should be more discussion with all residents. Homeowners pay association dues to cover services that benefit the community. Since 1997, the highest source of

funds comes from the City's homeowner property taxes. The second highest comes from income taxes. Most of these funds do not benefit the residents or their neighborhoods, but rather commercial property. Businesses are now being offered even more benefits and receive the same service as the resident and the residents don't get a tax break

Edward Lynch, 3530 Marlborough Way: Mr. Lynch asked who owns the land in the area of discussion and asked if the University of Maryland will continue to retain the fee on the land that they own. Mr. Lynch stated that he is not comfortable with the 75% tax break.

Mayor Wojahn stated that the land classification varies in this large zone and has a various owners.

Public Hearing concluded at 9:29 p.m.

CONSENT AGENDA:

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

16-G-55 Approval of Minutes from the April 12, 2016 Regular Meeting

The motion passed 8 – 0 – 0.

ACTION ITEMS:

16-G-56 Approval, with conditions, of DSP-12030 for Pregnancy Aid Center

A motion was made by Councilmember Kabir and seconded by Councilmember Nagle to support the Pregnancy Aid Center Detailed Site Plan #12030 as follows:

- 1. Approval of modifications to the development district standards to allow for a 1-story building and lower ceiling height, to allow for zero building frontage build-out along Erie Street and 48th Avenue, to allow for variable building setbacks, to eliminate interior parking lot landscaping, to increase the number of parking spaces, to allow a lesser parking lot setback and to not provide for any streetscape amenities along any street frontage at this time.**
- 2. Approval of the departure to reduce the driveway width to less than 22 feet.**
- 3. Approval of the site plan subject to the following conditions:
Prior to certification, including review by City staff, the applicant shall revise the site plan as follows:**
 - A. Move the Parking Lot Light Pole, identified as Pole 1, at least 15 feet to the west to lessen light spillage to the residences located along the south side of Erie Street. The intent is to reduce illumination from 2.3 foot-candles in this area to as close to 0.0 foot-candles at the property line as is reasonably possible.**

- B. Correct the Parking Schedule on Sheet 1 to reflect net office space rather than gross square footage.**
- C. Add an additional bicycle parking space for a total of 8 bicycle parking spaces to meet the Sector Plan requirements.**
- D. Add a note denying access from Route 1 to the property.**
- E. Correct the Architectural Elevation labels on PE-1 and PE-2.**
- F. Indicate that fencing along Erie Street shall be metal or wood picket but not chain-link and replaced upon the applicant's receipt of public grant funds for beautification of the streetscape along Erie Street. The applicant shall make replacement of the existing fence along Erie Street a priority upon receipt of any such public grant funds.**

No comments from the audience.

The motion passed 8 – 0 – 0.

16-G-16 Request by the University of Maryland to rename Paint Branch Parkway to Campus Drive

Bill Gardiner, Assistant City Manager, explained that the University of Maryland has asked the City Council to support their request to Prince George's County to rename Paint Branch Parkway to Campus Drive. Paint Branch Parkway extends 1.6 miles between the intersection of Baltimore Avenue at Campus Drive and Kenilworth Avenue at Good Luck Road. Re-naming this section Campus Drive will improve wayfinding to the University from Kenilworth Avenue.

Council discussed this request during Worksessions in February and April. During the Council Worksession on April 19, University officials offered to request the appropriate department research the connection between Paint Branch and indigenous people in this area.

A motion was made by Councilmember Day and seconded by Councilmember Stullich to support changing the name of Paint Branch Parkway to Campus Drive, and to authorize the Mayor to sign and send a letter stating the Council's support for the new name to Prince George's County Executive Rushern Baker and Maryland National Capital Park and Planning Commission Chair, Elizabeth Hewlett.

Councilmember Day stated that the name change has been discussed on several occasions and all businesses in the area are in approval of the road name change.

Comments from the audience:

David Dorsch 4607 Calvert Road stated that this street name change is not necessary. The name change will not help people locate the University of Maryland. We must also consider the cost of changing all maps and gps systems.

Councilmember Stullich stated she will support this motion. She queried District 3 residents and out of 49 responses, 32 constituents supported the name change (14 opposed and 3 were unclear). Councilmember Stullich asked that the University of Maryland and the City conduct research on the Native American heritage in this area and find an alternative way to honor and recognize their heritage.

Councilmember Day stated that Paint Branch Parkway is a county road, not a city road.

Councilmember Brennan stated that there are mixed reviews from District 2 residents. He respects both sides of the discussion and understands both perspectives. On one hand people have grown attached to the name, but understand the University's benefit and stake in changing the name. If the name is changed, hopefully the City and the University can partner to have the graffiti removed along the sound barrier.

Councilmember Kabir stated that there were only a few comments from District 1 residents regarding the road name change. The road name change may help alleviate cars from Route 1 and requested that the University of Maryland preserve the area heritage.

Councilmember Dennis stated his district and neighborhood is adjacent to Paint Branch Parkway and hopes that the name "Paint Branch" can be connected to the geographical area and that the indigenous people can be recognized.

Councilmember Cook stated that District 4 residents were queried and the majority was not in favor of changing the name.

The motion passed 7 – 0 – 1 (Councilmember Cook abstained.)

16-R-10 Resolution for the purpose of approving the City's participation in the Greater College Park RISE Zone Application

Bill Gardiner, Assistant City Manager, gave a brief overview of the RISE Zone application. In order for the City to participate in the RISE Zone application, we must do the following:

1. Hold a public hearing on the application (which was completed earlier this evening)
2. Pass a resolution approving the City's real property tax credit for qualified businesses for each year of the five-year term of the RISE Zone.
3. Provide a statement from the Planning Department that the boundaries of the proposed RISE Zone do not overlap a development district established under the Economic Development Article, Title 12, Subtitle 2, Annotated Code of Maryland, or a special taxing district established under the Local Government Article, Title 21, Annotated Code of Maryland.
4. Approve the application, which includes the Zone goals, the types of businesses / industry sectors eligible for the incentives, the boundaries of the Zone, and anticipated development in the Zone.

A motion was made by Councilmember Day and seconded by Councilmember Brennan to adopt Resolution 16-R-10, which authorizes the City's participation in the Grater College Park RISE Zone as generally described in the attached application, and sets the minimum real property tax credit level for certain commercial and industrial development, and establishes a five-year 75% credit for certain high technology business in the Innovation District and the Research Park.

Councilmember Day stated that the City will see profits and benefits in the long term and feels that the City should match the County.

Councilmember Nagle thanked all who testified and sent in written comments. Ms. Nagle stated that this is a good opportunity to bring new business to the City and find innovative energy for new ideals and creative ventures. Hopefully the new businesses will stay in the City after the five years which may potentially reduce personal property taxes in the future. Councilmember Nagle personally prefers a 50% tax credit for high technology business, but will support the 75% if that is what her colleagues will pursue tonight.

Councilmember Kujawa will also support the 75% tax credit for high technology if this is what the majority of her colleagues want. Suggested that all pertinent information is relayed to the residents sooner as this increase was recently made available.

Councilmember Cook stated that we shouldn't restrict this zone to limited types of business that will be allowed to get the tax credits. She will not vote in favor of this motion.

Councilmember Stullich stated that she will support the motion as stated. She further stated that it is difficult to attract high quality business to College Park and this tax credit should help revitalize the area.

Councilmember Brennan noted that business do not get the same services as City residents such as trash pick-up; businesses are responsible for their own trash services. We need to have a downtown identity and feels that the City should match the County's contribution. This will create a bright future for our innovated district and the Route 1 Corridor.

A motion was made by Councilmember Kabir and seconded by Councilmember Nagle to amend the original motion to adopt Resolution 16-R-10, which authorizes the City's participation in the Grater College Park RISE Zone as generally described in the attached application, and sets the minimum real property tax credit level for certain commercial and industrial development, and establishes a five-year 50% credit for certain high technology business in the Innovation District and the Research Park.

No comments from the audience.

Councilmember Nagle will support the 75% credit, but would prefer to start with the 50% tax credit. A 50% tax credit will also attract new business/development.

Councilmember Stullich stated that she would prefer to start off with the 75% credit. If we need to lower the tax credit, it can be done in the future.

Councilmember Brennan stated that we should start with the 75% credit. This tax credit does not guarantee that we are going to attract any businesses and we must put our best foot forward now and tell these businesses we want them in College Park. We can't afford to lose any more of the great talent coming from the University of Maryland to go to the surrounding areas. If we need to lower the tax credit or remove it completely in the future, we can do so.

Councilmember Day will support the 75% credit. We need to think of the future of our growth and expansion and continue to work with the County and University of Maryland.

Bill Gardiner, Assistant City Manager, stated the State Resolution requires a tax credit level be set for a five year period. After the five year program, we can reapply to extend the program.

Roll Call Vote on the Amendment:

Aye: Cook and Kabir

Nay: Kujawa, Day, Stullich, Dennis, Brennan, Nagle

The amendment failed 2 – 6- 0.

Roll Call Vote on the Main Motion:

Aye: Kabir, Nagle, Brennan, Dennis, Stullich, Day, Kujawa

Nay: Cook

The main motion passed 7 – 1 – 0.

16-O-02 Introduction of the FY 2017 Budget Ordinance.

Steve Groh, Director of Finance gave an overview of Ordinance 16-O-02.

A motion was made by Councilmember Nagle and seconded by Councilmember Dennis to introduce Ordinance 16-O-02, an Ordinance of the Mayor and Council of the City of College Park, Maryland to adopt the Fiscal Year 2017 Operating and Capital budget of the City of College Park Maryland.

The Public Hearing will be held on May 10, 2016 at 7:30 p.m. in the Council Chambers

16-G-58 Appointments to Boards and Committees

A motion was made by Councilmember Kabir and seconded by Councilmember Dennis to reappoint David Turley to the Animal Welfare Committee, Harry Pitt to the Noise Control Board and to appoint David Toledo to the Education Advisory Committee and Recreation Board. The motion passed 8 – 0 – 0.

Mayor and Councilmember Reports/Comments:

Councilmember Brennan announced that Friday will be the last day to enter the “Litter Logo” competition. Please submit your logo by Saturday, April 30.

Student Liaison’s Report: Mr. Holocker reported that Katherine Swanson was elected as the next Student Government Association President.

City Manager’s Report/Comments: Mr. Gardiner apologized for the delay in live airing of the meeting tonight.

ADJOURN: A motion was made by Councilmember Nagle and seconded by Councilmember Day to adjourn the meeting and go into a Closed Session. With a vote of 8 – 0 – 0, Mayor Wojahn adjourned the meeting at 10:45 p.m.

Yvette T. Allen, CMC Assistant City Clerk	Date Approved
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Pursuant to §C6-3 of the College Park City Charter, at 10:45 p.m. on April 25, 2016 a motion was made by Councilmember Nagle and seconded by Councilmember Day to enter into a Closed Session to conduct collective bargaining negotiations or consider matters that relate to the negotiations. The motion passed 8 – 0 – 0 and the Council entered into the closed session at 10:45 p.m.

PRESENT: Mayor Wojahn; Councilmembers Kabir, Nagle, Brennan, Dennis, Stullich, Day, Cook and Kujawa.

Also Present: Scott Somers, City Manager (by phone); Bill Gardiner, Assistant City Manager; Suellen Ferguson, City Attorney; Jill Clements, Director of Human Resources

Topics Discussed: Discussion on the collective bargaining negotiations.

Actions Taken: None.

Adjourn: A motion was made by Councilmember Stullich and seconded by Councilmember Brennan to adjourn the closed session. With a vote of 8 – 0 – 0, Mayor Wojahn adjourned the closed session at 10:55 p.m.

MINUTES
Regular Meeting of the College Park City Council
Tuesday, May 24, 2016
Council Chambers
7:30 p.m. – 12:01 a.m.

PRESENT: Mayor Wojahn; Councilmembers Kabir, Nagle, Brennan (arrived at 7:32 p.m.), Dennis, Stullich (arrived at 7:52 p.m.), Day, Cook and Kujawa.

ABSENT: None.

ALSO PRESENT: Scott Somers, City Manager; Bill Gardiner, Assistant City Manager; Janeen Miller, City Clerk; Fred Sussman, City Attorney; Terry Schum, Director of Planning; Bob Ryan, Director of Public Services; Bob Stumpff, Director of Public Works; Steve Groh, Director of Finance; Steve Halpern, City Engineer; Peggy Higgins, Director of Youth, Family and Senior Services; Sarah Price, IT Manager; Ryna Quiñones, Communications Coordinator; Cole Holocker, Student Liaison.

Mayor Wojahn opened the Regular Meeting at 7:30 p.m.

City Manager’s Report: Mr. Somers reported that construction of Randolph Macon Avenue has begun, Ms. Jeannie Ripley was named Code Enforcement Officer of the Year by CEZOA, reminded everyone about the upcoming Memorial Day event, said street sweeping is underway, and that we need someone to carry the flag at the MML conference. Mr. Gardiner then introduced Ryna Quiñones, the City’s new Communications Coordinator.

Proclamations And Awards: Mayor Wojahn read the proclamation designating June 2016 as Immigrant Heritage Month

Amendments To And Approval Of The Agenda: Add a letter in support of CB-25-2016 (Nagle/Kabir); add a letter in support of bike infrastructure (Kabir/Nagle); move 16-G-68 from Consent Agenda to Action Items (Kabir); move 16-G-67 from Consent Agenda to Action Items (Cook); remove 16-G-74 from the agenda (Nagle/Day). The amended agenda was approved (Brennan/Dennis) 7 – 0 – 0.

Presentations:

- a. Prince George’s County Police District 1 Commander, Major William Alexander introduced himself, and then introduced Dr. Judy Blumenthal who made comments about working with the police.
- b. Mayor Wojahn made a presentation to outgoing Student Liaison Cole Holocker, who served as the SGA Liaison to the City Council from 2014 – 2016.
- c. Mayor Wojahn presented certificates to the Outstanding Essayists in the Maryland Municipal League “If I Were Mayor, I Would...” Essay Contest: Alesha Mahboob, Al Huda School; Abid Ehsan Noor, Al Huda School; Rukaiya Shahbaz, Al Huda School; Georgia King, Friends Community School; Nila Smartt, Hollywood Elementary School; Raneem Alhabashi, Al Huda School; Abdur-Rahman Shakir, Al Huda School; Maria Akaras, Friends Community School; Liam Garvin, Holy Redeemer School; Kalani Lourim, Paint Branch Elementary School

Public Comment on Consent and Non-Agenda Items: None.

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

16-G-69 Approval of a Four Cities Letter to the GSA in substantially the form attached expressing support for the FBI relocation to Greenbelt Station and for considering proximity to a Metro station a determining factor in location selection, and authorization for the Mayor to sign the letter.

The motion passed 8 – 0 – 0.

ACTION ITEMS:

16-O-02 Adoption of Ordinance 16-O-02, An Ordinance of the Mayor and Council of the City of College Park, Maryland to Adopt the Fiscal Year 2017 Operating and Capital Budget of the City of College Park, Maryland

A motion was made by Councilmember Day and seconded by Councilmember Nagle to adopt Ordinance 16-O-02, an Ordinance of the Mayor and Council of the City of College Park, Maryland to Adopt the Fiscal Year 2017 Operating and Capital Budget of the City of College Park, Maryland.

Mayor Wojahn said due to the public hearing on May 10, no public comment on the main budget ordinance would be taken at this time, but comment will be taken on any proposed amendments.

Proposed Budget Amendment #1: A motion was made by Councilmember Kabir and seconded by Councilmember Cook to amend the FY 2017 budget to reduce the real property tax rate from 0.335 to 0.325 per \$100 of assessed valuation and to reduce the personal property tax rate from 0.838 to 0.812 per \$100 of assessed valuation. The resulting \$260,766 reduction in revenue, comprised of \$231,291 in real property tax and \$29,475 in personal property tax, would be offset by a \$260,766 reduction in the interfund transfer to the City Hall C.I.P. project.

Councilmember Kabir said this would provide our residents with relief from higher taxes.

Comment on Proposed Budget Amendment #1:
John Rigg, 6809 Dartmouth: He is opposed to the amendment.

Lourene Miovski, 9818 53rd Avenue: She supports the amendment.

Council debated the amendment.

Roll Call Vote on Proposed Budget Amendment #1:

Aye: Kabir, Nagle, Kujawa, Cook

Nay: Brennan, Dennis, Stullich, Day

Tie-Breaker: Mayor Wojahn voted no

Amendment #1 failed.

Proposed Budget Amendment #2: A motion was made by Councilmember Day and seconded by Councilmember Brennan to amend the FY2017 budget to provide a one-time grant of \$50,000 to College Park City-University Partnership (CPCUP) for their homeownership grant program. This additional expenditure would be offset by a \$50,000 reduction in the interfund transfer to the City Hall C.I.P. project.

Councilmember Day said this program is to help University faculty and staff move to the City, which is one of our goals.

Comment on Proposed Budget Amendment #2:

Eric Olson, Executive Director, College Park City University Partnership: Mr. Olson said with the passage of this amendment, the CPCUP would open their homeowner grant program to City employees.

Councilmember Nagle asked if, in addition to City employees, it could be extended to cover school teachers who work in the City plus Prince George's County firefighters and law enforcement personnel. Mr. Olson said he would need to discuss this with his Board, and acknowledged that if the City is providing funds, they can put conditions on those funds, but he hasn't asked that question yet. He would be willing to explore it.

A motion to amend Proposed Budget Amendment #2 was made by Councilmember Nagle and seconded by Councilmember Kabir to add that the one-time grant of \$50,000 to the CPCUP for their homeownership grant program is "on the condition that it include City of College Park employees and that the Partnership explores expansion to teachers working within the City of College Park and Prince George's County firefighters and law enforcement personnel."

Mr. Groh asked for clarification on the mechanics of this amendment – is it pending further action of the Council regarding the outcome of the final criteria? Mr. Olson responded that the money can be released and the program will include City employees on July 1. The additional categories will be determined pending further discussion with his Board.

The amendment to Amendment #2 passed 7 – 1 – 0 (Stullich opposed).

Amendment #2, as amended, passed 8 – 0 – 0.

Proposed Budget Amendment #3: A motion was made by Councilmember Cook and seconded by Councilmember Nagle to eliminate the proposed FTE increase from 0.50 to 1.00 FTE for the Seniors Program Caseworker in Youth, Family & Senior Services-Seniors Program. This change would reduce expenditures by \$44,598, including wages of \$22,199 and fringe benefits of \$22,399. This expenditure reduction would be offset by a \$44,598 increase in the interfund transfer to the City Hall C.I.P. project.

Councilmember Cook said she was not satisfied with the information she received justifying this increase.

Comments on Proposed Budget Amendment #3:

Helen Barnes, 4611 Drexel Road: She is opposed to this amendment because she thinks we need this extra half-time caseworker; it may save a life.

Molly MacLaren, 4609 Drexel Road: She is opposed to this amendment because she supports the additional caseworker; we need to help our seniors age in place.

John Rigg, 6809 Dartmouth: He is opposed to the proposed amendment and thinks it is short sighted to cut these services.

Council debated the amendment.

Roll Call Vote on Budget Amendment #3:

Aye: Cook

Nay: Kabir, Nagle, Brennan, Dennis, Stullich, Day, Kujawa

Amendment #3 failed 1 – 7 – 0.

Proposed Budget Amendment #4: A motion was made by Councilmember Nagle and seconded by Councilmember Cook to eliminate the employee engagement survey in the amount of \$20,000 from Administration-Human Resources. This expenditure reduction of \$20,000 would be offset by a \$20,000 increase in the interfund transfer to the City Hall C.I.P. project.

Councilmember Nagle said has received some negative comments from residents about the cost and the timing of this study, especially when we are doing the compensation study this year.

Councilmember Cook said someone she consulted said this wouldn't produce what we wanted and perhaps we should do focus groups instead.

Budget Amendment #4 failed 2 – 6 – 0 (Councilmembers Nagle and Cook in support).

Proposed Budget Amendment #5: A motion was made by Councilmember Nagle and seconded by Councilmember Cook to amend the FY2017 budget to eliminate the statistically significant community survey in the amount of \$30,000 in Administration-Public Relations. This expenditure reduction of \$30,000 would be offset by a \$30,000 increase in the interfund transfer to the City Hall C.I.P. project.

Councilmember Nagle was concerned about the cost and about how it goes forward. She favors a hybrid model so that people who want to participate may still do so.

Comments on Proposed Budget Amendment #5:

Jackie Pearce Garrett, 8746 Wichita Avenue: She supports having this in the budget; our current outreach processes are limited in that they are self-selected.

Council debated the amendment.

Budget Amendment #5 failed 0 – 8 – 0.

[Budget Amendment #6 was not introduced.]

Proposed Budget Amendment #7: A motion was made by Councilmember Nagle and seconded by Councilmember Cook to amend the FY2017 budget to eliminate the contribution to University of Maryland for the Interfraternity Council tailgates in the amount of \$7,000 in Administration-Public Relations. This expenditure reduction of \$7,000 would be offset by a \$7,000 increase in the interfund transfer to the City Hall C.I.P. project.

Councilmember Nagle said she supports the concept of tailgating but does not think our support should include taxpayer dollars.

Comments on Proposed Budget Amendment #7:

Katherine Swanson, SGA President: On behalf of the 27,000 undergraduates that she represents, she opposes this amendment. The SGA went to the City, IFC, UMD Police and University Administration to create this program that would benefit everyone involved. The program has worked. To withdraw City support now would be detrimental.

Page Markley, Vice President, Judicial Affairs, Pan Hellenic Association: She opposes the amendment. They appreciate the funding they get from the City and hope to grow the event to include the entire community. Improving the event relies on the City's support and students in Old Town might misinterpret withdrawal of funding for lack of support for the program.

John Rigg, 6809 Dartmouth Avenue: Opposed to the amendment. The tailgating program has been a great success in Old Town and Calvert Hills. This is an elegant, inexpensive solution that is working so why would you consider de-funding it.

Council debated the amendment.

The motion failed 2 – 6 – 0 (Councilmembers Nagle and Cook supported).

[Budget Amendment #8 was not introduced.]

Vote on the FY 2017 Budget (Ordinance 16-O-02), as amended by Budget Amendment #2 (as amended): 8 – 0 – 0.

16-R-03 SunTrust Master Lease #3 for Fleet Purchases – Steve Groh, Director of Finance

Steve Groh provided an overview: The City uses tax exempt master leases to purchase vehicles and equipment. This allows us to obtain the funding up-front so we can purchase the vehicles when needed. This would be our third master lease for vehicle purchases. The interest rate is determined at closing but will be very low because it is a bank qualified rate.

A motion was made by Councilmember Dennis and seconded by Councilmember Kujawa to adopt Resolution 16-R-03, a Resolution of the Mayor and Council of the City of College

Park, Maryland, authorizing the City Manager to execute an Equipment Master Lease-Purchase Agreement with SunTrust Equipment Finance & Leasing Corp. for the acquisition of vehicles.

The motion carried 8 – 0 – 0.

16-G-71 Authorization for the City Manager to sign a change request for the new Public Works modular building for an emergency generator (approximately \$150,000) (will require a super majority) – Bob Stumpff, Director of Public Works

Bob Stumpff provided an overview: This is a change order to our agreement with Modular Genius, Inc. to provide a new generator at Public Works which will service Davis Hall and the new modular building 100%, which we don't have now.

A motion was made by Councilmember Nagle and seconded by Councilmember Dennis that the City Council approve and authorize 16-G-71 to authorize the City Manager to sign the Modular Genius Change Request Number 3 to purchase and install an emergency generator from Kohler Power Systems Model 150REZGC Natural Gas Generator in an amount not to exceed \$200,000.

The motion passed 8 – 0 – 0.

16-G-72 Approval to hang the Pride flag as a banner on the front of City Hall for one week from June 6 – 13, 2016

A motion was made by Councilmember Stulich and seconded by Councilmember Dennis to approve the display of the Pride Flag as a banner on the front of City Hall from June 6 – 13, 2016.

Councilmember Stulich said this will demonstrate that we are an inclusive community.

Comments from the audience:

Jackie Pearce Garrett, 9746 Wichita Avenue: She is in support of this motion and it reflects the values in our City Charter.

Kate Kennedy, 9730 51st Avenue: She is in support of this motion and hopes other groups can have their flag displayed.

John Rigg, 6809 Dartmouth: He is in support; this is an expression of our values of inclusion and diversity. The Council has the authority to choose the sort of government speech it makes by displaying a banner or flag.

Nick Brennan, 8321 Potomac Avenue: His petition now has 180 signatures. Discrimination against the LGBT community still exists and this affirms that we are an accepting community.

Molly MacLaren, 4609 Drexel: She is in support of the motion.

A motion was made by Councilmember Kabir and seconded by Councilmember Nagle to adopt a Resolution to recognize College Park’s diverse community by authorizing display of a banner on a designated wall area of City Hall. The title of the Resolution is “A Resolution of the Mayor and Council of the City of College Park Maryland establishing a policy for recognition and commemoration through display of a banner on the walls of City Hall.”

Councilmember Kabir read the resolution. The policy would have the Mayor approving requests.

Mayor Wojahn asked the City Attorney if this is germane. Mr. Sussman said he understands this is a substitute motion that deals with the same subject matter, so is an appropriate amendment.

Comments from the audience on the proposed amendment:

Jackie Pearce Garrett, 9746 Wichita Avenue: She urges the Council not to approve this tonight until you and your constituents have had a chance to review it. She would like to have seen it.

John Rigg, 6809 Dartmouth: He recommends Council not to vote in favor of this substitute motion. The process is worthy of consideration but it is a subject for another night. There is a fairly narrow matter before the Council tonight that he would like to see resolved.

Mr. Sussman said he and Ms. Ferguson agree that the Council has the authority to adopt the original motion before it tonight since the display of the Pride Flag is an implementation of established public policy of the City that has been enunciated in the Charter and represents government speech. The proposed resolution needs further study and deliberation and full exploration of the constitutional issue. It appears to tread into “private speech” as opposed to “government speech.” If Council wants to establish a policy in the future, we should modify the wording so as not to designate a location at City Hall as a designated public forum, and to keep it purely for government speech. He and Ms. Ferguson are concerned that this substitute resolution does not do that, and they recommend Council not move forward with it.

Mayor Wojahn asked the status of the survey requested at last week’s Worksession. Ms. Miller said the research is underway and she planned to submit the report when this returned to a future Worksession. Councilmembers commented on whether to establish a policy to evaluate requests such as these. Mayor Wojahn said he is uncomfortable with the position that the resolution would put him in to make unilateral decisions on future requests.

Vote on the proposed amendment to the motion (Councilmember Kabir’s Resolution)

Aye: Kabir, Nagle, Cook

Nay: Brennan, Dennis, Stullich, Day, Kujawa

Proposed amendment fails 3 – 5 – 0.

An amendment was made by Councilmember Brennan and seconded by Councilmember Stullich that the display of the Pride Flag be an annual event the first full week of June from Monday – Monday so that we don’t spend time discussing it each year.

Comments from the audience on the proposed amendment:

Nick Brennan, 8321 Potomac Avenue: Supports the amendment; doing it annually makes sense.

Council discussed whether this question should wait for the discussion about a policy. Councilmember Nagle noted that notice was not given to the public that this would be an annual event.

Vote on the proposed amendment to the motion (Councilmember Brennan's proposal to make this an annual display):

Aye: Brennan, Stullich

Nay: Kabir, Nagle, Dennis, Day, Kujawa, Cook

Proposed Amendment Fails 2 – 6 – 0.

Vote on the original motion without amendment:

Aye: Kujawa, Day, Stullich, Dennis, Brennan

Nay: None

Abstain: Cook, Nagle, Kabir

The motion passes 5 – 0 – 3

16-G-67 Authorization to allow free parking on summer weeknights after 5:00 p.m. in the City Hall lot and the downtown parking garage from May 28 to August 14, 2016

A motion was made by Councilmember Stullich and seconded by Councilmember Day to authorize free summer parking in the downtown parking garage and the City Hall surface lot from Saturday, May 28 through Sunday, August 14, 2016, as follows: All day Saturday, and Monday through Friday from 5-10 p.m. and to extend the free Saturday parking originally authorized only for the downtown parking garage to the City Hall lot.

Councilmember Stullich said this will help support our businesses in the quiet summer months when the demand for parking and need for paid parking is not as high.

No comments from the audience

Councilmember Cook asked if DCPMA will leverage this proposal by offering coupons. Ms. Schum said she informed DCPMA but it will be up to each individual business to decide what promotions they might offer. Councilmember Cook asked about the loss of revenue. Mr. Ryan referred to the figures in the staff report. Councilmember Cook wants to see data to evaluate the efficacy of the free parking program.

Councilmember Day said this is helping the restaurant owners.

Councilmember Stulich referred to the parking study several years ago that explained that the purpose of paid parking is not to be a revenue stream but rather to ensure the turnover of parking so that parking is available. The business owners have appreciated it.

Councilmember Brennan echoed that the purpose of paid parking is not revenue generation but rather to manage downtown lots to ensure appropriate turnover in our busiest season. When school is not in session that tool is no longer needed. We need to remember the loss to the City when businesses fail during the quiet summer months so this will encourage residents to patronize these businesses.

The motion passed 8 – 0 – 0.

16-G-68 Award of a contract to DMD Data Systems of Frankfort, Kentucky for \$77,560.90 in a form to be approved by the City Attorney for the purchase of servers, VMWare and Lenovo storage equipment, and authorization for the City Manager to sign the contract.

A motion was made by Councilmember Stulich and seconded by Councilmember Day that the City Council award a contract to DMD Data Systems of Frankfort, Kentucky for \$77,560.90 in a form to be approved by the City Attorney for the purchase of servers, VMware and Lenovo storage equipment, and authorize the City Manager to sign the contract.

Ms. Price asked for Council's support of this staff recommendation; we do not recommend a cloud computing solution because not all of our processes are compatible with a cloud solution.

Councilmember Kabir said we should be moving to cloud based solutions because that is where all government agencies are moving and it brings lots of benefits. He wants to see pricing on a cloud solution, not a virtual solution – how long would that take?

Mr. Somers said staff made this recommendation because we believe this is the best solution for the City. There are security and other issues with cloud computing so we believe that is not in the best interest of the City. Ms. Price said it is not just a cost issue; it is based on the processes we have in place.

Councilmember Day said there are issues with placing agency data in the cloud and the cost savings you see are with large agencies that use data farms and it would not be cost effective here. There is not a single agency that has 100% of their data in the cloud and he does not recommend it. The prices he saw for this virtualization solution are outstanding.

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

16-G-76 Letter of support for UMD application for a Maryland Bikeways grant

Mayor Wojahn said this was a late request from the UMD Department of Transportation services.

A motion was made by Councilmember Kabir and seconded by Councilmember Day to send a letter in support of DOTS request for a Maryland Bikeways grant for bike infrastructure enhancement, and authorize the Mayor to sign the letter.

The motion passed 8 – 0 – 0.

16-G-75 Letter of support for County Council bill CB-26-2016 Urban Agriculture

A motion was made by Councilmember Nagle and seconded by Councilmember Kabir to send a letter in support of CB-26-2016 promoting urban agriculture in Prince George's County, and authorize the Mayor to sign the letter.

Councilmember Nagle said this legislation will expand opportunities for urban farming opportunities in the R-80 and R-55 residential zones and increase access to fresh food and the land to grow it on in those communities.

The motion passed 8 – 0 – 0.

16-G-73 Appointments to Boards and Committees

A motion was made by Councilmember Stulich and seconded by Councilmember Kujawa to appoint Stuart Adams to the Recreation Board and to reappoint Judith Oarr to the Recreation Board. The motion passed 8 – 0 – 0.

MAYOR AND COUNCILMEMBER REPORTS/COMMENTS:

Councilmembers commented on Cole Holocker's tenure as student liaison and thanked him for his service.

The Mayor and Councilmembers commented on Steve Groh's service to the City as Finance Director – he is retiring at the end of the month. They thanked him and expressed their appreciation for the support and guidance he has provided.

STUDENT LIAISON'S REPORT/COMMENTS:

Mr. Holocker commented on an incident in the Courtyards involving the use of pepper spray. He thanked the Council for the opportunity to serve as Student Liaison.

ADJOURN: A motion was made by Councilmember Stulich and seconded by Councilmember Brennan to adjourn the meeting and with a vote of 8 – 0 – 0, Mayor Wojahn adjourned the meeting at 12:01 a.m.

Janeen S. Miller, CMC City Clerk	Date Approved
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Pursuant to §C6-3 of the College Park City Charter, at 9:50 p.m. on May 17, 2016, during a regularly scheduled Worksession in the Council Chambers of City Hall, a motion was made by Councilmember Brennan and seconded by Councilmember Kabir to enter into a Closed Session to consider the acquisition of real property for a public purpose. The motion passed 8 – 0 – 0 and after a brief recess the Council entered into the closed session at 9:57 p.m.

PRESENT: Mayor Wojahn, Councilmembers Kabir, Nagle, Brennan, Dennis, Stulich, Day, Cook and Kujawa.

ABSENT: None.

ALSO PRESENT: Scott Somers, City Manager; Bill Gardiner, Assistant City Manager; Janeen Miller, City Clerk; Suellen Ferguson, City Attorney; Terry Schum, Director of Planning; Cole Holocker, Student Liaison.

Topics Discussed: Council was briefed on several options for the acquisition of real property in the City and discussed matters related to each option.

Actions Taken: None.

Adjourn: A motion was made by Councilmember Brennan and seconded by Councilmember Kujawa to adjourn the closed session, and at 11:01 p.m. with a vote of 8 – 0 – 0, Mayor Wojahn adjourned the meeting.

MINUTES
Regular Meeting of the College Park City Council
Tuesday, June 14, 2016
Council Chambers
7:30 p.m. – 9:09 p.m.

PRESENT: Mayor Wojahn; Councilmembers Kabir, Nagle, Dennis, Day, Cook and Kujawa.

ABSENT: Councilmembers Brennan and Stullich.

ALSO PRESENT: Scott Somers, City Manager; Bill Gardiner, Assistant City Manager; Janeen Miller, City Clerk; Suellen Ferguson, City Attorney; Terry Schum, Director of Planning; Bob Ryan, Director of Public Services; Bob Stumpff, Director of Public Works; Brenda Alexander, Deputy Director Public Works; Jill Clements, Director of Human Resources; Steve Halpern, City Engineer; Chris Keosian, Student Liaison.

Mayor Wojahn opened the Regular Meeting at 7:30 p.m.

Announcements:

Councilmember Kabir thanked everyone who participated in last Saturday's neighborhood clean-up.

Councilmember Nagle reported on a meeting with residents of Hollywood Road to discuss the proposed UMD Shuttle route on their street. Residents are not in favor of the proposal at this time so the University will not move forward with that route.

Councilmember Dennis announced the upcoming Berwyn District Civic Association meeting on Thursday at 8:00 p.m. at Fealy Hall.

Councilmember Kujawa reported on the City picnic on Saturday.

Councilmember Cook said she attended the International Town Gown Association conference last week.

Mayor Wojahn announced tomorrow night's "Live Smart Eat Local" event at the Start-Up Village. He also announced the next 3rd Thirsty Thursday event at Ledo's Restaurant on Thursday from 5 – 7 p.m.

City Manager's Report:

Mr. Somers announced the Berwyn Bridge Reopening Event on Saturday at 10:00 a.m. UMD Shuttle Route 104 through Old Town has been discontinued. Metro's SafeTrack project continues but will not affect the Greenbelt and College Park stations until November. Public Works has been power washing downtown sidewalks and the parking garage. The cashier window at Davis Hall opened last week; the hours are Monday – Friday 8:00 a.m. – 6:00 p.m. The split phase traffic signal at US Route 1 and Knox Road is now operational. Reminder the

there is free parking after 5:00 p.m. and on weekends in the Downtown Parking Garage and City Hall lot during the summer.

Amendments To And Approval Of The Agenda: A motion was made to add the following items to the agenda: Introduction of 16-O-05; extension of the pride flag (16-G-84); and affirmation for expanded services at Davis Hall (16-G-85) (Nagle/Kujawa). The amended agenda was approved (Dennis/Cook) 6 – 0 – 0.

Presentations:

- a. Presentation on final report of the Bicycle Boulevard study – Bryon White, Sabra Wang & Associates: Mr. White reported on the results of the project that was funded by a grant from the Council of Governments Transportation Land Use Connections Program. Bicycle boulevards are shared-space roads with low vehicle volume/speeds to encourage replacement of short car trips with bicycle trips. In College Park, the needs are for east-west connections to connect a neighborhood to a trail or to a commercial destination. The estimated cost is \$150,000 for all 17 streets recommended in the report.

Public Comment on Consent and Non-Agenda Items:

Dr. Judy Blumenthal, 9205 49th Avenue: She asked for an agenda item re: predicted traffic with current and future development before there are any more groundbreaking. Her concerns are public safety, neighborhood overcrowding, quality of life and maintaining quality infrastructure.

Ileea York, 4809 Erie Street: When she moved in 3½ years ago she had no idea about “The Boulevard at 9091” development and she is disturbed by the density. She was disturbed by the Monument construction 5 blocks away. Route 1 is a nightmare and Route 193 is bad; it is going to be worse with these new developments. We need a traffic study – the roads can’t handle the additional traffic.

Presentations:

- b. Presentation to the City Council regarding their role in the compensation and classification study – James Brittain, Management Advisory Group: Mr. Brittain provided an overview of the Classification and Compensation study that will take place over the next few months. The study will address internal and external equity issues, include a market salary survey, will update job and class descriptions, and provide funding options for their findings and recommendations. He will return to discuss the final draft with the City Council by the end of the calendar year.

PUBLIC HEARING ON ORDINANCE 16-O-03:

An Ordinance Of The Mayor And Council Of The City Of College Park, Amending Chapter 15, “Boards, Commissions And Committees”, §15-19, “Powers And Duties”; Chapter 125, “Housing Code”, §125-8, “Maintenance Of Dwellings”, §125-17, “Firesafety Laws”, And §125-17.1, Abatement Of Certain Violations; And Chapter 157, “Property Maintenance”, §157-2, “Definitions; Word Usage”; §157-3, “Compliance; Inspections”; §157-4, “Notification Of Violations; Hearings”, §157-6, Responsibilities Of Owners And Occupants”; §157-7” Designation Of Unfit Buildings; Condemnation”; § 157-8, “Higher Standards To Prevail”; Deleting §157-5, “Adoption Of Rules And Regulations”, And §157-

9 “Hearings”; Amending Chapter 110, ‘Fees And Penalties’, §110-2, “Penalties”, And Adopting A New Chapter 115, “Fire Safety,” To Update And Clarify The Codes, Include Fire Safety Laws In One Chapter And Provide For A Fine, And To Make Certain Conforming Changes

Mayor Wojahn opened the Public Hearing at 8:40 p.m. Ms. Ferguson commented that this ordinance began as an effort to conform snow removal requirements and since we were in the chapter, we made a number of other updates. We separated out the fire safety laws found in various chapters and moved them into one new Chapter, 115, to make clear that they apply to all structures in the City, not just certain types.

There was no public comment on this proposed ordinance. Mayor Wojahn declared the Public Hearing closed at 8:42 p.m.

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

- 16-R-11 Adoption of Resolution 16-R-11, A Resolution Of The Mayor And Council Of The City Of College Park, Maryland Creating A Dr. Martin Luther King, Jr. Tribute Committee.**
- 16-G-77 Adoption of program guidelines for a Council Internship Program.**
- 16-G-79 Award of Contract CP-17-01 in substantially the form attached for Miscellaneous Concrete Maintenance and Asphalt Resurfacing to NZI Construction Corporation of Beltsville, Maryland for \$538,875.00, funded from Fund 301 Unrestricted C.I.P. Reserve.**
- 16-G-80 Award of mowing contract to LevelGreen Landscape, LLC of Washington, DC, in substantially the form attached, in the amount of \$27,500 for 4 months, July through October, and authorization for the City Manager to sign the contract.**
- 16-G-81 Approval of an MOU with the University of Maryland Department of Transportation Services in substantially the form attached for resident and employee ridership of the Shuttle-UM in the amount of \$6,000 for the period August 29, 2016 to August 28, 2017, and authorization for the City Manager to sign the MOU.**
- 16-G-82 Field Use Request for use of Duvall Field by Berwyn Baptist Church for Soccer Camp from July 18 – 22, 2016.**
- 16-G-83 Approval of minutes of May 10, 2016 Regular Meeting.**

The motion passed 5 – 0 – 0 (Councilmember Nagle was away from the dais.)

ACTION ITEMS:

16-G-78 Approval of FY 2017 Program Open Space allocation

A motion was made by Councilmember Kabir and seconded by Councilmember Cook to approve the FY 2017 Program Open Space allocation as follows: \$20,000 in acquisition funding to Hollywood Gateway Park and \$94,712 in development funding to the Hollywood Wellness Trail.

Councilmember Nagle would like a strategic discussion on open space projects before this comes back. We have expended far too much money on the Hollywood Gateway project – it was meant to eliminate an eyesore and it looks worse than ever.

Councilmember Cook added that we have created another eyesore across the street.

The motion passed 6 – 0 – 0.

16-O-03 Adoption of Ordinance 16-O-03, An Ordinance Of The Mayor And Council Of The City Of College Park, Amending Chapter 15, “Boards, Commissions And Committees”, §15-19, “Powers And Duties”; Chapter 125, “Housing Code”, §125-8, “Maintenance Of Dwellings”, §125-17, “Firesafety Laws”, And §125-17.1, Abatement Of Certain Violations; And Chapter 157 , “Property Maintenance”, §157-2, “Definitions; Word Usage”; §157-3, “Compliance; Inspections”; §157-4, “Notification Of Violations; Hearings”, §157-6, Responsibilities Of Owners And Occupants”; §157-7” Designation Of Unfit Buildings; Condemnation”; § 157-8, “Higher Standards To Prevail”; Deleting §157-5, “Adoption Of Rules And Regulations”, And §157-9 “Hearings”; Amending Chapter 110, ‘Fees And Penalties’, §110-2, “Penalties”, And Adopting A New Chapter 115, “Fire Safety,” To Update And Clarify The Codes, Include Fire Safety Laws In One Chapter And Provide For A Fine, And To Make Certain Conforming Changes.

A motion was made by Councilmember Nagle and seconded by Councilmember Kabir to adopt Ordinance 16-O-03, An Ordinance Of The Mayor and Council Of The City Of College Park, Amending Chapter 15, “Boards, Commissions And Committees”, §15-19, “Powers And Duties”; Chapter 125, “Housing Code”, §125-8, “Maintenance Of Dwellings”, §125-17, “Firesafety Laws”, And §125-17.1, Abatement Of Certain Violations; And Chapter 157 , “Property Maintenance”, §157-2, “Definitions; Word Usage”; §157-3, “Compliance; Inspections”; §157-4, “Notification Of Violations; Hearings”, §157-6, Responsibilities Of Owners And Occupants”; §157-7” Designation Of Unfit Buildings; Condemnation”; § 157-8, “Higher Standards To Prevail”; Deleting §157-5, “Adoption Of Rules And Regulations”, And §157-9 “Hearings”; Amending Chapter 110, ‘Fees And Penalties’, §110-2, “Penalties”, And Adopting A New Chapter 115, “Fire Safety,” To Update And Clarify The Codes, Include Fire Safety Laws In One Chapter And Provide For A Fine, And To Make Certain Conforming Changes.

The motion passed 6 – 0 – 0.

16-O-04 Introduction of Ordinance 16-O-04, An Ordinance Of The Mayor And Council Of The City Of College Park Amending City Code Chapter 138 “Noise”, §§138-5, “Prohibited Acts”, 138-6, “Violations And Penalties” And 138-9, “Imposition Of A Fine By Noise Control Board” And Chapter 110, “Fees And Penalties”, §110-2, “Penalties”, To Clarify The Circumstances Under Which A Non-Resident Owner Has Violated The Noise Ordinance, Make Any Repeat Violation Within A Twelve Month Period Subject To An Increased Fine, And Modify The Mitigating Factors That May Justify A Reduction In The Fine For A Violation.

A motion was made by Councilmember Day and seconded by Councilmember Dennis to introduce Ordinance 16-O-04.

Councilmember Day read the title of the Ordinance. Mayor Wojahn announced that the Public Hearing will be Tuesday, July 12, 2016 at 7:30 p.m. in the Council Chambers

16-CR-01 Introduction Of Charter Resolution 16-CR-01, A Charter Resolution Of The Mayor And Council Of The City Of College Park, To Amend Article III, “Mayor And Council”, §3-6, “Vacancies”, Article IV, “Voting And Elections”, §C4-4 “Other Election Officials” And Article VIII, “Ordinances”, §8-2, “Passage”, To Change The Manner In Which Notice Is Given Of Vacancies In Elective Office, Appointment Of Election Officials, And Adoption Of Ordinances

A motion was made by Councilmember Nagle and seconded by Councilmember Kujawa to introduce Charter Amendment 16-CR-01.

Councilmember Nagle read the title of the Charter Amendment and announced that the Public Hearing will be Tuesday, July 12, 2016 at 7:30 p.m. in the Council Chambers

16-O-05 Introduction of Ordinance 16-O-05, An Ordinance Of The Mayor And Council Of The City Of College Park Amending City Code Chapter 138 “Noise”, §§138-2, “Definitions” To Revise The Definitions Of Day And Night To Shorten The Hours During Which Certain Noise Generating Activities May Take Place On Saturdays, Sundays And Holidays.

A motion was made by Councilmember Nagle and seconded by Councilmember Kabir to introduce Ordinance 16-O-05.

Councilmember Nagle read the title of the Ordinance. Mayor Wojahn announced that the Public Hearing will be Tuesday, July 12, 2016 at 7:30 p.m. in the Council Chambers.

16-G-84 To extend the length of time to hang the Pride banner on City Hall for one week ending Monday June 20th.

Mr. Somers said in light of the tragic event that occurred in Orlando on June 11, a request was made to extend the length of time that the Pride flag was displayed at City Hall by one week. The Council's original motion was to display the banner from June 6 to June 13. This motion would extend the display for one week.

A motion was made by Councilmember Nagle and seconded by Councilmember Day to extend the length of time that the Pride flag was displayed at City Hall by one week to Monday, June 20.

Councilmember Nagle said this is to show solidarity with members of the LGBT community.

Councilmember Cook urged people that if they "see something, say something."

Mayor Wojahn commented that the tragedy in Orlando hit a lot of us hard and that the acts of this one man don't represent any particular faith.

Councilmember Kabir said someone may disagree with the lifestyle of another person but that does not give them the license to kill; it is a time for compassion and solidarity with the LGBT community.

The motion passed 6 – 0 – 0.

16-G-85 To reaffirm City Council support and direction to expand certain City services to Davis Hall.

Mr. Somers said that Council is being asked to reaffirm their support and direction for expanded services at Davis Hall. In November 2015, we indicated that certain City services would be expanded at Davis Hall to accommodate resident and councilmember requests. Starting on June 6, 2016, the City began providing the following services from 8 a.m. until 6 p.m. at Davis Hall: payment and processing for all parking zone permits, payment of all City parking fines (not speed camera fines), appeal forms for parking violations, Maryland Non-Resident Vehicle Registration permit, MVA flag releases due to non-payment of parking fines, and purchase or renewal of Prince George's County annual pet licenses. This was accomplished without an increase in labor costs; material costs were nominal. He is asking Council whether they want to continue going in this direction, or to suspend this service and go in a different direction.

A motion was made by Councilmember Kabir and seconded by Councilmember Nagle to reaffirm Council's support for expanded services at Davis Hall.

Councilmembers Kabir and Nagle thanked staff for their flexibility in doing this.

The motion passed 6 – 0 – 0.

MAYOR AND COUNCILMEMBER COMMENTS:

Councilmembers Cook and Kujawa thanked Mr. Somers for attending the Hollywood Farmers Market.

Councilmember Kabir discussed the idea of the “Little Free Library” and asked for a future Worksession to discuss. Staff replied that funding can be/has been provided through the Community MicroGrants Program and that Public Works can assist with installing them.

Councilmember Nagle requested a comprehensive look at proposed development and the ability of existing infrastructure to support it.

Mayor Wojahn discussed events he attended over the weekend.

CITY MANAGER’S COMMENTS:

Mr. Somers said we are attempting to have a City booth at both farmers markets on a regular basis and that Council is welcome to participate; discussed the City’s involvement in the Calvert Hills Little Free Library; reminded everyone about the Open House for College Park seniors on Wednesday, June 22 at the YFS building, and about the July 4th celebration.

Mayor Wojahn announced the next Worksession is on July 5.

ADJOURN: A motion was made by Councilmember Kabir and seconded by Councilmember Day to adjourn the regular meeting and enter into a Closed Session to consider the acquisition of real property for a public purpose. The Council will not return to open session tonight. With a vote of 6 – 0 – 0, Mayor Wojahn adjourned the regular meeting at 9:09 p.m.

Janeen S. Miller, CMC	Date
City Clerk	Approved

Pursuant to §C6-3 of the College Park City Charter, at 9:09 p.m. on June 14, 2016, during a regularly scheduled Council Meeting in the Council Chambers of City Hall, a motion was made by Councilmember Kabir and seconded by Councilmember Day to enter into a Closed Session to consider the acquisition of real property for a public purpose. The motion passed 6 – 0 – 0 and after a brief recess the Council entered into the closed session at 9:18 p.m.

PRESENT: Mayor Wojahn, Councilmembers Kabir, Nagle (left at 9:50 p.m.), Dennis, Day (left at 10:10 p.m.), Cook and Kujawa.

ABSENT: Councilmembers Brennan and Stullich.

ALSO PRESENT: Scott Somers, City Manager; Bill Gardiner, Assistant City Manager; Janeen Miller, City Clerk; Suellen Ferguson, City Attorney; Terry Schum,

Director of Planning; Chris Keosian, Student Liaison. In addition, Anne Martens and Carlo Colella (UMD), Eric Olson and Sen. Jim Rosapepe (CPCUP) and Brad Frome (Prince George's County) were present for Part 1 of the Closed Session.

Topics Discussed: 1) Council was updated on an ongoing project and was asked to consider the acquisition of real property for a public purpose in connection with the project. 2) Council received an update on a proposal to acquire land for a public purpose. 3) Council briefly discussed the idea of a land exchange for a public purpose.

Actions Taken: None.

Adjourn: Due to loss of a quorum at 10:10, the Closed Session ended.

16-G-92

Terrapin Row

**CITY OF COLLEGE PARK, MARYLAND
REGULAR COUNCIL MEETING AGENDA ITEM**



AGENDA ITEM NUMBER 16-G-92

Prepared By: Suellen M. Ferguson, Esq.
City Attorney

Meeting Date: July 12, 2016

Presented By: Suellen M. Ferguson, Esq.
City Attorney

Consent Agenda: No

Action Requested: Approval of Toll proposal for intersection and other improvements adjacent to Terrapin Row as being in substantial compliance with the Declaration of Covenants and Agreement Regarding Land Use

Strategic Plan Goal: Goal #3 High Quality Development and Reinvestment

Background/Justification:

In 2013, the City entered into a Declaration of Covenants and Agreement Regarding Land Use ("Covenants") with Toll Brothers ("Toll") with respect to the re-development of the Knox Box area. The project, known as Terrapin Row, is nearing completion. Certain intersection improvements and signage were required in the Covenants, based on a conceptual study that was included as an exhibit. These improvements were designed to increase pedestrian safety. After recent site review, City staff and Toll agreed that certain improvements required by the Covenants should be amended or waived. These include the 12 - 16 foot width requirement for crosswalks, elimination of the curb extension on Knox Road as it interferes with the bike lane, and at the northwest corner of Knox and Guilford due to bike lane and storm water controls, and to substitute cross walks and bollards for the pedestrian crossing at Knox and Guilford. Toll has notified the City that an amendment to the MDE permit issued for this area would be required to install the remaining curb extensions required by the Covenants (at Rossburg and Guilford and at the NE and SE corner of Knox and Guilford), which are in the flood plain. It is their position that Toll is, as a result, not required to install the curb extensions. As an alternative, Toll is proposing certain intersection improvements that would not require an amendment of the MDE permit. That proposal is included in a letter from Tom Haller dated June 30, 2016. The letter and Covenants are attached.

Also attached are copies of letters received from the Catholic Student Center and Hope Lutheran Church detailing their concerns with respect to the adjacent intersections.

Staff recommends that the Council approve the Toll proposal. It will increase pedestrian safety at this complex intersection, and will increase sight lines for vehicles at stop signs. The fact that improvements in this area are in the flood plain and require MDE approval has complicated these safety efforts, and the ones now proposed do not require this approval and so can be installed immediately. The proposal has been amended by Toll to include their agreement to install a pedestrian safety sign at the loading dock on the premises of Terrapin Row.

Fiscal Impact:

None.

Council Options:

- #1: Approve the proposal by Toll as being in substantial compliance with the Declaration of Covenants
- #2: Amend and approve the proposal by Toll as being in substantial compliance with the Declaration of Covenants
- #3: Disapprove the proposal by Toll

Staff Recommendation:

#1:

Recommended Motion:

I move to accept the June 30, 2016 proposal from Toll Bros., which is attached, amended to include installation of a pedestrian safety sign at the loading dock on the premises of Terrapin Station, as in substantial conformance with Paragraph 11 of the Declaration of Covenants and Agreement Regarding Land Use between the City and Toll Bros., Inc. dated November 13, 2013.

Attachments:

Letter from Tom Haller dated June 30, 2016

Declaration of Covenants and Agreement Regarding Land Use dated November 13, 2013

Letter from the Catholic Student Center

Letter from Hope Lutheran Church dated May 8, 2016

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Clerk of the
Circuit Court

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DECLARATION OF COVENANTS AND AGREEMENT

REGARDING LAND USE

PR GEO CO HD 401

THIS DECLARATION OF COVENANTS AND AGREEMENT REGARDING LAND USE ("Agreement") is made this 13th day of November, 2013 by and between TOLL BROS, INC. ("Toll"), a corporation existing under the laws of the State of Maryland, and the CITY OF COLLEGE PARK, MARYLAND (the "City") a municipal corporation of the State of Maryland.

WHEREAS, Toll is the contract purchaser of certain real property consisting of forty four (44) platted lots currently improved with 22 residential buildings on 5.3 acres (hereinafter "the Property") located in Prince George's County, Maryland, on the west side of Route 1, Baltimore Avenue, referenced as Block E, Lots 1-10, Lord Calvert Manor, College Park and recorded in the Land Records of Prince George's County at Plat Book 20, Plat No. 94; and Re-subdivision of Blocks F (Lots 9-14), and H (Lots 29-56), recorded in the Land Records of Prince George's County, Maryland at Plat Book 21, Plat No. 96; all as shown on the plat attached as Exhibit A; and

WHEREAS, the Toll has proposed the construction of rental student housing on the Property ("the Project"); and

WHEREAS, Toll has asked the City to recommend approval of Detailed Site Plan No. DSP 13025 ("DSP") for the Project to the Prince George's County Planning Board ("Planning Board") and the District Council for Prince George's County, Maryland; and

WHEREAS, the proposed DSP also includes certain real property consisting of four (4) platted lots currently improved with two (2) residential buildings on approximately 0.9 acres

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RECORDING FEE 0.00
TOTAL 0.00
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located in Prince George's County, Maryland, on the west side of Route 1, Baltimore Avenue, referenced as Re-subdivision of Part of Block I (Lots 9-12), recorded in the Land Records of Prince George's County, Maryland at Plat Book 20, Plat No. 94; also referenced herein as Parcel 3, which is owned by KNOX VILLAGE PARTNERS, LLC, a Maryland limited liability company; KNOX BOX REALTY, LLC, a Delaware limited liability company, and AO ENTERPRISES, LLC, a Maryland limited liability company (collectively, the "Developer")

WHEREAS, Toll has asked the City to close, and consent to the vacation of, a portion of Rossburg Drive, currently in use as a public way, to enable the Project; and

WHEREAS, the City has agreed to make said recommendation, and to close and consent to the vacation of a portion of Rossburg Drive, upon certain conditions, which shall be executed by Toll in the form of this Agreement as set forth below, which covenants run with the land and may be enforced by the City

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

1. The recitals set forth above as well as the foregoing "NOW, THEREFORE," are incorporated herein as operative provisions of these Covenants.
2. The parties hereto acknowledge that Toll intends to construct and operate the Property as a student rental apartment community, that the Project consists of multiple buildings, that the Project also includes rental commercial space, and that

Paragraph 2(c) shall only apply in the event a condominium regime is recorded and the sale of individual residential condominium units to third-party purchasers commences. In conjunction with the ownership and operation of the Project, Toll agrees as follows:

(a) TOLL will not sell any of the multi-family apartment units separately from the remaining multi-family apartment units, except as set out in Paragraph 2(c). This provision shall not preclude the sale of whole buildings containing multi-family apartment units to another entity, or the sale of interests in the owning entity in connection with a joint venture and such entity will be subject to the provisions of Paragraph 2(c).

(b) When all or a portion of the Property not part of a condominium regime is operated as a rental facility, in order to insure high quality unitary management, said units shall be managed by TOLL or its affiliates, or in the alternative, by a reputable professional management agent having 10 years experience managing multifamily student rental properties. Any decision to discontinue such required professional property management or management by Toll or its affiliates shall require the prior written consent of the City of College Park

(c) The provisions of this Paragraph 2(c) shall only be applicable in the event TOLL establishes a condominium regime under which individual condominium units for any of the multi-family units in the Property may be sold, and commences the sale of such units to third-party unit purchasers and shall not apply to commercial or retail condominiums or the establishment of a condominium regime which creates condominium units to separate the

commercial use in the Property from the residential uses in the property. In the event TOLL determines to establish a condominium regime under which residential units may be individually sold, Toll agrees that no more than one master residential condominium regime will be established on the Property, and any such regime shall be included in and governed by a master condominium document. This Paragraph 2(c) does not apply to commercial or retail condominiums, which shall be included in and governed by a master condominium document. TOLL further agrees, to the reasonable satisfaction of the City, that it will include provisions in the applicable condominium documents, not subject to amendment, except as set out herein, as follows:

- i. To insure high quality management of the common areas, require unitary management for each such regime by a reputable professional condominium management agent not owned or operated by any unit owner (except TOLL or its affiliates or other similarly experienced multifamily owner/operators) that has at least ten (10) years of experience managing multifamily student housing projects. Any decision by the Board of Directors of a condominium to discontinue professional property management (or management by TOLL or its affiliates or other similarly experience multifamily owner/operator) would require the prior written consent of the City of College Park;
- ii. A provision prescribing that the condominium association provide a sample lease to unit owners for units which may be individually leased by unit owners to third parties, which lease shall include a notice to proposed tenants of applicability of City ordinances relating to tenant rights and obligations and

requiring unitary high quality maintenance and management with enforcement rights granted to the City and the condominium association to monitor and enforce tenant compliance with lease and other tenant obligations as set out herein and the City noise, nuisance and parking ordinances.

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

affidavit shall be in a form subject to the reasonable approval by the City of College Park (a copy of which is attached hereto) and shall require that each occupant provide reasonable verification of the information contained in the affidavit. The City of College Park shall be entitled to receive a copy of all affidavits filed. In the event individual residents fail to submit the requested affidavit but the Condominium Board of Directors or management company has information concerning the occupancy status of particular units, the verification of occupancy status may be given by the Condominium Board of Directors or the management company. The minimum lease term for all leases within the for-sale condominium shall be twelve (12) months, and any rental of units will be subject to the prior review and approval of the Board of Directors. In this manner, the Board of Directors would be able to monitor the extent of leasing activity. No changes or modifications to these leasing restrictions will be permitted without the prior written consent of the City of College Park. The City of College Park would also be afforded the right, but not the obligation, to enforce these leasing restrictions against the individual unit owners.

iv No transient tenants may be accommodated in any Unit, nor shall any Unit be utilized for short-term hotel purposes. For purposes of this section, the term "transient tenants" shall mean a tenant leasing for a period of less than 12 months. No portion of a Unit (other than the entire Unit) may be rented. All agreements of the lease of a Unit shall provide that the terms of the lease shall be subject in all respects to the provisions of the Maryland Condominium Act, the Condominium Declaration and Bylaws and that any failure of the lessee to comply with the

terms of such provisions shall be a default under the lease, which default may be remedied by the Unit Owner in accordance with the lease and by the Condominium Association, in accordance with the Act. All leases must be in writing.

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

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

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

viii. The Unit Owners and occupants shall not cause or permit the blowing of any horn from any vehicle in which his guests, family, tenants, invitees or

employees shall be occupants, approaching or upon any of the driveways or parking areas serving the Condominium, except as may be necessary for the safe operation thereof.

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

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

xi. Subject to the provisions in the Condominium Declaration and in the Bylaws, household birds and fish, house dogs or domesticated house cats are allowed, provided that the same shall not disturb other Unit Owners or occupants, including disturbance caused by barking or howling dogs. Any inconvenience, damage or unpleasantness caused by such pets shall be the sole responsibility of the respective owners thereof. All such pets shall be kept under the direct control of their owners at all times and shall not be allowed to run free or unleashed or to otherwise unreasonably interfere with the rights, comfort and convenience of any of the Unit Owners or occupants. All pets shall be attended at all times and shall be registered, licensed and inoculated as may from time to time be required by law, and must be registered with the condominium managing agent. Pets shall be walked on the condominium property only where permitted and must be cleaned up after.

which would not pass applicable state inspection criteria), shall be kept upon any portion of the Condominium or upon the public or private streets adjacent to the Condominium (except for bona fide emergencies), nor shall the repair or extraordinary maintenance of automobiles or other vehicles be carried out thereon.

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

xix. Outdoor cooking or barbequing is prohibited on any patios, decks, balconies or porches of an individual unit, but shall be permitted in the Common Areas where specifically provided for.

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

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

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

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

3. In the event that the Property is developed and subsequently sold to any non-taxable entity, so that the Property is no longer subject to real property taxes, the entity(ies) purchasing the properties and each of them (or any successors or assigns) shall be liable to make an annual payment in perpetuity to the City in an amount equal to the annual City real property taxes on the property and any improvements, based on assessed value, it being the intent of the parties that the City not be deprived of this income regardless of the tax status of any owner and that this obligation shall run with the land. TOLL'S obligation set forth herein shall terminate upon the sale of the Property to an arm's length third party purchaser. Further, the requirement

set forth herein shall not apply in the event the Property is obtained by any non-taxable entity via the process of right-of-way dedication, eminent domain or condemnation. The owner shall notify the City in writing upon the closing of any sale to a third party purchaser, or upon receipt of legal process instituting any action of eminent domain or condemnation.

4. Prior to approval of a building permit, if the Capital Bikeshare Program or similar program is operational in the City of College Park, TOLL, its successors and assigns, shall pay the sum of \$45,000 to the City of College Park for the installation and operation of an 11 dock/6 bike station that measures 31 feet in length and 6 feet in width at a location on or near the Property. In the event the City of College Park determines that the Bikeshare facility should be located on the Property, it shall be placed in the location designated on the DSP.

5. Toll Brothers, Inc. shall achieve U.S. Green Building Council (USGBC) LEED-Silver certification under an applicable, current LEED rating system as required by the Sector Plan Development Standards. Specifically, TOLL shall follow the process below:

- a. Prior to DSP certification, TOLL shall:
 - i. Designate a LEED-accredited professional (“LEED-AP”) who is also a professional engineer or architect, as a member of their design team. TOLL shall provide the name and contact information for the LEED AP to the City.
 - ii. Designate the City’s Planning Director, or designee, as a team member in the USGBC’s LEED Online system. The City’s team member will have privileges to review the project status and monitor the progress of all documents submitted by the project team.
- b. Prior to approval of a building permit, TOLL shall:
 - i. Register the project with the U.S. Green Building Council (USGBC) and show results of LEED-ND Stage 1 or Stage 2 review. If conditional approval is obtained, TOLL shall employ every effort to obtain full LEED-ND certification and provide documentation of such. If conditional approval is not obtained, TOLL shall make every effort to achieve USGBC LEED-Silver certification under LEED-NC and/or LEED Homes, or if available, equivalent standard.
- c. Prior to issuance of the first Use and Occupancy Permit, TOLL shall:
 - i. Submit a report by a LEED AP that demonstrates that the project is anticipated to

attain a sufficient number of credits that will ultimately be sufficient to attain the LEED ND Silver certification or LEED-NC and LEED Homes as appropriate.

- ii. Establish an escrow or letter of credit in the amount of \$50,000 with an agent that is acceptable to the City. Said escrow agent shall hold the funds subject to the terms of this Agreement. The escrow (or letter of credit) shall be released to Applicant upon final LEED Silver certification. In the event that TOLL fails to provide, within 1 year of issuance of the use and occupancy permit for the final building within the LEED ND boundary, documentation to the City demonstrating attainment of LEED Silver certification, then as the City's sole remedy the entirety of the escrow will be released upon demand to the City and will be posted to a fund within the City budget supporting implementation of environmental initiatives. If LEED certification is obtained but not at the Silver level, 50% of the escrow will be released to TOLL and 50% will be released upon demand to the City to be posted to a fund within the City budget supporting implementation of environmental initiatives.
- d. If TOLL provides documentation from the USGBC demonstrating, to the satisfaction of the City, that USGBC completion of the review of the LEED certification application has been delayed through no fault of TOLL, TOLL's contractors or subcontractors, the proffered time frame may be extended as determined appropriate by the City, and no release of escrowed funds shall be made to TOLL or to the City during the extension.

6. Prior to a Use and Occupancy Permit, TOLL shall provide a copy of an agreement with the University of Maryland for the installation, maintenance and monitoring of emergency call boxes (Public Emergency Reporting Telephones, PERT). Prior to Use and Occupancy Permit, Toll will install exterior cameras with views of Knox Road, Hartwick Road, Guilford Road, and the Mews.

7. TOLL shall extend the street trees and pedestrian light fixtures required by the DSP from the Project boundary along Knox Road and Guilford Road to the intersection of these two streets. TOLL shall maintain, in a manner reasonably acceptable to the City, all pedestrian light fixtures installed in the right-of-way pursuant to the DSP and/or this Agreement along Knox Road, Hartwick Road and Guilford Drive, with the exception of the pedestrian light fixtures that are installed outside of the Project's property frontage. Maintenance and operation shall include but not be limited to electric utility charges, replacement of light bulbs, and repair and replacement of the pedestrian street lights within a reasonable period of time, pursuant to a maintenance schedule established

with the City.

The City may invoice TOLL on a quarterly basis for electricity costs in the event Toll is not invoiced the costs of electricity directly by the utility company. Invoices shall be payable to the City within thirty (30) days of receipt. In the event that any such invoice is not timely paid, in addition to any other remedy available at law, any outstanding amount shall be a lien upon the Property to be collected in the same manner as City taxes are collected. TOLL shall indemnify and save harmless the City, its officers, employees and agents, from all suits, actions and damages or costs of every kind and description, including reasonable attorneys' fees, arising directly or indirectly out of the maintenance of the pedestrian light fixtures, caused by the negligent act or omission, intentional wrongful acts, intentional misconduct or failure to perform with respect obligations under this paragraph on the part of TOLL, its agents, servants, employees and subcontractors.

8. Prior to the issuance of any occupancy permit, Toll shall grant to the Developer property a perpetual right to lease from Toll, or its successors and assigns, a sufficient number of spaces in the garage on Toll's property to meet the parking requirements for the Developer property ("the Parking Access Easement") as shown on the DSP. The required number of spaces reflected on the DSP as of the date of this Agreement is 24 spaces. These parking rights shall run with the land and shall be reflected in a Parking Access Easement Agreement in a form reasonably satisfactory to Toll and the City. The Parking Access Easement Agreement shall be recorded among the Land Records of Prince George's County, Maryland and shall be enforceable by the City.

9. A public use easement shall be provided to allow pedestrian and bicycle access through

the Project within the open area created on Parcel 1, between Knox Road and Guilford and Hartwick Roads (the "Public Pedestrian Access Easement). The Public Pedestrian Access Easement shall be to the benefit of the City of College Park and shall be approved by the City of College Park and the Maryland-National Park and Planning Commission. The easement shall set forth the rights, responsibilities, and liabilities of the parties.

10. Toll and Toll's heirs, successors, and/or assignees shall vacate the dedicated public right-of-way of Rossburg Drive (WWW 20-94) and obtain approval of a minor final plat pursuant to Section 24-112 of the Subdivision Regulations at a time in accordance with the approved Detailed Site Plan DSP-13025. The minor final plat shall reflect the liber and folio of the Parking Access Easement and the Public Pedestrian Access Easement.

11. The City has presented Toll with proposed roadway and streetscape improvements intended to promote a safe pedestrian environment. These streetscape and roadway improvements are shown on Exhibits B-D, attached to this Agreement and incorporated by reference. Toll agrees that, prior to any use and occupancy permit, it will obtain a right of way permit from the City and construct the roadway and streetscape improvements as shown on Exhibits B-D provided that i) such improvements are not construed or interpreted by Prince George's County constituting fill in the 100 year floodplain which adversely affect the existing floodplain by causing the floodplain elevation to rise from the current elevation shown on the approved floodplain study prepared by Bohler Engineering, or ii) if such improvements are construed or interpreted by Prince George's County as constituting fill in the floodplain which causes the floodplain elevation to rise from that the current elevation shown on the approved floodplain study prepared by Bohler Engineering, then Toll's sole obligation to compensate for such impact shall be limited to payment of a fee in lieu thereof which is reasonably acceptable to

Toll. In addition, Toll shall not be obligated to construct any streetscape or roadway improvements which would require modification or alteration to any stream channel or stream embankment which would require the approval of the Maryland Department of the Environment or the United States Army Corps of Engineers.

12. Prior to signature approval of the DSP, the applicants shall revise the site plan to:

- a. Show a possible location for a proposed Bikeshare Station (11 docks and 6 bikes) that measures 31 feet in length and 6 feet in width.
- b. Redesign the mews/stairs to accommodate pushing a bike.
- c. Show street light fixtures spaced not more than 30 feet on center.
- d. Show the installation of street trees and pedestrian light fixtures extended from the project boundary along Knox Road and Guilford Road to the intersection of these two streets.
- e. Show sidewalks along the property frontage at a minimum of 6-foot wide, preferably 8-foot wide to the extent possible.
- f. Provide a 6-foot wide sidewalk and 5-foot wide planting strip along the north side of Knox Road from the proposed crosswalk east to the driveway of the Delta Sigma Phi fraternity.
- g. Stripe Knox Road to provide a 5-foot wide west-bound bike lane, 10-foot wide west-bound drive lane, 11-foot wide east-bound "sharrow" lane and 8-foot wide parking lane on the south side of Knox Road. The ultimate street section is subject to approval and modification by the City of College Park.

13. Prior to a Use and Occupancy Permit, the applicant (Toll Brothers, Inc.) shall stripe Knox Road to provide a 5-foot wide west-bound bike lane, 10-foot wide west-bound drive lane, 11-foot wide east-bound "sharrow" lane and an 8-foot wide parking lane on the south side of Knox Road.

14. Prior to the closure of Rossburg Drive, the applicant shall convert Knox Road to a two-way street, in coordination with the City of College Park engineer.

15. Prior to signature approval of the DSP, the architectural elevations shall be revised for review and approval by the City of College Park and M-NCPPC as follows:

- a. Label the materials used on the façade of the garage.
- b. Create a 5-story projecting vertical bay with windows on Building B-south elevation, similar to that found on Building B-north elevation, or appropriate alternative.
- c. Create a 5-story projecting vertical bay with windows for Building C-west elevation.

similar to that found on Building C-north elevation, or appropriate alternative.

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

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

18. This Agreement shall be effective immediately as to TOLL and shall be binding on its heirs, successors and assigns subject to the terms and conditions hereof.

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

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

reimburse said party for all reasonable costs of the proceeding including reasonable attorneys' fees.

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

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

23. In the event that any provision of this Agreement is in direct conflict with any provision mandated by any government agency with jurisdiction, to the extent that the provision in this Agreement is by necessity precluded, then that provision shall be null and void, provided, however, that the remainder of this Agreement shall remain in full force and effect.

24. The City shall (i) generally support the approval of the DSP as long as they are found by the City to be in substantial conformance with the development plans for the Property previously shown to and endorsed by the City and (ii) close and support the vacation of the portion of Roszburg Drive to be closed and vacated as set forth in the DSP, upon the satisfaction of the conditions precedent thereto in the DSP and this Agreement. The City retains the right throughout the development process to comment on, object to, recommend conditions for and/or appeal issues not previously addressed and issues that have not yet arisen due to the current stage of development plans provided that it will not unreasonably withhold consent. The City further acknowledges that a conformance finding is not to be unreasonably withheld.

35503 608

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

WITNESS/ATTEST:

TOLL BROS., INC.

[Handwritten Signature]

Richard L. Key
Title: Vice President

~~Pennsylvania~~
STATE OF MARYLAND)

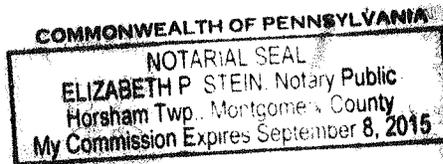
ss:
COUNTY of Montgomery

I HEREBY CERTIFY, that on this 19th day of November 2013, before me, a Notary Public in and for the State aforesaid, personally appeared Richard L. Key, and that he, being authorized so to do, executed the foregoing Agreement for the purposes therein contained by signing in my presence.

WITNESS my hand and Notarial Seal.

[Handwritten Signature] (SEAL)
Notary Public

My Commission Expires: 9/8/2015



WITNESS/ATTEST:

CITY OF COLLEGE PARK

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

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

Gvette Allen
Asst. City Clerk
STATE OF MARYLAND)

) ss:

COUNTY OF MONTGOMERY

I HEREBY CERTIFY that on this 17TH day of DEC, 2013, before me, the subscriber, a Notary Public in the State and County aforesaid, personally appeared Joseph L. Nagro, who acknowledged himself to be the City Manager of the City of College Park, and that he, as such City Manager, being authorized so to do, executed the foregoing Agreement for the purposes therein contained by signing, in my presence, the name of said City of College Park, by himself, as City Manager.

WITNESS my hand and notarial seal.

Stephen [Signature] (SEAL)

Notary Public

My Commission Expires: 01/14/17

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

Suellen M. Ferguson
Suellen M. Ferguson

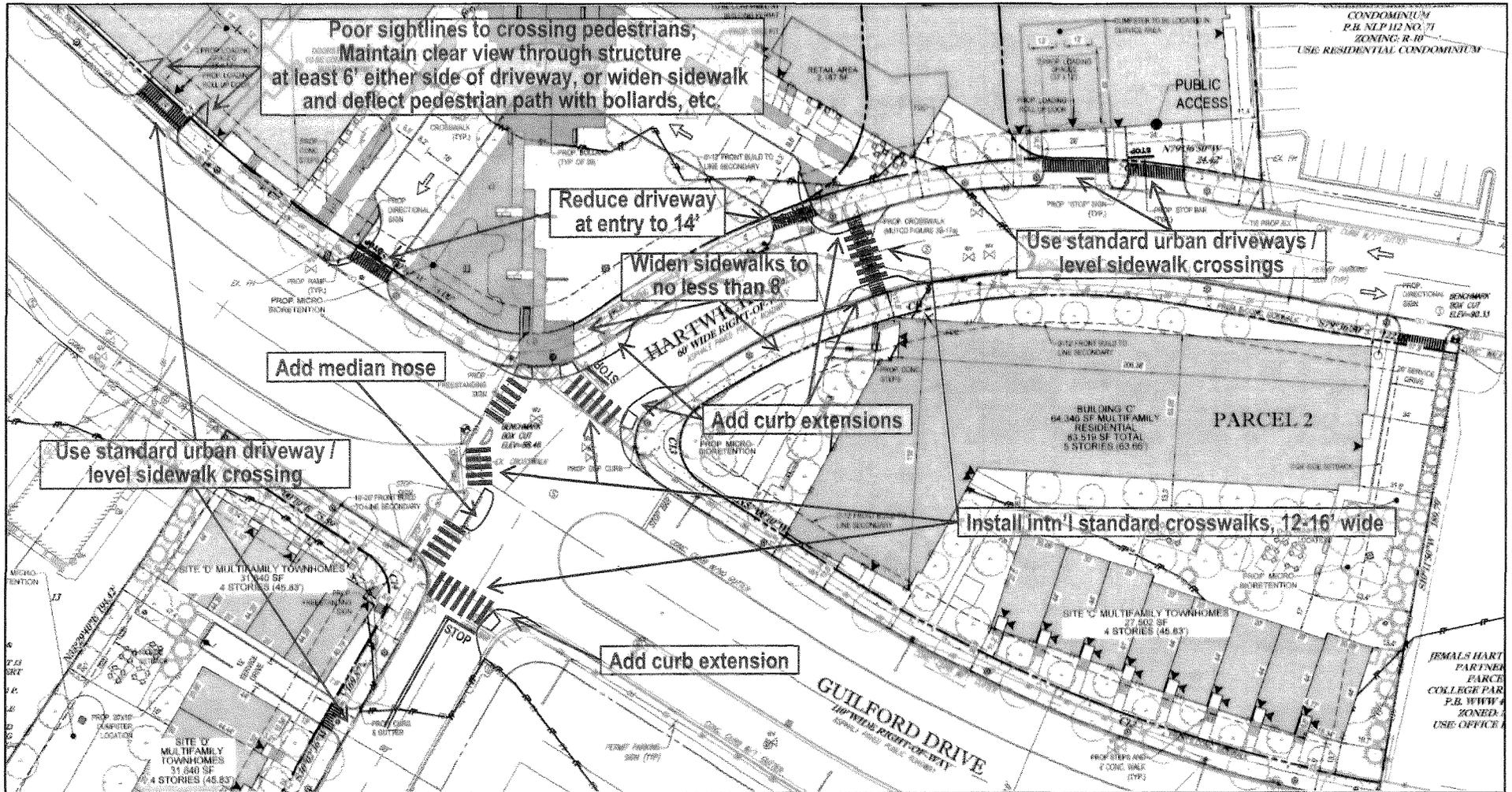
35503 610

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

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

UMD Student Housing at Knox Road: Site Design Comments

35503 612



UMD Student Housing at Knox Road: Site Design Comments

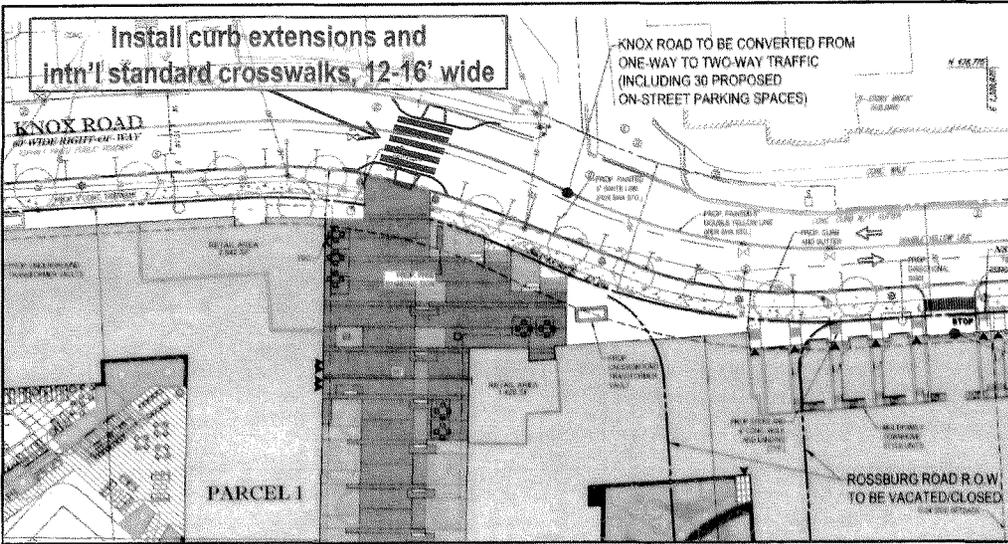
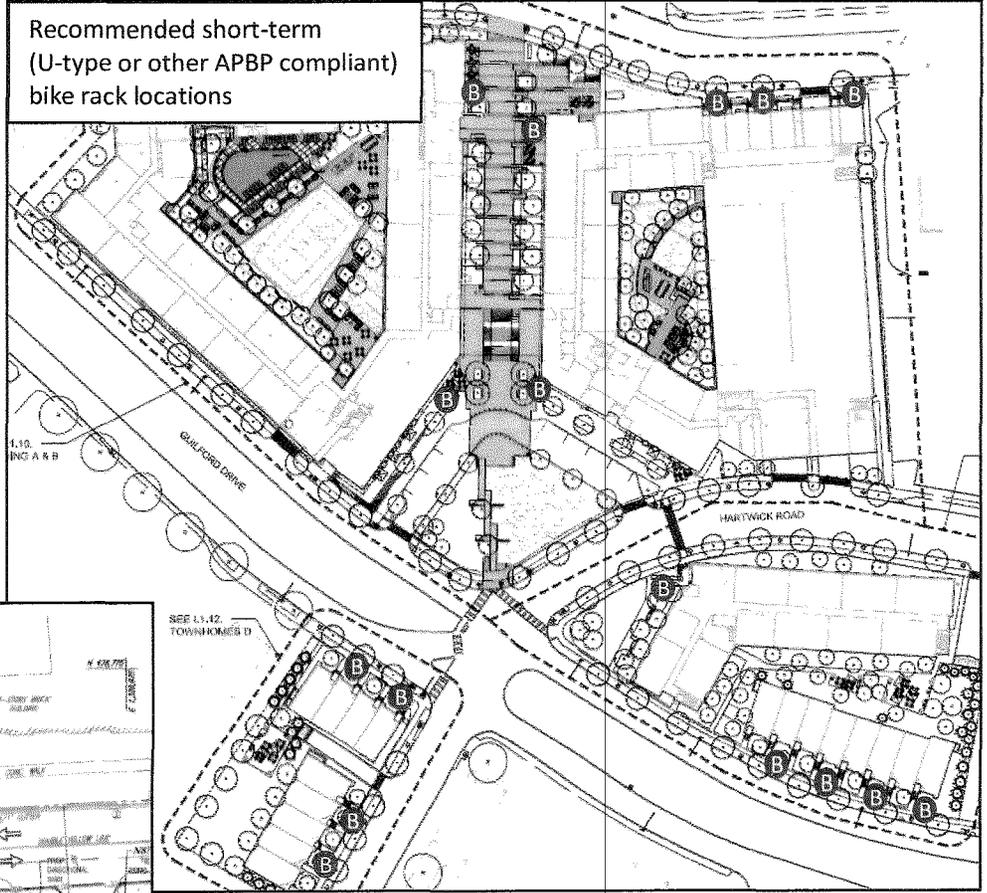
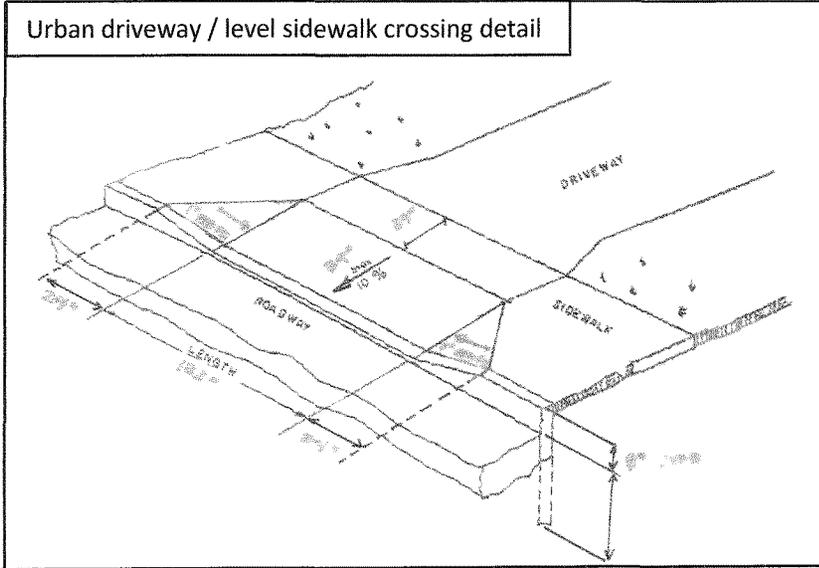
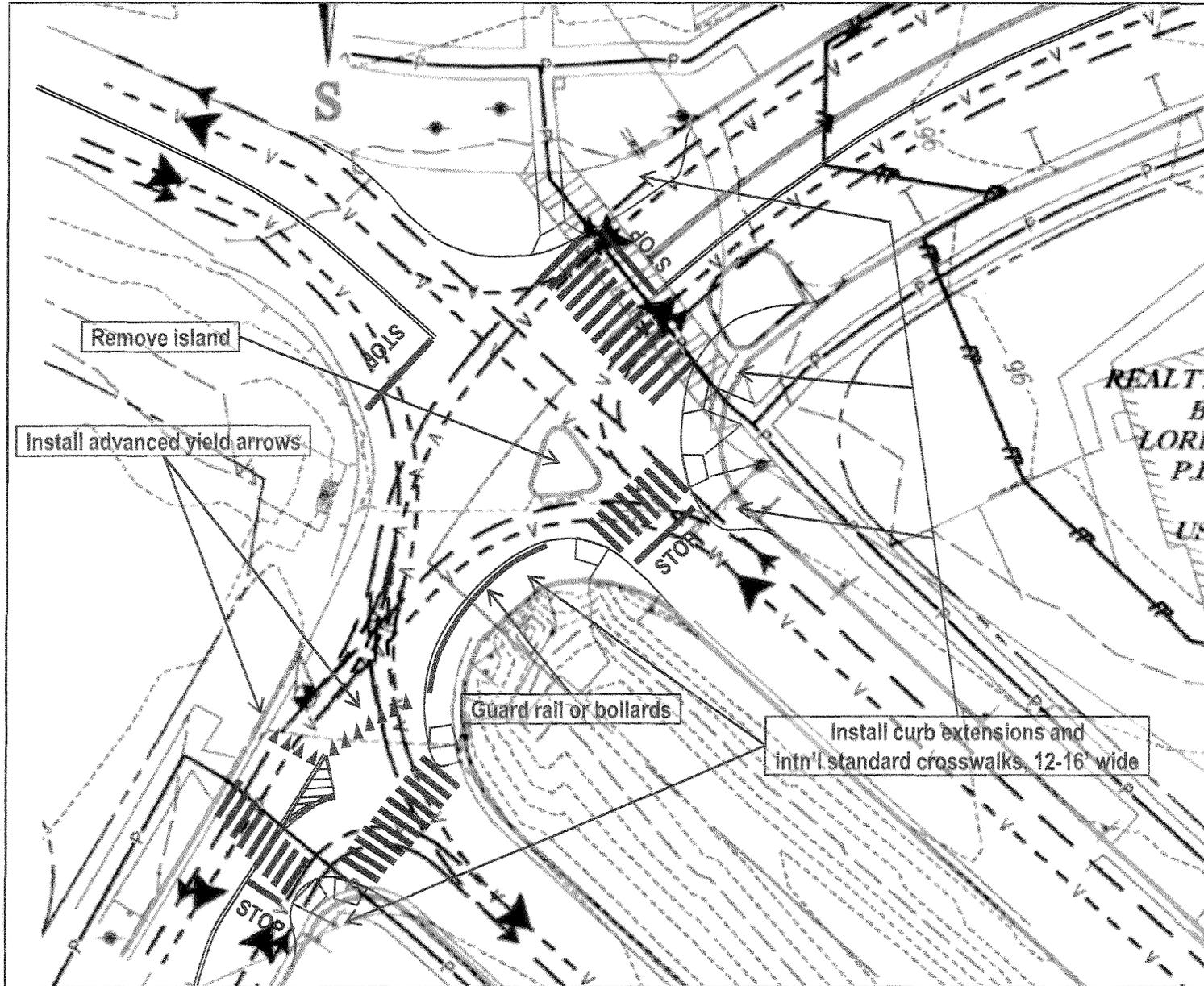


Exhibit "C"

UMD Student Housing at Knox Road: Site Design Comments



Knox & Guilford

35503 614

Exhibit "D"

139

LAW OFFICES
GIBBS AND HALLER
1300 CARAWAY COURT, SUITE 102
LARGO, MARYLAND 20774

(301) 306-0033
FAX (301) 306-0037
gibbshaller.com

EDWARD C. GIBBS, JR.
THOMAS H. HALLER

ANTHONY G. BROWN
OF COUNSEL

June 30, 2016

Mr. Scott Somers
City Manager
City of College Park
4500 Knox Road
College Park, MD 20740

Re: Terrapin Row Roadway Improvements

Dear Mr. Somers:

I represent Toll Brothers regarding the Terrapin Row project in the City of College Park. I have participated in conversations and meetings with your staff and the City Attorney regarding certain road improvements which incorporated in a Declaration of Covenants and Agreement Regarding Land Use dated November 13, 2013 ("Declaration"). Following up on my recent e-mail to Suellen Ferguson on June 23, 2016, I am transmitting the attached information for review by the City Staff and the City Council for the worksession scheduled for July 5, 2016.

As you are aware, the during the review of the Detailed Site Plan which governs the development of the property, the City presented Toll with certain proposed roadway and streetscape improvements which were intended to promote a safe pedestrian environment. Sketches of the proposed improvements were attached to the Declaration. Most of the improvements identified on the sketches were located along Guilford Road at the intersections of Knox Road and Hartwick Road. The entirety of Guilford Road along the property frontage is in the floodplain and development of the project required a permit from the Maryland Department of the Environment ("MDE"). Many of the proposed road improvements suggested by College Park required the installation of curb extensions which required the alteration of the road surface in a manner that could be construed as placing additional fill in the floodplain. As a result, the Declaration provided that Toll was not obligated to construct any streetscape or roadway improvements which would require the approval of the MDE. We have forwarded the sketch plans attached to the Declaration to

MDE and they have confirmed that construction of these improvements will require an amendment to the approved permit. I have attached a copy of the e-mail exchange between Bohler Engineering and MDE regarding this issue. As a result, Toll is not obligated to make these improvements under the terms of the Declaration.

Notwithstanding the above, in the course of our meetings with staff and the City Attorney, we were made aware of concerns raised by students who frequently walk to the religious student centers on the south side of Guilford Road at Knox Road. Even though Toll is not obligated to install the curb extensions, we have requested our traffic consultant, Lenhart Traffic Consulting, Inc. to review the Nelson Nygaard sketch attached to the Declaration and propose modifications which can be implemented without triggering review by MDE. Attached to this letter are drawings prepared by Lenhart Traffic Consulting, Inc. which depicts striping, stop sign modifications and the installation of bollards/separator curbs which address the City's concern regarding pedestrian safety. As a gesture of good will, Toll is willing to proffer these improvements.

We understand that the City Council intends to discuss this matter at its worksession on July 5, 2016. We were asked to get any proposed modifications to you by Friday at noon for inclusion in their back up. For that reason, I have included copies to all Council Members and the City Attorney. Given the submission of this information, we do not believe that it is necessary to meet tomorrow prior to the worksession. You should have sufficient opportunity to review these plans prior to that time. Please let me know if you have any questions regarding the attached.

Very truly yours,

~~GIBBS AND HALLER~~



Thomas H. Haller

Enclosures

cc: Mayor
All City Council Members
Suellen Ferguson, Esq.
Terry Schum
Steve Halpern

Tom Haller

From: Matthew Jones <mjones@bohlereng.com>
Sent: Tuesday, June 14, 2016 10:45 AM
To: Tom Haller; phackler@tollbrothersinc.com
Cc: Nicholas Speech; MB122062@nf.bohlereng.com
Subject: FW: MDE # 14-NT-0039/201460131 Terrapin Row MDE permit inquiry

Matthew Jones, P.E. | Associate



16701 Melford Blvd, Suite 310 | Bowie, MD 20715
P: 301-809-4500 | M: 703-531-9471 | mjones@bohlereng.com
www.BohlerEngineering.com



2015

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TO WORK**

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From: Imtiaz Choudhry -MDE- [mailto:imtiaz.choudhry@maryland.gov]
Sent: Tuesday, June 14, 2016 10:43 AM
To: Matthew Jones <mjones@bohlereng.com>
Subject: Re: MDE # 14-NT-0039/201460131 Terrapin Row MDE permit inquiry

It is correct.

Confirmed,

Thanks,

Imtiaz

On Tue, Jun 14, 2016 at 10:41 AM, Matthew Jones <mjones@bohlereng.com> wrote:

Imtiaz,

Thank you for discussing this project today. You stated that we should do two things to permit these additional street improvements.

1. Extend the existing permit and include justification for the extension
2. Request a modification to the existing permit to include the additional work in the street and include the increased fill created by the street improvements. Include new plans
3. A \$250 modification fee will be required

Thank you,

Matthew Jones, P.E. | Associate



16701 Melford Blvd, Suite 310 | Bowie, MD 20715

P: [301-809-4500](tel:301-809-4500) | M: [703-531-9471](tel:703-531-9471) | mjones@bohlereng.com

www.BohlerEngineering.com



2015
BEST PLACES
TO WORK

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From: Matthew Jones

Sent: Friday, June 03, 2016 5:50 PM

To: ichoudhry@mde.state.md.us

Cc: Thomas H. Haller <thaller@gibbshaller.com>; MB122062@nf.bohlereng.com <MB122062@nf.bohlereng.com>; phackler@tollbrothersinc.com; Nicholas Speach <nspeach@bohlereng.com>

Subject: MDE # 14-NT-0039/201460131 Terrapin Row MDE permit inquiry

Imtiaz,

Good evening. I hope this email finds you well.

Toll Brothers, Inc. was issued a permit from MDE # 14-NT-0039/201460131, which expires in August 2016. The improvements approved under the MDE permit have been constructed for

the most part. The MDE permit was issued without curb bump outs (curb extension improvements) in the public right of way (City streets) as shown on the attached redlined exhibit supplied by the City of College Park. These curb improvements are within the 100 year floodplain, and create additional fill within the floodplain area. Will these improvements require a permit revision or new MDE permit?

Thank you,

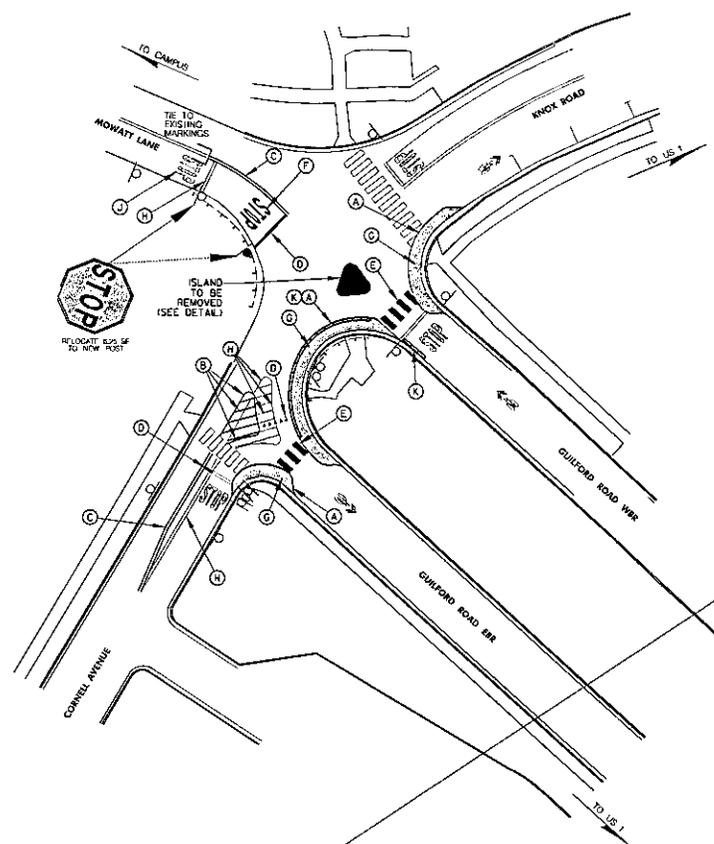
Matt Jones, PE

[301-809-4500](tel:301-809-4500)

--

Imtiaz A. Choudhry, P. E.
Senior Regulatory & Compliance Engineer
Waterway Construction Division
Nontidal Wetlands and Waterways Program
1800 Washington Blvd., ste. 430
Baltimore, Maryland 21230
Office: 410-537-3813
Fax: 410-537-3751
email: imtiaz.choudhry@maryland.gov

DRAFT WORK IN PROGRESS
NOT FOR CONSTRUCTION



PAVEMENT MARKING LEGEND

- (A) 5" SOLID WHITE LEAD FREE REFLECTIVE THERMOPLASTIC PAVEMENT MARKING
- (B) 5" SOLID YELLOW LEAD FREE REFLECTIVE THERMOPLASTIC PAVEMENT MARKING
- (C) 5" SOLID DOUBLE YELLOW LEAD FREE REFLECTIVE THERMOPLASTIC PAVEMENT MARKING
- (D) 12" SOLID PREFORMED REFLECTIVE THERMOPLASTIC PAVEMENT MARKING LINES
- (E) 24" SOLID PREFORMED REFLECTIVE THERMOPLASTIC PAVEMENT MARKING LINES
- (F) WHITE PREFORMED PAVEMENT MARKING LEGENDS AND ARROWS
- (G) SAND COLOR PREFORMED PAVEMENT MARKINGS
- (H) REMOVE EXISTING PAVEMENT LINE MARKINGS - ANY WIDTH
- (J) REMOVE EXISTING PAVEMENT LETTERS, SYMBOLS, ARROWS AND NUMBERS
- (K) INSTALL KNICK KURB CHANNELIZATION PANELS ADJACENT TO EDGE LINE

PAVEMENT LEGEND



SIGNING LEGEND		NO.	DATE	REVISION	CHECK BY
SYMBOL	DESCRIPTION				
[Symbol]	EXISTING GROUND MOUNTED SIGN AND SUPPORT(S)				
[Symbol]	PROPOSED GROUND MOUNTED SIGN AND SUPPORT(S)				
[Symbol]	EXISTING SIGN TO REMAIN				
[Symbol]	EXISTING SIGN TO BE REMOVED				
[Symbol]	PROPOSED SIGN TO BE INSTALLED				
[Symbol]	EXISTING GUARD RAIL				

TERRAPIN ROW

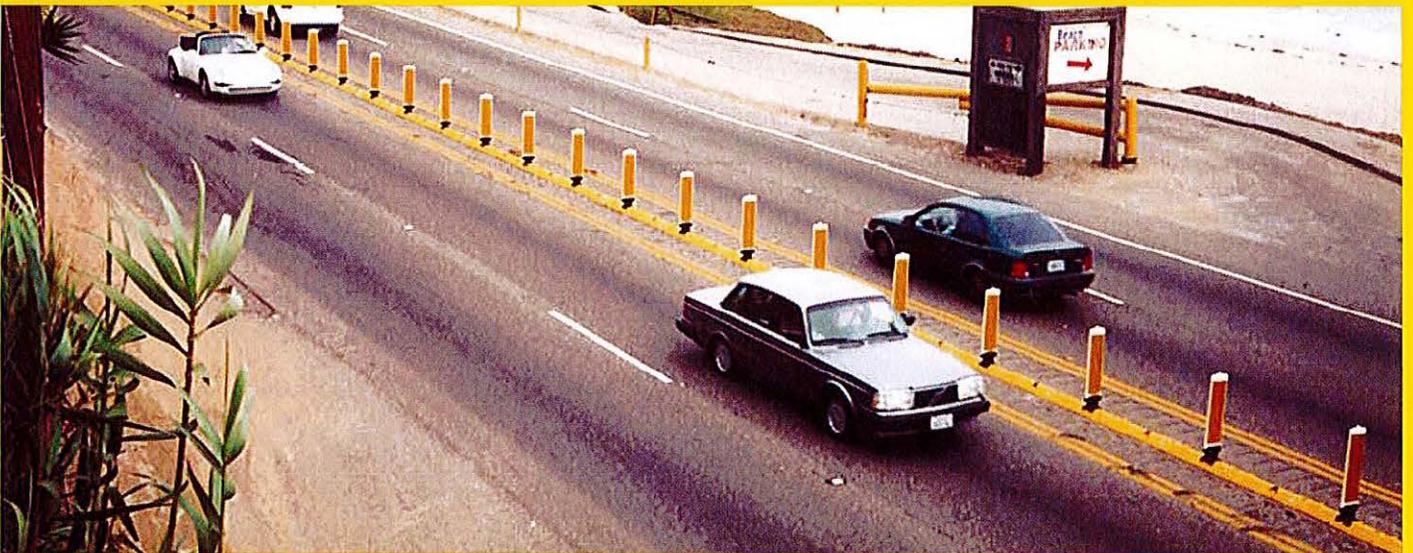
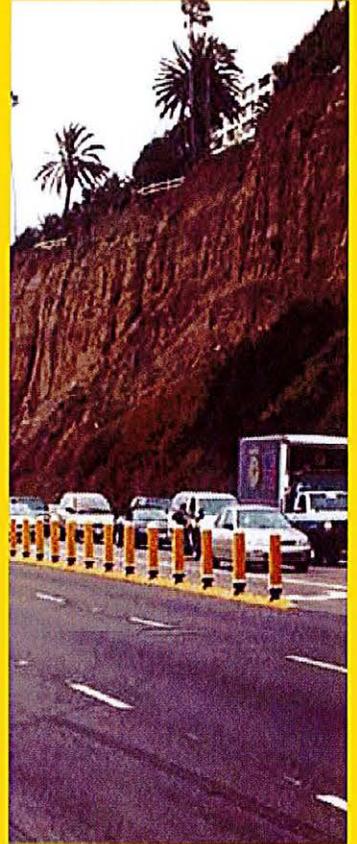
SIGNING AND PAVEMENT MARKING PLAN

DATE: 05/26/2010	DESIGN BY: DCM	DRAWING NO.:	SHEET NO.:
SCALE: 1"=20'	DRAWN BY: AMT	SN 21	1 OF 1
	CHECK BY: BMB		

LENHART-TRAFFIC CONSULTING, INC.
 645 S. BALCH SPRING BOULEVARD, SUITE 214
 TERRELL, MISSISSIPPI 39294
 TEL: (601) 716-1212
 FAX: (601) 781-2708
 www.lenharttraffic.com

PLOTTED: Thursday, June 26, 2010 at 8:27 PM
 FILE: F:\PROJECTS\TERRAPIN ROW\DWG\TERRAPIN ROW.DWG

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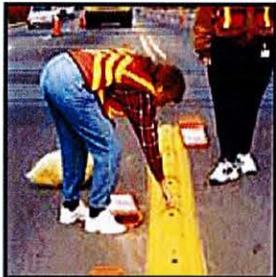
SEPARATOR CURB



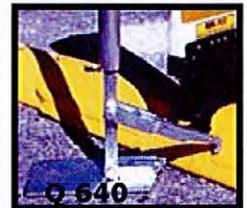
Each pallet holds 211 lf of Separator. Each Separator Unit weighs over 34 lbs. A conveyor can be hooked to a truck for long lengths of Separator. Using our "Hook & Bolt System" you can install nearly 1000 ft. per hour at temporary installations.

L62 Female End
18 Inch length

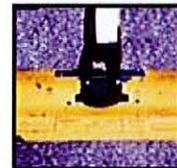
L60 Separator Unit
40" length
10 5/8 Inch width
3 1/2 Inch height



To depict profile of curb
SNAP IN A L65
REFLECTIVE ARC



Marker Puller



Flex with
Stabilizing
Bar



Securing
Arcs
For panel
stability



FS 50
Bolt,
Molly &
Washer
for on
Asphalt



FS 51
Anchor
Wedge
Concrete

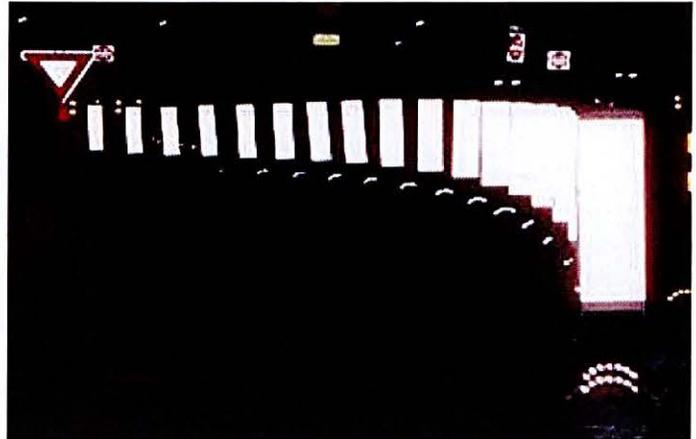


L61 Male End
18 Inch length

For permanent installations a hole is drilled into the road surface and the Separator is secured to the road using a bolt and molly. **Tighten to the road until the washer begins to bend. Our curb doesn't crack or shatter.** Reboundable markers slide into place quickly with the panel puller. Spacing of markers is as close as every meter.

THE ONE AND ONLY WITH OVER 20 YEARS ROAD EXPERIENCE

L104 MEGA MARKER™



CLEAR - DAY & NIGHT



CROSSWALK MESSAGE



BULLNOSE VISIBILITY

The Air Marker offers high target value both day and night. Each side of the Air Marker has 232 square inches of Hi-Intensity retro-reflective sheeting.

GET THE MESSAGE ACROSS WITH MEGA MARKERS



HOPE LUTHERAN CHURCH
4201 Guilford Dr.
College Park, MD 20740

May 8, 2016

To The City of College Park:

We at Hope Lutheran Church are writing to express our continued concern over the dangerous intersection of Knox, Cornell, Mowatt and Guilford Drive. This intersection will see an increase of traffic with the new Terrapin Row complex opening next semester. As pedestrian safety has appropriately been a growing concern for the city, we are asking the city to take action in order to provide safe crossing for pedestrians to go to and from Hope Lutheran Church and the Catholic Student Center.

Every day, dozens of pedestrians must cross the dangerous intersection in order to go to and from Hope Church. Our parking lot is used by faculty, staff and students, and our center regularly hosts students and guests coming from campus almost every day of the week. Many cars at the intersection are confused about the traffic patterns, and many are also in a hurry as they barely stop at the stop signs. We have personally witnessed many close calls with pedestrians barely avoiding being struck by cars.

In addition, once a week we have elementary school children at Hope Church for our mentoring program who often need to cross through the intersection to get to campus. Without cutting through the Catholic Student Center property, it is impossible to safely cross from Guilford Drive to Mowatt Lane. With inclement weather, crossing the dangerous intersection becomes even more of a safety hazard.

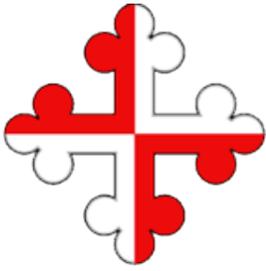
With about one thousand new beds opening up in Terrapin Row, we expect to see even more foot traffic to and from Hope Lutheran Church. Finding a fix to the intersection, or, better yet, providing a bridge over the stream on Guilford Drive near the intersection will go a long way to preventing unnecessary accidents and will continue to help College Park build a safer experience for pedestrians.

Sincerely,

Pastor Ray Ranker
Senior Pastor, Hope Lutheran Church
Chaplain, Lutheran Campus Ministry UMD

Pastor Julie Bringman
Hope Lutheran Church

301-405-8448 ~ lutheran@umd.edu ~ www.hopecp.org



Catholic Student Center at University of Maryland

4141 Guilford Drive, College Park, MD 20740
Phone: (301) 864-6223 Fax: (301) 864-8411
Email: catholicterps@gmail.com



1933

1965

Today

To whom it may concern:

As longtime members of the College Park community, our center sits at what could be called one of the most dangerous intersections in our area for both drivers, but also and most importantly pedestrians.

Situated at the intersection of Knox Road, Mowatt Lane, Cornell Rd, and Guilford Drive, our Center serves the UMD student/staff community. We are open 7 days a week, and have Mass during the week and on the weekends that attract over 200 people, many on foot. The only available crosswalk to our center is located on Mowatt Lane at Preinkert Drive which accesses a footbridge that spans the water management stream.

Anyone who travels west on foot on the eastbound side of Guilford, whether or not they are coming to our center or going to campus, also cannot cross Guilford safely at any point except at that crosswalk. This generally means they must cross our property – leaving damaged grass, and trash along the route, or more frequently – they cross over the 5 way intersection often directly into oncoming cars that come around the curve to head east on Guilford.

We constantly witness near-miss incidents of pedestrians crossing at this intersection, with no safe means to cross. With the potential increase in population with the completion of Terrapin Row, and addition of retail stores, we expect to see an increase in foot traffic from the south side of Guilford (eastbound traffic flow) crossing at this very dangerous intersection.

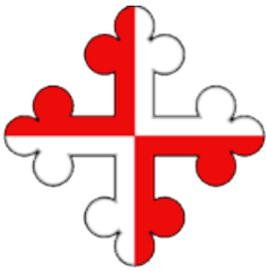
In 2013, one of our engineering students did a research paper on this intersection and its safety concerns. At that time, they researched and surveyed students and people who were most likely to walk in this area to inquire their level of concern for safety. The attached diagram is an excerpt of a longer paper, which we can share with you, that details how they obtained the information and their recommendations for addressing the issues. The diagram clearly shows the concern pedestrians have with regards to the intersection as it currently stands.

The addition of a crosswalk, that would go from the corner of Cornell, crossing over both east and west bound Guilford to the sidewalk at Knox and Mowatt could decrease the potential for a fatal pedestrian incident.

We urgently implore you to consider the risks of pedestrian fatality at this intersection, and resolve the concern with the addition of a safe way to cross the roads.

If you have additional questions regarding our concerns, please contact me or my administrator, Ann Gradowski, ann@catholicterps.org . We appreciate your prompt response and action.

Fr. Robert Walsh
Chaplain
frob@catholicterps.org



Catholic Student Center at University of Maryland

4141 Guilford Drive, College Park, MD 20740
Phone: (301) 864-6223 Fax: (301) 864-8411
Email: catholicterps@gmail.com



1933

1965

Today

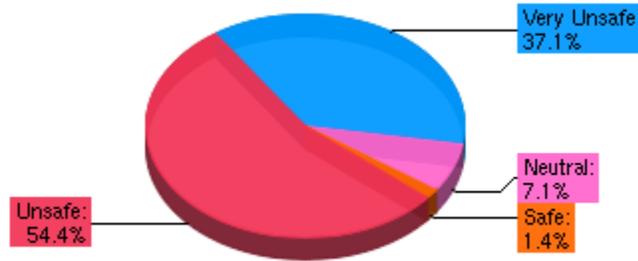


Figure 12: Safety of Guildford Drive and Knox Road Intersection (SurveyGizmo)

The pie chart in Figure 12 shows the full distribution of responses regarding the safety of the Intersection of Guilford Drive and Knox Road.

Not only is there evidence that students believe the areas are hazardous. They also support the addition of a crosswalk and sidewalk.



Figure 14: Responders Opinion on adding a crosswalk to Knox Road and Guilford Drive (SurveyGizmo)

Figure 14 shows the student support of adding a crosswalk to the intersection of Knox Road and Guilford Dr.

16-G-86

Parking Restrictions
around The
Boulevard at 9091



**CITY OF COLLEGE PARK, MARYLAND
REGULAR COUNCIL MEETING AGENDA ITEM**

AGENDA ITEM NUMBER 16-G-86

Prepared By: Janeen S. Miller, City Clerk

Meeting Date: July 12, 2016

Presented By:

Consent Agenda: No

Originating Department: Mayor and Council

Action Requested: Council is requested to consider the testimony heard at tonight's public hearing and the written comment that was submitted, along with the results of the survey conducted in the spring, to determine whether to impose permit restricted parking around The Boulevard at 9091 development at this time.

Strategic Plan Goal: Goal 4: Quality Infrastructure

Background/Justification:

The Boulevard at 9091 (formerly known as the Metropolitan development) is expected to open in 2017 and consists of 45 townhomes, 238 apartments, 4,100 square feet of retail and a parking garage. It is situated between Baltimore Avenue, Cherokee Street, Catawba Street, and the University Boulevard ramp, as shown on the map. In spring, 2016 the City Council directed staff to conduct a survey of area households to gauge their interest in permit restricted parking around the development (survey results attached). At the May 3 Worksession discussion of those results, Council directed staff to schedule a public hearing and notify residents of a proposal to implement permit parking. That public hearing is scheduled for July 12. Council is requested to decide whether to move forward with permit restricted parking at this time, and if so, to designate the parameters.

Fiscal Impact:

The developer, through an agreement with the City, is committed to a one time contribution to the City in the amount of \$19,000 to subsidize resident fees associated with a neighborhood parking permit program in the area generally described as between Erie Street and University Boulevard and U.S. Route 1 and Rhode Island Avenue.

Implementation of residential permit parking requires an investment of City resources for the installation and maintenance of permit zone signs, and staffing of Parking Enforcement to monitor and enforce regulations adopted by Council.

Council Options:

- #1: Decide to implement permit parking at this time and set the parameters. Council should consider each of the streets shown on the survey map. The normal residential parking permit zone default criteria is to issue up to 5 annual permits per household (address) at \$10/year/each; and allow 2 annual visitor permits per household at \$1/ year/each. (Note: in Old Town, visitor permits are \$1/day.) Council should decide if they wish to reduce those numbers if they decide to go forward with a permit zone.
- #2: Request additional information
- #3: Do nothing at this time

Staff Recommendation:

N/A

Recommended Motion:

N/A

Attachments:

- 1. May 3, 2016 Worksession Staff Report and attachments



**CITY OF COLLEGE PARK, MARYLAND
WORKSESSION AGENDA ITEM**

Meeting Date: May 3, 2016

Prepared By: R.W. Ryan, Public Services Director and
Jim Miller, Parking Enforcement Manager

Presented By: Jim Miller, Parking Enforcement Manager

Originating Department: Public Services

Issue Before Council: Discussion of residential permit parking survey results near The Boulevard at 9091 (formerly Metropolitan) project

Strategic Plan Goal: Goal # 3 High Quality Development and Reinvestment

Background/Justification:

The Council requested that residents in the area near the planned residential development of The Boulevard at 9091 be surveyed to determine their opinion of implementation of residential permit parking in their neighborhood.

On January 28, 2016 the City of College Park mailed letters and permit parking surveys to the residents living around the anticipated Metropolitan development site – now referred to as The Boulevard at 9091, located at the southeast corner of Baltimore Avenue and Cherokee Street.

The City requested resident input regarding the possibility of permit restricted parking in their neighborhood before the impacts of the development are felt, and requested that all survey suggestions be returned by the end of February.

Of the 313 residential property addresses sent the letter and permit parking survey, 93 responses were received, roughly 30% of the properties within the survey area. An additional 15 permit parking surveys were returned to the City as undeliverable by the U.S. Postal Service, stamped either vacant or unable to forward.

Of the survey results received, 56.63% of the respondents favored permit parking, while 43.37% opposed it.

Additionally, 36.49% of the respondents recommended two permits per property address, and 31.08% recommended five permits, with smaller percentages given to the other available options. Respondents also heavily favored two visitor passes (89.18%) per property address over one visitor pass (10.81%).

Requested days and hours of enforcement also varied, but seemed to trend toward 24/7 enforcement as the primary response.

The developer, through an agreement with the City, is committed to a one time contribution to the City in the amount of \$19,000 to be used to subsidize resident fees associated with a neighborhood parking permit program in the area generally described as between Erie Street and University Boulevard and U.S. Route 1 and Rhode Island Avenue.

Fiscal Impact:

Implementation of residential permit parking requires an investment of City resources for the installation and maintenance of permit zone signs, and staffing of Parking Enforcement to monitor and enforce regulations adopted by Council. Residents of a residential permit parking zone must pay \$10/year per resident permit and \$1/year per visitor permit. The Council would determine the number of permits allowed to be issued per property address.

Council Options:

#1: Discuss options only at this time.

#2: Begin the process to establish residential permit parking zones near the development

#3 Decide not to establish residential permit parking zones at this time

Staff Recommendation:

#1

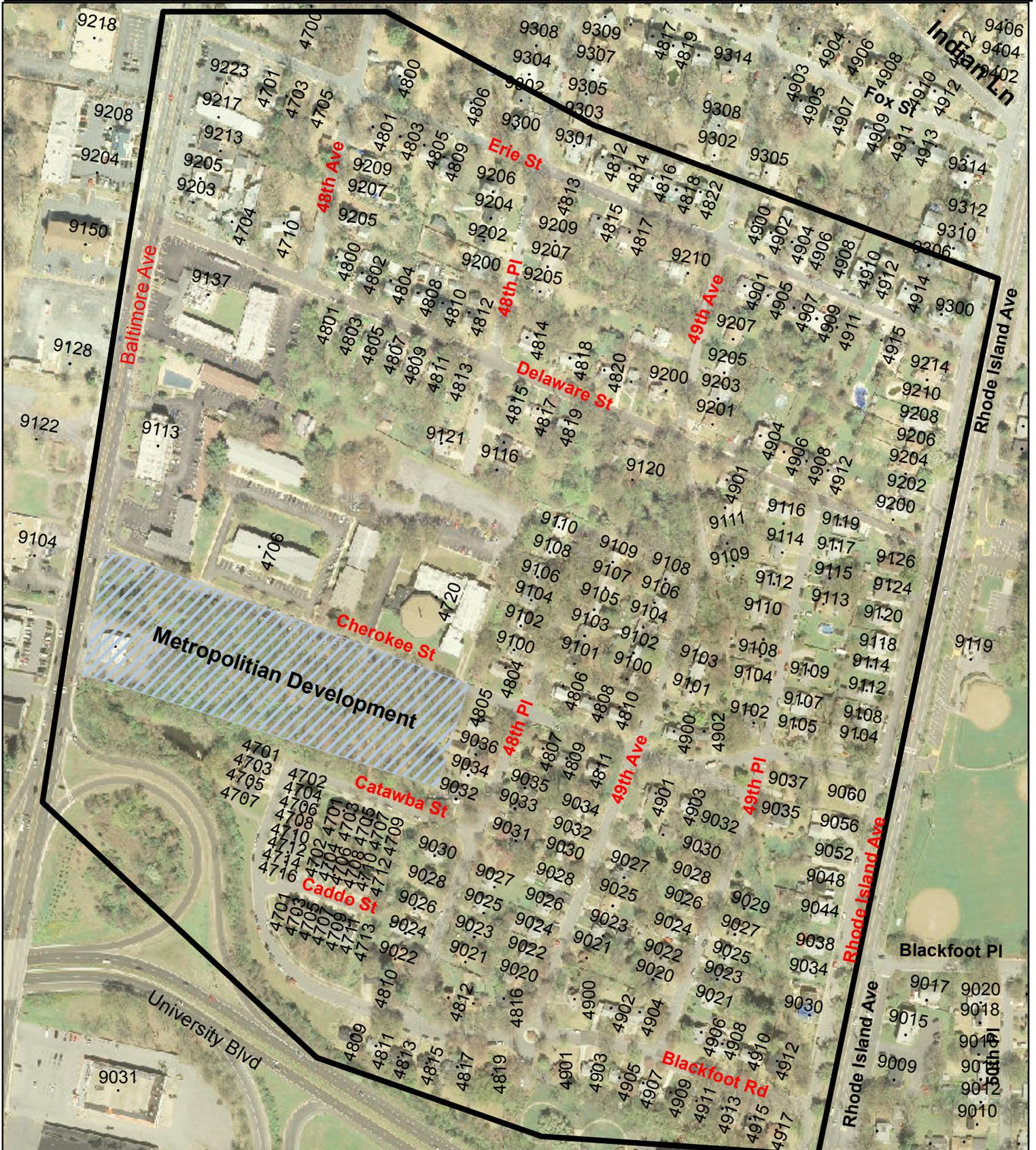
Recommended Motion:

None

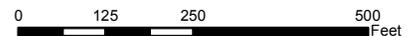
Attachments:

1. Survey Area Map
2. Survey Monkey Results <https://www.surveymonkey.com/results/SM-CKDSRD3S/>
3. Declaration of Covenants and Agreement Regarding Land Use – p.19

Metropolitan Development Area Considered for Permit Parking



By: College Park Engineering
 Date :01-12-16
 Source: M-NCPPC GIS





Metropolitan Permit Parking Survey

Survey Results

All Pages ▾

Q1

What is your street address?

Answered: 93 Skipped: 0

93 res

86 da

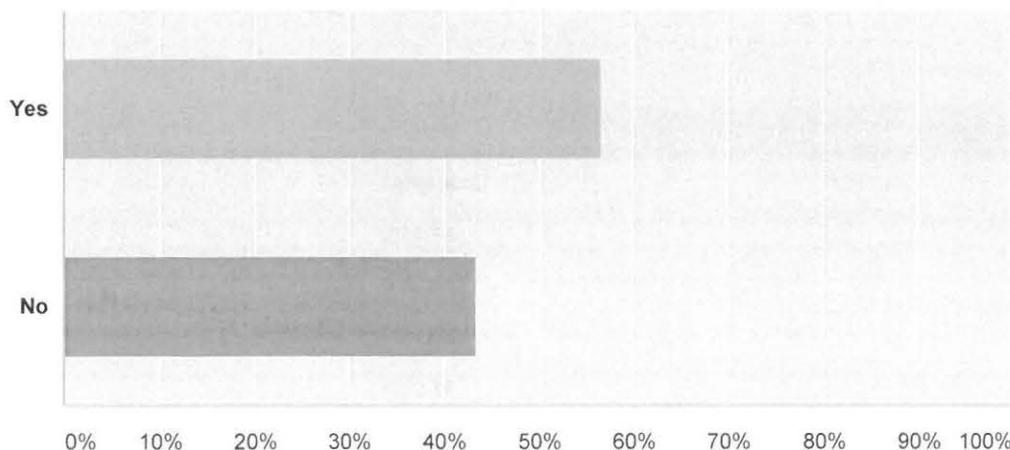
13 view

Answer Choices	Responses
Street number:	Responses 100.00% 93
Street name:	Responses 100.00% 93

Q2

Do you want the City to require permits to park on your street?

Answered: 83 Skipped: 10



Answer Choices	Responses
Yes	56.63% 47
Total	83

Need i
SurveyM
designed

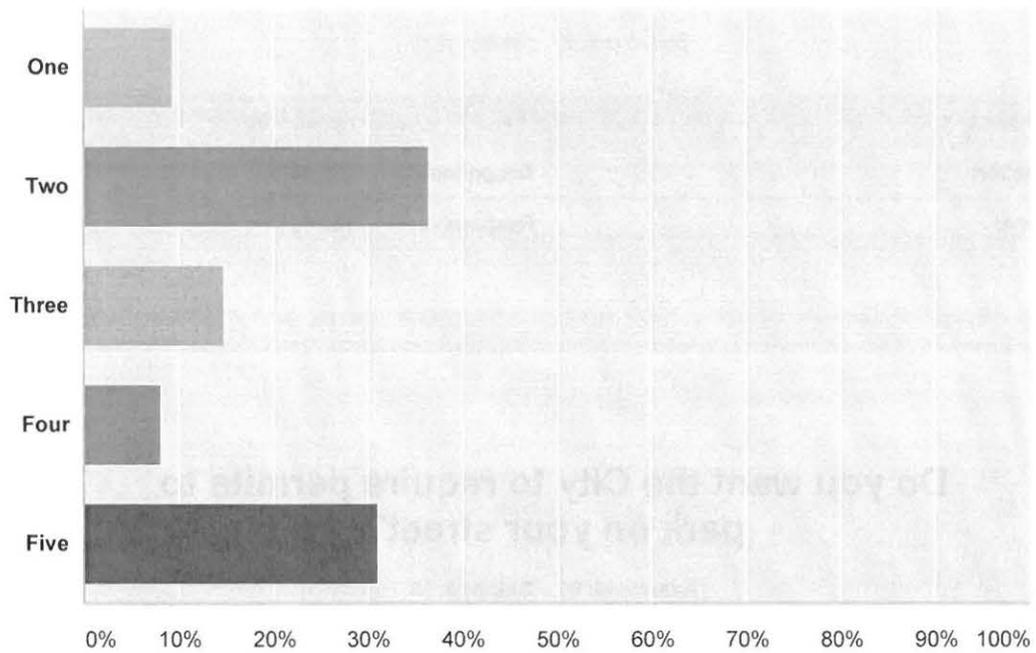
Sign u

Answer Choices	Responses
No	43.37% 36
Total	83

Q3

How many parking permits would you need? (NOTE: A maximum of 5 per address in the City is the norm.)

Answered: 74 Skipped: 19

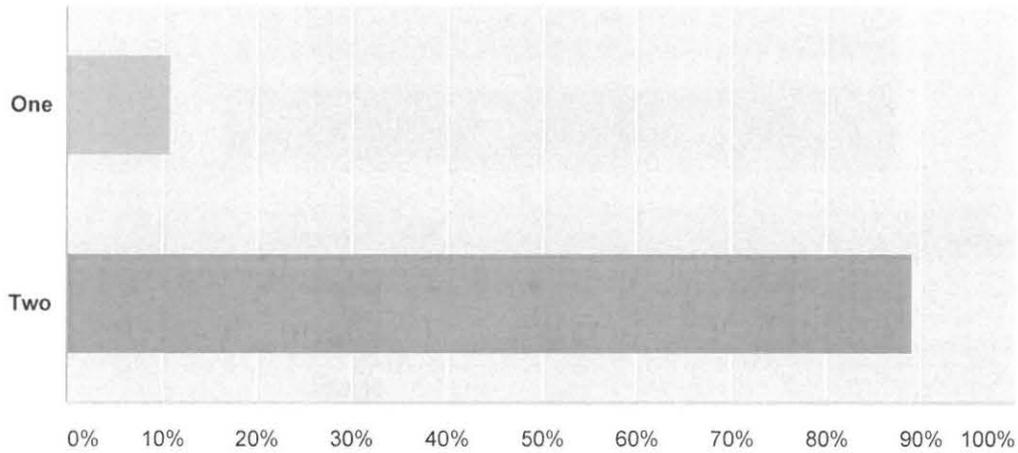


Answer Choices	Responses
One	9.46% 7
Two	36.49% 27
Three	14.86% 11
Four	8.11% 6
Five	31.08% 23
Total	74

Q4

How many guest passes per address do you recommend? (NOTE: A maximum of 2 per address is the City norm.)

Answered: 74 Skipped: 19

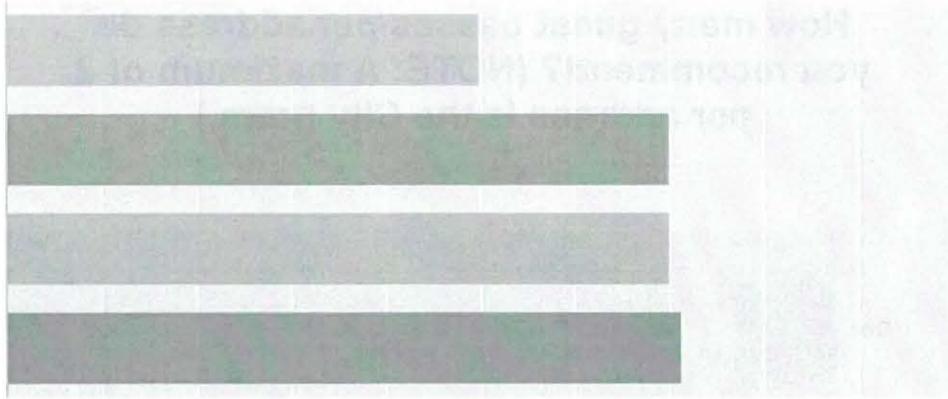


Answer Choices	Responses	
One	10.81%	8
Two	89.19%	66
Total		74

Q5

What days and hours of enforcement would you recommend for permit parking? Please check all that apply

Answered: 90 Skipped: 3



Answer Choices	Responses	Count
Sunday	50.00%	45
Monday	70.00%	63
Tuesday	70.00%	63
Wednesday	71.11%	64
Thursday	71.11%	64
Friday	70.00%	63
Saturday	54.44%	49
Other	26.67%	24

Total Respondents: 90

Comments (80)

Q6

Please add any other comments for City Council consideration:

Answered: 60 Skipped: 33

Please do not allow new traffic entering to townhouse development at College Park Mews.
3/18/2016 1:35 PM

Please do not allow new traffic entering to townhouse development at College Park Mews.
3/18/2016 1:34 PM

Please do not allow new traffic entering to townhouse development at College Park Mews.
3/18/2016 1:31 PM

Please do not allow new traffic entering to townhouse development at College Park Mews.
3/18/2016 1:29 PM

Parking is very easy now, and I'd be disappointed if it were overrun by over-development without adequate on-site parking. (I.E. - Arts District in Hyattsville, MD).
3/14/2016 7:26 PM

Keep this area a green place!!!

16-O-04

Amending City Code Chapter 138 “Noise”



**CITY OF COLLEGE PARK, MARYLAND
REGULAR COUNCIL MEETING AGENDA ITEM**

Prepared By: Suellen M. Ferguson, Esq.
City Attorney

Meeting Date: July 12, 2016

Presented By: Suellen M. Ferguson, Esq.
City Attorney

Consent Agenda: No

Originating Department: City Attorney

Issue Before Council: Approval of Ordinance 16-O-04, an amendment to City Code Chapters 138 and 110 to clarify the circumstances under which a non-resident owner has violated the noise ordinance, make any repeat violation within a twelve month period subject to an increased fine, and modify the mitigating factors that may justify a reduction in the fine for a violation

Strategic Plan Goal: Goal 6– Excellent Services

Background/Justification:

The Noise Board has made certain comments and recommendations to the Mayor and City Council with respect to the noise ordinance. A work group including Councilmembers Stulich and Day, City staff and the City Attorney, with advice from the Chair of the Noise Board, met to consider the comments and recommendations to determine which were advisable and would require code amendment. An ordinance with amendments to Chapters 138, Property Maintenance, and 110, Fees and Penalties, was drafted and introduced.

Fiscal Impact:

None

Council Options:

- #1: Adopt Ordinance 16-O-04
- #2: Amend and adopt Ordinance 16-O-04
- #3 Take no action

Staff Recommendation:

#1

Recommended Motion:

I move to approve Ordinance 16-O-04, an Ordinance of the Mayor and Council of the City of College Park to amend City Code Chapter 138, "Noise", §§138-5, "Prohibited Acts", 138-6, "Violations and penalties" and 138-9, "Imposition of a fine by Noise Control Board" and Chapter 110, "Fees and Penalties", §110-2, "Penalties", to clarify the circumstances under which a non-resident owner has violated the noise ordinance, make any repeat violation within a twelve month period subject to an increased fine, and modify the mitigating factors that may justify a reduction in the fine for a violation

Attachments:

- 1. Draft Ordinance 16-O-04 with amendments to City Code Chapters 138 and 100

ORDINANCE
OF THE MAYOR AND COUNCIL OF THE CITY OF COLLEGE PARK AMENDING
CITY CODE CHAPTER 138 “NOISE”, §§138-5, “ PROHIBITED ACTS”, 138-6,
“VIOLATIONS AND PENALTIES” AND 138-9, “IMPOSITION OF A FINE BY NOISE
CONTROL BOARD” AND CHAPTER 110, “FEES AND PENALTIES”, §110-2,
“PENALTIES”, TO CLARIFY THE CIRCUMSTANCES UNDER WHICH A NON-
RESIDENT OWNER HAS VIOLATED THE NOISE ORDINANCE, MAKE ANY
REPEAT VIOLATION WITHIN A TWELVE MONTH PERIOD SUBJECT TO AN
INCREASED FINE, AND MODIFY THE MITIGATING FACTORS THAT MAY
JUSTIFY A REDUCTION IN THE FINE FOR A VIOLATION

WHEREAS, the Local Government Article of the Annotated Code of Maryland provides that the Mayor and Council of the City of College Park, Maryland have the authority to pass such ordinances as it deems necessary to preserve peace and good order, and to protect the health, comfort and convenience of the citizens of the municipality; and

WHEREAS, the Mayor and Council determined that the residents of the City have a right to an environment that is free from noise that may jeopardize their health, general welfare or property and as a result adopted Chapter 138, “Noise”; and

WHEREAS, the Mayor and Council have determined that it is in the public interest to amend Chapter 138 to allow a violation to be issued to a non-resident owner with notice of any previous noise violations, to provide for an increased fine for any repeat violations in a twelve month period, and to modify the mitigating factors that may justify a reduction in the fine for a violation.

Section 1. NOW THEREFORE, BE IT ORDAINED AND ENACTED, by the Mayor and Council of the City of College Park, Maryland that Chapter138 “Noise”, §138-5, “Prohibited acts” be, and is hereby, repealed, re-enacted and amended to read as follows:

§ 138-5. Prohibited acts.

A. Unless it is for the purpose of necessary property maintenance during the day, it shall be unlawful:

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.

(1) For any owner or occupant of real property located within the City to make or to generate loud or raucous sound on said property, or to permit any loud or raucous sound to be made or generated on said property, so as to cause unreasonable annoyance or disturbance to others living or located nearby;

(2) For the owner or occupant of real property located within the City to make any noise or operate any sound amplifier on said property, or to permit any noise to be made or any sound amplifier to be operated on said property, so as to be clearly audible to any person located beyond the property line of such property at a level higher than 65 dBA during the day or 55 dBA during the night, as such sound may be measured from any point along the curb in front of the property line upon which the noise is being generated or at any place on adjacent property, provided that the person measuring the sound shall first obtain the permission of the adjacent property owner to enter upon said property; and

(3) ~~NO~~ FOR ANY person ~~shall~~ TO cause, suffer, allow or permit the operation of an amplified source of sound in such a manner that it raises the total sound levels to greater than the following permissible sound level limits, when measured from within a building on an adjacent property.

dBC above neighborhood residual sound level

Nights 3 dBC

All other times 6 dBC

(4) For the owner or occupant of real property located within the City to permit guests or invitees to such property to make noise on adjacent property, whether public or private, where that noise, if made or generated on the property itself, would violate subsections A(1), (2), or (3) of this section.

B. ~~[In the case of real property which is not occupied by the owner of such property], [i] It shall be unlawful for the NON-RESIDENT owner of [such] A property to permit the occupants of such property to violate the provisions of Subsection A of this section. [; provided, however, that~~ The owner ~~[of such property]~~ shall not be deemed to have violated this subsection unless THE OWNER, OR OWNER'S AGENT:

(1) ~~[Such owner or the agent of such owner shall have]~~ HAS received notice ~~[or other information,]~~ from any source, that ~~[the]~~ A CURRENT OR PRIOR occupant of such property has, OR IS ALLEGED TO HAVE, PREVIOUSLY engaged in conduct ~~[or is alleged to have engaged in conduct which]~~ THAT violates ~~[Subsection A of]~~ this section ~~[on one or more prior occasions], [without regard to]~~ REGARDLESS OF whether ~~[such conduct has been the subject of]~~ a finding of a violation ~~[of this section]~~ by the Noise Control Board or by a court of competent jurisdiction WAS MADE; or

(2) ~~[Such owner or the agent of such owner]~~ has failed to take action reasonably calculated under the circumstances to prevent a violation of this section from occurring or recurring.

C. A violation of this section shall be a municipal infraction, subject to the fine imposed by Chapter 110, Fees and Penalties.

D. Each repeat violation within a ~~[six]~~ TWELVE-month period shall give rise to a charge as set forth in Chapter 110, Fees and Penalties.

Section 2. BE IT FURTHER ORDAINED AND ENACTED, by the Mayor and Council of the City of College Park, Maryland, that Chapter 138 "Noise", §138-6, "Violations and penalties" be, and is hereby, repealed, re-enacted and amended to read as follows:

§ 138-6. Violations and penalties.

A. Code Enforcement or Law Enforcement Officer. When a City Code Enforcement Officer, or a state, county, University of Maryland or other law enforcement officer chosen by the City, determines, based upon the results of a test conducted using a calibrated sound-level meter, that noise is being or has been generated in violation of § 138-5A(2) or (3) of this chapter, he/she shall issue a municipal infraction citation to the violator(s) in accordance with the provisions of [~~Article 23A, § 3~~] §6-103 OF THE LOCAL GOVERNMENT ARTICLE of the Annotated Code of Maryland. In the event that more than one owner and/or more than one occupant of the real property is alleged to have violated the provisions of this chapter, a municipal infraction citation [~~shall~~] MAY be issued to each alleged violator.

B. – D. * * * *

E. In addition, the Public Services Director shall schedule a show-cause hearing before the College Park [~~Board of Housing Hygiene~~] ADVISORY PLANNING COMMISSION as to why the City [~~use and~~] occupancy permit for the property should not be revoked for three or more violations of the provisions of this chapter within any twelve-month period, and may otherwise request such a hearing for violations of this chapter at his/her discretion

Section 3. BE IT FURTHER ORDAINED AND ENACTED, by the Mayor and Council of the City of College Park, Maryland, that Chapter138 “Noise”, §138-9, “Imposition of a fine by Noise Control Board” be, and is hereby, repealed, re-enacted and amended to read as follows:

§ 138-9. Imposition of a fine by Noise Control Board.

A. Except as set forth in Subsection C of this section, in the event that the Board finds that a violation of § 138-5 has occurred, it shall impose the fine set forth in Chapter 110, Fees and Penalties.

B. In the event that the Board finds that the owner and the occupant of real property have each violated this chapter, the Board shall impose a fine as set forth in Chapter 110, Fees and Penalties, upon the owner and the occupant.

C. In the event that there are more than one owner and/or more than one occupant, the fine shall be imposed upon each owner and upon each occupant who has been found in violation of the this chapter, except that in the event that there is more than one occupant, the fine shall be divided proportionately among those occupants who have been found to have violated this chapter, with the amount of the fine imposed on each occupant rounded to the nearest dollar; provided, however, that in the event that the property is leased to a corporate entity, the fine for a violation by an occupant shall be imposed upon such corporate entity.

D. IF A VIOLATION IS A FIRST OFFENSE AND IS NOT EGREGIOUS, THE FOLLOWING MITIGATING FACTORS MAY BE CONSIDERED BY THE BOARD TO WARRANT ~~[The Board shall consider with respect to whether the evidence indicates that significant mitigating factors warranting a]~~ A reduction in the amount of the fine to be imposed ~~[are present]:~~

(1) ~~[Whether person subject to a fine has a past record which is free of any violation of this chapter;~~

(2) ~~Whether t]~~ The person subject to a fine has taken action reasonably calculated under the circumstances to prevent or mitigate future violations of this chapter, IS REMORSEFUL AND

HAS A PRESENT Demeanor THAT DEMONSTRATES A SINCERE DESIRE TO PREVENT FUTURE VIOLATIONS OF THIS CHAPTER;

~~{(3) Whether the present demeanor of the person subject to a fine indicates that such person is remorseful with respect to the violation and, including whether such person has apologized, prior to the hearing, to the persons who were disturbed by the violation};~~

(2) THE PERSON SUBJECT TO A FINE HAS APOLOGIZED, PRIOR TO THE HEARING, TO THE PERSON(S) WHO FILED THE COMPLAINT AND OTHER KNOWN PERSONS WHO WERE DISTURBED BY THE VIOLATION.

(3) ~~[Whether t] The violation was not so egregious or lengthy in duration. [that a reasonable person would view the violation as reprehensible]~~

E. For each factor set forth in Subsection D above which is satisfied by the evidence, the Board ~~[shall]~~ MAY reduce the fine set forth in Chapter 110, Fees and Penalties, by \$100.00~~[125]~~. IN ANY EVENT, THE MINIMUM FINE SHALL BE \$200.00.

Section 4. BE IT FURTHER ORDAINED AND ENACTED, by the Mayor and Council of the City of College Park, Maryland, that Chapter 110 “Fees and Penalties”, §110-2, “Penalties” be, and is hereby, repealed, re-enacted and amended to read as follows:

§110-2 Penalties.

Chapter/Section	Description	Fee/Interest
	* * * * *	
Ch. <u>138</u> , Noise		
§ <u>138-5</u>	Chapter:	
	Citation	\$500
	Repeat violation within any [6] 12-month period	\$1,000
	* * * * *	

Section 5. 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 7:30 P.M. on the 12th day of July, 2016, 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 ____ day of _____ 2016.

ADOPTED by the Mayor and Council of the City of College Park, Maryland at a regular meeting on the ____ day of _____ 2016.

EFFECTIVE the ____ day of _____, 2016.

ATTEST:

CITY OF COLLEGE PARK

Janeen S. Miller, CMC, City Clerk

Patrick L. Wojahn, Mayor

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

Suellen M. Ferguson, City Attorney

16-0-05

Amending City Code Chapter 138 “Noise” Definition

**CITY OF COLLEGE PARK, MARYLAND
REGULAR COUNCIL MEETING AGENDA ITEM**



AGENDA ITEM NUMBER 16-O-05

Prepared By: R. W. Ryan
Director, Public Services

Meeting Date: July 12, 2016

Presented By: R. W. Ryan, Director
Public Services

Consent Agenda: No

Originating Department: Public Services

Action Requested: Adoption of Ordinance 16-O-05, An Ordinance Of The Mayor And Council Of The City Of College Park Amending City Code Chapter 138 "Noise", §§138-2, "Definitions" To Revise The Definitions Of Day And Night To Shorten The Hours During Which Certain Noise Generating Activities May Take Place On Saturdays, Sundays And Holidays

Strategic Plan Goal: Goal 6: Excellent Services

Background/Justification:

During a previous Worksession discussion, the City Council considered amending Chapter 138 Noise definitions of DAY and NIGHT to allow additional time in the morning before the Code would allow unrestricted property maintenance noise on Saturday, Sunday, and holidays. Some residents have reported to Council that early morning yard maintenance on these days is disturbing. Property maintenance noise is currently unrestricted during the period defined in the Code as DAY. The Council may want to consider amending Chapter 138 to redefine DAY and NIGHT for the purposes of the noise ordinance to allow additional time when the NIGHT limit of 55 dBA is in effect, before unrestricted property maintenance noise is permitted on Saturday, Sunday, and holidays.

Fiscal Impact:

None

Council Options:

1. Adopt Ordinance 16-O-05, An Ordinance Of The Mayor And Council Of The City Of College Park Amending City Code Chapter 138 "Noise", §§138-2, "Definitions" To Revise The Definitions Of Day And Night To Shorten The Hours During Which Certain Noise Generating Activities May Take Place On Saturdays, Sundays And Holidays
2. Make no change to the current definitions
3. Direct staff to conduct additional research

Staff Recommendation:

Option #1

Recommended Motion:

I move to adopt Ordinance 16-O-05, An Ordinance Of The Mayor And Council Of The City Of College Park Amending City Code Chapter 138 "Noise", §§138-2, "Definitions" To Revise The Definitions Of Day And Night To Shorten The Hours During Which Certain Noise Generating Activities May Take Place On Saturdays, Sundays And Holidays

Attachments:

Ordinance 16-O-05

ORDINANCE
OF THE MAYOR AND COUNCIL OF THE CITY OF COLLEGE PARK AMENDING
CITY CODE CHAPTER 138 “NOISE”, §§138-2, “DEFINITIONS” TO REVISE THE
DEFINITIONS OF DAY AND NIGHT TO SHORTEN THE HOURS DURING WHICH
CERTAIN NOISE GENERATING ACTIVITIES MAY TAKE PLACE ON
SATURDAYS, SUNDAYS AND HOLIDAYS

WHEREAS, the Local Government Article of the Annotated Code of Maryland provides that the Mayor and Council of the City of College Park, Maryland have the authority to pass such ordinances as it deems necessary to preserve peace and good order, and to protect the health, comfort and convenience of the citizens of the municipality; and

WHEREAS, the Mayor and Council determined that the residents of the City have a right to an environment that is free from noise that may jeopardize their health, general welfare or property and as a result adopted Chapter 138, “Noise”; and

WHEREAS, the Mayor and Council have determined that it is in the public interest to amend Chapter 138 to further limit the hours during which certain noise generating activities, such as yard maintenance, can take place on Saturdays, Sundays and holidays.

Section 1. NOW THEREFORE, BE IT ORDAINED AND ENACTED, by the Mayor and Council of the City of College Park, Maryland that Chapter 138 “Noise”, §138-5, “Prohibited acts” be, and is hereby, repealed, re-enacted and amended to read as follows:

§138-2 Definitions.

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

* * * *

DAY- FROM MONDAY THROUGH FRIDAY, THE period between 7:00 a.m. and 8:00 pm.
ON SATURDAYS, SUNDAYS AND HOLIDAYS, THE PERIOD BETWEEN 8:00 A.M.
AND 8:00 P.M.

* * * *

NIGHT- FROM MONDAY THROUGH FRIDAY, THE period between 8:00 p.m. and 7:00

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.

a.m. ON SATURDAYS, SUNDAYS AND HOLIDAYS, THE PERIOD BETWEEN 8:00 P.M. AND 8:00 A.M.

* * * *

Section 2. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that, upon formal introduction of this proposed Ordinance, which shall be by way of a motion duly seconded and without any further vote, the City Clerk shall distribute a copy to each Council member and shall maintain a reasonable number of copies in the office of the City Clerk and shall publish this proposed ordinance or a fair summary thereof in a newspaper having a general circulation in the City of College Park together with a notice setting out the time and place for a public hearing thereon and for its consideration by the Council. The public hearing, hereby set for 7:30 P.M. on the 12th day of July, 2016, 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 ____ day of _____ 2016.

ADOPTED by the Mayor and Council of the City of College Park, Maryland at a regular meeting on the ____ day of _____ 2016.

EFFECTIVE the ____ day of _____, 2016.

ATTEST:

CITY OF COLLEGE PARK

Janeen S. Miller, CMC, City Clerk

Patrick L. Wojahn, Mayor

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

Suellen M. Ferguson, City Attorney

16-CR-01

Manner in Which Notice is Given

**CITY OF COLLEGE PARK, MARYLAND
REGULAR MEETING AGENDA ITEM**



AGENDA ITEM 16-CR-01

Prepared By: Janeen Miller, City Clerk

Meeting Date: July 12, 2016

Presented By: Janeen Miller, City Clerk

Proposed Consent Agenda: No

Originating Department: Administration

Issue Before Council: Adoption of 16-CR-01, a Charter Amendment that eliminates the requirement to do certain advertising in a newspaper having general circulation in the City.

Strategic Plan Goal: Goal 6 – Excellent Services

Background/Justification:

At the January 19, 2016 Worksession, Council discussed the self-imposed rules in §C8 of the City Charter that require us to advertise public hearings and fair summary notices of ordinances in a newspaper having general circulation in the City. In the past, the Gazette was used for these notices, but since the Gazette folded, the City is using the Washington Post, at considerable expense. Council agreed that instead of requiring newspaper publication for ordinances, the following methods were adequate for providing public notice: City website, Cable channel, Bulletin board, and Constant Contact email listserv, in addition to the City newsletter. Staff found two other instances in the Charter where there is a self-imposed requirement to give notice in a newspaper having general circulation in the City: §C3, advertising a vacancy in the office of Mayor or Council, and §C4, advertising the need for election judges. The attached Charter Amendment also replaces the requirement for advertisement in a newspaper having general circulation in the City with the same methods as used for ordinances. This Charter Amendment was introduced on June 14 and the public hearing is scheduled for July 12 prior to adoption.

Fiscal Impact:

Adoption of the proposed Charter Amendment will significantly reduce the cost of providing notice to the public.

Council Options:

- #1: Adopt the attached Charter Amendment.
- #2: Request amendments to the Charter Amendment.
- #3: Defer action at this time.

Staff Recommendation:

#1

Recommended Motion:

I move to adopt Charter Amendment 16-CR-01, A Charter Resolution Of The Mayor And Council Of The City Of College Park, To Amend Article III, "Mayor And Council", §3-6, "Vacancies", Article IV, "Voting And Elections", §C4-4 "Other Election Officials" And Article VIII, "Ordinances", §8-2, "Passage", To Change The Manner In Which Notice Is Given Of Vacancies In Elective Office, Appointment Of Election Officials, And Adoption Of Ordinances

Attachments:

- 1. Charter Amendment 16-CR-01

CHARTER RESOLUTION
OF THE MAYOR AND COUNCIL OF THE CITY OF COLLEGE PARK, TO AMEND
ARTICLE III, “MAYOR AND COUNCIL”, §3-6, “VACANCIES”, ARTICLE IV,
“VOTING AND ELECTIONS”, §C4-4 “OTHER ELECTION OFFICIALS” AND
ARTICLE VIII, “ORDINANCES”, §8-2, “PASSAGE”, TO CHANGE THE MANNER
IN WHICH NOTICE IS GIVEN OF VACANCIES IN ELECTIVE OFFICE,
APPOINTMENT OF ELECTION OFFICIALS, AND ADOPTION OF ORDINANCES

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 to change the manner in which notice of vacancies in office, appointment of election officials, and adoption of ordinances is given, in order to more efficiently provide information about important events to City residents; and

WHEREAS, the Mayor and Council have determined that certain provisions of Article III, “Mayor and Council”, Article IV, “Voting and Elections”, and Article VIII, “Ordinances”, require amendment in order to provide this notice.

Section 1. NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of College Park that Article III, “Mayor and Council”, §3-6, “Vacancies” be repealed, reenacted and amended to read as follows:

§3-6 Vacancies

A. * * * * *

B. Election or appointment to fill vacancies.

(1) – (2) * * * *

(3) Vacancy in office of Mayor or Council.

(a) Upon it becoming necessary to fill a vacancy in the office of Mayor or Council member pursuant to Subsection B(1) above, the City Clerk shall [place,] 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 a

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.

~~newspaper of general circulation in the City~~], an announcement of the vacancy, containing the qualifications of the office, the geographical boundaries of the district(s) to be represented, the procedure to apply for appointment to the vacancy or to be placed on the special election ballot, as appropriate, and the deadline for applications. Applications for appointment shall be forwarded by the Clerk to the Mayor and Council. Applications to be placed on the special election ballot shall be forwarded by the Clerk to the Supervisors of Elections, who shall review the applications for the purpose of determining the qualifications of the candidates. The application shall include a petition in a form satisfactory to the Board of Election Supervisors containing the names, addresses and signatures of not less than 20 registered voters residing in the applicant's district or, in the case of the Mayor, not less than 15 registered voters from each district in the City, indicating support of the applicant's candidacy. The applicant's name and signature may appear and be counted toward the required number on any such petition. Any candidate wishing to withdraw his or her application must do so no later than noon on the 11th calendar day before the election.

(b)– (c) * * * *

C. * * * *

Section 2. BE IT FURTHER RESOLVED by the Mayor and Council of the City of College Park, Maryland, that Article IV, “Voting and Elections”, §C4-4 “Other election officials” be repealed, reenacted and amended to read as follows:

§C4-4 “Other election officials.

Biennially, after due notice given [~~in the usual and customary methods in use by the City and, at minimum, printed in a newspaper having general circulation in the City,~~] BY POSTING AT CITY HALL, TO THE OFFICIAL CITY WEBSITE, TO THE CITY-MAINTAINED EMAIL LISTSERV, AND ON THE CITY CABLE CHANNEL; AND PUBLICATION IN ANY CITY NEWSLETTER, the Supervisors of Elections shall appoint such election officials as they deem necessary, who shall be compensated by the Mayor and Council, and conduct an election by ballot for the election of these officers provided for in this Charter. The Judges of Election shall prepare ballots containing the names of those persons eligible to become candidates for office and designating the office they seek and, except as otherwise provided herein in this Charter and in Chapter 34 of the Code, conduct elections under this Charter as nearly as practicable as

is now, or hereafter may be, provide for in the election of officers for Prince George's County under the general election laws.

Section 3. BE IT FURTHER RESOLVED by the Mayor and Council of the City of College Park, Maryland, that Article VIII, “Ordinances”, §C8-2 “Passage” be repealed, reenacted and amended to read as follows:

§C8-2 Passage.

A. A proposed ordinance may be introduced by any member of the City Council at any regular or special meeting of the Council. Prior to formal introduction of the proposed ordinance, the City Council may, at the request of any two Council members, schedule an informational meeting to present information to the public as to the proposed measure and to receive responses back from the public, at which meeting a presentation will ordinarily be made by the Mayor and Council or city staff. Such informational meeting shall be advertised in advance in such manner as the Mayor and Council deem advisable under the circumstances. Following the informational meeting, the Council may, in its discretion, recommit the proposed ordinance for discussion to a work session. Upon formal introduction of the 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~~] 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 proposed ordinance or a fair summary thereof in a newspaper having general circulation in the City of College Park and, if time permits, in the City newsletter, 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 shall follow the publication by at least seven 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 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, ~~[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 published in the City newsletter and available at the city's offices.]~~ Except as otherwise provided, every ordinance adopted shall become effective at the expiration of twenty (20) days after its adoption or at any later date specified therein. However, with respect to the limited zoning-type ordinances that may be passed by the Mayor and City Council pursuant to the authority of §25-303 OF THE LAND USE ARTICLE ~~[8-112.1 of Article 28]~~ of the Annotated Code of Maryland, the provisions of the Annotated Code of Maryland shall control as to the effective date of the proposed ordinance.

B. * * * * *

Section 4. 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 **7:30 p.m.** on the **12th** day of **July, 2016.** All persons interested shall have an opportunity to be heard.

Section 5. BE IT FURTHER RESOLVED that this Charter Resolution is adopted this _____ day of _____, 2016, 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 6. 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 7. 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 4 and 5 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 6 and shall further cause to be completed and executed the Municipal Charter or Annexation Resolution Registration Form.

INTRODUCED by the Mayor and Council of the City of College Park at a regular meeting on the _____ day of _____ 2016.

ADOPTED by the Mayor and Council of the City of College Park at a regular meeting on the _____ day of _____ 2016.

EFFECTIVE the _____ day of _____, 2016.

ATTEST:

CITY OF COLLEGE PARK,

Janeen S. Miller, CMC, City Clerk

By _____
Patrick L. Wojahn, Mayor

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

Suellen M. Ferguson, City Attorney

16-G-93

Consideration of Property Use Agreements

**CITY OF COLLEGE PARK, MARYLAND
REGULAR COUNCIL MEETING AGENDA ITEM**



AGENDA ITEM NUMBER 16-G-93

Prepared By: Suellen M. Ferguson, Esq.
City Attorney

Meeting Date: July 12, 2016

Presented By: Suellen M. Ferguson, Esq.
City Attorney

Consent Agenda: No

Originating Department: City Attorney

Action Requested: Approval of or no opposition to issuance of a Class B (BH) beer, wine and liquor license to The Hotel at UMCP ABC, LLC, and Class B (BLX) beer, wine and liquor licenses to Kapnos Taverna, Old Maryland Grill and Potomac Pizza, all located at 7777 Baltimore Avenue, subject to the Applicants entering into a Property Use Agreement with the City.

Strategic Plan Goal: Goal #3 High Quality Development and Reinvestment

Background/Justification:

The Hotel at UMCP ABC, LLC, t/a The Hotel at the University of Maryland, and Richard Hillman, David Hillman and Anthony Izzo have applied for a Class B (BH) beer, wine and liquor license. This application has been made contemporaneously with applications for Class B (BLX) beer, wine and liquor licenses for Potomac Pizza, Kapnos Taverna, and Old Maryland Grill, all to be located at The Hotel at the University of Maryland. Draft Property Use Agreements for all Applicants are attached for Council consideration. The Applicants have requested a 50/50 alcohol to food ratio. An exemption from special entertainment permit requirements will be sought by one or more of the Applicants. Representatives of the Applicants will attend the July 12 meeting. The Board of License Commissioners hearing on this item is July 26, 2016, so a vote is required at the July 12 meeting if the Mayor and Council wish to take a position.

Fiscal Impact:

None.

Council Options:

- #1: Approve the draft PUA's as proposed, and support or not oppose the Class B (BH) and Class B (BLX) licenses
- #2: Approve the draft PUA's with changes, and support or not oppose the Class B (BH) and Class B (BLX) licenses
- #3 Oppose the Class B (BH) and Class B (BLX) licenses

Staff Recommendation:

#1:

Recommended Motion:

I move that the City Council support (or not oppose) the issuance of a Class B (BH) beer, wine and liquor license to The Hotel at the University of Maryland, and Class B (BLX) beer, wine and liquor licenses to Kapnos Taverna, Old Maryland Grill and Potomac Pizza, subject to the applicants entering into Property Use Agreements with the City in substantially the forms as attached; authorize the City Manager to sign the PUAs; and authorize staff to testify to the Council's position at the BOLC hearing.

Attachments:

- 1. BOLC Notice of Public Hearing
- 2. Class B (BH) and B (BLX) Applications
- 3. Draft Property Use Agreements

PROPERTY USE AGREEMENT

THIS PROPERTY USE AGREEMENT (the “Agreement”) is made as of the ____ day of _____, 2016, by and between THE HOTEL AT UMCP ABC, LLC, trading as The Hotel at the University of Maryland, David H. Hillman, Richard G. Hillman, and Anthony J. Izzo (collectively “Licensee”) and the CITY OF COLLEGE PARK, a Maryland municipal corporation (the “City”).

WITNESSETH

WHEREAS, UMCPF Property III, LLC, is the owner of the property, The Hotel at UMCP, LLC is the owner of the hotel on the property, and Licensee is the applicant for a Class B(BH) liquor license at the property located at 7777 Baltimore Avenue, College Park, MD 20740 (the “Property”); and

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

WHEREAS, Licensee has applied to the Board of Liquor License Commissioners of Prince George’s County (the “Board”), for a Class B (BH) Beer, Wine and Liquor License; and

WHEREAS, the Licensee has requested the support of the City for this Application for a Class B (BH) Beer, Wine and Liquor License; and

WHEREAS, in consideration of the covenants contained in this Agreement, the City will **voice no objection to/support** the Licensee’s application for a Class B (BH) Beer, Wine and Liquor License subject to the parties’ compliance with the terms, conditions and restrictions contained herein.

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

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

2. Restrictions. Except with the express written consent of the City, which consent may not be unreasonably withheld, delayed or conditioned, during the period that Licensee is operating at or has any interest in the Property, and is using the Class B (BH) Beer, Wine and Liquor License, the use of the Property shall be restricted to the operation of a restaurant, hotel and hotel catered or hosted events, which receives from the sale of food and alcoholic beverages not more than fifty percent (50%) of its average monthly receipts over any three consecutive monthly periods from the sale of alcoholic beverages, and which complies strictly with the restrictions and requirements of the State of Maryland/Prince George's County Class B(BH) License. The calculation of the percentage of alcoholic beverages sold shall include the full cost of any such beverage, and not just the alcohol contained in the beverage, and the full retail cost of all food served at the Property.

Licensee will provide the City, by January 15 of each year, with the summaries for the sales of alcoholic beverages and food for the preceding calendar year, and, at any time, such information in such form as the City may reasonably require, to permit the verification of sales required in this paragraph 2 of this Agreement. Such information need not be prepared by an accountant or auditor, but must be accompanied by a general affidavit signed by the Licensee affirming the accuracy of the information provided. Licensee may be required to allow the City to inspect additional information to permit verification of the sales ratios required in this paragraph,

including daily register receipts and the identity of, and invoices from, its alcohol and food suppliers. Licensee may be required by the City to provide information to permit verification of the sales ratios required in this paragraph, including daily register receipts and the identity of, and invoices from, its alcohol and food suppliers. Any such information provided by Licensee that is claimed to be confidential shall be so marked by Licensee and the City will treat such record as confidential as allowed by law.

3. Use of Property. Except as otherwise set forth herein, those uses of the Property permitted by the applicable zoning for the Property shall be permitted uses for the purposes of this Agreement. In addition, the Property shall be subject to all of the restrictions imposed by the applicable zoning of the Property.

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

5. Operations. Licensee shall maintain and operate the lobby bar in a manner that all seats are available for dining, and no area is designated solely for the consumption of alcoholic beverages. No sales of alcoholic beverages for off-site consumption shall be allowed except for partially consumed bottles of wine purchased at the restaurant and allowed off premises pursuant to Maryland law. The City recognizes that Licensee sells alcoholic beverages in a hotel setting, including in a lobby bar, at a restaurant known as Bagels and Grinds, and through room sales and conference and ballroom sales. Alcoholic beverages shall not be sold or served prior to 6:00 a.m. or after 2:00 a.m., with the exception that alcoholic beverages shall not be served prior to 6:00 a.m. and after 8:00 p.m. at Bagels and Grinds. The minimum price for a bottle or draft of

beer and other alcoholic beverages shall be \$2.00. Beer will not be served in pitchers. Food from a regular menu must be served at all times that the premises are open for business and selling alcohol. Licensees shall ensure music and noise levels in the restaurant allow patron conversation in a normal tone of voice, are maintained at a reasonable level in the bar, and prohibit disruptive or rowdy behavior which disturbs the peaceful enjoyment of the facility by Licensee's patrons and other persons visiting the facility. The parties recognize that the Property hosts numerous social events in various rooms. It is not the intent of this Agreement to regulate the intermittent or occasional migration of noise from one room to another during said social events. No cover or door charge will be charged for entry to the Property, with the exception that tickets may be required for certain events. Alcoholic beverages shall be served in the restaurant only to patrons sitting at the bar, tables or counters inside the restaurant facility. Licensee shall ensure that the exterior of the restaurant, inclusive of the service and patio areas, remain clean and graffiti free. Licensee shall not engage in window advertising of the sale of beer, wine or liquor, nor off-premises leafleting of cars or on public right of way promoting the sale of beer, wine or liquor. All off-premises advertising of specials, happy hours or reduced prices for beer or wine shall be limited to promotions coupling the sale or service of food with the sale of alcoholic beverages.

Licensee shall not rent the facilities to individuals or businesses involved in promoting or making a business or profit from producing musical, band or disc jockey events without the hotel general manager retaining ultimate control of the event. This provision does not prevent Licensee from hiring a booking agent to act on its behalf in scheduling live entertainment, or contracting with a promoter, disc jockey or band for entertainment, nor from allowing the booking of music by patrons for a specific event, such as weddings, receptions, etc. Live and recorded music is allowed for events in the conference and meeting rooms and ballrooms. Background music is

allowed on outside patio areas and in the bar and restaurant areas. In the event that bona fide complaints as to the sound level of voice or music entertainment on any patio area are received by the City, the parties agree to review this condition, with further limitation of entertainment on the outside patio, if justified, not to be unreasonably refused by Licensee.

Licensee shall use a scanner system, as allowed by law, designed to recognize false identification prior to making alcoholic beverage sales. The scanner shall be used for all persons who appear to be under the age of thirty five (35) years. Licensee will not accept State of Maryland vertical type licenses as proof of age.

Licensee shall not provide tables, such as a beer pong table, whose purpose is for use in drinking games. Licensee shall not sponsor or support drinking games within the Property.

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

Agreement, the City shall reimburse Licensee for all costs of the proceeding including reasonable attorneys fees.

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

8. Assignment. This Agreement shall be binding upon, and shall inure to the benefit of, the affiliates, parent and subsidiary entities of Licensee.

9. Scope and Duration of Restrictions. The restrictions, conditions and covenants imposed by this Agreement shall be valid only so long as Licensee maintains a Class B (BH) License at Bagels and Grinds and/or the Hotel, or some other substantially similar restaurant or hotel.

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

(i) If to Licensee:

With copy to:

Linda Carter, Esq.
Myers, Rodbell & Rosenbaum, P.A.
6801 Kenilworth Ave., Ste 400
Riverdale Park, MD 20737

(ii) If to the City:

Scott Somers
City Manager

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

with copy to:

Suellen M. Ferguson, Esq.
Council, Baradel, Kosmerl & Nolan, P.A.
125 West Street, 4th Floor
Annapolis, Maryland 21404

11. Security. Pursuant to Article 2B, §6-201(r)(19), Licensee is required to obtain a License for special entertainment or to obtain an exemption. For any activities authorized by such a license or exemption, the Licensee shall have and maintain a Security Plan to prevent the Property and any such activities from posing a threat to the peace and safety of the surrounding area. The Security Plan shall, at minimum, comply with the requirements of the Board of License Commissioners. Any required Security Plan for the Licensee is subject to review and revision annually or upon request by Prince George's County Police, the University of Maryland Police or the City of College Park.

a. Licensee shall diligently enforce ID policies through trained and certified managers and employees. Licensee agrees to take all necessary measures to ensure that under age persons do not obtain alcoholic beverages.

b. All serving, bar, and management employees will be TIPS trained before serving alcohol.

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

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

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

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

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

17. Recitals. The Recitals (“Whereas” clauses) set forth at the beginning of this Agreement are hereby acknowledged by the parties to be true and correct, and are hereby incorporated into and made a part of this Agreement.

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

WITNESS/ATTEST

THE HOTEL AT UMCP ABC, LLC

By: _____
David H. Hillman

By: _____
Richard G. Hillman

By: _____
Anthony J. Izzo

WITNESS/ATTEST

CITY OF COLLEGE PARK, MARYLAND

Janeen S. Miller, City Clerk

By: _____
Scott Somers, City Manager

APPROVED AS TO FORM:

By: _____
Suellen M. Ferguson, City Attorney



STATE OF MARYLAND
 RETAIL ALCOHOLIC BEVERAGE
 LICENSE APPLICATION
 BOARD OF LICENSE COMMISSIONERS
 9200 BASIL COURT, SUITE 420
 LARGO, MARYLAND 20774
 301-583-9980
<http://bolc.mypgc.us>



THIS APPLICATION IS FOR:

New License	x	Fee: \$700.00	x
Transfer of License		Fee: \$500.00	
Transfer of Location		Fee: \$500.00	

PAYMENT: Payment must accompany application in the form of a Cashier's Check, Certified Check or Money Order payable to Prince George's County. **CASH WILL NOT BE ACCEPTED.**

TYPE AND CLASS OF LICENSE

CLASS OF LICENSE	A	<input type="checkbox"/>	B	<input checked="" type="checkbox"/>	C	<input type="checkbox"/>	D	<input type="checkbox"/>
TYPE OF LICENSE	BEER	<input type="checkbox"/>	BEER AND WINE	<input type="checkbox"/>	BEER, WINE & LIQUOR	<input type="checkbox"/> XXXX		
	BH	<input checked="" type="checkbox"/>	BLX	<input type="checkbox"/>	OTHER:			

Application is hereby made by the undersigned under the provisions Sections 1-102, 8-217, 9-101, 9-217, 10-103, 10-202 and 10-503 of Article 2B of the Annotated Code of Maryland, for an alcoholic beverage license. The applicant(s) submit and certifies to the following as required by Article 2B:

INFORMATION REGARDING THE APPLICANT(S)

Name of Licensee	Title of Licensee	Address of Licensee (City, State, Zip)	Telephone Number	Status Verification
David H. Hillman	Member, Authorized Person	5700 Fern Hill Run, McLean, VA 22101	703-527-8378	
Richard G. Hillman	Member, Authorized Person	10633 MacArthur Blvd., Potomac, MD 20854	301-983-9322	
Anthony J. Izzo	Member, Authorized Person	1925 Hidden Point Road, Annapolis, MD 21409	410-767-3931	

BUSINESS NAME AND ADDRESS

Trade Name	The Hotel at the University of Maryland		
Corporation/LLC	The Hotel at UMCP ABC, LLC		
Address, City, Zip	7777 Baltimore Avenue, College Park, MD 20740		
Telephone Number	TBD	State Department ID #	

OFFICIAL INFORMATION

Attorney	Linda C. Carter, Meyers, Rodbell & Rosenbaum, P.A.	Date Filed	
Address	6801 Kenilworth Avenue, Suite 400 Riverdale, MD 20737	Hearing Date	
Phone Number	301-699-5800	Board Action	

DESCRIPTION OF THE PREMISES

Describe the premises to be covered under the license. If only part of the building is desired as the premises, a definitive description must be given:	Full service hotel with lobby bar and ballroom/ conference areas contained in 780,000 sq ft of space including 900 car garage		
Size, Type and Construction of Building	Concrete, steel & glass	Size and Description of Lot	780,000 sq ft of space
Is the building located within one thousand feet (1,000) of a school?	No	If yes, Explain	
Is the building located within five hundred feet (500) of a Place of Worship?	No	If yes, Explain	
Is the premises zoned for sale of alcoholic beverages?	Yes	If yes, Explain	
Is the building complete?	No	If "no" when will be the building be complete?	Early 2017

MODE OF OPERATION

Describe the Mode of Operation	Full service hotel with lobby bar and ballroom/conference areas contained in 780,000 sq ft of space including 900 car garage		
Is the business to be conducted under this license tied in any manner to a franchise agreement, chain store operation or supermarket?	No		
Seating Capacity	3000 in banquet/ ballrooms	Is there a bar?	Yes 150 seats in the lobby bar area
Will entertainment be presented to the public?	Yes	If yes, you must file the Request for Special Entertainment Permit or an Exemption to the Special Entertainment Permit.	
Does the licensed premises have a drive in window?	No		
Square footage on sale	780,000	Square footage off sale	0

HOURS OF OPERATION

	Opening Time	Closing Time
Monday	See attached	See attached
Tuesday		
Wednesday		
Thursday		
Friday		
Saturday		
Sunday		

NOTE: A Special Sunday Sales License is required for the sale of alcoholic beverages over 15.5% on Sunday (On Sale Only) for Class B Licenses.

PROVIDE COPY(ies) OF ANY AND ALL AGREEMENTS/CONTRACTS relative to the operation of the business to be conducted under the alcoholic beverage license (inclusive of managerial agreements, sale contract and any agreement, which place the alcoholic beverage license as security, collateral, etc.

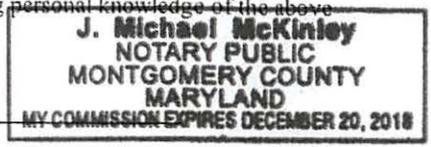
APPLICANT(S) OFFICIAL DECLARATION

I/We the applicant(s) and/or stockholder do hereby make oath that the statements made on this application are true and accurate. And further that I/we understand that fraudulent statements made on this application shall be considered perjury.

Signature David H. Hillman
Signature Anthony J. Izzo

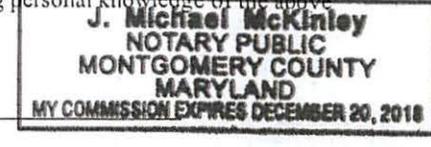
Signature Richard G. Hillman
Signature

STATE OF MARYLAND County of Montgomery SS: 2016
I hereby certify that on this 16th day of May, personally appeared David H. Hillman and made oath of having personal knowledge of the above statement and that they are true and correct.



WITNESS my hand and official seal.
My Commission expires 12/20/2018
Notary Public

STATE OF MARYLAND County of Montgomery SS: 2016
I hereby certify that on this 16th day of May, personally appeared Richard G. Hillman and Anthony J. Izzo and made oath of having personal knowledge of the above statement and that they are true and correct.



WITNESS my hand and official seal.
My Commission expires 12/20/2018
Notary Public

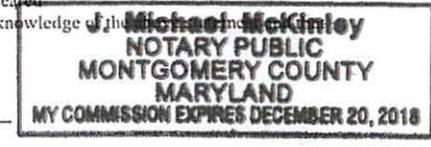
STOCK OWNERSHIP AFFIDAVIT - For Corporations and Limited Liability Companies

We the officers of the Corporation or Members of a LLC, do hereby make oath that Richard G. Hillman (Name of Corporation/LLC) is an officer/member of the Corporation/LLC qualified to act as Resident Agent for the purpose of obtaining this license, that they are the owner of 25% of the interest in the business, that the stock/interest has been issued, is recorded in the books and records of the Corporation/LLC and represents a proportionate share of the total equity and assets and net worth of the corporation and that there exists no collateral agreements, promises, restrictions, or commitments, regarding the change of ownership of the stock or future endorsements, assignment, transfer, pledge or change of ownership of aforesaid stock.

LIST ALL OTHER CORPORATE OFFICERS/MEMBERS WHO ARE NOT APPLICANTS

- 1. Signature of Applicant David H. Hillman
2. Signature of Applicant Richard G. Hillman
3. Signature of Applicant Anthony J. Izzo
4. Signature of Applicant

STATE OF MARYLAND County of Montgomery SS: 2016
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My Commission expires 12/20/2018
Notary Public

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WITNESS my hand and official seal.
My Commission expires 12/20/2018
Notary Public

TRANSFER OF LOCATION AND/OR ASSIGNMENT OF LICENSE

Transfer of location and/or transfer of assignment from:	N/A
Has the Bulks Sales Permit been applied for from the Comptroller?	N/A

I, We _____ of t/a _____ do hereby make oath in due form of law that (I)(We) have fully complied with all provisions of law and all regulations during the time that the Class _____ license has been in effect, and that no indictments or complaints are pending against (me)(us) or any of (my)(our) employees in any court in the United States Federal or any State, or before the Board of License Commissioners, and that (I)(We) do hereby consent to the transfer of said license to _____

Names of Transferee(s)

Transferor(s)	Transferor(s)
Transferor(s)	Transferor(s)

STATE OF MARYLAND _____ SS: _____
 I hereby certify that on this _____ day of _____, _____ personally appeared _____ and made oath of having personal knowledge of the above statement and that they are true and correct.
 WITNESS my hand and official seal.
 My Commission expires _____

Notary Public

STATE OF MARYLAND _____ SS: _____
 I hereby certify that on this _____ day of _____, _____ personally appeared _____ and made oath of having personal knowledge of the above statement and that they are true and correct.
 WITNESS my hand and official seal.
 My Commission expires _____

STATEMENT OF THE OWNER OF THE REAL PROPERTY

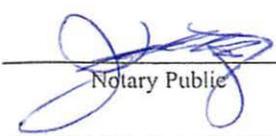
STATEMENT OF OWNER OF THE REAL PROPERTY: As required by Section 10-302 of Article 2B of the Annotated Code of Maryland

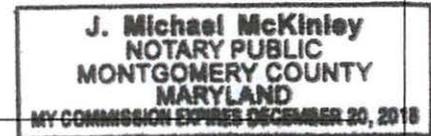
I (WE), HERBY CERTIFY, That I am (we are) the owner(s) of the real property known as t/a The Hotel at the University of Maryland located at 7777 Baltimore Avenue, College Park, MD 20740. I hereby authorize the State Comptroller, its duly authorized deputies, inspectors and clerks, the Board of License Commissioners, it's duly authorized agents and employees and any peace officer of Prince George's County to inspect and search, without warrant, the premises upon which the business is conducted, and any and all parts of the building in which said business it to be conducted at any and all hours.

Owner David Hillman DAVID HILLMAN PRESIDENT OF MONTGOMERY Phone 703-902-2000
Signature print/name
 Address The Hotel at UMCP, LLC c/o Southern Management Corporation, 1950 Old Gallows Road, Suite 600, Vienna, VA 22185
 Owner _____ Phone _____
Signature print/name
 Address _____

THIS CERTIFIES, That on the 16th Day of May 2016, before the subscriber a Notary Public of the State of Maryland, personally appeared David H. Hillman and made oath in due form of law that the information herein is true.

My Commission Expires: 12/20/2018


Notary Public



**STOCKHOLDER/AUTHORIZED PERSON/MEMBER AFFIDAVIT
(Corporations, Limited Liability Companies)**

APPLICANT/LICENSEE INFORMATION

Name	David Hillman			
Address	5700 Fern Hill Run	City, State, Zip	McLean, VA 22101	
Period of Residence in the State of Maryland	N/A	Email Address	davidhillman@smcmail.com	
Home Telephone #	703-527-8378	Office Telephone #	703-902-2000	
Cell Telephone #		Sex	Male	
Date of Birth	8/15/1942	Place of Birth	Washington, DC	
Citizen of the United States?	Yes	Permanent Resident of the United States?		
Place of Employment	Southern Management Corporation	Length of Employment	50+ years	
Address	1950 Olde Gallow Road, Suite 600, Vienna, VA 22182			
How many shares of stock have been issued to you?	# 1	% 1	What was the consideration given for each share of stock?	\$ 1.00
Have you ever been convicted of a felony?	No	Explain		
Have you been found in violation of the laws or rules governing the sale use, or control of alcoholic beverages?	No	Explain		
Have you been adjudged guilty of violating the laws for the prevention of gambling?	No	Explain		
Have you ever held a license for the sale of alcoholic beverages and, if so, in what State and at what location?	yes	Explain <small>The Hotel at Arundel Preserve (Annapolis, MD) 2011 - present/ Bear Creek Mountain Resort and Conference Center 2001 - present</small>		
If so, was the business ever found in violation of the laws and rules concerning alcoholic beverages?	No	Explain		
State whether you have had a license for the sale of alcoholic beverages denied or revoked?	No	Explain		
Have you ever been employed at an establishment that sold alcoholic beverage? If so, what position(s)?	No	Explain		
If so, was the business ever found in violation of the laws or rules concerning alcoholic beverages?	No	Explain		
Are you financially interested in another business that has an alcoholic beverage license? If so, where?	Yes	Explain Same as above		
How much time will you spend on the premises?	10+ hours / week	Have you read the Rules and Regulations?	yes	

The undersigned applicant, hereby certifies that no manufacturer, brewer, distiller or wholesaler, directly or indirectly, has any financial interest in the premises or business and that I will not hereafter convey or grant any interest, and that I have no indebtedness or other financial obligation, directly or indirectly, to any manufacturer, brewer, distiller or wholesaler other than for the purchase of alcoholic beverages. Section 16-501 of Article 2B of the Annotated Code of Maryland: If any signed statement, report, affidavit, or oath, required under any of the provisions of this Article, shall contain any false statements, the offender shall be deemed guilty of perjury and upon conviction thereof shall be subject to the penalties by law for that Crime.

David Hillman

Signature

STATE OF MARYLAND, County of Montgomery SS:

I hereby certify that on this 16th day of May, 2016 personally appeared David H. Hillman and made oath of having personal knowledge of the above statement

and that they are true and correct.

WITNESS my hand and official seal.

My Commission expires: 12/20/2018

[Signature]
Notary Public

Updated December 2015

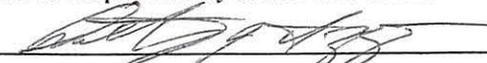
**J. Michael McKinley
NOTARY PUBLIC
MONTGOMERY COUNTY
MARYLAND
MY COMMISSION EXPIRES DECEMBER 20, 2018**

**STOCKHOLDER/AUTHORIZED PERSON/MEMBER AFFIDAVIT
(Corporations, Limited Liability Companies)**

APPLICANT/LICENSEE INFORMATION

Name	Anthony J. Izzo			
Address	1925 Hidden Point Road	City, State, Zip	Annapolis, MD 21409	
Period of Residence in the State of Maryland	35 years	Email Address	aji1220@aol.com	
Home Telephone #	410-767-3931	Office Telephone #	301-657-3340	
Cell Telephone #	301-602-7480	Sex	Male	
Date of Birth	8/4/1940	Place of Birth	Washington, DC	
Citizen of the United States?	Yes	Permanent Resident of the United States?		
Place of Employment	Genco Masonry	Length of Employment	30+ years	
Address	4853 Cordell Avenue, Bethesda, MD 20814			
How many shares of stock have been issued to you?	# 1	% 1	What was the consideration given for each share of stock?	\$ 1.00
Have you ever been convicted of a felony?	No	Explain		
Have you been found in violation of the laws or rules governing the sale use, or control of alcoholic beverages?	No	Explain		
Have you been adjudged guilty of violating the laws for the prevention of gambling?	No	Explain		
Have you ever held a license for the sale of alcoholic beverages and, if so, in what State and at what location?	Yes	Explain The Hotel at Arundel Preserve (Hanover, MD) 2011 - present		
If so, was the business ever found in violation of the laws and rules concerning alcoholic beverages?	No	Explain		
State whether you have had a license for the sale of alcoholic beverages denied or revoked?	No	Explain		
Have you ever been employed at an establishment that sold alcoholic beverage? If so, what position(s)?	No	Explain		
If so, was the business ever found in violation of the laws or rules concerning alcoholic beverages?	N/A	Explain		
Are you financially interested in another business that has an alcoholic beverage license? If so, where?	Yes	Explain The Hotel at Arundel Preserve (Hanover, MD) 2011 - present		
How much time will you spend on the premises?	10+ hours/month	Have you read the Rules and Regulations?	yes	

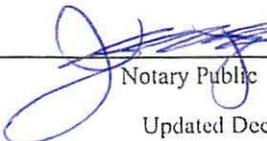
The undersigned applicant, hereby certifies that no manufacturer, brewer, distiller or wholesaler, directly or indirectly, has any financial interest in the premises or business and that I will not hereafter convey or grant any interest, and that I have no indebtedness or other financial obligation, directly or indirectly, to any manufacturer, brewer, distiller or wholesaler other than for the purchase of alcoholic beverages. Section 16-501 of Article 2B of the Annotated Code of Maryland: If any signed statement, report, affidavit, or oath, required under any of the provisions of this Article, shall contain any false statements, the offender shall be deemed guilty of perjury and upon conviction thereof shall be subject to the penalties by law for that Crime.



Signature

STATE OF MARYLAND, County of Montgomery SS:
I hereby certify that on this 16th day of May, 2016 personally appeared
Anthony J. Izzo and made oath of having personal knowledge of the above statement
and that they are true and correct.

WITNESS my hand and official seal.
My Commission expires: 12/20/2018



Notary Public

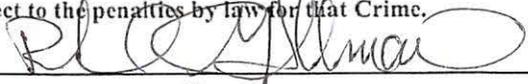
J. Michael McKinley
NOTARY PUBLIC
MONTGOMERY COUNTY
MARYLAND
Updated December 2014 MY COMMISSION EXPIRES DECEMBER 20, 2018

**STOCKHOLDER/AUTHORIZED PERSON/MEMBER AFFIDAVIT
(Corporations, Limited Liability Companies)**

APPLICANT/LICENSEE INFORMATION

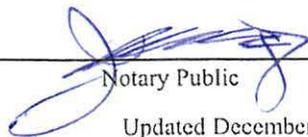
Name	Richard G. Hillman			
Address	10633 MacArthur Blvd.	City, State, Zip	Potomac, MD 20854	
Period of Residence in the State of Maryland	22+ years	Email Address	richard@smcmail.com	
Home Telephone #	301-983-9322	Office Telephone #	703-802-2000	
Cell Telephone #	703-785-5015	Sex	Male	
Date of Birth	3/27/1968	Place of Birth	Washington, DC	
Citizen of the United States?	Yes	Permanent Resident of the United States?		
Place of Employment	Southern Management Corporation	Length of Employment	22 years	
Address	1950 Old Gallows Road, Suite 600, Vienna, VA 22182			
How many shares of stock have been issued to you?	#	%	What was the consideration given for each share of stock?	\$
	25	25		1.00
Have you ever been convicted of a felony?	No		Explain	
Have you been found in violation of the laws or rules governing the sale, use, or control of alcoholic beverages?	No		Explain	
Have you been adjudged guilty of violating the laws for the prevention of gambling?	No		Explain	
Have you ever held a license for the sale of alcoholic beverages and, if so, in what State and at what location?	Yes		Explain The Hotel at Arundel Preserve (Hanover, MD) 2011 - present	
If so, was the business ever found in violation of the laws and rules concerning alcoholic beverages?	No		Explain	
State whether you have had a license for the sale of alcoholic beverages denied or revoked?	No		Explain	
Have you ever been employed at an establishment that sold alcoholic beverage? If so, what position(s)?	No		Explain	
If so, was the business ever found in violation of the laws or rules concerning alcoholic beverages?	No		Explain	
Are you financially interested in another business that has an alcoholic beverage license? If so, where?	Yes		Explain The Hotel at Arundel Preserve (Hanover, MD) 2011 - present	
How much time will you spend on the premises?	10+ hours / month		Have you read the Rules and Regulations?	yes

The undersigned applicant, hereby certifies that no manufacturer, brewer, distiller or wholesaler, directly or indirectly, has any financial interest in the premises or business and that I will not hereafter convey or grant any interest, and that I have no indebtedness or other financial obligation, directly or indirectly, to any manufacturer, brewer, distiller or wholesaler other than for the purchase of alcoholic beverages. Section 16-501 of Article 2B of the Annotated Code of Maryland: If any signed statement, report, affidavit, or oath, required under any of the provisions of this Article, shall contain any false statements, the offender shall be deemed guilty of perjury and upon conviction thereof shall be subject to the penalties by law for that Crime.


Signature

STATE OF MARYLAND, County of Maryland SS:
I hereby certify that on this 16th day of May, 2016 personally appeared
Richard G. Hillman and made oath of having personal knowledge of the above statement
and that they are true and correct.

WITNESS my hand and official seal.
My Commission expires: 12/20/2018


Notary Public
Updated December 2015

J. Michael McKinley
NOTARY PUBLIC
MONTGOMERY COUNTY
MARYLAND
MY COMMISSION EXPIRES DECEMBER 20, 2018

STOCKHOLDER/AUTHORIZED PERSON/MEMBER AFFIDAVIT
(Corporations, Limited Liability Companies)

APPLICANT/LICENSEE INFORMATION

Name	The Hotel at UMCP, LLC			
Address	1950 Old Gallow Road	City, State, Zip	Vienna, VA 22182	
Period of Residence in the State of Maryland	N/A	Email Address		
Home Telephone #		Office Telephone #	703-902-2000	
Cell Telephone #		Sex		
Date of Birth		Place of Birth		
Citizen of the United States?		Permanent Resident of the United States?		
Place of Employment		Length of Employment		
Address				
How many shares of stock have been issued to you?	#	%	What was the consideration given for each share of stock?	\$
	73	73		1.00
Have you ever been convicted of a felony?	N/A		Explain	
Have you been found in violation of the laws or rules governing the sale, use, or control of alcoholic beverages?	N/A		Explain	
Have you been adjudged guilty of violating the laws for the prevention of gambling?	N/A		Explain	
Have you ever held a license for the sale of alcoholic beverages and, if so, in what State and at what location?	N/A		Explain	
If so, was the business ever found in violation of the laws and rules concerning alcoholic beverages?	N/A		Explain	
State whether you have had a license for the sale of alcoholic beverages denied or revoked?	N/A		Explain	
Have you ever been employed at an establishment that sold alcoholic beverage? If so, what position(s)?	N/A		Explain	
If so, was the business ever found in violation of the laws or rules concerning alcoholic beverages?	N/A		Explain	
Are you financially interested in another business that has an alcoholic beverage license? If so, where?	N/A		Explain	
How much time will you spend on the premises?	N/A		Have you read the Rules and Regulations?	yes

The undersigned applicant, hereby certifies that no manufacturer, brewer, distiller or wholesaler, directly or indirectly, has any financial interest in the premises or business and that I will not hereafter convey or grant any interest, and that I have no indebtedness or other financial obligation, directly or indirectly, to any manufacturer, brewer, distiller or wholesaler other than for the purchase of alcoholic beverages. **Section 16-501 of Article 2B of the Annotated Code of Maryland: If any signed statement, report, affidavit, or oath, required under any of the provisions of this Article, shall contain any false statements, the offender shall be deemed guilty of perjury and upon conviction thereof shall be subject to the penalties by law for that Crime.**

By: David H. Hillman
Signature David H. Hillman

STATE OF MARYLAND, County of Montgomery SS: May 2016
I hereby certify that on this 16th day of May, 2016 personally appeared David H. Hillman and made oath of having personal knowledge of the above statement and that they are true and correct.

WITNESS my hand and official seal.
My Commission expires: 12/20/2018

J. Michael McKinley
Notary Public
Updated December 2015

J. Michael McKinley
NOTARY PUBLIC
MONTGOMERY COUNTY
MARYLAND
MY COMMISSION EXPIRES DECEMBER 20, 2018

Hours of Operation

Bagels & Grinds

	Open	Close
Monday	6:00 am	8:00 pm
Tuesday	6:00 am	8:00 pm
Wednesday	6:00 am	8:00 pm
Thursday	6:00 am	8:00 pm
Friday	6:00 am	8:00 pm
Saturday	6:00 am	8:00 pm
Sunday	6:00 am	8:00 pm

Lobby Bar

	Open	Close
Monday	6:00 am	2:00 am
Tuesday	6:00 am	2:00 am
Wednesday	6:00 am	2:00 am
Thursday	6:00 am	2:00 am
Friday	6:00 am	2:00 am
Saturday	6:00 am	2:00 am
Sunday	6:00 am	2:00 am

Ballrooms/ Conference Rooms

	Open	Close
Monday	6:00 am	2:00 am
Tuesday	6:00 am	2:00 am
Wednesday	6:00 am	2:00 am
Thursday	6:00 am	2:00 am
Friday	6:00 am	2:00 am
Saturday	6:00 am	2:00 am
Sunday	6:00 am	2:00 am

PROPERTY USE AGREEMENT

THIS PROPERTY USE AGREEMENT (the "Agreement") is made as of the _____ day of July, 2016, by and between Pizza Zone of College Park, LLC, t/a Potomac Pizza, and Adam B. Greenberg, Member and Authorized Person, (collectively "Licensee"); and the CITY OF COLLEGE PARK, a Maryland municipal corporation (the "City").

WITNESSETH

WHEREAS, UMCPF Property III, LLC, is the owner of the property, and The Hotel at UMCP, LLC is the owner of the hotel on the property, located at 7777 Baltimore Avenue, Suite D, College Park, Maryland 20740 (the "Property"); and

WHEREAS, Licensee is a tenant at the Property; and

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

WHEREAS, Licensee has applied to the Board of Liquor License Commissioners of Prince George's County, for the issuance of a Class B(BLX), Beer, Wine and Liquor License ("License") for use at the Property; and

WHEREAS, the Licensee has requested the support of the City for the issuance of the License for use at the Property; and

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

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

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

2. Restrictions. Except with the express written consent of the City, which consent may be withheld in the City's sole and absolute discretion, during the period that Licensee is using or has any interest in the Property, and is using the License, the use of the Property shall be restricted to the operation of Potomac Pizza ("Restaurant") or another substantially similar casual dining restaurant, which receives not more than fifty percent (50%) of its average daily receipts over any three consecutive monthly periods from the sale of alcoholic beverages, and which complies strictly with the restrictions and requirements of the State of Maryland/Prince George's County Class B License. The calculation of the percentage of alcoholic beverages sold shall include the full cost of any such beverage, and not just the alcohol contained in the beverage. Licensee will provide the City, by January 25 of each year, with summaries of each month's receipts for the sales of alcoholic beverages and food for the preceding calendar year, and, at any time, such information in such form as the City may reasonably require to permit the verification of sales required in this paragraph 2 of this Agreement. Such information need not be prepared by an accountant or auditor, but must be accompanied by a general affidavit signed by the Licensees affirming the accuracy

of the information provided. Licensees may be required by the City to provide information to permit verification of the sales ratios required in this paragraph, including daily register receipts and the identity of, and invoices from, its alcohol and food suppliers. Any such information provided by Licensee that is claimed to be confidential shall be so marked by Licensee and the City will treat such record as confidential as allowed by law.

3. Use of Property. Except as otherwise set forth herein, those uses of the Property permitted by the applicable zoning for the Property shall be permitted uses for the purposes of this Agreement. In addition, the Property shall be subject to all of the restrictions imposed by the applicable zoning for the Property.

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

5. Operations. Licensee shall maintain and operate the Restaurant in a manner that all seats are available for dining, no area is designated solely for the consumption of alcoholic beverages, and no sales of alcoholic beverages for off-sale consumption shall be allowed, except for partially consumed bottles of wine purchased at the Restaurant and allowed off premises pursuant to Maryland law. Alcoholic beverages will not be sold or served prior to 11:00 a.m. or after 10:00 p.m. Happy hour or like events shall be limited to 3:00

p.m. to 7:00 p.m. Food from a regular menu must be served at all times that the premises are open for business. At all times, at least 80% of the items listed on the regular menu shall be available for customers to order. The proposed menu provided by Licensee is attached as Exhibit A. Licensee shall ensure music levels that allow patron conversation in a normal tone of voice, and prohibit disruptive or rowdy behavior that disturbs the peaceful enjoyment of the facility by Licensee's patrons and other persons visiting the facility.

Cover and door charges will be not charged for entry to the Property. Alcoholic beverages shall be served only to diners sitting at tables, bars or counters inside the restaurant and banquet facilities, and patrons standing waiting for a table. The parties recognize that, during private parties, not all patrons may be seated, but that food will be served. The minimum price for alcoholic beverages, including 16 oz. beers, shall be \$2.00. Licensee may not sell beer in pitchers. Licensee will maintain all dining areas, including tables and chairs, inside the facility. Licensee shall ensure that the interior of the restaurant, including service areas, remains clean and graffiti free. The interior and exterior of the Property shall be rodent free. Licensee shall not allow grease, dirt, trash or graffiti to accumulate on any portion of the exterior of the Property that Licensee controls. Licensee agrees to fully comply with all applicable laws, including without limitation Subtitle 12, "Health", of the Prince George's County Code, and the Code of the City of College Park. Licensee shall not engage in window advertising of the sale of beer, wine, or liquor nor off-premises leafleting of cars or on public right of way promoting the sale of beer, wine or liquor. All off-premises advertising of specials, happy hours or

reduced prices for beer, wine or liquor shall be limited to promotions coupling the sale or service of food with the sale of alcoholic beverages. Licensee shall use an identification scanner system, designed to recognize false identification prior to making alcoholic beverage sales. The scanner shall be used for all persons who appear to be under the age of thirty five (35) years. Licensee will not accept State of Maryland vertical type licenses as proof of age.

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

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

will reimburse the City for all costs of the proceeding including reasonable attorney's fees. Should Licensee prevail in any action brought by the City to enforce a provision of this Agreement, the City shall reimburse Licensee for all costs of the proceeding including reasonable attorney's fees.

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

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

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

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

11. Security. Pursuant to Article 2B, §6-201(r)(19) of the Annotated

Code of Maryland, Licensee is required to obtain a License for special entertainment or to obtain an exemption. Prior to seeking or operating under a License for special entertainment or an exemption, Licensee agrees that it shall first present to the City its plans for entertainment as well as for any required security. For any activities authorized by such a license or exemption, the Licensee shall have and maintain a Security Plan to prevent the Property and any such activities from posing a threat to the peace and safety of the surrounding area. The Security Plan shall, at minimum, comply with the requirements of the Board of License Commissioners. Any required Security Plan for the Licensee is subject to review and revision annually or upon request by Prince George's County Police, the University of Maryland Police or the City of College Park.

a. Licensee shall diligently enforce ID policies through trained and certified managers and employees. Licensee agrees to take all necessary measures to ensure that under age persons do not obtain alcoholic beverages.

b. All personnel involved in the sale of alcohol and all managers shall be trained in a State approved alcohol awareness program before serving alcohol.

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

(i) If to Licensee:

with a copy to:

Linda Carter, Esq.
Myers, Rodbell & Rosenbaum, P.A.
6801 Kenilworth Ave., Ste 400
Riverdale Park, MD 20737

(ii) If to the City:

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

with copy to:

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

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

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

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

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

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

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

WITNESS/ATTEST

PIZZA ZONE OF COLLEGE PARK, LLC

Signature

Name: _____

Title: _____

Adam B. Greenberg, Member,
Authorized Person

WITNESS/ATTEST

CITY OF COLLEGE PARK

Janeen S. Miller, CMC, City Clerk

By: _____
Scott Somers, City Manager

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

By: _____
Suellen M. Ferguson, City Attorney



STATE OF MARYLAND
 RETAIL ALCOHOLIC BEVERAGE
 LICENSE APPLICATION
 BOARD OF LICENSE COMMISSIONERS
 9200 BASIL COURT, SUITE 420
 LARGO, MARYLAND 20774
 301-583-9980
<http://bolc.mypgc.us>



THIS APPLICATION IS FOR:

New License	x	Fee: \$700.00	x
Transfer of License		Fee: \$500.00	
Transfer of Location		Fee: \$500.00	

PAYMENT: Payment must accompany application in the form of a Cashier's Check, Certified Check or Money Order payable to Prince George's County. **CASH WILL NOT BE ACCEPTED.**

TYPE AND CLASS OF LICENSE

CLASS OF LICENSE	A	<input type="checkbox"/>	B	<input checked="" type="checkbox"/>	C	<input type="checkbox"/>	D	<input type="checkbox"/>
TYPE OF LICENSE	BEER	<input type="checkbox"/>	BEER AND WINE	<input type="checkbox"/>	BEER, WINE & LIQUOR	<input checked="" type="checkbox"/>		
	BH	<input type="checkbox"/>	BLX	<input checked="" type="checkbox"/>	OTHER: Sunday Sales			

Application is hereby made by the undersigned under the provisions Sections 1-102, 8-217, 9-101, 9-217, 10-103, 10-202 and 10-503 of Article 2B of the Annotated Code of Maryland, for an alcoholic beverage license. The applicant(s) submit and certifies to the following as required by Article 2B:

INFORMATION REGARDING THE APPLICANT(S)

Name of Licensee	Title of Licensee	Address of Licensee (City, State, Zip)	Telephone Number	Status Verification
Adam B. Greenberg	Managing Member, Authorized Person	8417 Crimson Leaf Court, Potomac, MD 20854	301-767-8944	

BUSINESS NAME AND ADDRESS

Trade Name	Potomac Pizza		
Corporation/LLC	Pizza Zone of College Park, LLC		
Address, City, Zip	7777 Baltimore Avenue, Suite D, College Park, MD 20740		
Telephone Number	TBD	State Department ID #	

OFFICIAL INFORMATION

Attorney	Linda C. Carter, Meyers, Rodbell & Rosenbaum, P.A.	Date Filed	
Address	6801 Kenilworth Avenue, Suite 400, Riverdale, MD 20737	Hearing Date	
Phone Number	301-699-5800	Board Action	

DESCRIPTION OF THE PREMISES

Describe the premises to be covered under the license. If only part of the building is desired as the premises, a definitive description must be given:	sq ft of space located in the Hotel at the University of Maryland		
Size, Type and Construction of Building	Concrete, Steel & Glass	Size and Description of Lot	
Is the building located within one thousand feet (1,000) of a school?	No	If yes, Explain	
Is the building located within five hundred feet (500) of a Place of Worship?	No	If yes, Explain	
Is the premises zoned for sale of alcoholic beverages?	Yes	If yes, Explain	
Is the building complete?	No	If "no" when will be the building be complete?	Spring 2017

MODE OF OPERATION

Describe the Mode of Operation	Full service restaurant with a focus on pizza and Italian food options		
Is the business to be conducted under this license tied in any manner to a franchise agreement, chain store operation or supermarket?	No		
Seating Capacity	100	Is there a bar?	No
Will entertainment be presented to the public?	Yes	If yes, you must file the Request for Special Entertainment Permit or an Exemption to the Special Entertainment Permit.	
Does the licensed premises have a drive in window?	No		
Square footage on sale	3,167	Square footage off sale	0

HOURS OF OPERATION

	Opening Time	Closing Time
Monday	11:00 am	10:00 pm
Tuesday	11:00 am	10:00 pm
Wednesday	11:00 am	10:00 pm
Thursday	11:00 am	10:00 pm
Friday	11:00 am	10:00 pm
Saturday	11:00 am	10:00 pm
Sunday	12:00 pm	10:00 pm

NOTE: A Special Sunday Sales License is required for the sale of alcoholic beverages over 15.5% on Sunday (On Sale Only) for Class B Licenses.

PROVIDE COPY(ies) OF ANY AND ALL AGREEMENTS/CONTRACTS relative to the operation of the business to be conducted under the alcoholic beverage license (inclusive of managerial agreements, sale contract and any agreement, which place the alcoholic beverage license as security, collateral, etc.

APPLICANT(S) OFFICIAL DECLARATION

I/We the applicant(s) and/or stockholder do hereby make oath that the statements made on this application are true and accurate. And further that I/we understand that fraudulent statements made on this application shall be considered perjury.

Signature Adam B. Greenberg

Signature _____

Signature _____

Signature _____

STATE OF MARYLAND, County of Prince Georges Montgomery SS:
I hereby certify that on this 18th day of May, 2016, personally appeared Adam B. Greenberg and made oath of having personal knowledge of the above statement and that they are true and correct.

WITNESS my hand and official seal.

My Commission expires 4/30/20

[Signature]
Notary Public

STATE OF MARYLAND _____ SS:
I hereby certify that on this _____ day of _____, _____, personally appeared _____ and made oath of having personal knowledge of the above statement and that they are true and correct.

WITNESS my hand and official seal.

My Commission expires _____

Notary Public

STOCK OWNERSHIP AFFIDAVIT - For Corporations and Limited Liability Companies

We the officers of the Corporation or Members of a LLC, do hereby make oath that Adam B. Greenberg (Name of Corporation/LLC) is an officer/member of the Corporation/LLC qualified to act as Resident Agent for the purpose of obtaining this license, that they are the owner of 25% of the interest in the business, that the stock/interest has been issued, is recorded in the books and records of the Corporation/LLC and represents a proportionate share of the total equity and assets and net worth of the corporation and that there exists no collateral agreements, promises, restrictions, or commitments, regarding the change of ownership of the stock or future endorsements, assignment, transfer, pledge or change of ownership of aforesaid stock.

LIST ALL OTHER CORPORATE OFFICERS/MEMBERS WHO ARE NOT APPLICANTS

1. _____
Signature of Applicant Adam G. Greenberg
2. _____
Signature of Applicant
3. _____
Signature of Applicant
4. _____
Signature of Applicant

STATE OF MARYLAND _____ SS:
I hereby certify that on this _____ day of _____, _____, personally appeared _____ and made oath of having personal knowledge of the above statement and that they are true and correct.

WITNESS my hand and official seal.

My Commission expires _____

Notary Public

STATE OF MARYLAND _____ SS:
I hereby certify that on this _____ day of _____, _____, personally appeared _____ and made oath of having personal knowledge of the above statement and that they are true and correct.

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Notary Public

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I/We the applicant(s) and/or stockholder do hereby make oath that the statements made on this application are true and accurate. And further that I/we understand that fraudulent statements made on this application shall be considered perjury.

Signature Adam B. Greenberg

Signature _____

Signature _____

Signature _____

STATE OF MARYLAND County of Prince Georges & Montgomery ss:

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My Commission expires 4/30/20

[Signature]
Notary Public

STATE OF MARYLAND _____ ss:

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WITNESS my hand and official seal.

My Commission expires _____

Notary Public _____

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LIST ALL OTHER CORPORATE OFFICERS/MEMBERS WHO ARE NOT APPLICANTS

1. [Signature]
Signature of Applicant Adam G. Greenberg
2. _____
Signature of Applicant
3. _____
Signature of Applicant
4. _____
Signature of Applicant

STATE OF MARYLAND Montgomery County ss:

I hereby certify that on this 20th day of May, 2016, personally appeared Adam B. Greenberg and made oath of having personal knowledge of the above statement and that they are true and correct.

WITNESS my hand and official seal.

My Commission expires 4/30/20

[Signature]
Notary Public

STATE OF MARYLAND _____ ss:

I hereby certify that on this _____ day of _____, personally appeared _____ and made oath of having personal knowledge of the above statement and that they are true and correct.

WITNESS my hand and official seal.

My Commission expires _____

Notary Public _____

TRANSFER OF LOCATION AND/OR ASSIGNMENT OF LICENSE

Transfer of location and/or transfer of assignment from:	N/A
Has the Bulks Sales Permit been applied for from the Comptroller?	N/A

I, We _____ of /a _____ do hereby make oath in due form of law that (I)(We) have fully complied with all provisions of law and all regulations during the time that the Class _____ license has been in effect, and that no indictments or complaints are pending against (me)(us) or any of (my)(our) employees in any court in the United States Federal or any State, or before the Board of License Commissioners, and that (I)(We) do hereby consent to the transfer of said license to _____

Names of Transferee(s)

Transferor(s) _____ Transferor(s) _____
 Transferor(s) _____ Transferor(s) _____

STATE OF MARYLAND _____ SS:
 I hereby certify that on this _____ day of _____, _____ personally appeared _____ and made oath of having personal knowledge of the above statement and that they are true and correct.
 WITNESS my hand and official seal.
 My Commission expires _____

Notary Public

STATE OF MARYLAND _____ SS:
 I hereby certify that on this _____ day of _____, _____ personally appeared _____ and made oath of having personal knowledge of the above statement and that they are true and correct.
 WITNESS my hand and official seal.
 My Commission expires _____

STATEMENT OF THE OWNER OF THE REAL PROPERTY

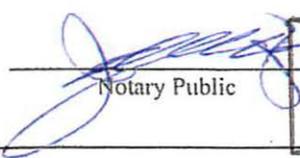
STATEMENT OF OWNER OF THE REAL PROPERTY: As required by Section 10-302 of Article 2B of the Annotated Code of Maryland

I (WE), HERBY CERTIFY, That I am (we are) the owner(s) of the real property known as t/a Potomac Pizza located at 7777 Baltimore Avenue, Suite College Park, MD 20740. I hereby authorize the State Comptroller, its duly authorized deputies, inspectors and clerks, the Board of License Commissioners, it's duly authorized agents and employees and any peace officer of Princee George's County to inspect and search, without warrant, the premises upon which the business is conducted, and any and all parts of the building in which said business it to be conducted at any and all hours.

Owner David Hillman, Pres of Mgr DAVID HILLMAN Phone 703-902-2000
Signature print/name
 Address The Hotel at UMCP, LLC c/o Southern Management Corporation, 1950 Old Gallows Road, Suite 600, Vienna, VA 22185
 Owner _____ Phone _____
Signature print/name
 Address _____

THIS CERTIFIES That on the 16th Day of May, 2016, before the subscriber a Notary Public of the State of Maryland, personally appeared David Hillman and made oath in due form of law that the information herein is true.

My Commission Expires: 12/20/2018


 Notary Public

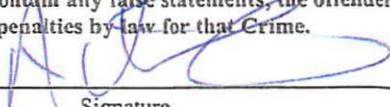
J. Michael McKinley
 NOTARY PUBLIC
 MONTGOMERY COUNTY
 MARYLAND
 MY COMMISSION EXPIRES DECEMBER 20, 2018

**STOCKHOLDER/AUTHORIZED PERSON/MEMBER AFFIDAVIT
(Corporations, Limited Liability Companies)**

APPLICANT/LICENSEE INFORMATION

Name	Adam B. Greenberg		
Address	8417 Crimson Leaf Court	City, State, Zip	Potomac, MD 20854
Period of Residence in the State of Maryland	46 years	Email Address	adam@potomacpizza.com
Home Telephone #	301-767-8944	Office Telephone #	301-983-9700
Cell Telephone #	301-792-2326	Sex	Male
Date of Birth	10/28/1969	Place of Birth	Washington, DC
Citizen of the United States?	Yes	Permanent Resident of the United States?	
Place of Employment	Restaurant Zone, Inc.	Length of Employment	20+ years
Address	P O Box 59160, Potomac, MD 20859		
How many shares of stock have been issued to you?	# 100	% 100	What was the consideration given for each share of stock? \$ 1.00
Have you ever been convicted of a felony?	No	Explain	
Have you been found in violation of the laws or rules governing the sale, use, or control of alcoholic beverages?	No	Explain	
Have you been adjudged guilty of violating the laws for the prevention of gambling?	No	Explain	
Have you ever held a license for the sale of alcoholic beverages and, if so, in what State and at what location?	Yes	Explain in Montgomery County 1995 - present	
If so, was the business ever found in violation of the laws and rules concerning alcoholic beverages?	No	Explain	
State whether you have had a license for the sale of alcoholic beverages denied or revoked?	No	Explain	
Have you ever been employed at an establishment that sold alcoholic beverage? If so, what position(s)?	No	Explain	
If so, was the business ever found in violation of the laws or rules concerning alcoholic beverages?	N/A	Explain	
Are you financially interested in another business that has an alcoholic beverage license? If so, where?	Yes	Explain location in Montgomery County 1995- present	
How much time will you spend on the premises?	10 hours/week	Have you read the Rules and Regulations?	Yes

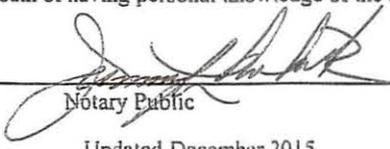
The undersigned applicant, hereby certifies that no manufacturer, brewer, distiller or wholesaler, directly or indirectly, has any financial interest in the premises or business and that I will not hereafter convey or grant any interest, and that I have no indebtedness or other financial obligation, directly or indirectly, to any manufacturer, brewer, distiller or wholesaler other than for the purchase of alcoholic beverages. Section 16-501 of Article 2B of the Annotated Code of Maryland: If any signed statement, report, affidavit, or oath, required under any of the provisions of this Article, shall contain any false statements, the offender shall be deemed guilty of perjury and upon conviction thereof shall be subject to the penalties by law for that crime.



Signature

STATE OF MARYLAND, Montgomery County SS:
I hereby certify that on this 20th day of May 2011 personally appeared Adam B. Greenberg and made oath of having personal knowledge of the above statement and that they are true and correct.

WITNESS my hand and official seal.
My Commission expires: 4/30/20



Notary Public

Updated December 2015

PROPERTY USE AGREEMENT

THIS PROPERTY USE AGREEMENT (the "Agreement") is made as of the _____ day of July, 2016, by and between CPKAP, LLC, t/a Kapnos Taverna, and Michael Isabella, Jr., Member and Authorized Person, (collectively "Licensee"); and the CITY OF COLLEGE PARK, a Maryland municipal corporation (the "City").

WITNESSETH

WHEREAS, UMCPF Property III, LLC, is the owner of the property, and The Hotel at UMCP, LLC is the owner of the hotel on the property located at 7777 Baltimore Avenue, Suite B, College Park, Maryland 20740 (the "Property"); and

WHEREAS, Licensee is a tenant at the Property; and

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

WHEREAS, Licensee has applied to the Board of Liquor License Commissioners of Prince George's County, for the issuance of a Class B(BLX), Beer, Wine and Liquor License ("License") for use at the Property; and

WHEREAS, the Licensee has requested the support of the City for the issuance of the License for use at the Property; and

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

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

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

2. Restrictions. Except with the express written consent of the City, which consent may be withheld in the City's sole and absolute discretion, during the period that Licensee is using or has any interest in the Property, and is using the License, the use of the Property shall be restricted to the operation of Kapnos Taverna ("Restaurant") or another substantially similar casual dining restaurant, which receives not more than fifty percent (50%) of its average daily receipts over any three consecutive monthly periods from the sale of alcoholic beverages, and which complies strictly with the restrictions and requirements of the State of Maryland/Prince George's County Class B License. The calculation of the percentage of alcoholic beverages sold shall include the full cost of any such beverage, and not just the alcohol contained in the beverage. Licensee will provide the City, by January 25 of each year, with summaries of each month's receipts for the sales of alcoholic beverages and food for the preceding calendar year, and, at any time, such information in such form as the City may reasonably require to permit the verification of sales required in this paragraph 2 of this Agreement. Such information need not be prepared by an accountant or auditor, but must be accompanied by a general affidavit signed by the Licensees affirming the accuracy

of the information provided. Licensees may be required by the City to provide information to permit verification of the sales ratios required in this paragraph, including daily register receipts and the identity of, and invoices from, its alcohol and food suppliers. Any such information provided by Licensee that is claimed to be confidential shall be so marked by Licensee and the City will treat such record as confidential as allowed by law.

3. Use of Property. Except as otherwise set forth herein, those uses of the Property permitted by the applicable zoning for the Property shall be permitted uses for the purposes of this Agreement. In addition, the Property shall be subject to all of the restrictions imposed by the applicable zoning for the Property.

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

5. Operations. Licensee shall maintain and operate the Restaurant in a manner that all seats are available for dining, no area is designated solely for the consumption of alcoholic beverages, and no sales of alcoholic beverages for off-sale consumption shall be allowed, except for partially consumed bottles of wine purchased at the Restaurant and allowed off premises pursuant to Maryland law. Alcoholic beverages will not be sold or served prior to 11:00 a.m. or after 11:00 p.m. Happy hour or like events shall be limited to 3:00

p.m. to 7:00 p.m. Food from a regular menu must be served at all times that the premises are open for business. At all times, at least 80% of the items listed on the regular menu shall be available for customers to order. The proposed menu provided by Licensee is attached as Exhibit A. Licensee shall ensure music levels that allow patron conversation in a normal tone of voice, and prohibit disruptive or rowdy behavior that disturbs the peaceful enjoyment of the facility by Licensee's patrons and other persons visiting the facility.

Cover and door charges will be not charged for entry to the Property. Alcoholic beverages shall be served only to diners sitting at tables, bars or counters inside the restaurant and banquet facilities, and patrons standing waiting for a table. The parties recognize that, during private parties, not all patrons may be seated, but that food will be served. The minimum price for alcoholic beverages, including 16 oz. beers, shall be \$2.00. Licensee may not sell beer in pitchers. Licensee will maintain all dining areas, including tables and chairs, inside the facility. Licensee shall ensure that the interior of the restaurant, including service areas, remains clean and graffiti free. The interior and exterior of the Property shall be rodent free. Licensee shall not allow grease, dirt, trash or graffiti to accumulate on any portion of the exterior of the Property that Licensee controls. Licensee agrees to fully comply with all applicable laws, including without limitation Subtitle 12, "Health", of the Prince George's County Code, and the Code of the City of College Park. Licensee shall not engage in window advertising of the sale of beer, wine, or liquor nor off-premises leafleting of cars or on public right of way promoting the sale of beer, wine or liquor. All off-premises advertising of specials, happy hours or

reduced prices for beer, wine or liquor shall be limited to promotions coupling the sale or service of food with the sale of alcoholic beverages. Licensee shall use an identification scanner system, designed to recognize false identification prior to making alcoholic beverage sales. The scanner shall be used for all persons who appear to be under the age of thirty five (35) years. Licensee will not accept State of Maryland vertical type licenses as proof of age.

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

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

will reimburse the City for all costs of the proceeding including reasonable attorney's fees. Should Licensee prevail in any action brought by the City to enforce a provision of this Agreement, the City shall reimburse Licensee for all costs of the proceeding including reasonable attorney's fees.

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

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

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

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

11. Security. Pursuant to Article 2B, §6-201(r)(19) of the Annotated

Code of Maryland, Licensee is required to obtain a License for special entertainment or to obtain an exemption. Prior to seeking or operating under a License for special entertainment or an exemption, Licensee agrees that it shall first present to the City its plans for entertainment as well as for any required security. For any activities authorized by such a license or exemption, the Licensee shall have and maintain a Security Plan to prevent the Property and any such activities from posing a threat to the peace and safety of the surrounding area. The Security Plan shall, at minimum, comply with the requirements of the Board of License Commissioners. Any required Security Plan for the Licensee is subject to review and revision annually or upon request by Prince George's County Police, the University of Maryland Police or the City of College Park.

a. Licensee shall diligently enforce ID policies through trained and certified managers and employees. Licensee agrees to take all necessary measures to ensure that under age persons do not obtain alcoholic beverages.

b. All personnel involved in the sale of alcohol and all managers shall be trained in a State approved alcohol awareness program before serving alcohol.

c. All serving, bar, security and management employees will be 18 years or older.

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

(i) If to Licensee:

with a copy to:

Linda Carter, Esq.
Myers, Rodbell & Rosenbaum, P.A.
6801 Kenilworth Ave., Ste 400
Riverdale Park, MD 20737

(ii)

If to the City:

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

with copy to:

Suellen M. Ferguson, Esquire
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125 West Street, 4th Floor
P.O. Box 2289
Annapolis, MD 21404

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

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

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

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

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

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

WITNESS/ATTEST

CPKAP, LLC

Signature

Name: _____

Title: _____

Michael Isabella, Jr., Member,
Authorized Person

WITNESS/ATTEST

CITY OF COLLEGE PARK

Janeen S. Miller, CMC, City Clerk

By: _____

Scott Somers, City Manager

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

By: _____

Suellen M. Ferguson, City Attorney



STATE OF MARYLAND
 RETAIL ALCOHOLIC BEVERAGE
 LICENSE APPLICATION
 BOARD OF LICENSE COMMISSIONERS
 9200 BASIL COURT, SUITE 420
 LARGO, MARYLAND 20774
 301-583-9980
<http://bolc.mypgc.us>



THIS APPLICATION IS FOR:

New License	x	Fee: \$700.00	x
Transfer of License		Fee: \$500.00	
Transfer of Location		Fee: \$500.00	

PAYMENT: Payment must accompany application in the form of a Cashier's Check, Certified Check or Money Order payable to Prince George's County. **CASH WILL NOT BE ACCEPTED.**

TYPE AND CLASS OF LICENSE

CLASS OF LICENSE	A	<input type="checkbox"/>	B	<input checked="" type="checkbox"/>	C	<input type="checkbox"/>	D	<input type="checkbox"/>
TYPE OF LICENSE	BEER	<input type="checkbox"/>	BEER AND WINE	<input type="checkbox"/>	BEER, WINE & LIQUOR	<input checked="" type="checkbox"/>		
	BH	<input type="checkbox"/>	BLX	<input checked="" type="checkbox"/>	OTHER: Sunday Sales			

Application is hereby made by the undersigned under the provisions Sections 1-102, 8-217, 9-101, 9-217, 10-103, 10-202 and 10-503 of Article 2B of the Annotated Code of Maryland, for an alcoholic beverage license. The applicant(s) submit and certifies to the following as required by Article 2B:

INFORMATION REGARDING THE APPLICANT(S)

Name of Licensee	Title of Licensee	Address of Licensee (City, State, Zip)	Telephone Number	Status Verification
Michael Isabella, Jr.	Managing Member, Authorized person	401 Massachusetts Avenue, NW, Apt 705, , Washington, DC 20001	267-250-1234	

BUSINESS NAME AND ADDRESS

Trade Name	Kapnos Taverna		
Corporation/LLC	CPKAP, LLC		
Address, City, Zip	7777 Baltimore Avenue, Suite B, College Park, MD 20740		
Telephone Number	TBD	State Department ID #	

OFFICIAL INFORMATION

Attorney	Linda C. Carter, Meyers, Rodbell & Rosenbaum, P.A.	Date Filed	
Address	6801 Kenilworth Avenue, Suite 400, Riverdale, MD 20737	Hearing Date	
Phone Number	301-699-5800	Board Action	

DESCRIPTION OF THE PREMISES

Describe the premises to be covered under the license. If only part of the building is desired as the premises, a definitive description must be given:	4,495 sq ft of space located in The Hotel at The University of Maryland		
Size, Type and Construction of Building	Concrete, brick & glass	Size and Description of Lot	
Is the building located within one thousand feet (1,000) of a school?	No	If yes, Explain	
Is the building located within five hundred feet (500) of a Place of Worship?	No	If yes, Explain	
Is the premises zoned for sale of alcoholic beverages?	Yes	If yes, Explain	
Is the building complete?	No	If "no" when will be the building be complete?	Spring 2017

MODE OF OPERATION

Describe the Mode of Operation	Full service restaurant with Greek inspired foods		
Is the business to be conducted under this license tied in any manner to a franchise agreement, chain store operation or supermarket?	No		
Seating Capacity	125	Is there a bar?	Yes 50 seats
Will entertainment be presented to the public?	No	If yes, you must file the Request for Special Entertainment Permit or an Exemption to the Special Entertainment Permit.	
Does the licensed premises have a drive in window?	No		
Square footage on sale	4,495	Square footage off sale	0

HOURS OF OPERATION

	Opening Time	Closing Time
Monday	11:00 am	11:00 pm
Tuesday	11:00 am	11:00 pm
Wednesday	11:00 am	11:00 pm
Thursday	11:00 am	11:00 pm
Friday	11:00 am	11:00 pm
Saturday	11:00 am	11:00 pm
Sunday	11:00 am	11:00 pm

NOTE: A Special Sunday Sales License is required for the sale of alcoholic beverages over 15.5% on Sunday (On Sale Only) for Class B Licenses.

PROVIDE COPY(ies) OF ANY AND ALL AGREEMENTS/CONTRACTS relative to the operation of the business to be conducted under the alcoholic beverage license (inclusive of managerial agreements, sale contract and any agreement, which place the alcoholic beverage license as security, collateral, etc.

APPLICANT(S) OFFICIAL DECLARATION

I/We the applicant(s) and/or stockholder do hereby make oath that the statements made on this application are true and accurate. And further that I/we understand that fraudulent statements made on this application shall be considered perjury.

Signature Michael Isabella, Jr.

Signature

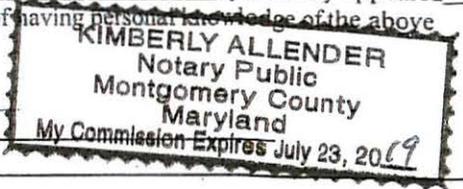
STATE OF MARYLAND Montgomery County SS:

I hereby certify that on this 20 day of May Michael Isabella Jr and made oath of having personal knowledge of the above statement and that they are true and correct.

WITNESS my hand and official seal.

My Commission expires 7/23/19

Notary Public



STATE OF MARYLAND SS:

I hereby certify that on this day of personally appeared statement and that they are true and correct.

WITNESS my hand and official seal.

My Commission expires

Notary Public

STOCK OWNERSHIP AFFIDAVIT - For Corporations and Limited Liability Companies

We the officers of the Corporation or Members of a LLC, do hereby make oath that N/A (Name of Corporation/LLC) is an officer/member of the Corporation/LLC qualified to act as Resident Agent for the purpose of obtaining this license, that they are the owner of 25% of the interest in the business, that the stock/interest has been issued, is recorded in the books and records of the Corporation/LLC and represents a proportionate share of the total equity and assets and net worth of the corporation and that there exists no collateral agreements, promises, restrictions, or commitments, regarding the change of ownership of the stock or future endorsements, assignment, transfer, pledge or change of ownership of aforesaid stock.

LIST ALL OTHER CORPORATE OFFICERS/MEMBERS WHO ARE NOT APPLICANTS

- 1. Signature of Applicant Michael Isabella, Jr.
2. Signature of Applicant
3. Signature of Applicant
4. Signature of Applicant

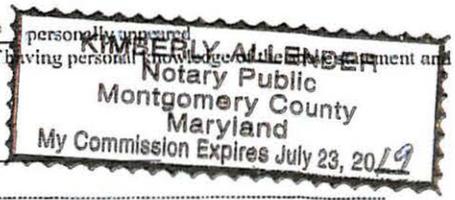
STATE OF MARYLAND Montgomery County SS:

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WITNESS my hand and official seal.

My Commission expires 7/23/19

Notary Public



STATE OF MARYLAND SS:

I hereby certify that on this day of personally appeared they are true and correct.

WITNESS my hand and official seal.

My Commission expires

Notary Public

TRANSFER OF LOCATION AND/OR ASSIGNMENT OF LICENSE

Transfer of location and/or transfer of assignment from:	N/A
Has the Bulks Sales Permit been applied for from the Comptroller?	N/A

I, We _____ of t/a _____ do hereby make oath in due form of law that I(We) have fully complied with all provisions of law and all regulations during the time that the Class _____ license has been in effect, and that no indictments or complaints are pending against me(us) or any of (my)(our) employees in any court in the United States Federal or any State, or before the Board of License Commissioners, and that I(We) do hereby consent to the transfer of said license to _____

Names of Transferee(s)

Transferor(s)

Transferor(s)

Transferor(s)

Transferor(s)

STATE OF MARYLAND _____ SS:
I hereby certify that on this _____ day of _____, personally appeared _____ and made oath of having personal knowledge of the above statement and that they are true and correct.

WITNESS my hand and official seal.

My Commission expires _____

Notary Public

STATE OF MARYLAND _____ SS:
I hereby certify that on this _____ day of _____, personally appeared _____ and made oath of having personal knowledge of the above statement and that they are true and correct.

WITNESS my hand and official seal.

My Commission expires _____

STATEMENT OF THE OWNER OF THE REAL PROPERTY

STATEMENT OF OWNER OF THE REAL PROPERTY: As required by Section 10-302 of Article 2B of the Annotated Code of Maryland

I (WE), HERBY CERTIFY, That I am (we are) the owner(s) of the real property known as t/a Kapnos Taverna located at 7777 Baltimore Avenue, Suite College Park, MD 20740. I hereby authorize the State Comptroller, its duly authorized deputies, inspectors and clerks, the Board of License Commissioners, it's duly authorized agents and employees and any peace officer of Prince George's County to inspect and search, without warrant, the premises upon which the business is conducted, and any and all parts of the building in which said business it to be conducted at any and all hours.

Owner David Hillman David Hillman Phone 703-902-2500
Signature print name

Address The Hotel at UMCP, LLC c/o Southern Management Corporation, 1950 Old Gallows Road, Suite 600, Vienna, VA 22185

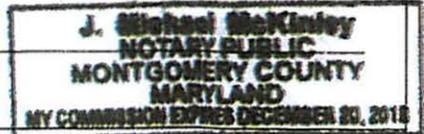
Owner _____ Phone _____
Signature print name

Address _____

THIS CERTIFIES, That on the 16th Day of May 2016, before the subscriber a Notary Public of the State of Maryland, personally appeared David H. Hillman and made oath in due form of law that the information herein is true.

My Commission Expires: 11/20/2018

Notary Public



**STOCKHOLDER/AUTHORIZED PERSON/MEMBER AFFIDAVIT
(Corporations, Limited Liability Companies)**

APPLICANT/LICENSEE INFORMATION

Name	Michael Isabella, Jr.			
Address	401 Massachusetts Avenue NW, Apt 705	City, State, Zip	Washington, DC 2001	
Period of Residence in the State of Maryland	N/A	Email Address		
Home Telephone #	267-250-1234	Office Telephone #		
Cell Telephone #	267-250-1234	Sex	Male	
Date of Birth	11/28/1974	Place of Birth	Manhattan, NY	
Citizen of the United States?	Yes	Permanent Resident of the United States?		
Place of Employment	Mike Isabella Concepts	Length of Employment	6 years	
Address	12154 Darnestown Road, Suite 621, Gaithersburg, MD 20878			
How many shares of stock have been issued to you?	#	%	What was the consideration given for each share of stock?	\$
	100	100		1.00
Have you ever been convicted of a felony?	No		Explain	
Have you been found in violation of the laws or rules governing the sale use, or control of alcoholic beverages?	No		Explain	
Have you been adjudged guilty of violating the laws for the prevention of gambling?	No		Explain	
Have you ever held a license for the sale of alcoholic beverages and, if so, in what State and at what location?	yes		Explain See Attached	
If so, was the business ever found in violation of the laws and rules concerning alcoholic beverages?	No		Explain	
State whether you have had a license for the sale of alcoholic beverages denied or revoked?	No		Explain	
Have you ever been employed at an establishment that sold alcoholic beverage? If so, what position(s)?	No		Explain	
If so, was the business ever found in violation of the laws or rules concerning alcoholic beverages?	N/A		Explain	
Are you financially interested in another business that has an alcoholic beverage license? If so, where?	Yes		Explain See Attached	
How much time will you spend on the premises?	20 hours/ week		Have you read the Rules and Regulations?	Yes

The undersigned applicant, hereby certifies that no manufacturer, brewer, distiller or wholesaler, directly or indirectly, has any financial interest in the premises or business and that I will not hereafter convey or grant any interest, and that I have no indebtedness or other financial obligation, directly or indirectly, to any manufacturer, brewer, distiller or wholesaler other than for the purchase of alcoholic beverages. **Section 16-501 of Article 2B of the Annotated Code of Maryland: If any signed statement, report, affidavit, or oath, required under any of the provisions of this Article, shall contain any false statements, the offender shall be deemed guilty of perjury and upon conviction thereof shall be subject to the penalties by law for that Crime.**


 Signature Michael Isabela, Jr.

STATE OF MARYLAND, Montgomery County SS:

I hereby certify that on this 20 day of May, 2016, Michael Isabella Jr personally appeared and made oath of having personal knowledge of the above statement and that they are true and correct.

WITNESS my hand and official seal.
 My Commission expires: 7/23/19


 Notary Public

KIMBERLY ALLENDEE
 Notary Public
 Montgomery County
 Maryland
 My Commission Expires July 23, 2019

Alcoholic Beverage Licenses held by Michael Isabella, Jr.

**Graffiato
707 6th Street, NW
Washington, DC 20001
Since 2011**

**Kapnos
1315 W Street NW
Washington, DC 20009
Since 2013**

**Pepita
4000 Wilson Blvd
Suite D
Arlington, VA 22203
Since 2015**

**Kapnos Kouzina
8296 Glass Aly
Suite 110
Fairfax, VA 22031
Since 2015**

**Kapnos Kouzina
4900 Hampden Lane
Bethesda, MD 20814
Application approved on 12/2015 – pending issuance on completion of final construction**

PROPERTY USE AGREEMENT

THIS PROPERTY USE AGREEMENT (the "Agreement") is made as of the _____ day of July, 2016, by and between Old Maryland Grill, LLC, t/a Old Maryland Grill, and Michael Franklin, Member and Authorized Person, (collectively "Licensee"); and the CITY OF COLLEGE PARK, a Maryland municipal corporation (the "City").

WITNESSETH

WHEREAS, UMCPF Property III, LLC, is the owner of the property, and The Hotel at UMCP, LLC is the owner of the hotel on the property, located at 7777 Baltimore Avenue, Suite C, College Park, Maryland 20740 (the "Property"); and

WHEREAS, Licensee is a tenant at the Property; and

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

WHEREAS, Licensee has applied to the Board of Liquor License Commissioners of Prince George's County, for the issuance of a Class B(BLX), Beer, Wine and Liquor License ("License") for use at the Property; and

WHEREAS, the Licensee has requested the support of the City for the issuance of the License for use at the Property; and

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

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

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

2. Restrictions. Except with the express written consent of the City, which consent may be withheld in the City's sole and absolute discretion, during the period that Licensee is using or has any interest in the Property, and is using the License, the use of the Property shall be restricted to the operation of Old Maryland Grill ("Restaurant") or another substantially similar casual dining restaurant, which receives not more than fifty percent (50%) of its average daily receipts over any three consecutive monthly periods from the sale of alcoholic beverages, and which complies strictly with the restrictions and requirements of the State of Maryland/Prince George's County Class B (BLX) License. The calculation of the percentage of alcoholic beverages sold shall include the full cost of any such beverage, and not just the alcohol contained in the beverage. Licensee will provide the City, by January 25 of each year, with summaries of each month's receipts for the sales of alcoholic beverages and food for the preceding calendar year, and, at any time, such information in such form as the City may reasonably require to permit the verification of sales required in this paragraph 2 of this Agreement. Such information need not be prepared by an accountant or auditor, but must be accompanied by a general affidavit signed by the Licensees

affirming the accuracy of the information provided. Licensees may be required by the City to provide information to permit verification of the sales ratios required in this paragraph, including daily register receipts and the identity of, and invoices from, its alcohol and food suppliers. Any such information provided by Licensee that is claimed to be confidential shall be so marked by Licensee and the City will treat such record as confidential as allowed by law.

3. Use of Property. Except as otherwise set forth herein, those uses of the Property permitted by the applicable zoning for the Property shall be permitted uses for the purposes of this Agreement. In addition, the Property shall be subject to all of the restrictions imposed by the applicable zoning for the Property.

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

5. Operations. Licensee shall maintain and operate the Restaurant in a manner that all seats are available for dining, no area is designated solely for the consumption of alcoholic beverages, and no sales of alcoholic beverages for off-sale consumption shall be allowed, except for partially consumed bottles of wine purchased at the Restaurant and allowed off premises pursuant to Maryland law. Alcoholic beverages will not be sold or served prior to 6:30 a.m. or after 12:00 a.m. Happy hour or like events shall be limited to 3:00 p.m.

to 7:00 p.m. Food from a regular menu must be served at all times that the premises are open for business. At all times, at least 80% of the items listed on the regular menu shall be available for customers to order. The proposed menu provided by Licensee is attached as Exhibit A. Licensee shall ensure music levels that allow patron conversation in a normal tone of voice, and prohibit disruptive or rowdy behavior that disturbs the peaceful enjoyment of the facility by Licensee's patrons and other persons visiting the facility. Background music is allowed on the patio. In the event that complaints as to the sound level on the patio are received by the City, the parties agree to review this condition, with further limitation of music on the outside patio, if justified, not to be unreasonably refused by Licensee.

Cover and door charges will be not charged for entry to the Property. Alcoholic beverages shall be served only to diners sitting at tables, bars or counters inside the restaurant or on the outdoor patio, and patrons standing waiting for a table. The parties recognize that, during private parties, not all patrons may be seated, but that food will be served. The minimum price for alcoholic beverages, including 16 oz. beers, shall be \$2.00. Licensee may not sell beer in pitchers. Licensee will maintain all dining areas, including tables and chairs, inside the facility or on the outside patio area. Licensee shall ensure that the interior of the restaurant, including service areas, remains clean and graffiti free. The interior and exterior of the Property shall be rodent free. Licensee shall not allow grease, dirt, trash or graffiti to accumulate on any portion of the exterior of the Property that Licensee controls. Licensee agrees to fully comply with all applicable laws, including without

limitation Subtitle 12, "Health", of the Prince George's County Code, and the Code of the City of College Park. Licensee shall not engage in window advertising of the sale of beer, wine, or liquor nor off-premises leafleting of cars or on public right of way promoting the sale of beer, wine or liquor. All off-premises advertising of specials, happy hours or reduced prices for beer, wine or liquor shall be limited to promotions coupling the sale or service of food with the sale of alcoholic beverages. Licensee shall use an identification scanner system, designed to recognize false identification prior to making alcoholic beverage sales. The scanner shall be used for all persons who appear to be under the age of thirty five (35) years. Licensee will not accept State of Maryland vertical type licenses as proof of age.

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

6. Enforcement. The City shall have the right to enforce, by any proceeding at law or in equity, including injunction, all restrictions, terms, conditions, covenants and agreements imposed upon the Property and/or Licensee pursuant to the provisions of this Agreement. The parties agree that if Licensee should breach the terms of the Agreement, the City would not have an adequate remedy at law and would be entitled to bring an action in equity for specific performance of the terms of this Agreement. In the event of a violation of

paragraph 2 of this Agreement, Licensee shall have sixty (60) days from the date of notification of the violation to adjust operations and achieve compliance, as measured during the sixty (60) day period, with the requirements of paragraph 2 of this Agreement. In the event the City is required to enforce this Agreement and Licensee is determined to have violated any provision of this Agreement, Licensee will reimburse the City for all costs of the proceeding including reasonable attorney's fees. Should Licensee prevail in any action brought by the City to enforce a provision of this Agreement, the City shall reimburse Licensee for all costs of the proceeding including reasonable attorney's fees.

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

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

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

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

11. Security. Pursuant to Article 2B, §6-201(r)(19) of the Annotated Code of Maryland, Licensee is required to obtain a License for special entertainment or to obtain an exemption. Prior to seeking or operating under a License for special entertainment or an exemption, Licensee agrees that it shall first present to the City its plans for entertainment as well as for any required security. For any activities authorized by such a license or exemption, the Licensee shall have and maintain a Security Plan to prevent the Property and any such activities from posing a threat to the peace and safety of the surrounding area. The Security Plan shall, at minimum, comply with the requirements of the Board of License Commissioners. Any required Security Plan for the Licensee is subject to review and revision annually or upon request by Prince George's County Police, the University of Maryland Police or the City of College Park.

a. Licensee shall diligently enforce ID policies through trained and certified managers and employees. Licensee agrees to take all necessary measures to ensure that under age persons do not obtain alcoholic beverages.

b. All personnel involved in the sale of alcohol and all managers shall be trained in a State approved alcohol awareness program before serving alcohol.

c. All serving, bar, security and management employees will be 18 years or older.

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

(i) If to Licensee:

with a copy to:

Linda Carter, Esq.
Myers, Rodbell & Rosenbaum, P.A.
6801 Kenilworth Ave., Ste 400
Riverdale Park, MD 20737

(ii) If to the City:

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

with copy to:

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

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

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

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

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

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

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

WITNESS/ATTEST

OLD MARYLAND GRILL

Signature

Name: _____

Title: _____

Michael Franklin, Member,
Authorized Person

WITNESS/ATTEST

CITY OF COLLEGE PARK

Janeen S. Miller, CMC, City Clerk

By: _____
Scott Somers, City Manager

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

By: _____
Suellen M. Ferguson, City Attorney



**STATE OF MARYLAND
RETAIL ALCOHOLIC BEVERAGE
LICENSE APPLICATION
BOARD OF LICENSE COMMISSIONERS
9200 BASIL COURT, SUITE 420
LARGO, MARYLAND 20774
301-583-9980
<http://bolc.mypgc.us>**



THIS APPLICATION IS FOR:

New License	x	Fee: \$700.00	x
Transfer of License		Fee: \$500.00	
Transfer of Location		Fee: \$500.00	

PAYMENT: Payment must accompany application in the form of a Cashier's Check, Certified Check or Money Order payable to Prince George's County. **CASH WILL NOT BE ACCEPTED.**

TYPE AND CLASS OF LICENSE

CLASS OF LICENSE	A	<input type="checkbox"/>	B	<input checked="" type="checkbox"/>	C	<input type="checkbox"/>	D	<input type="checkbox"/>
TYPE OF LICENSE	BEER	<input type="checkbox"/>	BEER AND WINE	<input type="checkbox"/>	BEER, WINE & LIQUOR	<input checked="" type="checkbox"/>		
	BH	<input type="checkbox"/>	BLX	<input checked="" type="checkbox"/>	OTHER:	Sunday Sales		

Application is hereby made by the undersigned under the provisions Sections 1-102, 8-217, 9-101, 9-217, 10-103, 10-202 and 10-503 of Article 2B of the Annotated Code of Maryland, for an alcoholic beverage license. The applicant(s) submit and certifies to the following as required by Article 2B:

INFORMATION REGARDING THE APPLICANT(S)

Name of Licensee	Title of Licensee	Address of Licensee (City, State, Zip)	Telephone Number	Status Verification
Michael Franklin	Managing Member/ Authorized Person	4107 Gallatin Street, Hyattsville, MD 20781	301-927-6947	

BUSINESS NAME AND ADDRESS

Trade Name	Old Maryland Grill		
Corporation/LLC	Old Maryland Grill, LLC		
Address, City, Zip	7777 Baltimore Avenue, Suite C, College Park, MD 20740		
Telephone Number	TBD	State Department ID #	

OFFICIAL INFORMATION

Attorney	Linda C. Carter, Meyers, Rodbell & Rosenbaum, P.A.	Date Filed	
Address	6801 Kenilworth Avenue, Suite 400, Riverdale, MD 20737	Hearing Date	
Phone Number	301-699-5800	Board Action	

DESCRIPTION OF THE PREMISES

Describe the premises to be covered under the license. If only part of the building is desired as the premises, a definitive description must be given:	10,0337 total sq ft of space (includes 1,335 storage space in the basement)located in The Hotel at the University of Maryland		
Size, Type and Construction of Building	Concrete, brick & glass	Size and Description of Lot	
Is the building located within one thousand feet (1,000) of a school?	No	If yes, Explain	
Is the building located within five hundred feet (500) of a Place of Worship?	No	If yes, Explain	
Is the premises zoned for sale of alcoholic beverages?	Yes	If yes, Explain	
Is the building complete?	No	If "no" when will be the building be complete?	Spring 2017

MODE OF OPERATION

Describe the Mode of Operation	Full service restaurant with bar and in house bakery		
Is the business to be conducted under this license tied in any manner to a franchise agreement, chain store operation or supermarket?	No		
Seating Capacity	274 including outside seating	Is there a bar?	Yes 42 total
Will entertainment be presented to the public?	No	If yes, you must file the Request for Special Entertainment Permit or an Exemption to the Special Entertainment Permit.	
Does the licensed premises have a drive in window?	No		
Square footage on sale	9,056	Square footage off sale	0

HOURS OF OPERATION

	Opening Time	Closing Time
Monday	6:30 am	12:00 am
Tuesday	6:30 am	12:00 am
Wednesday	6:30 am	12:00 am
Thursday	6:30 am	12:00 am
Friday	6:30 am	12:00 am
Saturday	6:30 am	12:00 am
Sunday	6:30 am	12:00 am

NOTE: A Special Sunday Sales License is required for the sale of alcoholic beverages over 15.5% on Sunday (On Sale Only) for Class B Licenses.

PROVIDE COPY(ies) OF ANY AND ALL AGREEMENTS/CONTRACTS relative to the operation of the business to be conducted under the alcoholic beverage license (inclusive of managerial agreements, sale contract and any agreement, which place the alcoholic beverage license as security, collateral, etc.

APPLICANT(S) OFFICIAL DECLARATION

I/We the applicant(s) and/or stockholder do hereby make oath that the statements made on this application are true and accurate. And further that I/we understand that fraudulent statements made on this application shall be considered perjury.

Michael Franklin

Signature Michael Franklin

Signature

Signature

Signature

STATE OF MARYLAND

Prince George's County SS:

I hereby certify that on this 13 day of May 2016, personally appeared Michael Franklin and made oath of having personal knowledge of the above statement and that they are true and correct.

WITNESS my hand and official seal.

My Commission expires _____

Notary Public

STATE OF MARYLAND

SS:

I hereby certify that on this _____ day of _____, personally appeared _____ and made oath of having personal knowledge of the above statement and that they are true and correct.

WITNESS my hand and official seal.

My Commission expires _____

Notary Public

STOCK OWNERSHIP AFFIDAVIT - For Corporations and Limited Liability Companies

We the officers of the Corporation or Members of a LLC, do hereby make oath that Michael Franklin (Name of Corporation/LLC) is an officer/member of the Corporation/LLC qualified to act as Resident Agent for the purpose of obtaining this license, that they are the owner of 25% of the interest in the business, that the stock/interest has been issued, is recorded in the books and records of the Corporation/LLC and represents a proportionate share of the total equity and assets and net worth of the corporation and that there exists no collateral agreements, promises, restrictions, or commitments, regarding the change of ownership of the stock or future endorsements, assignment, transfer, pledge or change of ownership of aforesaid stock.

LIST ALL OTHER CORPORATE OFFICERS/MEMBERS WHO ARE NOT APPLICANTS

Debra Franklin

- Michael Franklin*
Signature of Applicant Michael Franklin
- _____
Signature of Applicant
- _____
Signature of Applicant
- _____
Signature of Applicant

STATE OF MARYLAND

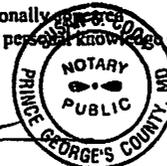
Prince George's County SS:

I hereby certify that on this 13 day of May 2016, personally appeared Michael Franklin and made oath of having personal knowledge of the above statement and that they are true and correct.

WITNESS my hand and official seal.

My Commission expires 9/20/2017

Susan S Cook
Notary Public



Susan S. Cook
NOTARY PUBLIC
Prince George's County
State of Maryland
My Commission Expires
September 20, 2017

STATE OF MARYLAND

SS:

I hereby certify that on this _____ day of _____, personally appeared _____ and made oath of having personal knowledge of the above statement and that they are true and correct.

WITNESS my hand and official seal.

My Commission expires _____

Notary Public

TRANSFER OF LOCATION AND/OR ASSIGNMENT OF LICENSE

Transfer of location and/or transfer of assignment from:	N/A
Has the Bulks Sales Permit been applied for from the Comptroller?	N/A

I, We _____ of Va _____ do hereby make oath in due form of law that I(We) have fully complied with all provisions of law and all regulations during the time that the Class _____ license has been in effect, and that no indictments or complaints are pending against (me)(us) or any of (my)(our) employees in any court in the United States Federal or any State, or before the Board of License Commissioners, and that I(We) do hereby consent to the transfer of said license to _____

Names of Transferee(s)

Transferor(s)

Transferor(s)

Transferor(s)

Transferor(s)

STATE OF MARYLAND _____ SS:
I hereby certify that on this _____ day of _____, personally appeared _____ and made oath of having personal knowledge of the above statement and that they are true and correct.
WITNESS my hand and official seal.
My Commission expires _____
Notary Public

STATE OF MARYLAND _____ SS:
I hereby certify that on this _____ day of _____, personally appeared _____ and made oath of having personal knowledge of the above statement and that they are true and correct.
WITNESS my hand and official seal.
My Commission expires _____

STATEMENT OF THE OWNER OF THE REAL PROPERTY

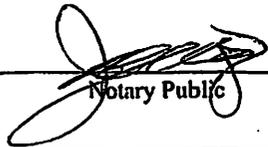
STATEMENT OF OWNER OF THE REAL PROPERTY: As required by Section 10-302 of Article 2B of the Annotated Code of Maryland

I (WE), HERBY CERTIFY, That I am (we are) the owner(s) of the real property known as t/a Old Maryland Grill located at 7777 Baltimore Avenue, Suite _____ College Park, MD 20740. I hereby authorize the State Comptroller, its duly authorized deputies, inspectors and clerks, the Board of License Commissioners, it's duly authorized agents and employees and any peace officer of Prince George's County to inspect and search, without warrant, the premises upon which the business is conducted, and any and all parts of the building in which said business it to be conducted at any and all hours.

Owner David Hillman, Pres/Owner DAVID HILLMAN Phone 703-902-2000
Signature _____ print/name _____
Address The Hotel at UMCP, LLC c/o Southern Management Corporation, LLC, 1950 Old Gallows Road, Suite 600, Vienna, VA 22185
Owner _____ Phone _____
Signature _____ print/name _____
Address _____

THIS CERTIFIES, That on the 16th Day of May, 2016, before the subscriber a Notary Public of the State of Maryland, personally appeared David N. Hillman and made oath in due form of law that the information herein is true.

My Commission Expires: 12/20/2018


Notary Public

J. Michael McKinley
NOTARY PUBLIC
MONTGOMERY COUNTY
MARYLAND
MY COMMISSION EXPIRES DECEMBER 30, 2018

**STOCKHOLDER/AUTHORIZED PERSON/MEMBER AFFIDAVIT
(Corporations, Limited Liability Companies)**

APPLICANT/LICENSEE INFORMATION

Name	Michael Franklin		
Address	4107 Gallatin Street	City, State, Zip	Hyattsville Md 20781
Period of Residence in the State of Maryland	41 years	Email Address	bymortoyz@hotmail.com
Home Telephone #	301-927-6947	Office Telephone #	301-927-2740
Cell Telephone #	301-221-4787	Sex	Male
Date of Birth	1/24/57	Place of Birth	Cleveland Ohio
Citizen of the United States?	Yes	Permanent Resident of the United States?	
Place of Employment	Franklins	Length of Employment	24 years
Address	5121 Baltimore Ave Hyattsville Md 20781		
How many shares of stock have been issued to you?	# 100	% 100	What was the consideration given for each share of stock? \$ 1.00
Have you ever been convicted of a felony?	No	Explain	
Have you been found in violation of the laws or rules governing the sale use, or control of alcoholic beverages?	No	Explain	
Have you been adjudged guilty of violating the laws for the prevention of gambling?	No	Explain	
Have you ever held a license for the sale of alcoholic beverages and, if so, in what State and at what location?	Yes	Explain Current license on t/a Franklins in Hyattsville	
If so, was the business ever found in violation of the laws and rules concerning alcoholic beverages?	No	Explain	
State whether you have had a license for the sale of alcoholic beverages denied or revoked?	No	Explain	
Have you ever been employed at an establishment that sold alcoholic beverage? If so, what position(s)?	Yes	Explain Franklins in Hyattsville	
If so, was the business ever found in violation of the laws or rules concerning alcoholic beverages?	No	Explain	
Are you financially interested in another business that has an alcoholic beverage license? If so, where?	Yes	Explain Franklin's in Hyattsville	
How much time will you spend on the premises?	30+ hrs week	Have you read the Rules and Regulations?	yes

The undersigned applicant, hereby certifies that no manufacturer, brewer, distiller or wholesaler, directly or indirectly, has any financial interest in the premises or business and that I will not hereafter convey or grant any interest, and that I have no indebtedness or other financial obligation, directly or indirectly, to any manufacturer, brewer, distiller or wholesaler other than for the purchase of alcoholic beverages. Section 16-501 of Article 2B of the Annotated Code of Maryland: If any signed statement, report, affidavit, or oath, required under any of the provisions of this Article, shall contain any false statements, the offender shall be deemed guilty of perjury and upon conviction thereof shall be subject to the penalties by law for that Crime.

Michael Franklin

Signature Michael Franklin

STATE OF MARYLAND, Prince George's County

I hereby certify that on this 13 day of May 2016 personally appeared Michael Franklin and made oath of having personal knowledge of the above statement and that they are true and correct.

WITNESS my hand and official seal.
My Commission expires: 9/20/2017

Susan S. Cook

Notary Public



Susan S. Cook
NOTARY PUBLIC
Prince George's County
State of Maryland
My Commission Expires
September 20, 2017

Updated December 2015

16-G-70

Award of Contract:
Duvall Field
Concession Building
and Plaza



**CITY OF COLLEGE PARK, MARYLAND
REGULAR COUNCIL MEETING AGENDA ITEM**

AGENDA ITEM NUMBER 16-G-70

Prepared By: Terry Schum, Planning Director

Meeting Date: July 12, 2016

Presented By: Terry Schum

Consent Agenda: No

Originating Department: Department of Planning, Community and Economic Development

Action Requested: Award of Contract for Concession Building and Recreation Plaza at Duvall Field

Strategic Plan Goal: Goal 4: Quality Infrastructure

Background/Justification: The City requested and received sealed bids for the Duvall Field Concession Building and Recreation Plaza. Two bids were received and opened on May 16, 2016 as follows:

1. Mid-Atlantic General Contractors, Inc. \$1,198,950
2. William F. Klingensmith, Inc. \$1,363,283

Staff and our consulting engineer, CPJ Associates, analyzed the bids, checked credentials and references and found no reason not to recommend the award of contract to the low bidder, Mid-Atlantic General Contractors, Inc. The final contract amount will be \$1,105,000 to reflect the bid alternates and deducts selected.

The work to be performed includes the following: demolition and removal of the existing building, plaza and walkways; installation of a pre-designed and packaged concession/restroom building supplied by Romtec; extension and connection of associated site utilities; installation of electrical, mechanical and plumbing service; construction of a new hardscaped recreation plaza and seat wall; general site improvements, lighting and landscaping; storm drainage, stormwater management and bio-retention facilities. All permits have been obtained and construction could start on or around August 1, 2016. CPJ Associates will perform construction observation and administration on behalf of the City.

Fiscal Impact:

The project is fully funded in Capital Improvement Program project # 53007 using \$828,750 from Program Open Space, \$275,000 from a Developer Contribution and \$1,250 from General Funds.

Council Options:

1. Award the contract to Mid-Atlantic General Contractors, Inc.
2. Award the contract to William F. Kingensmith, Inc.
3. Re-bid the project.
4. Cancel the project.

Staff Recommendation:

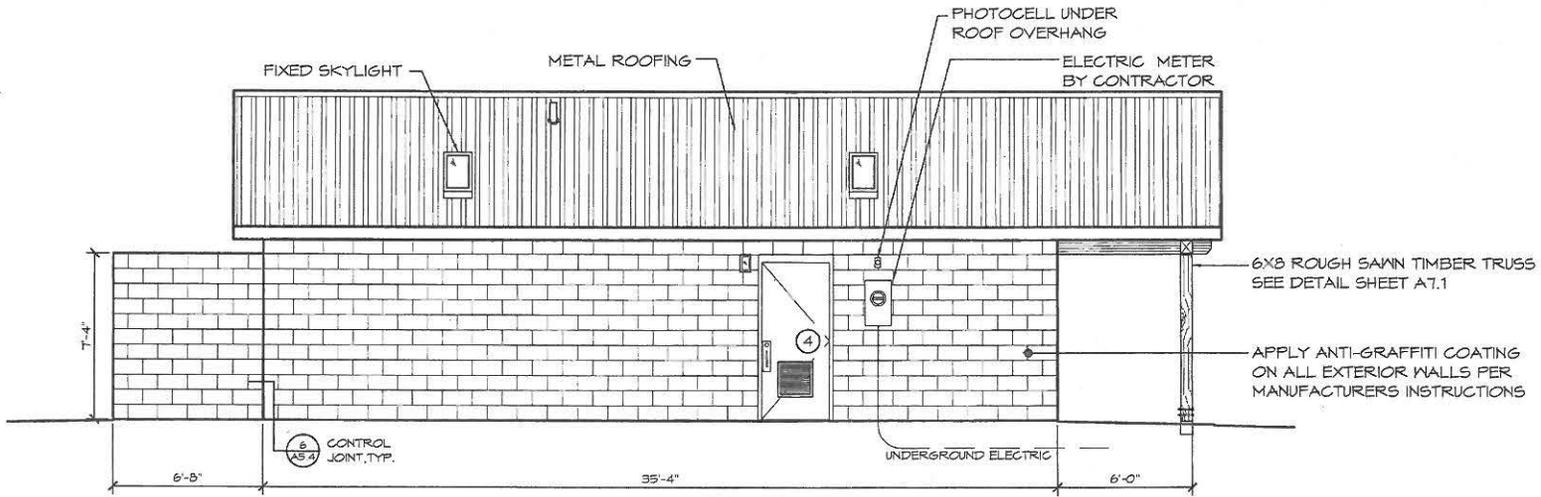
#1

Recommended Motion:

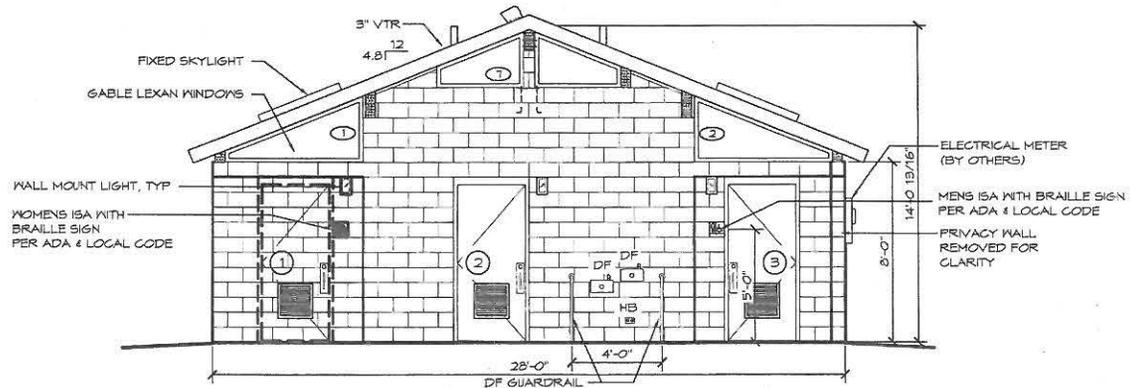
I move that the contract for construction of the Concession Building and Recreation Plaza at Duvall Field be awarded to Mid-Atlantic General Contractors, Inc. in the amount of \$1,085,000.

Attachments:

1. Site plan
2. Building plan and elevations



C ELEVATION VIEW
SCALE: 3/16" = 1'-0"



D ELEVATION VIEW
SCALE: 3/16" = 1'-0"

STATE OF MARYLAND
NABE AREA
PROFESSIONAL ENGINEER
No. 44461
Ex. 10/17

PROFESSIONAL CERTIFICATION
I HEREBY CERTIFY THAT THESE DOCUMENTS
WERE PREPARED OR APPROVED BY ME, AND THAT
I AM A FULLY LICENSED PROFESSIONAL ENGINEER
UNDER THE LAWS OF THE STATE OF MARYLAND.

LICENSE # 44461
EXPIRATION DATE: 10/1/2017

Precision Structural Engineering, Inc.
1640 NORTH BANK ROAD
ROBEY, MD 21152
Phone: (410) 286-2000 Fax: (410) 892-2237
www.precisionse.com #0089900001.com

ROMTEC (410) 286-2000 FAX (410) 892-2237

PROJECT: 2015 SIERRA II MULTI-FIBER W/ CONGRESSION
DUVALL FIELD CONCESSION/RR
COLLEGE PARK, MARYLAND

SHEET TITLE: EXTERIOR ELEVATIONS

PLAN SET # 18506
DATE: 07/01/2014
REVISIONS

REV.	DATE	BY
1	08/20/15	CR
2	04/26/15	CR

DRAWN BY: CR

SHEET NO. **A3.2**

NOTE:
FIXTURES AND ACCESSORIES ARE
DIMENSIONED ON SHTS A2.2 - A2.5

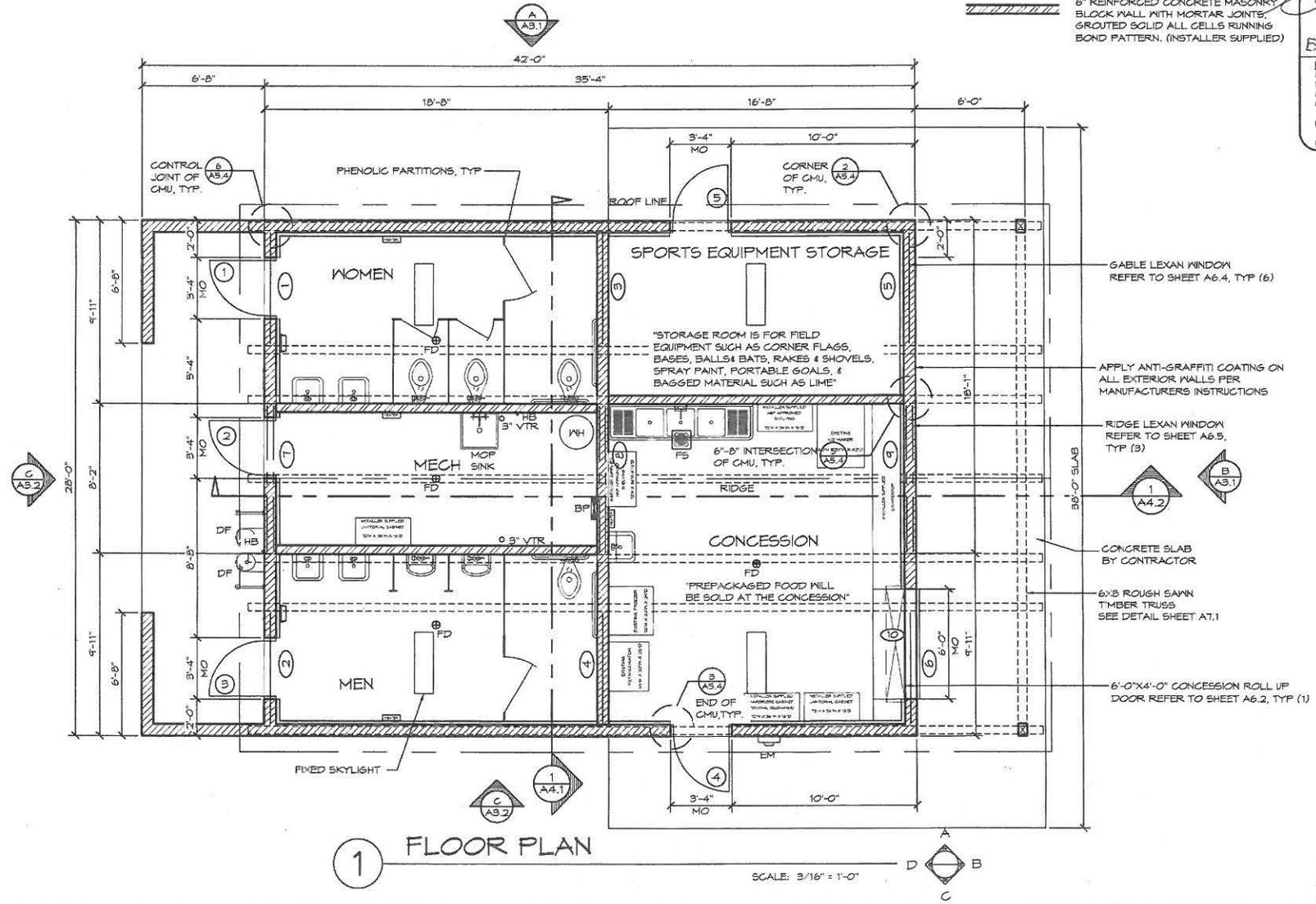
WALL TYPE SCHEDULE

-  8" REINFORCED CONCRETE MASONRY BLOCK WALL WITH MORTAR JOINTS, GROUTED SOLID ALL CELLS RUNNING BOND PATTERN. (INSTALLER SUPPLIED)
-  6" REINFORCED CONCRETE MASONRY BLOCK WALL WITH MORTAR JOINTS, GROUTED SOLID ALL CELLS RUNNING BOND PATTERN. (INSTALLER SUPPLIED)

4-11-16



PROFESSIONAL CERTIFICATION
I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND.
LICENSE # 44461
EXPIRATION DATE: 10/19/2017



© 2016 ROMTEC, INC. ALL RIGHTS RESERVED. THESE PLANS AND DRAWINGS MAY NOT BE REPRODUCED, ADAPTED OR FURTHER DISTRIBUTED, AND NO BUILDINGS MAY BE CONSTRUCTED FROM THESE PLANS, WITHOUT THE WRITTEN PERMISSION OF ROMTEC, INC.

PROJECT: 2005 SIERRA III MULTI-USER W/ CONCESSION
DUVAL FIELD CONCESSION/RR
COLLEGE PARK, MARYLAND

PRECISION STRUCTURAL ENGINEERING, INC.
1500 NORTH BANK ROAD
ANNAPOLIS, MD 21403
Phone: (410) 890-5000 Fax: (410) 894-0333
www.precisionstructural.com
info@precisionstructural.com

ROMTEC
ROMTEC LLC
1500 NORTH BANK ROAD
ANNAPOLIS, MD 21403
Phone: (410) 890-5000 Fax: (410) 894-0333
www.precisionstructural.com
info@precisionstructural.com

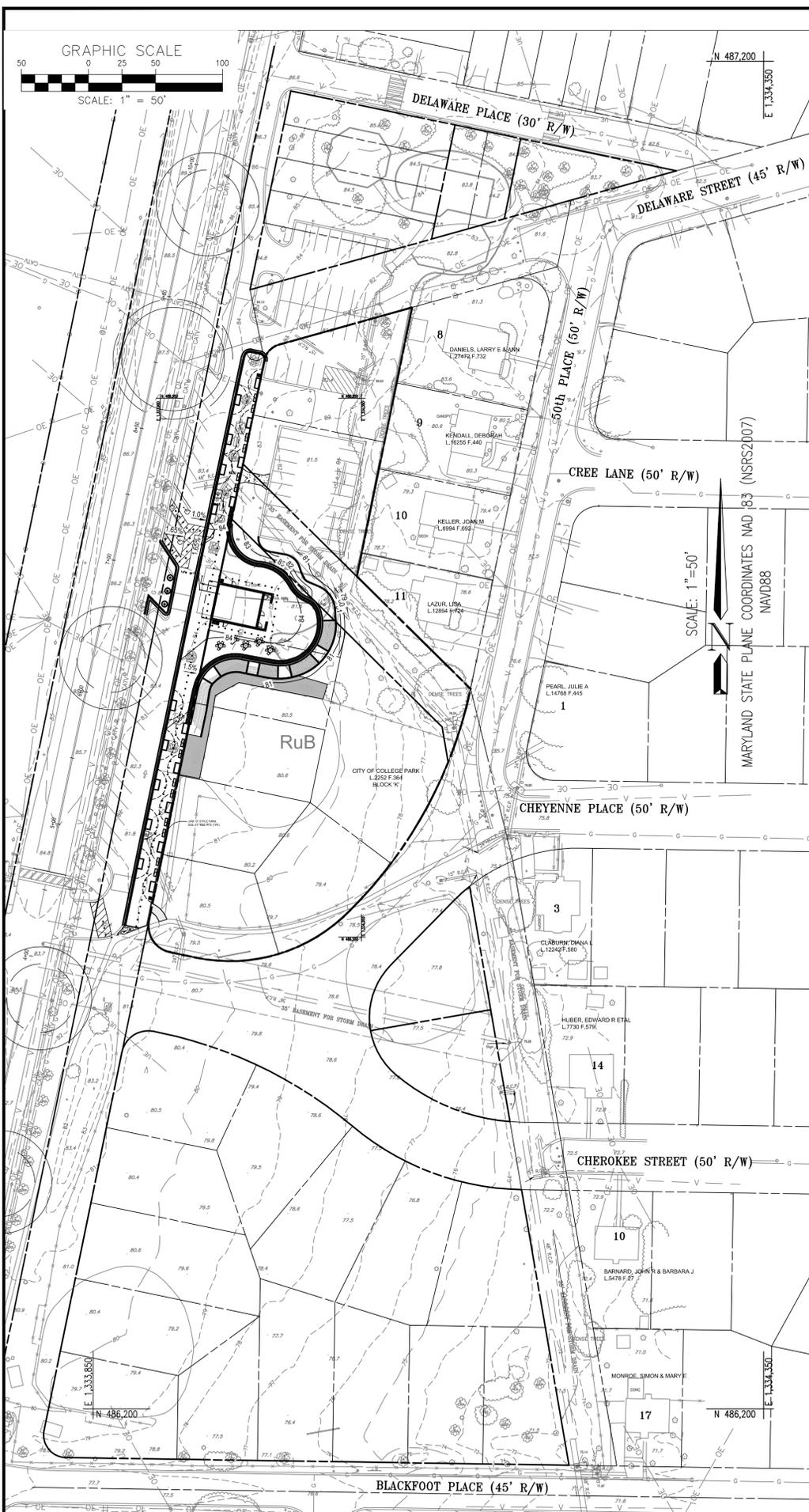
SHEET TITLE: FLOOR PLAN

REV	DATE	BY	CHK
1	07/01/2014		
2	08/20/15		
3	04/06/16		
4			

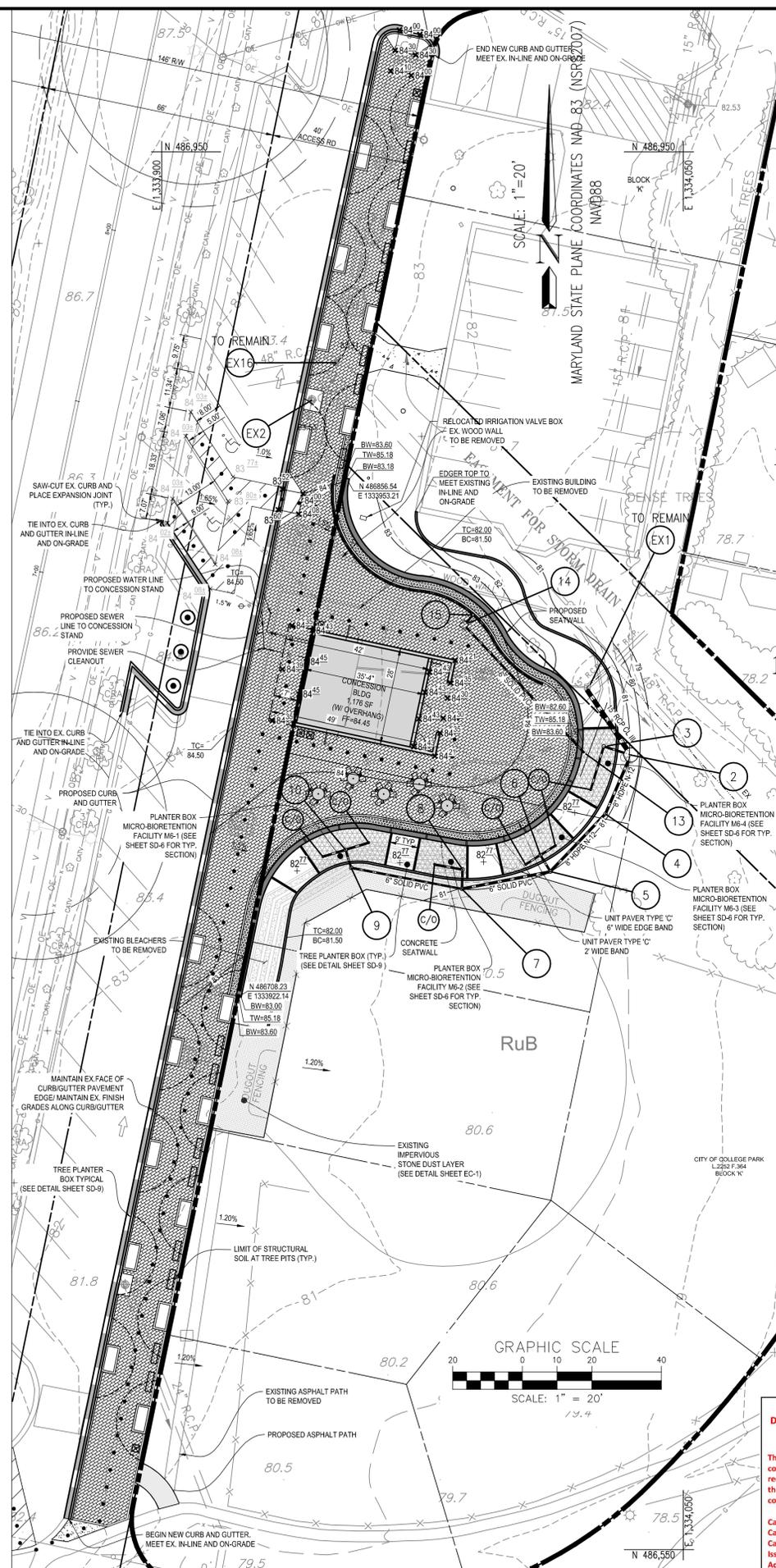
PLAN SETS: 18506
DATE: 07/01/2014
REVISIONS

DESIGNED BY: CR
CHECKED BY: CR

SHEET NO. **A2.1**



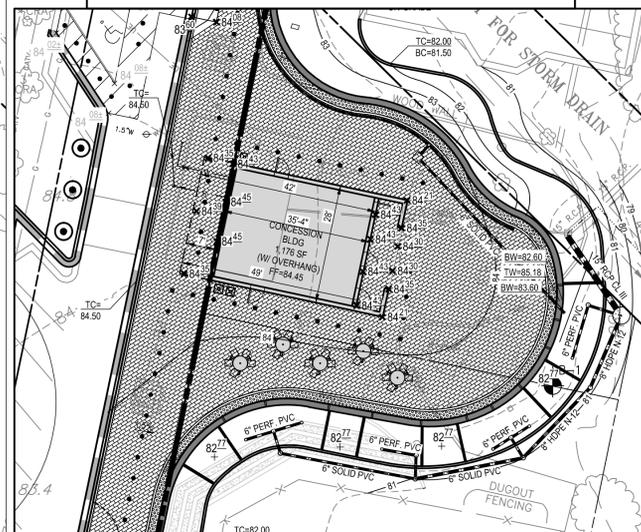
ADA PATH OVERALL PLAN VIEW
SCALE: 1"=50'



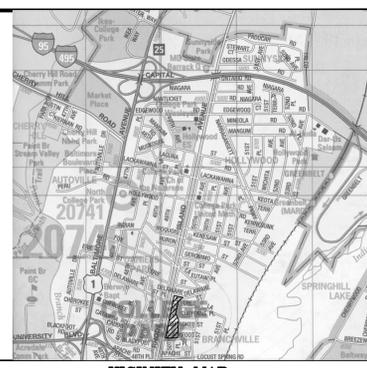
PLAN VIEW
SCALE: 1"=20'

MASTER LEGEND

EXISTING CONTOURS	---	222
EXISTING INDEX CONTOURS	---	220
EXISTING GIS CONTOURS	---	218
EXISTING CHAINLINK FENCE	---	
EXISTING TREE	○	
EXISTING TREE CANOPY LINE	○	
EXISTING CURB AND GUTTER	---	
PROPERTY LINE (PROJECT TRACT)	---	
ADJACENT PROPERTY LINE	---	
SOILS DIVIDE LINE	---	
SOIL TYPE LABEL	RuB	
EPHEMERAL STREAM (NON-REGULATED)	---	
STREAM BUFFER	SB	
WETLANDS BOUNDARY	WL	
WETLANDS BUFFER	WB	
TRAVERSE POINT	○	
TIME OF CONCENTRATION FLOW PATH	---	
100 YEAR OVERLAND FLOW PATH	---	
PROPOSED CONTOURS	---	224
PROPOSED INDEX CONTOURS	---	225
PROPOSED SPOT GRADE	---	84.35
PROPOSED FLOW ARROW	---	
PROPOSED CURB AND GUTTER	---	
PROPOSED LIMITS OF DISTURBANCE	---	
PROPOSED STRUCTURAL SOIL BOUNDARY	---	
PROPOSED BITUMINOUS PATH	---	
PROPOSED NON-ROOF TOP DISCONNECT AREA	---	
PROPOSED MICRO-BIORETENTION MEDIA	---	
PROPOSED IMPERVIOUS PAVEMENT	---	
PROPOSED IMPERVIOUS PATH	---	
PROPOSED SEATWALL 30 INCH MAX HEIGHT OFF FINISH GRADE (NO RAILING OR GUARDRAIL REQUIRED)	---	
SOIL BORING	○	SB-1
PROPOSED STORM DRAIN PIPE	---	
PROPOSED WATER LINE	---	
PROPOSED SANITARY SEWER LINE	---	
PROPOSED FLAGPOLE	○	
PROPOSED BENCH	---	
PROPOSED TABLE AND SEAT SET	---	
PROPOSED GARBAGE RECEPTACLE	---	



DETAILED GRADING PLAN BLDG & PLAZA
SCALE: 1"=20'



VICINITY MAP
SCALE: 1"=2,000'
COPYRIGHT AND THE MAP PEOPLE
PERMITTED USE NUMBER 20803121
ADC P.G. CO. MAP PAGE # 5288, C-10
WSSC 200' SHEET # 211 NE 5

Prince George's County Maryland
Department of Permitting, Inspections and Enforcement
APPROVED PERMIT SET

The Department of Permitting, Inspections and Enforcement has completed a review of this document for code compliance. As required by State Code, the design professional(s) responsible for the preparation and content of this document must provide a record copy of these documents with their original seal, signature and date.

Case Name: DUVALL FIELD
Case Number (Permit #): 19786-2015-01
Case Type: SITE DEVELOPMENT FINE GRADING
Issuance Date:
Address:
Lot(s) and Block(s) and Parcel(s): BLOCK K, LOTS 5 & 6

CONCESSION BUILDING AND RECREATION PLAZA
GRADING, SITE PLAN, AND ADA ACCESS PLAN

DUVALL FIELD
BERWYN (21st) ELECTION DISTRICT
PRINCE GEORGE'S COUNTY, MARYLAND

CPJ Charles P. Johnson & Associates, Inc.
Civil and Environmental Engineers • Planners • Landscape • Architects • Surveyors
1751 Elton Rd., Ste 300 Silver Spring, MD 20903 301-434-7000 Fax: 301-434-9394
www.cpja.com • Silver Spring, MD • Gaithersburg, MD • Annapolis, MD • College Park, MD • Frederick, MD • Fairfax, VA

TAX MAP	SITE PLAN NO.
DESIGN BMF	SHEET OF
DRAFT GC/ADG	8 23
DATE MARCH, 2016	FILE NO. S-5
SCALE AS SHOWN	44-384-2101

CLIENT: CITY OF COLLEGE PARK
C/O TERRY SCHUM DIRECTOR OF PLANNING
4500 KNOX ROAD
COLLEGE PARK, MD 20740
PHONE: (301) 277-3445

COPYRIGHT © LATEST DATE HERON CHARLES P. JOHNSON & ASSOCIATES, INC. ALL RIGHTS RESERVED. UNAUTHORIZED USE OR REPRODUCTION IS PROHIBITED.

Professional Certification: I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A FULLY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND.
LICENSE # 2888
EXPIRATION DATE: 01/01/17

16-G-97

Revisions to Residential Permit Parking Zones

**CITY OF COLLEGE PARK, MARYLAND
REGULAR COUNCIL MEETING AGENDA ITEM**



AGENDA ITEM NUMBER 16-G-97

Prepared By: R. W. Ryan
Director, Public Services

Meeting Date: July 12, 2016

Presented By: R. W. Ryan, Director
Public Services

Consent Agenda: No

Originating Department: Public Services

Action Requested: Approval of revisions to Residential Permit Parking Zones 11 and 11 A

Strategic Plan Goal: Goal 3 , High Quality Development and Reinvestment

Background/Justification:

The area known as Lord Calvert Manor has been redeveloped as mixed use and high density off campus student apartments. Staff recommends Council approval of changing residential permit parking zones 11 and 11A from annual residential permit zones commonly found in neighborhoods of single family homes, to monthly permit zones such as a current zone on Knox Road adjacent to College Park Towers. Zone 11 was formerly used by tenants of the "Knox Boxes", Zone 11A was established for tenants of Graduate Gardens but has gone virtually unused. It is anticipated that residents of Terrapin Row will be seeking parking spaces, as the structured parking at that development is not expected to meet demand. It is proposed that monthly parking permits be sold in zones 11 and 11A. A monthly fee of \$60 is proposed, which is slightly less than half of the \$125 monthly fee we understand will be charged by Terrapin Row for structured parking spaces. No visitor passes are proposed for these zones. Visitor parking may be accommodated at the pay to park zone around Terrapin Row, and metered parking on Hartwick and at the Applebee's lot.

It is proposed that monthly permit be sold in one month increments with a maximum of 6 months .

Fiscal Impact:

Estimated annual revenue is \$59,400 for 9 months of the year

Council Options:

- #1: Approve revision of permit parking zones 11 and 11A from annual residential permit parking to monthly permit parking at \$60/month/space.
- #2: Allow existing designation of zones 11 and 11A
- #3: Determine another use of on street parking in these zones

Staff Recommendation:

#1

Recommended Motion:

I move to approve re-designation of permit parking zones 11 and 11A from annual residential permit use to monthly permit use at a rate of \$60/month/permit.

Attachments:

None

16-0-07

**Increase Monthly
Permit Fee in
Downtown Parking
Garage**

**CITY OF COLLEGE PARK, MARYLAND
REGULAR COUNCIL MEETING AGENDA ITEM**



AGENDA ITEM NUMBER 16-O-07

Prepared By: R. W. Ryan
Director, Public Services

Meeting Date: July 12, 2016

Presented By: R. W. Ryan, Director
Public Services

Consent Agenda: No

Originating Department: Public Services

Action Requested: Adoption of Emergency Ordinance 16-O-07, An Ordinance Of The Mayor And Council Of The City Of College Park Amending City Code Chapter 110 to increase the monthly permit fee in the Downtown Parking Garage to \$125/month beginning in August 2016.

Strategic Plan Goal: Goal 3: High Quality Development and Reinvestment

Background/Justification:

Demand for parking space in the Downtown area has increased. This includes both pay to park space for visitors and retail customers, and monthly parking for local residents of newly constructed apartment buildings. The City constructed the Downtown Parking Garage primarily as a catalyst for Downtown commercial development. Since the garage was constructed, demand for pay to park space has not usually filled the garage. As an interim revenue plan to help pay for the costs of the garage, monthly parking permits have been sold to make best use of the available space. Currently monthly permits have been sold for 125 of the 288 garage spaces at \$80/month. Demand for pay to park retail customer space is increasing. Demand for monthly permits has also increased with construction and occupancy of the Landmark apartments. Garage monthly permit fees are below market rate as evidence by Landmark garage fees of \$125 / month. Staff has recommended reducing the monthly permit space to 100 of the 288 spaces, and raising the permit fee to \$125/month.

An emergency ordinance is requested to allow staff enough time to prepare to implement the new fee beginning in August 2016 so that the 100 monthly permits may be available when residents of Landmark and others return for the Fall semester.

Permits would be sold in monthly increments with the opportunity to purchase up to 6 months. This will make permit sales more efficient and avoid the monthly rush to renew permits.

It is anticipated that use of the garage parking spaces will be monitored and future adjustments to the number of spaces made available for monthly permits may be adjusted by the City Manager based upon demand for pay to park spaces.

Fiscal Impact:

Net revenue gain of \$2,500/month estimated to total \$22,500 over an estimated 9-month demand for monthly permits.

Council Options:

1. Adopt Emergency Ordinance 16-O-07, An Ordinance Of The Mayor And Council Of The City Of College Park Amending City Code Chapter 110 to increase the monthly permit fee in the Downtown Parking Garage to \$125/month beginning in August 2016
2. Allow the current monthly permit fee of \$80 to remain
3. Other action as Council determines

Staff Recommendation:

Option #1

Recommended Motion:

I move to adopt Emergency Ordinance 16-O-07, An Ordinance Of The Mayor And Council Of The City Of College Park Amending City Code Chapter 110 to increase the monthly permit fee in the Downtown Parking Garage to \$125/month beginning in August 2016

Attachments:

Ordinance 16-O-07

EMERGENCY ORDINANCE
OF THE MAYOR AND COUNCIL OF THE CITY OF COLLEGE PARK, AMENDING
CHAPTER 110 “FEES AND PENALTIES”, BY REPEALING AND REENACTING §110-
1 “FEES AND INTERESTS” TO INCREASE THE MONTHLY PERMIT PARKING FEE
IN THE DOWNTOWN PARKING GARAGE

WHEREAS, pursuant to §5-202 of the Local Government Article, Annotated Code of Maryland, the City of College Park (hereinafter, the “City”) has the power to pass such ordinances as it deems necessary to protect the health, safety and welfare of the citizens of the municipality and to prevent and remove nuisances; and

WHEREAS, the City has constructed a parking garage in the downtown area to increase parking options and to encourage redevelopment; and

WHEREAS, the Mayor and Council have determined that it is in the public interest that the monthly permit parking fees for the Downtown Parking Garage should be raised to be comparable to those charged by other providers of parking in the area; and

WHEREAS, the Mayor and Council have determined that it is necessary for the public health, safety and welfare that this ordinance be adopted effective immediately to insure that the new fee is applicable by August 1, 2016, prior to the beginning of the new academic year.

Section 1. **NOW THEREFORE, BE IT ORDAINED AND ENACTED**, by the Mayor and Council of the City of College Park that Chapter 110 “Fees and Penalties”, §110-1, “Fees and interests”, be and is hereby repealed and reenacted with amendments as follows:

§110-1 Fees and interests.

The following enumerations are the current fees, rates, charges and interests applicable in the City of College Park:

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
[Brackets]	: Indicate matter deleted in amendment

Chapter/Section	Description	Fee/Interest
	* * * * *	
Ch. 184, Vehicles and Traffic		
§ 184-16D	Immobilization fee	\$35
§ 184-18	Parking meter fees:	
	For 4 minutes	\$0.05
	For 8 minutes	\$0.10
	For 16 minutes	\$0.20
	For 20 minutes	\$0.25
	For 60 minutes	\$0.75
	DOWNTOWN PARKING GARAGE MONTHLY PERMIT FEE	\$125.00
	* * * * *	

Section 2. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that a public emergency affecting the operation of the City exists. Because an emergency exists, this Ordinance is hereby declared to be an Emergency Ordinance by the affirmative vote of at least six (6) members of the Council pursuant to the authority contained in Section C8-2 of the Charter of the City of College Park and, therefore, pursuant to Section C8-2 of the Charter of the City of College Park, this Ordinance may be adopted at the meeting at which it is introduced without prior newspaper publication or public hearing thereon and shall take effect immediately upon its adoption.

As soon as practicable after adoption, the City Clerk shall have a fair summary of this Ordinance and a 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. The Ordinance shall become effective

immediately upon its adoption, provided that a fair summary thereof is published at least once as soon as practicable 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 at a regular meeting on the _____ day of _____ 2016.

ADOPTED by the Mayor and Council of the City of College Park at a regular meeting on the _____ day of _____ 2016.

EFFECTIVE the _____ day of _____, 2016.

ATTEST:

CITY OF COLLEGE PARK

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

By: _____
Patrick L. Wojahn, Mayor

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

Suellen M. Ferguson, City Attorney

16-G-98

Approve the Purchase of Pay Stations

**CITY OF COLLEGE PARK, MARYLAND
REGULAR COUNCIL MEETING AGENDA ITEM**



AGENDA ITEM NUMBER 16-G-98

Prepared By: R. W. Ryan
Director, Public Services

Meeting Date: July 12, 2016

Presented By: R. W. Ryan, Director
Public Services

Consent Agenda: No

Originating Department: Public Services

Action Requested: Approve the purchase of five pay stations for the new pay-to-park zone around Terrapin Row

Strategic Plan Goal: Goal 3: High Quality Development and Reinvestment

Background/Justification:

The developers of the Terrapin Row mixed use off campus student housing apartment complex and retail space, and the UMD development advisor, have requested the City to establish a new "pay-to-park" zone around this new development. Staff has reviewed and supports this proposal as the best practice for managing customer, visitor, and resident parking around this development. Our pay-to-park pay station vendor was consulted for advice regarding placement of pay stations to support this project. At work session, Council was provided a map showing 58 pay-to-park spaces and 5 pay stations.

Fiscal Impact:

Cost to implement this pay-to-park zone, including 5 pay stations, new signs, and power supply to pay stations, is estimated at \$75,000 and will be funded from FY '16 surplus. Costs are anticipated to be offset by pay-to-park revenue and monthly parking permit revenue proposed for zones 11 and 11A.

Council Options:

- #1: Authorize the City Manager to spend up to \$75,000 to implement a pay-to-park zone at Terrapin Row
- #2: Do not authorize spending, thereby denying approval of the pay-to-park zone
- #3: Take another action

Staff Recommendation:

#1

Recommended Motion:

I move to authorize the City Manger to spend up to \$75,000 to implement a pay-to-park zone around the Terrapin Row development.

Attachments:

None

16-R-17

Resolution to create a
pay-as-you-throw
feasibility Workgroup



**CITY OF COLLEGE PARK, MARYLAND
REGULAR COUNCIL MEETING AGENDA ITEM**

AGENDA ITEM NUMBER 16-R-17

Prepared By: Scott Somers, City Manager

Meeting Date: July 12, 2016

Presented By: Scott Somers, City Manager

Consent Agenda: No

Originating Department: City Council

Action Requested: Approve a Resolution to create a workgroup to explore the feasibility of volume-based trash pricing in the City.

Strategic Plan Goal: Goal 2: Environmental Sustainability

Background/Justification:

At the July 5, 2016 City Council Worksession, Committee for a Better Environment (CBE) representatives Suchitra Balachandran and Janis Oppelt, presented to the City Council on volume-based trash pricing, also known as Pay As You Throw (PAYT) (please see the attached correspondence titled, *The Smart Program*, prepared by Suchitra Balachandran). Ms. Balachandran and Ms. Oppelt discussed with the Council that PAYT creates a financial incentive to encourage residents to recycle, which reduces trash entering the landfill and could reduce tipping fee costs to the City. They also discussed how the implementation of a trash fee could be offset by the reduction in the tax rate in order to maintain cost neutrality for City residents.

Councilmember Nagle suggested that the City Council consider creating a workgroup to further explore PAYT and then bring their findings and a possible recommendation to the City Council for consideration. The City Council agreed and directed staff to facilitate the creation of workgroup charged with exploring the feasibility of volume-based trash pricing, also known as Pay As You Throw (PAYT). Attached for Council's consideration is a resolution establishing such a workgroup with a general charge of exploring and researching the feasibility of PAYT, analyzing current costs associated with providing trash and recycling services to City residents and certain businesses, and identifying potential tax rate reductions in order to maintain cost neutrality to College Park residents.

Creating such a workgroup may be timely since the University of Maryland Environment Finance Center (EFC) is looking to partner with the City on a sustainability project. City staff has met with EFC representatives to discuss various options and projects. Some of these include conducting research on PAYT, stormwater mitigation, greenhouse gas inventory, and community gardens among others. The Community for a Better Environment (CBE) will be reviewing these potential projects during the month of July in order to make a recommendation to the City Council in August on which project(s) the City and the EFC should consider partnering. Should the City Council wish to take this item up sooner, it may want to considering directing staff to jointly work with EFC and the PAYT workgroup once established on the this project of exploring and researching PAYT.

Fiscal Impact:

No direct fiscal impact other than dedicated staff time.

Council Options:

1. Approve Resolution to create a workgroup to explore the feasibility of volume-based trash pricing in the City.
2. Direct staff otherwise
3. Take no action.

Staff Recommendation:

Option #1

Recommended Motion: *I move approve Resolution 16-R-17 to create a workgroup to explore the feasibility of volume-based trash pricing in the City.*

Attachments:

The SMART Program by Suchitra Balachandran
Resolution establishing workgroup



June 21, 2016

Mayor Patrick Wojahn and College Park City Council
City Hall
4500 Knox Rd
College Park, MD 20740

Dear Mayor Wojahn and Council Members:

The City of College Park has been a leader in embracing and advocating for many aspects of environmental sustainability. To further these goals, the Committee for a Better Environment (CBE) recommends that the City of College Park move from its current tax-based revenue system for trash collection to usage-based trash pricing—commonly known as Pay as You Throw (PAYT) or, more appealingly, Save Money and Reduce Trash (SMART).

Over the last several years, one of CBE's members, Suchitra Balachandran, has been actively involved in researching many aspects of Zero Waste including the SMART approach to waste reduction. She prepared the attached document, which we hope will provide you with a solid basis of information for considering this change.

Suchitra and I plan to attend the July 5, 2016, work session where you will be discussing this topic. Please let us know if you need anything further from us at this time.

Sincerely,



Janis Oppelt, CBE Chair

THE SMART PROGRAM

At last count by the US Environmental Protection Agency (EPA) in 2006, usage-based trash pricing, commonly known as Pay as You Throw (PAYT) or, more appealingly, Save Money and Reduce Trash (SMART), was in use in over 7,000 jurisdictions across the United States. Many of these jurisdictions have used this method for decades, and the numbers have increased since the EPA count.

Experiences show that usage-based trash pricing is the single most effective way to reduce residential waste and increase recycling. In communities with some form of SMART, per-capita waste is far lower than in communities with flat fees, clearly demonstrating that, when offered a financial incentive, consumers change their habits to recycle more and waste less.

Current City Performance

College Park's recycling rate, including yard-waste composting, is about 34 percent. The average resident produces 780 pounds of trash each year compared to the average Massachusetts resident under SMART who produces about 432 pounds.

CBE Outreach Efforts

The CBE has addressed waste-reduction issues through recycling workshops, both stand-alone and tabling at College Park Day; organizing two backyard composting workshops; and giving away 40 to 50 compost bins to residents. For the most part, the community residents we reach are those who are already inclined to recycle because they share CBE's concerns about the environment and public health.

Council Action on Mandatory Recycling

Appreciating the need for improved recycling and sensing the urgency, the Mayor and Council amended the City code in February 2015 and made residential recycling mandatory. For various and obvious reasons, this measure has not resulted in an increase in recycling rates in the City. For instance, despite our shared concern for waste management, many CBE members were not

even aware that the City had taken this step and likely the vast majority of residents are unaware of it as well.

Mandates have to be followed by enforcement and, in this case, the level of enforcement needed to identify repeat offenders will require a great deal of staff time, continuous monitoring and may not be very effective in our transient population.

You may be interested to know that a civil judge in Seattle recently ruled it impermissible for city employees to inspect the garbage of residents for compostable materials that should have been separated out per the rules.

County Waste Analysis

What is in the waste we throw away? Prince George's County recently received the results of its first waste-composition analysis, which was carried out by SCS Engineers, the workhorse firm for such studies in our region. Combining the study with Prince George's annual recycling tonnages, the residential sector in the county recycles only 50 percent of paper and 33 percent of plastics, despite the ease of single-stream recycling and curbside pickup. College Park's numbers are likely to be very similar to the county average.

SMART Creates Incentives

SMART removes the stick approach to recycling and turns it into a juicy carrot that is entirely in the hands of residents. The approach is identical to having metered rates for water, electricity and gas. There is no financial incentive for residents to turn the thermostat down or fix a leaking faucet when the utility charge is a flat fee—but there is every incentive when residents are paying the utility charge each month.

SMART provides the incentive for residents to put their plastics, paper and metals into the recycling bin. It also incentivizes residents to ensure that materials and goods are reused, for example, by taking used clothing to thrift stores.

Usage-based Trash Incentives and Fees

Although usage-based trash fees can be based on weight, tags, or volume, **the CBE recommends the volume-based system, which is summarized below.**

In volume-based systems, fees are levied according to the sizes and numbers of bins or the sizes and numbers of bags. **Data from communities with volume-based trash pricing show that waste reduction is larger when the unit is smaller.** The average, typical per-capita waste from communities that bill by bin size is 560 pounds versus 425 pounds for communities that bill by bag.

For example, if there are three sizes of trash bins, there is no incentive for residents to decrease their trash to anything less than the smallest bin—typically 30 gallons. However, there is every incentive for the resident to choose a medium-sized bin to accommodate the few annual occasions when the household may produce more trash. By contrast, when the unit is an 8-gallon or 13-gallon bag, residents see an immediate benefit when they reduce their trash to a smaller amount while retaining the ability to use multiple bags occasionally.

The effectiveness of waste reduction in either the bin or the bag system depends critically on pricing. There must be a clear incentive to choose a small bin or bag, and the pricing should be at least linear (preferably greater) by volume. Bin pricing, and the varying approaches to it, is the principal reason why per-capita waste in bin-based systems ranges between 525 and 850 pounds across communities; within the bin-system, communities generate less trash when the incentive is correctly priced.

The CBE is fully cognizant that the City currently receives its revenues for its waste collection directly from the property taxes paid by residents and that the waste-collection cost is not broken out in the tax bill. **When the City moves to usage-based trash pricing, the revenues from taxes should be appropriately reduced; otherwise, residents would justifiably view the added cost as double-billing.** For this reason, we *strongly* urge the Mayor and Council to address this issue in an open and upfront fashion so as not to undermine the effectiveness of the transition.

A bin-based system would require the City to set up an administrative process for billing residents for trash pickup and disposal. It would also require the City to purchase and stock bins of different sizes and determine how often residents could change bin sizes. The logistics for stocking bags for a bag-based system may be simpler and could likely be outsourced.

If revenues collected from bags were refunded to residents on an average basis, those who produce less than the average amount of trash would receive a larger refund compared to the amount that they would incur from purchasing the bags. Those who produce more-than-average trash would end up paying more.

Waste-reduction Estimates and Recycling Increases for College Park

In November 2014, former Mayor Andy Fellows invited Kristen Brown, a former EPA expert on waste reduction, now at Waste Zero (<http://wastezero.com/>), a firm that advocates for SMART and provides logistical support for a bag-based model, to a meeting with him and the City's Public Works Director Bob Stumpff. Ms. Brown provided estimates of waste reduction and recycling increase for College Park based on her expertise, and those data are available from Mr. Stumpff. Ms. Brown has since met with several council members to discuss SMART in June 2015 and January 2016.

Encourage Residents to Compost

The CBE suggests that the move by the City to SMART be accompanied by an offer of free backyard compost bins for residents. While only a small minority of residents may take advantage of the offer, the advantages will be twofold:

- Once recycling tonnages increase, organic waste will be the most significant component of trash, and backyard composting has the smallest environmental footprint among the options for dealing with a portion of organic waste.
- Residents who wish to further reduce their trash disposal costs may see backyard composting as a means to do so.

Reducing Waste Helps Fight Climate Change

The EPA report “Opportunities to Reduce Greenhouse Gas Emission through Materials and Land Management Practices” (<https://www3.epa.gov/region09/climatechange/pdfs/ghg-land-materials-management.pdf>) shows that “approximately 42 percent of U.S. greenhouse gas emissions are associated with the energy used to produce, process, transport, and dispose of the food we eat and the goods we use.” The EPA has created a Waste Reduction Model (WARM) through which inputs of wasted materials can be translated to greenhouse gas impacts.

Ms. Brown estimated that College Park’s current curbside recycling rate of 34 percent could be increased to 56 percent using a bag-based usage fee. Using the WARM model, she estimated the increased recycling to be equivalent to:

- Greenhouse gas emissions from 680 passenger vehicles
- Burning 387,000 gallons of gasoline
- The energy generated from 3,600 rooftop solar arrays or the energy used by 260 single-family homes.

By taking such a significant step toward reducing greenhouse gas emissions, College Park would set a sterling example for municipalities in Prince George’s County and likely the county as a whole. The CBE offers to fully partner in planning and implementing this effort.

Prepared by Suchitra Balachandran

June 2016

Contacts and Articles on PAYT/SMART

Contacts provided by Kristen Brown of Waste Zero

Below are three people that might be helpful to talk with as we investigate PAYT further. They all started programs and went on to big positions.

- Former Mayor of Gloucester, Massachusetts Carolyn Kirk:
 - Carolyn implemented PAYT as a first term Mayor and went on to serve three terms. She is now the Deputy Secretary Executive Office of Housing and Economic Development.
 - Cell number is 978-281-3616
 - Carolyn's PAYT presentation MMA 2011
 - <https://www.youtube.com/watch?v=tBocw61Rh3U> (Gloucester Mass, Mayor Carolyn Kirk Speaks About PAYT)

- Former Commissioner of Public Works Worcester, Massachusetts Bob Moylan:
 - Bob was one of the first to implement PAYT in 1993
 - Cell number is 508-873-9144
 - Bob has offered to put you in touch with Tim Murray who was Mayor of Worcester at the time of implementation, and went on to be Lieutenant Governor of Massachusetts.
 - Bob's PAYT Presentation 2013 Manchester NH <https://www.youtube.com/watch?v=R4hJ7cJ65iU>

- Former Mayor of Portland, Maine George Campbell:
 - George went on to become Commissioner of Transportation for both Maine and New Hampshire.
 - Cell number is 603-321-2695
 - Recent article Maine Townsman Nov. 2014
 - http://www.memun.org/DesktopModules/Bring2mind/DMX/Download.aspx?Command=Core_Download&EntryId=7955&PortalId=0&TabId=119#page=19

Articles on SMART/PAYT

Neil Seldman, Co-Founder, Institute for Local Self Reliance

http://www.governing.com/gov-institute/voices/col-pay-as-you-throw-higher-recycling-rates.html?utm_medium=email&utm_source=Act-On+Software&utm_content=email&utm_campaign=The%20Evolving%20Job%20Descripti

[on%20%28and%20Requirements%29%20of%20a%20CFO&utm_term=Gold%20in%20the%20Garbage%3A%20How%20Recycling%20Rates%20Could%20Be%20a%20Lot%20Higher](http://www.commonwealthmagazine.org/environment/seriously-is-this-the-best-we-can-do/)

This article contains recent independent research demonstrating that statewide PAYT communities (MA) dispose of 45% less waste than non-PAYT communities. This article came out because of the MA legislation — link also attached.

<http://commonwealthmagazine.org/environment/seriously-is-this-the-best-we-can-do/>

Massachusetts Legislation setting waste reduction goals:

<https://malegislature.gov/Bills/189/House/H671>

Recent articles from areas that have summer rentals

- <http://plymouth.wickedlocal.com/article/20141001/NEWS/141009818>
- <http://brewster.wickedlocal.com/article/20150109/NEWS/150106701/?Start=1>
- <http://www.capecodtimes.com/article//20140818/NEWS/140819393>
- <http://www.capecodtimes.com/article//20140806/NEWS/140809778>
- Other recent articles
 - <http://www.centralmaine.com/2014/10/26/new-waterville-trash-program-exceeds-six-week-goals/>
 - http://www.reformer.com/localnews/ci_26281895/recycling-booming-vernon
 - <http://www.metrowestdailynews.com/article/20140814/NEWS/140818444>

• Website of non-profit started by former PAYT advocates

- <http://payasyouthrow.org/about-us/>
-

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF
COLLEGE PARK, MARYLAND ESTABLISHING A WORKGROUP TO
EXPLORE THE FEASIBILITY OF IMPLEMENTING A
“PAY AS YOU THROW” PROGRAM IN THE CITY OF COLLEGE PARK**

WHEREAS, during the July 5, 2016 City Council Worksession, Committee for a Better Environment (CBE) representatives Suchitra Balachandran and Janis Oppelt, presented to the City Council on volume-based trash pricing, also known as Pay As You Throw (PAYT); and

WHEREAS, Ms. Balachandran and Ms. Oppelt discussed with the Council that PAYT creates a financial incentive to encourage residents to recycle, which reduces trash entering the landfill and could reduce tipping fee costs to the City; and

WHEREAS, Ms. Balachandran and Ms. Oppelt also discussed how the implementation of a trash fee could be offset by the reduction in the tax rate in order to maintain cost neutrality for City residents; and

WHEREAS, the City Council agreed and directed staff to facilitate the creation of workgroup charged with exploring the feasibility of volume-based trash pricing, also known as Pay As You Throw (PAYT); and

WHEREAS, creating such a workgroup may be timely since the University of Maryland Environment Finance Center (EFC) is looking to partner with the City on a sustainability project, which could include researching the feasibility of volume-based trash pricing, also known as Pay As You Throw (PAYT).

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of College Park, Maryland, that the Pay As You Throw Feasibility Study Workgroup (the “Workgroup”) be, and it is hereby, formed.

Section 1 - Purpose: The purpose of the Workgroup is to explore and research the feasibility of volume-based trash pricing, analyzing current costs associated with providing trash and recycling services to City residents and certain businesses, and identifying potential tax rate reductions in order to maintain cost neutrality to College Park residents.

Section 2 - Composition: The Workgroup shall have between five (5) and nine (9) members who shall be residents of the City and who shall be appointed by the Mayor and Council. The Workgroup shall appoint the Chair from among their membership. A quorum shall consist of a majority of the appointed members. The Workgroup may engage with subject matter experts as they deem necessary to conduct research and develop recommendations.

Section 3 - Meetings and Term: The Workgroup will meet as necessary to explore the feasibility of implementing a pay as you throw program in College Park and to prepare a report for the City Council. The Workgroup shall be dissolved upon completion and submission of their report.

Section 4 – Staff Liaison: Certain Public Works and Planning departments staff shall serve as staff liaison to the Workgroup.

ADOPTED by the Mayor and Council of the City of College Park, Maryland at a regular meeting on the _____ day of _____, 2016

EFFECTIVE the _____ day of _____, 2016.

WITNESS:

CITY OF COLLEGE PARK

Janeen S. Miller, City Clerk

Patrick L. Wojahn, Mayor

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

Suellen M. Ferguson, City Attorney

16-0-06

**No Through
Truck Traffic**



**CITY OF COLLEGE PARK, MARYLAND
REGULAR COUNCIL MEETING AGENDA ITEM**

AGENDA ITEM NUMBER 16-O-06

Prepared By: Scott Somers, City Manager

Meeting Date: July 12, 2016

Presented By: Scott Somers, City Manager

Consent Agenda: No

Originating Department: City Manager's Office

Action Requested: Introduction of Ordinance 16-O-06, "An Ordinance Of The Mayor And Council Of The City Of College Park Amending City Code Chapter 184 "Vehicles And Traffic", Article I, "General Regulations" By Adopting §184-6, "Through Truck Traffic", To Provide For Regulation Of Through Truck Traffic" and to set the public hearing.

Strategic Plan Goal: Goal 4: Quality Infrastructure

Background/Justification:

Several complaints have been received from a resident along Cheyenne Place with respect to through truck traffic and resulting damage. A request was made by the resident and District 1 Councilmembers to install No Through Trucks signs on Cheyenne Place, Cree Lane, and Delaware Street to prevent large scale trucks from driving on certain residential streets.

The overall authority to install signs and controls, such as stop signs and speed restrictions, is in the City Code under §§184-1 and 2. Specific stop signs are approved through Council resolution under §184-26. In keeping with how the other traffic restrictions are enabled in the City Code, it is recommended that the City Council adopt the overall authority to install No Through Trucks signage and designate alternative routes by ordinance, and then authorize the specific signage and route alternatives by Council resolution, or by automatic approval if no Council action is taken (§184-26).

The City Council is asked to introduce the ordinance by motion and a second, and announce that the public hearing will be held on August 9, 2016 at 7:30 p.m. in the Council Chambers.

Fiscal Impact:

Minimal fiscal impact associated with public notices and material and labor costs.

Council Options:

1. Introduce Ordinance 16-O-06: No Through Trucks by motion and a second and then set a public hearing.
2. Direct staff otherwise
3. Take no action.

Staff Recommendation:

Option #1

Recommended Motion:

I move to Introduce Ordinance 16-O-06, An Ordinance Of The Mayor And Council Of The City Of College Park Amending City Code Chapter 184 "Vehicles And Traffic", Article I, "General Regulations" By Adopting §184-6, "Through Truck Traffic", To Provide For Regulation Of Through Truck Traffic.

Attachments:

Proposed Ordinance 16-O-06.

ORDINANCE
OF THE MAYOR AND COUNCIL OF THE CITY OF COLLEGE PARK AMENDING
CITY CODE CHAPTER 184 “VEHICLES AND TRAFFIC”, ARTICLE I, “GENERAL
REGULATIONS” BY ADOPTING §184-6, “THROUGH TRUCK TRAFFIC”, TO
PROVIDE FOR REGULATION OF THROUGH TRUCK TRAFFIC

WHEREAS, §5-202 of the Local Government Article of the Annotated Code of Maryland provides that the Mayor and Council of the City of College Park, Maryland have the authority to pass such ordinances as it deems necessary to preserve peace and good order, and to protect the health, comfort and convenience of the citizens of the municipality; and

WHEREAS, pursuant to §25-102 of the Transportation Article, Annotated Code of Maryland, the City may regulate through truck traffic and prohibit trucks from using any highway or alley that is not designated or maintained as a part or extension of the State or federal highway system, provided the City has designated an adequate alternate route for diverted truck traffic; and

WHEREAS, the Mayor and Council have determined that it is in the public interest to amend Chapter 184, “Vehicles and Traffic” to regulate through truck traffic as authorized by the Transportation Article, to protect the smaller residential streets in the City.

Section 1. **NOW THEREFORE, BE IT ORDAINED AND ENACTED**, by the Mayor and Council of the City of College Park, Maryland that Chapter 184 “Vehicles and Traffic”, Article I, “General Regulations”, be and is hereby amended to add §184-6-5, “Through Truck Traffic” to read as follows:

§ 184-5. THROUGH TRUCK TRAFFIC.

THE MAYOR AND COUNCIL MAY BY RESOLUTION PROHIBIT THROUGH TRUCK TRAFFIC AND PROHIBIT TRUCKS FROM USING ANY PUBLIC WAY, HIGHWAY OR ALLEY THAT IS NOT DESIGNATED OR MAINTAINED AS A PART OR EXTENSION OF

THE STATE OR FEDERAL HIGHWAY SYSTEM, PROVIDED THAT AN ADEQUATE ALTERNATE ROUTE FOR DIVERTED TRUCK TRAFFIC HAS BEEN DESIGNATED. IT SHALL BE UNLAWFUL FOR ANY PERSON TO OPERATE A THROUGH TRUCK ON ANY PUBLIC WAY THAT HAS BEEN SO DESIGNATED AND RESTRICTED PURSUANT TO THE AUTHORITY CONTAINED IN THIS SECTION.

Section 2. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that, upon formal introduction of this proposed Ordinance, which shall be by way of a motion duly seconded and without any further vote, the City Clerk shall distribute a copy to each Council member and shall maintain a reasonable number of copies in the office of the City Clerk and shall publish this proposed ordinance or a fair summary thereof in a newspaper having a general circulation in the City of College Park together with a notice setting out the time and place for a public hearing thereon and for its consideration by the Council. The public hearing, hereby set for _____ P.M. on the _____ day of _____, 2016, 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 _____, 2016 provided that a fair summary of this Ordinance is published at least once prior to the date of passage and once as soon as practical after the date of passage in a newspaper having general circulation in the City.

INTRODUCED by the Mayor and Council of the City of College Park, Maryland at a regular meeting on the ____ day of _____ 2016.

ADOPTED by the Mayor and Council of the City of College Park, Maryland at a regular meeting on the ____ day of _____ 2016.

EFFECTIVE the ____ day of _____, 2016.

ATTEST:

CITY OF COLLEGE PARK

Janeen S. Miller, CMC, City Clerk

Patrick L. Wojahn, Mayor

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

Suellen M. Ferguson, City Attorney

16-G-96

Appointments to Boards and Committees

Councilmember Stulich:

- Reappoint Adele Ellis to the Recreation Board

Councilmember Kabir:

- Appoint Kendra Goodson to the Education Advisory Committee

16-G-74

Award of Contract for
Development
Consultant

(See Confidential
Envelope)