



**MEETING OF
UNIVERSITY PARK MAYOR AND COMMON COUNCIL
WILL BE HELD
VIA VIDEO AND AUDIO CONFERENCE
7:30 p.m.
October 4, 2021
REGULAR SESSION**

REVISED AGENDA

The Council meeting will be conducted entirely remotely with no in-person meeting attendance. To join the Council meeting through a video conference, please use the link below.

Join Meeting:

<https://us02web.zoom.us/j/84113905903?pwd=QmJFWGpkM2dzVG52L3B6eTRtdVFtZz09>

To join with audio only, dial: (301) 715-8592

Meeting ID: 841 1390 5903

Passcode: 597517

Public Participation:

Participants who join the video/audio conference will be muted during the meeting except for Mayor, Council, and staff. Participants can turn their video on during the meeting, so we can all see each other, or can turn it off if they would rather. Participants will have the opportunity to speak during Public Comment - agenda item #6. During that time, all participants will be taken off mute. If you would like to comment, please state your name and Mayor Pro Tempore Biermann will call on you to speak. Public comments will be limited to three minutes.

Public comments or questions may also be made by emailing the Town Clerk Andrea Marcavitch at amarcavitch@upmd.org. All electronic comments must be submitted by 12 p.m. on October 4, 2021. Comments received will be read by the Town Clerk during public comment.

1. CALL TO ORDER: *Mayor Pro Tempore Biermann*

Present:	Biermann	Absent:	Biermann
	Gathercole		Gathercole
	Morrissey		Morrissey
	Morgan		Morgan
	McGaughey		McGaughey
	Wells		Wells
	Stephen		Stephen

2. PLEDGE OF ALLEGIANCE – Mayor Pro Tempore Biermann

3. APPROVAL OF THE AGENDA

Moved by:

Seconded by:

Yea:

Nay:

Abstain:

4. APPROVAL OF MINUTES: *September 20, 2021*

Moved by:

Seconded by:

Yea:

Nay:

Abstain:

5. PRESENTATION

A. PRINCE GEORGE'S COUNTY SCHOOL BOARD REPRESENTATIVE

District 3 School Board Representative Pamela Boozer-Strother to give update.

6. CONSENT AGENDA

Motion: To approve the following consent agenda item.

Moved by:

Seconded by:

Yea:

Nay:

Abstain:

**A. BLOCK PARTY/STREET CLOSURE FOR 40th AVENUE (FROM 6520 40th AVENUE TO
END OF CUL-DE-SAC)**

(Saturday, October 16, 2021 from 2-8 p.m.) Ward 2

The police department has been notified and supports this request.

7. PUBLIC COMMENT

8. MAYOR, COUNCIL, AND COMMITTEE COMMENTS AND REPORTS

A. MAYOR'S REPORT – *Mayor Carey*

B. COMMITTEE REPORTS AND COUNCIL COMMENTS

9. CONTINUING BUSINESS

A. FISCAL YEAR 2021 BUDGET ADJUSTMENTS (*Second Reading*)

Motion: To approve the transfers for the Fiscal Year 2021 budget as outlined in the 9/13/2021 Memo from the Town Treasurer Daniel Baden.

Transfer requires two meetings, as the total exceeds \$2,500.00. The earliest date this motion may be considered for passage is October 4, 2021.

Moved by:

Seconded by:

Yea:

Nay:

Abstain:

B. ADOPTION OF LEGISLATIVE RESOLUTION 21-O-04: AMENDING CHAPTER 7 “PUBLIC HEALTH AND SANITATION”, BY REPEALING AND RE-ENACTING §7-104, “NOISE” TO PROHIBIT USE OF GAS-POWERED LEAF BLOWERS (*Second Reading*)

Motion: To adopt Legislative Resolution 21-O-04 to amend chapter 7 by repealing and reenacting §7-104 “Noise” of the Code of Ordinances of the Town of University Park, to prohibit use of gas-powered leaf blowers by January 1, 2024.

The earliest date this motion may be considered for passage is October 4, 2021.

Moved by:

Seconded by:

Yea:

Nay:

Abstain:

10. NEW BUSINESS

A. INTRODUCTION OF LEGISLATIVE RESOLUTION 21-O-07: AMENDING CHAPTER 9 “TRAFFIC AND VEHICLES”, ARTICLE 1 “TRAFFIC” BY REPEALING AND RE-ENACTING §9-109 “SPEED-MONITORING SYSTEM” (*First Reading*)

Motion: To introduce Legislative Resolution 21-O-07 to amend chapter 9 “Traffic and Vehicles”, Article 1, “Traffic” by repealing and re-enacting §9-109 “Speed-monitoring system” of the Code of Ordinances of the Town of University Park, to authorize the placement of speed cameras on highways in residential districts with a maximum posted speed limit of 35 miles per hour.

The earliest date this motion may be considered for passage is November 1, 2021.

Moved by:

Seconded by:

Yea:

Nay:

Abstain:

11. TOWN ADMINISTRATOR'S REPORT

12. ADJOURNMENT

**** A Closed Session may be called ****

Agenda Item 4
Draft 9/20 Council Minutes

**MEETING OF
UNIVERSITY PARK MAYOR AND COMMON COUNCIL
VIA VIDEO AND AUDIO CONFERENCE
7:30 p.m.
September 20, 2021
MINUTES**



1. CALL TO ORDER: *Mayor Carey* at 7:31 p.m.

Present: Mr. Biermann, Ms. Gathercole, Ms. Morrissey, Mr. Morgan (arrived at 7:40 p.m.), Mr. McGaughey, Mr. Stephen

Absent: None

Excused: Ms. Wells

2. PLEDGE OF ALLEGIANCE – was led by Mayor Carey.

3. APPROVAL OF THE AGENDA as amended – move agenda item 4A to 4B and add agenda items 4A titled “Presentation by County Councilmember Dannielle Glaros” and 9B titled “VeoRide Contract Extension.”

Moved by: Mr. McGaughey

Seconded by: Mr. Biermann

Yea: 5

Nay: 0

Abstain: 0

4. PRESENTATIONS

A. COUNTY COUNCILMEMBER DANNIELLE GLAROS

- The County is offering awards called “Community Champions” for those who have demonstrated outstanding service in their community. Residents should contact the County if they would like to nominate someone who would qualify.
- Councilmember Glaros read a Proclamation to award recipient Mr. John Tabori on behalf of the Prince George’s County Council.

B. ORIGINS OF THE DEVELOPMENT OVERVIEW COMMITTEE

Former Mayor John Tabori gave a presentation on the origins of the Development Overview Committee (DOC). Residents with any questions should contact Mr. Tabori.

5. APPROVAL OF MINUTES: *September 7, 2021*

Moved by: Mr. Stephen

Seconded by: Mr. McGaughey

Yea: 6

Nay: 0

Abstain: 0

6. CONSENT AGENDA

Motion: To approve the following consent agenda items.

Moved by: Ms. Gathercole

Seconded by: Mr. Morgan

Yea: 6

Nay: 0

Abstain: 0

A. BUILDING PERMIT APPLICATION TO INSTALL DRIVEWAY

(Alexander and Amber Stewart, 6609 Wells Parkway) Ward 4

To install a 10.6'x 25' driveway on Lot 19, Block 22 and Section 7 at 6609 Wells Parkway.

B. BUILDING PERMIT APPLICATION TO INSTALL DECK

(Ari BenAissa, 4441 Wells Parkway) Ward 3

To install a 10'x 12' deck with no steps on Lot 6 and Block 3 at 4441 Wells Parkway.

C. BUILDING PERMIT APPLICATION TO REPLACE PORCH TILE, CONCRETE EDGE AND RAILING

(Thomas and Isabel Ahmann, 4408 Beechwood Road) Ward 5

To replace open porch tile surface with new tile, repair concrete edge, and replace metal railing in kind on Lot 45 and Block A at 4408 Beechwood Road.

7. PUBLIC COMMENT

- A resident reminded everyone of the upcoming “Arts in the Park” event scheduled for Saturday, September 25 from 1-4 p.m. along the path near the soccer field.
- A resident said that the recent Development Overview Committee meeting was very productive and informative.

8. MAYOR, COUNCIL, AND COMMITTEE COMMENTS AND REPORTS

A. MAYOR’S REPORT – *Mayor Carey*

- District 3 School Board Member Pamala Boozer-Strother will be at the October 4 Council meeting to give an update on the re-opening of schools along with discussing other issues in the County.
- The 9/11 “Community Moment of Reflection” ceremony was very successful with approximately 60 people in attendance.
- A Special Session for the Council has been scheduled for September 30 at 7 p.m. via Zoom to go through the proposed changes of Chapters 1-4 of the Town Code.

B. COMMITTEE REPORTS AND COUNCIL COMMENTS

Public Facilities and Services Committee - Mr. Stephen

- Topics of discussion at the recent meeting included plans for the American Rescue Plan funds.

Development Overview Committee - Mr. Biermann

- The last DOC meeting approximately seventy-five people participated which included the developers of the Guilford Woods project, members of the University of Maryland, and the Save Guilford Woods group. The meeting was successful, and the plan is to have another meeting in the near future. The minutes of the meeting will be available soon.

Sustainability Committee - Mr. Biermann

- Discussion included the successful Meadow Day event, rain gardens, park plan and polystyrene recycling.
- A seeding and de-weeding event is scheduled for October 16. All are welcome to participate.
- Public Works Director Mickey Beall reported that the Electronics and Paint Recycling and Paper Shredding Event will take place on October 23. Information on this event will be in the October newsletter. This event will take place every April and October.

9. NEW BUSINESS

A. FISCAL YEAR 2021 BUDGET ADJUSTMENTS

Motion: To introduce the transfers for the Fiscal Year 2021 budget as outlined in the 9/13/2021 Memo from the Town Treasurer Daniel Baden.

Moved by: Mr. Biermann

Seconded by: Ms. Gathercole

Yea: 6

Nay: 0

Abstain: 0

Transfer requires two meetings, as the total exceeds \$2,500.00. The earliest date this motion may be considered for passage is October 4, 2021.

Note: Mr. Stephen asked Mr. Beall for detailed information on the “Vehicle Maintenance” line item.

B. VEORIDE CONTRACT EXTENSION

Motion: To authorize the Mayor to extend the current mobility share agreement between College Park, University Park and VeoRide, Inc. until the end of October.

Moved by: Mr. Morgan

Seconded by: Mr. McGaughey

Yea: 6

Nay: 0

Abstain: 0

10. ADMINISTRATOR AND DEPARTMENT REPORTS

A. REPORT FROM THE TOWN ADMINISTRATOR ~ *David Deutsch*

- Currently working on the following issues: recommendations for the American Rescue Plan; follow-up on the Town Hall property; park plan; a traffic issue; and the recruitment of Town Clerk.
- The Town Clerk position has been advertised and approximately 30 applications were received and this has been narrowed down to six. Mr. Deutsch hopes that a selection will be made with the next month.

B. REPORT FROM THE TOWN ATTORNEY ~ *Suellen Ferguson*

No report.

C. REPORT FROM THE TOWN CLERK ~ *Andrea Marcavitch*

- Summary of permits issued in the month of September: 7 building; 2 POD/dumpster and 0 vendor.
- The Town will start the redesigning process of the website in January of 2022. We'll need more photographs of town for the redesign. We plan to ask residents to submit photos to use. Residents can submit high quality photos via email to the Town Clerk's Office.
- Ms. Marcavitch shared website statistics over the last year on how often the website was visited, most visited pages and top searches. If anyone is interested in learning more about the website or to see the full statistics report, contact Ms. Marcavitch.

D. REPORT FROM THE CHIEF OF POLICE ~ *Chief Harvey Baker*

The September crime report was reviewed with Council and 4 incidents were reported.

- A campaign in town called "Nine PM" reminds residents to lock their car doors and to remove valuable items from their vehicles every night at 9 p.m.
- The enforcement stage for the two speed cameras on East West Highway and Adelphi Road began on September 13. There were 122 citations on September 13 and the next day there were 130 citations.
- Training:
 - September 29 - CPR, First Aid and AED.
 - October 5-6 - ABLE.
- Community Engagement:
 - October 23 - DEA Drug Take-Back Day
- The one vacancy in the Police Department will be filled sometime in November.
- Mr. Biermann asked for data on the speed ranges from the speed camera.

E. REPORT FROM THE TOWN TREASURER ~ *Dan Baden*

September 2021 Treasurer's Report was distributed.


F. REPORT FROM THE DIRECTOR OF PUBLIC WORKS ~ *Michael Beall*

- The Pepco pruning project in Ward 7 is expected to be delayed until October.
- The WMATA work in the two fan shafts has been completed.
- The basement restroom project in the Town Hall is complete.
- Mr. Beall is working on getting the remaining three electric vehicle charging stations into operational condition.
- Construction has not yet begun on Phase 2B of the infrastructure project, along Underwood, College Heights Drive, and Clagett-Pineway.

11. ADJOURNMENT by consent at 9:15 p.m.

Agenda Item 9A
FY21 Budget Adjustments
re: Treasurer's 9/13/2021 Memo

MEMO

Date: September 13, 2021
To: Mayor and Commission
From: Dan Baden 
Re: FY2021 Transfer of Funds

The final financial statement figures have been submitted to audit. Based on the final figures there are some accounts that are over budget. The budget shortfalls within departments can be covered with transfers from within departmental budgets except for the Public Works transfers. Below are the recommended budget adjustments for FY2021:

General Government	TO	FROM
Building Maintenance	\$3,650	
Employee Awards and Events	500	
Engineering	950	
Legal Fees	7,500	
Travel	<u> </u>	<u>12,600</u>
Total	\$12,600	\$12,600

Police

Travel, Meetings, Prof. Dues	\$ 50	
Vehicle Maintenance	1,200	
Gasoline	<u> </u>	<u>1,250</u>
Total	\$1,250	1,250

Public Works

Tree Maintenance - Parks	\$ 50	
Tree Replacement – Parks	250	
Upkeep of Park	500	
Street and Sidewalk Maintenance	1,100	
Fuel	8,600	
Landfill	8,300	
Vehicle Maintenance	6,600	

Salaries – Public Works	2,320	
Payroll Taxes & Benefits		\$2,320
Park Landscape		9,800
Police Salaries	_____	<u>15,600</u>
Total	\$27,720	\$27,720

I have attached a report that shows Budget vs. Actual revenue and expenditures for the year. An explanation for some of the larger overages are as follows:

Building Maintenance – We continued with additional cleaning of the town hall after the CARES funding ended at the end of December.

Legal Fees – We incurred additional outside legal costs for the last election.

Fuel – Public Works – The majority of the overage is related to fraudulent use of the gas card by former employees.

Landfill – We purchased a pallet of bio-bags at a cost of \$3,452

Vehicle Maintenance – Needed repairs to town vehicles that could not wait until the new fiscal year.

Please let me know if you have any questions.

Town of University Park
Profit & Loss Budget vs. Actual

July 2020 through June 2021

	Jul '20 - Jun 21	Budget	\$ Over Budget	% of Budget
Ordinary Income/Expense				
Income				
General Fund Revenues				
I - Taxes				
4000-00 - Real Estate Tax Revenue	2,449,774.26	2,445,072.00	4,702.26	100.2%
4005-00 - Business Personal Property Tax	53,939.95	60,000.00	(6,060.05)	89.9%
4010-00 - Penalties & Interest on Taxes	3,627.39	1,000.00	2,627.39	362.7%
4020-00 - State Income Tax	792,428.18	680,000.00	112,428.18	116.5%
Total I - Taxes	3,299,769.78	3,186,072.00	113,697.78	103.6%
II - State Shared				
4015-00 - Highway Users	86,534.15	120,156.00	(33,621.85)	72.0%
4025-00 - Police Protection	51,001.00	49,668.00	1,333.00	102.7%
4030-00 - Bank Stock	10,257.22	10,257.00	0.22	100.0%
Total II - State Shared	147,792.37	180,081.00	(32,288.63)	82.1%
III - County				
4055-00 - Landfill Rebate	6,258.00	6,256.00	0.00	100.0%
4071-00 - COVID19 County	160,986.00	161,000.00	(14.00)	100.0%
Total III - County	167,242.00	167,256.00	(14.00)	100.0%
IV - Licenses & Permits				
4075-00 - Cable TV Franchise Payments	35,635.44	38,800.00	(3,164.56)	91.8%
4076-00 - Cable TV - Capital Equipment	22,574.66	24,300.00	(1,725.34)	92.9%
4080-00 - Building Permits & Fees	2,264.60	1,500.00	764.60	151.0%
Total IV - Licenses & Permits	60,474.70	64,600.00	(4,125.30)	93.6%
V - Miscellaneous				
4085-00 - Accident Reports	80.00			
4095-00 - Rental License Fees	22,850.00	31,200.00	(8,350.00)	73.2%
4100-00 - Fines - Police	450.00	4,000.00	(3,550.00)	11.3%
4105-00 - Vehicle Release	550.00	2,000.00	(1,450.00)	27.5%
4120-00 - Interest Income	1,945.99	15,000.00	(13,054.01)	13.0%
4150-00 - Revenue -Miscellaneous	260.32	100.00	160.32	260.3%
4155-00 - Revenue - Recycling	2,906.30	2,000.00	906.30	145.3%
4160-00 - Sale of Asset	13,200.00	0.00	13,200.00	100.0%
4170-00 - Red Light Camera	15,625.00	18,720.00	(3,095.00)	83.5%
4244-00 - Sale of Energy Credits	3,802.64	500.00	3,302.64	760.5%
4248-00 - PEPCO - Solar Array Excess Gen.	0.00	1,000.00	(1,000.00)	0.0%
Total V - Miscellaneous	61,670.25	74,520.00	(12,849.75)	82.8%
VI - Grant & Bond Revenue				
4212-00 - MHAA Grant	20,676.05			
Total VI - Grant & Bond Revenue	20,676.05			
VII - Prior Year's Surplus	0.00	1,965,151.00	(1,965,151.00)	0.0%
Total General Fund Revenues	3,757,625.15	5,637,680.00	(1,880,054.85)	66.7%
Total Income	3,757,625.15	5,637,680.00	(1,880,054.85)	66.7%
Gross Profit	3,757,625.15	5,637,680.00	(1,880,054.85)	66.7%
Expense				
General Government				
I - Personnel - Gen Govt				
A Salaries - General Government				
6103-01 - Administration Expenses	89,509.20	90,300.00	(790.80)	99.1%
6104-01 - Mayor's Salary	20,076.90	20,000.00	76.90	100.4%
6105-01 - General Government - Reg	180,644.52	193,725.00	(13,080.48)	93.2%
6108-01 - General Government - Sick	847.00			
6109-01 - General Government - Vacation	12,337.02			
Total A Salaries - General Government	303,414.64	304,025.00	(610.36)	99.8%

Town of University Park
Profit & Loss Budget vs. Actual

July 2020 through June 2021

	Jul '20 - Jun 21	Budget	\$ Over Budget	% of Budget
B - Payroll Tax & Benefits - GG				
6600-01 · Life Insurance - Employee - GG	495.06			
6605-01 · Health Insurance - GG	12,708.15			
6610-01 · Payroll Taxes - GG	15,454.66			
6620-01 · Worker's Comp Insurance - GG	1,530.39	48,490.00	(33,035.34)	31.9%
6625-01 · Unemployment Insurance - GG	737.67			
6630-01 · State Retirement - GG	19,908.04			
6635-01 · Payroll Taxes - Mayor	1,530.00	3,590.00	(2,060.00)	42.6%
6640-01 · Unemployment - Mayor	187.00			
Total B - Payroll Tax & Benefits - GG	52,550.97	52,080.00	470.97	100.9%
Total I - Personnel - Gen Govt.	355,965.61	356,105.00	(139.39)	100.0%
II -Operating - Gen. Government				
6000-01 · ADA (Interpreters)	0.00	250.00	(250.00)	0.0%
6005-01 · Accounting & Auditing	8,529.00	9,000.00	(471.00)	94.8%
6015-01 · Building Maintenance	18,620.88	15,000.00	3,620.88	124.1%
6020-01 · Building Utilities	9,753.44	17,000.00	(7,246.56)	57.4%
6027-01 · Council Retreat / Orientation	0.00	8,000.00	(8,000.00)	0.0%
6030-01 · Recording Secretary	2,300.00	5,000.00	(2,700.00)	46.0%
6050-01 · Elections	3,067.28	4,000.00	(932.72)	76.7%
6053-01 · Employee Awards and Events	3,536.57	3,070.00	466.57	115.2%
6055-01 · Engineering Serv. (Exc. Street)	2,901.90	2,000.00	901.90	145.1%
6064-01 · IT Costs	21,986.30	22,000.00	(13.70)	99.9%
6065-01 · Insurance	35,706.00	36,100.00	(394.00)	98.9%
6070-01 · Legal Advertisement	1,390.00	1,500.00	(110.00)	92.7%
6075-01 · Legal Fees	52,447.61	45,000.00	7,447.61	116.6%
6080-01 · Travel	9,652.67	26,500.00	(16,847.33)	36.4%
6085-01 · Memberships and Dues	5,768.28	7,000.00	(1,231.72)	82.4%
6090-01 · Newsletter	23,379.35	25,000.00	(1,620.65)	93.5%
6095-01 · Office Expenses	17,390.18	21,000.00	(3,609.82)	82.8%
6097-01 · Publications	1,800.00	8,000.00	(6,200.00)	22.5%
6110-01 · Small Equipment	1,972.59	3,000.00	(1,027.41)	65.8%
6115-01 · Telephone	8,961.63	10,000.00	(1,038.37)	89.6%
6128-01 · Training	559.00	1,500.00	(941.00)	37.3%
6130-01 · Website Maintenance & Design	8,706.13	8,800.00	(93.87)	98.9%
Total II -Operating - Gen. Government	238,428.81	278,720.00	(40,291.19)	85.5%
III - Grants & Donations				
6063-01 · Fire Dept Donation	9,000.00	9,000.00	0.00	100.0%
6098-01 · Hyattsville Middle School PTA	0.00	6,000.00	(6,000.00)	0.0%
6099-01 · PTA Donation	0.00	6,000.00	(6,000.00)	0.0%
6152-01 · Senior Programs - Helping Hands	2,008.60	5,000.00	(2,991.40)	40.2%
6203-02 · UPCA Grant	0.00	8,000.00	(8,000.00)	0.0%
6250-02 · Azalea Classic	0.00	6,000.00	(6,000.00)	0.0%
Total III - Grants & Donations	11,008.60	40,000.00	(28,991.40)	27.5%
IV -Capital Outlay - Gen. Govt.				
6139-01 · Town Hall Bathroom Renovations	18,000.00	18,000.00	0.00	100.0%
Total IV -Capital Outlay - Gen. Govt.	18,000.00	18,000.00	0.00	100.0%
V - Transit				
6125-07 · Transit - Call-A-Bus	173.14	0.00	173.14	100.0%
6126-01 · Transit - Salaries	0.00	9,680.00	(9,680.00)	0.0%
6630-07 · State Retirement - Van	5,654.00			
Total V - Transit	5,827.14	9,680.00	(3,852.86)	60.2%
VI -Covid Expense				
6800-08 · Audio and Video (ZOOM etc.)	229.90	600.00	(370.10)	38.3%
6805-08 · Cell Phones Police	0.00	1,756.00	(1,756.00)	0.0%
6810-08 · Cleaning Costs - Building	5,050.00	7,200.00	(2,150.00)	70.1%
6815-00 · Cleaning Supplies	1,581.92	1,200.00	381.92	131.8%
6818-08 · Covid Testing	6,725.00	7,221.00	(496.00)	93.1%
6820-08 · Disinfectant Costs	3,971.63	4,308.00	(336.37)	92.2%
6825-08 · Educational	473.08	2,000.00	(1,526.92)	23.7%
6830-08 · Elections By Mail	0.00	5,025.00	(5,025.00)	0.0%
6831-08 · Food	25,000.00	10,000.00	15,000.00	250.0%
6833-08 · Hazard Pay	62,318.64	97,680.00	(35,361.36)	63.8%
6834-08 · Laptops	0.00	6,750.00	(6,750.00)	0.0%
6835-08 · PPE Purchases	3,945.00	6,388.00	(2,443.00)	61.8%
6838-08 · Payroll Taxes	0.00	7,473.00	(7,473.00)	0.0%
6839-08 · Public Outreach	5,000.00			

Town of University Park
Profit & Loss Budget vs. Actual

July 2020 through June 2021

	Jul '20 - Jun 21	Budget	\$ Over Budget	% of Budget
6840-08 - Security	0.00	399.00	(399.00)	0.0%
6842-08 - Temperature Scanning Stations	0.00	3,000.00	(3,000.00)	0.0%
Total VI -Covid Expense	114,295.17	161,000.00	(46,704.83)	71.0%
Total General Government	743,525.33	863,505.00	(119,979.67)	86.1%
Police & Public Safety				
I - Police & PS - Personnel				
A - Salaries - P & PS				
6344-03 - Police - Vacation	46,461.76			
6345-03 - Police - Regular	547,591.00	697,389.00	(149,798.00)	78.5%
6346-03 - Police - OT	35,823.20			
6348-03 - Police - Holiday	10,585.68			
6349-03 - Police - Sick Plan	19,896.26			
Total A - Salaries - P & PS	660,357.90	697,389.00	(37,031.10)	94.7%
B - Payroll Tax & Benefits - PS				
6600-03 - Life Insurance - Employee - PS	1,217.58			
6605-03 - Health Insurance - Police & PS	73,761.66			
6610-03 - Payroll Taxes - Police & PS	51,688.65	260,547.00	(208,858.35)	19.8%
6620-03 - Workers Comp Insurance - PS	54,748.28			
6625-03 - Unemployment Insurance - PS	1,694.22			
6630-03 - State Retirement - PS	66,124.08			
Total B - Payroll Tax & Benefits - PS	249,234.47	260,547.00	(11,312.53)	95.7%
Total I - Police & PS - Personnel	909,592.37	957,936.00	(48,343.63)	95.0%
II - Code Compliance				
6380-03 - Code Compliance Salary	24,933.68	25,000.00	(66.32)	99.7%
6631-03 - Code Compliance- Payroll Tax	1,945.88			
6632-03 - Code Compliance- Unemployment	190.21			
6633-03 - Code Compliance Operating Costs	1,330.93	5,000.00	(3,669.07)	26.6%
Total II - Code Compliance	28,400.70	30,000.00	(1,599.30)	94.7%
II - Police & PS - Operating				
5303-03 - Citations - Red Light Camera	6,297.53	8,700.00	(2,402.47)	72.4%
6300-03 - Bike Patrol	340.62	500.00	(159.38)	68.1%
6303-03 - Body Worn Cameras	8,382.00	8,522.00	(140.00)	98.4%
6305-03 - Computer	0.00	2,000.00	(2,000.00)	0.0%
6307-03 - Crossing Guards	5,189.84	5,500.00	(310.16)	94.4%
6315-03 - Police Supplies & Manuals	5,359.17	5,440.00	(80.83)	98.5%
6320-03 - Gasoline	12,322.96	16,000.00	(3,677.04)	77.0%
6322-03 - GPS	1,459.18	2,500.00	(1,040.82)	58.4%
6323-03 - Home Security Reimb. Program	200.00	1,500.00	(1,300.00)	13.3%
6325-03 - Medical Exams	3,328.00	3,350.00	(22.00)	99.3%
6327-03 - MILES Computer	0.00	100.00	(100.00)	0.0%
6329-03 - Mobile Data Terminals	12,486.64	18,375.00	(5,908.36)	67.8%
6330-03 - Travel, Meetings, Prof. Dues	2,530.95	2,500.00	30.95	101.2%
6340-03 - Radio Maintenance	0.00	500.00	(500.00)	0.0%
6350-03 - Small Equipment - Police	8,375.77	9,400.00	(1,024.23)	89.1%
6351-03 - Uniforms				
6360-03 - Uniform Cleaning	1,554.64	8,300.00	(6,745.36)	18.7%
6365-03 - Uniform Purchase	5,308.27			
Total 6351-03 - Uniforms	6,862.91	8,300.00	(1,437.09)	82.7%
6355-03 - Training	4,280.24	5,000.00	(719.76)	85.6%
6370-03 - Vehicle Maintenance	7,683.98	6,500.00	1,183.98	118.2%
Total II - Police & PS - Operating	85,079.79	104,687.00	(19,607.21)	81.3%
III - Police & PS - Cap. Outlay				
6335-03 - Police Car	99,997.06	101,000.00	(1,002.94)	99.0%
Total III - Police & PS - Cap. Outlay	99,997.06	101,000.00	(1,002.94)	99.0%
Total Police & Public Safety	1,123,069.92	1,193,623.00	(70,553.08)	94.1%

Town of University Park
Profit & Loss Budget vs. Actual

July 2020 through June 2021

	Jul '20 - Jun 21	Budget	\$ Over Budget	% of Budget
Public Works				
I - Personnel - PW				
A - Salaries - PW				
6545-05 · Mechanic	80,848.36			
6550-05 · Public Works	434,559.20	599,205.00	(164,645.80)	72.5%
6551-05 · Public Works - OT	14,837.65			
6552-05 · Public Works - DT	5,226.25			
6554-05 · Public Works - Sick	38,127.77			
6555-05 · Public Works - Vacation	27,922.89			
Total A - Salaries - PW	601,522.12	599,205.00	2,317.12	100.4%
B - Payroll Tax & Benefits - PW				
6600-05 · Life Insurance - Employee -PW	1,537.28			
6605-05 · Health Insurance	127,672.98			
6610-05 · Payroll Taxes - PW	47,744.53	272,400.00	(224,655.47)	17.5%
6620-05 · Workers Comp Insurance - PW	33,017.10			
6625-05 · Unemployment Insurance - PW	1,999.20			
6630-05 · State Retirement - PW	55,866.08			
Total B - Payroll Tax & Benefits - PW	267,837.17	272,400.00	(4,562.83)	98.3%
Total I - Personnel - PW	869,359.29	871,605.00	(2,245.71)	99.7%
II - Operating - Parks & Rec				
6202-02 · Cemetery Upkeep	0.00	100.00	(100.00)	0.0%
6210-02 · Tree Maintenance	20,045.00	20,000.00	45.00	100.2%
6215-02 · Tree Replacement	8,245.84	8,000.00	245.84	103.1%
6217-02 · Resident Tree Reimbursement	2,983.50	4,000.00	(1,016.50)	74.6%
6220-02 · Upkeep of Park	8,477.82	8,000.00	477.82	106.0%
6227-02 · Park Usage Concept Plan	0.00	100.00	(100.00)	0.0%
6230-02 · Playing Field Maintenance	8,420.00	10,000.00	(1,580.00)	84.2%
6235-02 · Park Landscape Maintenance	5,121.84	15,000.00	(9,878.16)	34.1%
Total II - Operating - Parks & Rec	53,294.00	65,200.00	(11,906.00)	81.7%
III - Operating - Streets				
6410-04 · Snow Removal	2,604.35	5,000.00	(2,395.65)	52.1%
6420-04 · Street Lights	25,885.12	29,000.00	(3,114.88)	89.3%
6425-04 · Street & Sidewalk Maintenance	47,070.41	46,000.00	1,070.41	102.3%
6435-04 · Street Trees - Replacement	9,870.00	10,000.00	(130.00)	98.7%
6440-04 · Street Tree - Maintenance	32,997.51	33,000.00	(2.49)	100.0%
Total III - Operating - Streets	118,427.39	123,000.00	(4,572.61)	96.3%
IV - Operating - Gen./Sanit				
Uniforms				
6570-05 · Uniform Purchases	3,212.30	4,000.00	(787.70)	80.3%
Total Uniforms	3,212.30	4,000.00	(787.70)	80.3%
6500-05 · Fuel	34,581.21	26,000.00	8,581.21	133.0%
6501-05 · Composting	7,468.91	7,500.00	(31.09)	99.6%
6505-05 · Landfill	44,387.21	55,000.00	(10,612.79)	80.7%
6510-05 · Landfill - Compost (MD Environ)	18,909.00			
6515-05 · Medical Exams	292.50	500.00	(207.50)	58.5%
6535-05 · Recycling Costs	11,674.04	14,000.00	(2,325.96)	83.4%
6540-05 · Recycling - Appliances (Univ)	1,540.00			
6546-05 · Travel & Dues	1,140.00	2,500.00	(1,360.00)	45.6%
6547-05 · Training	1,753.88	2,500.00	(746.12)	70.2%
6560-05 · Tools & Supplies	7,822.44	8,000.00	(177.56)	97.8%
6580-05 · Vehicle Maintenance	43,558.12	37,000.00	6,558.12	117.7%
6585-05 · Work & Storage Space	51,924.35	53,000.00	(1,075.65)	98.0%
Total IV - Operating - Gen./Sanit	228,263.96	210,000.00	18,263.96	108.7%
V - Capital Outlay - PW				
6506-05 · Veteran's Memorial	0.00	1,000.00	(1,000.00)	0.0%
6509-05 · Park Bridge Repairs Beechwood	3,500.00	4,000.00	(500.00)	87.5%
6520-05 · LED Street Light Conversion	0.00	100.00	(100.00)	0.0%
Total V - Capital Outlay - PW	3,500.00	5,100.00	(1,600.00)	68.6%
Total Public Works	1,272,844.64	1,274,905.00	(2,060.36)	99.8%

Town of University Park
Profit & Loss Budget vs. Actual

July 2020 through June 2021

	Jul '20 - Jun 21	Budget	\$ Over Budget	% of Budget
Reserves & Debt Service				
I. Unreserved - Designated				
6600-08 · Vehicle Replacement	0.00	26,000.00	(26,000.00)	0.0%
6610-08 · Tree Replacement	0.00	40,000.00	(40,000.00)	0.0%
6615-08 · Police Officer	0.00	68,000.00	(68,000.00)	0.0%
Total I. Unreserved - Designated	0.00	134,000.00	(134,000.00)	0.0%
II. Reserved - Designated				
6630-08 · Cemetery	0.00	4,204.00	(4,204.00)	0.0%
6640-08 · Cable Capital Equipment	0.00	197,450.00	(197,450.00)	0.0%
Total II. Reserved - Designated	0.00	201,654.00	(201,654.00)	0.0%
III. Debt Service				
6044-01 · Debt Service Infrast. Bond	206,241.84	206,242.00	(0.16)	100.0%
6051-01 · St. Imp. & Traffic Cont. 2019	136,339.78	136,340.00	(0.22)	100.0%
6054-01 · Leaf/Utility Truck Lease Pymt.	27,343.81	27,350.00	(6.19)	100.0%
Total III. Debt Service	369,925.43	369,932.00	(6.57)	100.0%
IV. Unreserved Funds	0.00	1,600,061.00	(1,600,061.00)	0.0%
Total Reserves & Debt Service	369,925.43	2,305,647.00	(1,935,721.57)	16.0%
Total Expense	3,509,365.32	5,637,680.00	(2,128,314.68)	62.2%
Net Ordinary Income	248,259.83	0.00	248,259.83	100.0%
Other Income/Expense				
Other Income				
7000-00 · Capital Projects				
7010-00 · Revenue and Funding Sources				
7020-00 · Grants and Other Funding Source				
4125-00 · Intrest Income - 2019 Bond	3,282.67			
7022-00 · Maryland Bond Bill - Town Hall	0.00	200,000.00	(200,000.00)	0.0%
7024-00 · WSSC/WGL Street Repair Rebate	587,918.04	516,000.00	71,918.04	113.9%
7026-00 · Safe Routes to School Grant	0.00	200,000.00	(200,000.00)	0.0%
7028-00 · MHAA Grant	0.00	40,750.00	(40,750.00)	0.0%
Total 7020-00 · Grants and Other Funding Source	591,200.71	956,750.00	(365,549.29)	61.8%
7040-00 · Committed Fund Balance				
7042-00 · Bond Proceeds - FY2020	0.00	1,600,000.00	(1,600,000.00)	0.0%
7044-00 · Road Reserves	0.00	107,500.00	(107,500.00)	0.0%
7046-00 · MD Bond Bill - Town Match	0.00	40,000.00	(40,000.00)	0.0%
7048-00 · MHAA Grant Match	0.00	40,750.00	(40,750.00)	0.0%
7050-00 · Repairs to Park Path	0.00	83,606.00	(83,606.00)	0.0%
Total 7040-00 · Committed Fund Balance	0.00	1,871,856.00	(1,871,856.00)	0.0%
Total 7010-00 · Revenue and Funding Sources	591,200.71	2,828,606.00	(2,237,405.29)	20.9%
Total 7000-00 · Capital Projects	591,200.71	2,828,606.00	(2,237,405.29)	20.9%
Total Other Income	591,200.71	2,828,606.00	(2,237,405.29)	20.9%
Other Expense				
7100-00 · Capital Projects Expenditures				
7110-00 · Street Project - FY2021				
7111-00 · Construction - NZI	1,576,125.97	0.00	1,576,125.97	100.0%
7112-00 · Design/Inspection/PM	83,480.78			
7110-00 · Street Project - FY2021 - Other	0.00	2,507,106.00	(2,507,106.00)	0.0%
Total 7110-00 · Street Project - FY2021	1,659,606.75	2,507,106.00	(847,499.25)	66.2%
7120-00 · Town Hall Design and Const.	0.00	240,000.00	(240,000.00)	0.0%
7130-00 · MHAA Trail Project	49,211.10	81,500.00	(32,288.90)	60.4%
Total 7100-00 · Capital Projects Expenditures	1,708,817.85	2,828,606.00	(1,119,788.15)	60.4%
Total Other Expense	1,708,817.85	2,828,606.00	(1,119,788.15)	60.4%
Net Other Income	(1,117,617.14)	0.00	(1,117,617.14)	100.0%
Net Income	(869,357.31)	0.00	(869,357.31)	100.0%

Agenda Item 9B
Legislative Resolution 2021-O-04
(Gas-powered leaf blowers)
This version was discussed by Council at the
9/7/2021 Council Meeting

Amending Chapter 7, Public Health and Sanitation
Sponsored by: Councilmember Verrill

AMENDED LEGISLATIVE RESOLUTION 21-O-04

Resolution and Ordinance of the Town of University Park to amend Chapter 7 “Public Health and Sanitation”, by repealing and re-enacting §7-104, “Noise”, of the Code of Ordinances of the Town of University Park.

WHEREAS, pursuant to §5-202 of the Local Government Article, Annotated Code of Maryland, the Mayor and Common Council of the Town of University Park have the power to pass such ordinances as deemed necessary to protect the health, safety and welfare of the residents of the municipality and to prevent and remove nuisances; and

WHEREAS, the Mayor and Common Council have adopted Chapter 7, “Public Health and Sanitation” to protect the health and welfare of the residents; and

WHEREAS, the Policy, Rules and Municipal Structure Committee has recommended that the use of gas-powered leaf blowers is ecologically damaging, creates a health hazard for residents and should be prohibited; and

WHEREAS, the Mayor and Common Council have determined that the said recommendation is in the public interest.

EXPLANATION:

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW

[Brackets] indicate matter deleted from existing law

* * Asterisks* * indicate existing law which are unchanged but not set forth in the ordinance

CAPITALS INDICATE MATTER ADDED BY AMENDMENT TO THE PROPOSED ORDINANCE

[Brackets] indicate matter deleted by amendment to the proposed ordinance

Section 1: NOW THEREFORE be it resolved and ordained by the Mayor and Common Council of the Town of University Park that Chapter 7 “Noise”, of the Code of the Town of University Park, be repealed, re-enacted and amended to read as follows:

§ 7-104 Noise.

A. Restrictions.

- (1) Except for the purpose of necessary property maintenance during the hours of 7:00 a.m. to 8:00 p.m. from Monday through Friday, and 8:00 a.m. to 5:00 p.m. on Saturday and Sunday, it shall be unlawful~~[(1)F]~~ For any owner or occupant of real property located within the Town, or any guest of such person, to make or generate, or continue to make or generate, or allow to be made or generated, any loud or raucous sound so as to cause unreasonable annoyances or disturbances to others living or located nearby. No owner or occupant of real property located in the Town, nor any guest of such person, shall use, operate, or permit to be played, used or operated and radio receiving set, musical instrument, phonograph, or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the person or persons using such machine or device or who are voluntary listeners thereto. The generation of loud or raucous sound, or operation of any such machine or device, in such manner as to be plainly audible beyond the property line of the property from which the sound is generated shall be prima facie evidence of a violation of this section.
- (2) BEGINNING JANUARY 1, 2024, IT SHALL BE UNLAWFUL FOR ANY OWNER OR OCCUPANT OF REAL PROPERTY LOCATED WITHIN THE TOWN, OR ANY GUEST, EMPLOYEE OR CONTRACTOR OF SUCH PERSON, TO USE A GAS-POWERED LEAF BLOWER ON THAT PROPERTY.

B. In the case of real property which is not occupied by its owner, ~~[it shall be unlawful for the owner of such property to permit occupants and guests to violate the provisions of this section; provided, however, that]~~ the owner of such property shall not be deemed to have violated ~~[this]~~ subsection A unless~~[(1)S]~~ Such owner or the DESIGNATED agent of the owner shall have received notice or other information, from any source, that the occupant, EMPLOYEE, CONTRACTOR, or guest of such property is alleged to have engaged in conduct which violates this section on one or more prior occasions, without regard to whether such conduct has resulted in the issuance of a municipal citation~~]; or~~

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

C. State Standards. Nothing herein shall be construed as promulgating a standard less stringent than the environmental noise standards and sound-level limits adopted under Title 3 of the Health-Environmental Article of the Annotated Code of Maryland, as amended from time to time.

D. Notification of state. In accordance with Title 3 of the Health-Environmental Article of the Annotated Code of Maryland, the Town shall send to the Maryland Department of Health and Mental Hygiene a copy of each noise control ordinance, rule or regulation that it adopts and identify on each Zoning Map, Comprehensive Plan or other appropriate document the sound-level limits that are adopted.

E. Enforcement. A violation of this section shall constitute a municipal infraction. In the event that more than one owner and/or more than one occupant or guest of the real property is alleged to have violated the provisions of this chapter, a municipal infraction shall be issued to each alleged violator. A notice of violation of this section may include the requirement that the violation be fully abated immediately. The Town is hereby authorized to seek court action to abate any noise nuisance, in lieu of or in addition to any other enforcement remedies set out in this chapter.

F. Rental housing license. In addition to any other penalty provided in this code, the rental license for a property may be subject to revocation or nonrenewal if three or more violations of this chapter occur within any twelve-month period.

Section 2. Be it further resolved and ordained by the Mayor and Common Council of the Town of University Park that this Ordinance shall become effective twenty (20) days after enactment by the Mayor and Common Council of University Park.

Section 3: Be it further resolved that, after adoption, a complete and exact copy of this Ordinance shall be posted on the entrance door of the Town Building of University Park, Maryland, for a period of not less than ten (10) days, and a fair summary of this Ordinance shall be published at least once in a newspaper having general circulation in the community.

Section 4. If any section, subsection, provision, sentence, clause, phrase or word of this Ordinance is for any reason held to be illegal or otherwise invalid by any court of competent jurisdiction, such invalidity shall be severable, and shall not affect or impair any remaining section, subsection, provision, sentence, clause, phrase or word included within this Ordinance, it

being the intent of the Town that the remainder of the Ordinance shall be and shall remain in full force and effect, valid and enforceable.

APPROVED this _____ day of _____, 2021

ATTEST:

MAYOR AND COMMON COUNCIL
TOWN OF UNIVERSITY PARK

By: _____
Lenford C. Carey, Mayor

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: _____
Suellen M. Ferguson, Town Attorney

Agenda Item 9B
Legislative Resolution 2021-O-04
(Gas-powered leaf blowers)
Revisions from the Policy, Rules
and Municipal Structure Committee on 9/30/2021

Amending Chapter 7, Public Health and Sanitation
Sponsored by: Councilmember Laurie Morrissey

LEGISLATIVE RESOLUTION 21-0-0**

Resolution and Ordinance of the Town of University Park to amend Chapter 7 “Public Health and Sanitation”, by repealing and re-enacting §7-104, “Noise”, of the Code of Ordinances of the Town of University Park.

WHEREAS, pursuant to §5-202 of the Local Government Article, Annotated Code of Maryland, the Mayor and Common Council of the Town of University Park have the power to pass such ordinances as deemed necessary to protect the health, safety and welfare of the residents of the municipality and to prevent and remove nuisances; and

WHEREAS, the Mayor and Common Council have adopted Chapter 7, “Public Health and Sanitation” to protect the health and welfare of the residents; and

WHEREAS, the Committee has several recommended that the use of gas-powered leaf blowers is ecologically damaging, creates a health hazard for residents and should be prohibited; and

WHEREAS, the Mayor and Common Council have determined that the said recommendation is in the public interest.

EXPLANATION:

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW

[Brackets] indicate matter deleted from existing law

* * Asterisks* * indicate existing law which are unchanged but not set forth in the ordinance

CAPITALS INDICATE MATTER ADDED BY AMENDMENT TO THE PROPOSED
ORDINANCE

[Brackets] indicate matter deleted by amendment to the proposed ordinance

Section 1: NOW THEREFORE be it resolved and ordained by the Mayor and Common Council of the Town of University Park that Chapter 7 “Noise”, of the Code of the Town of University Park, be repealed, re-enacted and amended to read as follows:

§ 7-104 Noise.

A. Restrictions.

- (1) Except for the purpose of necessary property maintenance during the hours of 7:00 a.m. to 8:00 p.m. from Monday through Friday, and 8:00 a.m. to 5:00 p.m. on Saturday and Sunday, it shall be unlawful[:~~(1)~~F] For any owner or occupant of real property located within the Town, or any guest of such person, to make or generate, or continue to make or generate, or allow to be made or generated, any loud or raucous sound so as to cause unreasonable annoyances or disturbances to others living or located nearby. No owner or occupant of real property located in the Town, nor any guest of such person, shall use, operate, or permit to be played, used or operated and radio receiving set, musical instrument, phonograph, or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the person or persons using such machine or device or who are voluntary listeners thereto. The generation of loud or raucous sound, or operation of any such machine or device, in such manner as to be plainly audible beyond the property line of the property from which the sound is generated shall be prima facie evidence of a violation of this section.
- (2) BEGINNING JANUARY 1, 2024, IT SHALL BE UNLAWFUL FOR ANY OWNER OR OCCUPANT OF REAL PROPERTY LOCATED WITHIN THE TOWN, OR ANY GUEST, EMPLOYEE OR CONTRACTOR OF SUCH PERSON, TO USE A GAS-POWERED LEAF BLOWER ON THAT PROPERTY.
- 3) THE TOWN MAY OFFER REIMBURSEMENT OF UP TO \$100 TOWARD THE PURCHASE PRICE OF ANY ELECTRIC- OR BATTERY-POWERED LAWN OR YARD MAINTENANCE DEVICE/EQUIPMENT, INCLUDING BUT NOT LIMITED TO LEAF BLOWERS, LAWN MOWERS, EDGERS, AND WEED TRIMMERS. THIS REBATE SHALL NOT EXCEED THE TOTAL COST OF THE EQUIPMENT, INCLUDING TAX, OR \$100, WHICHEVER IS LESS. RESIDENTS WHO APPLY FOR THIS REIMBURSEMENT ARE REQUIRED TO PROVIDE A DATED SALES RECEIPT FOR THE NEW DEVICE. ONE QUALIFYING PURCHASE PER HOUSEHOLD IS PERMITTED DURING A THREE-YEAR TIMEFRAME, TO BEGIN WITH THE START OF THE FY23 TOWN BUDGET ON JULY 1, 2022 AND ENDING WITH THE CONCLUSION OF THE FY25 TOWN BUDGET ON JUNE 30, 2025. ANY REIMBURSEMENTS ARE SUBJECT TO APPROPRIATION AND

AVAILABLE FUNDING. THE COUNCIL WILL CREATE AN ACCOMPANYING POLICY DETAILING THE IMPLEMENTATION OF THIS ORDINANCE.

B. In the case of real property which is not occupied by its owner, ~~[it shall be unlawful for the owner of such property to permit occupants and guests to violate the provisions of this section; provided, however, that]~~ the owner of such property shall not be deemed to have violated ~~[this]~~ subsection A unless~~[(1)-S]~~ Such owner or the DESIGNATED agent of the owner shall have CONTRACTOR, or guest of such property is alleged to have engaged in conduct which violates this section on one or more prior occasions, without regard to whether such conduct has resulted in the issuance of a municipal citation~~[- or~~

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

C. State Standards. Nothing herein shall be construed as promulgating a standard less stringent than the environmental noise standards and sound-level limits adopted under Title 3 of the Health-Environmental Article of the Annotated Code of Maryland, as amended from time to time.

D. Notification of state. In accordance with Title 3 of the Health-Environmental Article of the Annotated Code of Maryland, the Town shall send to the Maryland Department of Health and Mental Hygiene a copy of each noise control ordinance, rule or regulation that it adopts and identify on each Zoning Map, Comprehensive Plan or other appropriate document the sound-level limits that are adopted.

E. Enforcement. A violation of this section shall constitute a municipal infraction. In the event that more than one owner and/or more than one occupant or guest of the real property is alleged to have violated the provisions of this chapter, a municipal infraction shall be issued to each alleged violator. A notice of violation of this section may include the requirement that the violation be fully abated immediately. The Town is hereby authorized to seek court action to abate any noise nuisance, in lieu of or in addition to any other enforcement remedies set out in this chapter.

F. Rental housing license. In addition to any other penalty provided in this code, the rental license for a property may be subject to revocation or nonrenewal if three or more violations of this chapter occur within any twelve-month period.

Section 2. Be it further resolved and ordained by the Mayor and Common Council of the Town of University Park that this Ordinance shall become effective twenty (20) days after enactment by the Mayor and Common Council of University Park.

Section 3: Be it further resolved that, after adoption, a complete and exact copy of this Ordinance shall be posted on the entrance door of the Town Building of University Park,

Maryland, for a period of not less than ten (10) days, and a fair summary of this Ordinance shall be published at least once in a newspaper having general circulation in the community.

Section 4. If any section, subsection, provision, sentence, clause, phrase or word of this Ordinance is for any reason held to be illegal or otherwise invalid by any court of competent jurisdiction, such invalidity shall be severable, and shall not affect or impair any remaining section, subsection, provision, sentence, clause, phrase or word included within this Ordinance, it being the intent of the Town that the remainder of the Ordinance shall be and shall remain in full force and effect, valid and enforceable.

APPROVED this _____ day of _____, 2021

ATTEST:

MAYOR AND COMMON COUNCIL
TOWN OF UNIVERSITY PARK

By: _____
Lenford C. Carey, Mayor

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: _____
Suellen M. Ferguson, Town Attorney

Agenda Item 10A
Introduction of Legislative Resolution 21-O-07
Amending Town Code Section 9-109

Amending §9-109 Speed monitoring systems
Sponsored by: Councilmember

LEGISLATIVE RESOLUTION 21-0-07

Resolution and Ordinance of the Town of University Park to amend Chapter 9 “Traffic and Vehicles”, Article 1, “Traffic”, by repealing and re-enacting §9-109, “Speed monitoring system” of the Code of Ordinances of the Town of University Park, to authorize the placement of speed cameras on highways in residential districts with a maximum posted speed limit of 35 miles per hour.

WHEREAS, pursuant to §5-202 of the Local Government Article, Annotated Code of Maryland, the Mayor and Common Council of the Town of University Park have the power to pass such ordinances as deemed necessary to protect the health, safety and welfare of the residents of the municipality and to prevent and remove nuisances; and

WHEREAS, pursuant to §21-809 of the Transportation Article, Annotated Code of Maryland, as amended, the Town has authorized operation of a speed monitoring system to enforce the speed limit in school zones and within ½ mile of an institute of higher education for increased public safety; and

WHEREAS, §21-809 was amended by the State Legislature effective in October, 2021, to authorize municipalities in Prince George’s County to place speed cameras on highways in residential districts with a maximum posted speed limit of 35 miles per hour; and

EXPLANATION:

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW

[Brackets] indicate matter deleted from existing law

* * Asterisks* * indicate existing law which are unchanged but not set forth in the ordinance

CAPITALS INDICATE MATTER ADDED BY AMENDMENT TO THE PROPOSED

ORDINANCE

[Brackets] indicate matter deleted by amendment to the proposed ordinance

WHEREAS, it is in the public interest to conform the Town code language to that of amended §21-809 and authorize the placement and use of speed cameras on highways in residential districts with a maximum posted speed limit of 35 miles per hour.

Section 1. NOW THEREFORE, BE IT ORDAINED AND ENACTED, by the Mayor and Council of the Town of University Park, Maryland that Chapter 9 “Vehicles and Traffic”, Article 1, “Traffic”, §9-109 "Speed monitoring system", be, and is hereby repealed, re-enacted and amended to read as follows:

§9-109 Speed monitoring system in school zones, [~~and~~] within one-half mile of an institution of higher education, AND ON HIGHWAYS IN RESIDENTIAL DISTRICTS

A. The Town and its police department are authorized to operate a speed monitoring system to enforce the speed limit pursuant to § 21-809, Transportation Article, Annotated Code of Maryland, as amended, in school zones, [~~and~~] within one-half mile of an institution of higher education, AND ON HIGHWAYS IN RESIDENTIAL DISTRICTS WITH A MAXIMUM POSTED SPEED LIMIT OF 35 MILES PER HOUR.

B. Before activating a speed monitoring system, the Town shall:

(1) Publish notice of the location of the speed monitoring system on its website and in a newspaper of general circulation in the Town.

(2) Ensure that each speed limit sign approaching and within an institute of higher education zone, OR ON A HIGHWAY IN A RESIDENTIAL DISTRICT WITH A MAXIMUM POSTED SPEED LIMIT OF 35 MILES PER HOUR, and each speed limit sign that designates a school zone is proximate to a sign that:

(a) indicates that speed monitoring systems are in use in the school, HIGHWAY or institute of higher education zone; and

(b) is in accordance with the Manual for and the Specifications for a Uniform System of Traffic Control Devices adopted by the State Highway Administration under §25-104 of the Transportation Article, Annotated Code of Maryland.

C. A speed monitoring system in a school zone may operate only Monday through Friday between 6:00 a.m. and 8:00 p.m. A speed monitoring system in a zone within one-half mile of an institution of higher education OR ON A HIGHWAY IN A RESIDENTIAL DISTRICT WITH A MAXIMUM POSTED SPEED LIMIT OF 35 MILES PER HOUR may operate 24 hours per day, seven days per week.

D. For a period of at least 30 days after the first speed monitoring system is placed in the Town, a violation recorded by any speed monitoring system may be enforced only by issuance of a warning. Thereafter, if the Town moves or places a mobile or stationary speed monitoring system where a speed monitoring system has not previously been placed, the Town may not issue a citation for a violation recorded by that speed monitoring system:

- (1) until signage is installed in accordance with subsection b of this section; and
- (2) for at least the first 15 calendar days after the signage is installed.

E. The Town Council is hereby authorized to designate school speed enforcement zones, HIGHWAY ZONES and zones within one-half mile of an institution of higher [learning] EDUCATION consistent with this section by resolution.

Section 2. Be it further resolved that this ordinance shall become effective twenty (20) days after enactment by the Mayor and Common Council of University Park. If any section, subsection, provision, sentence, clause, phrase or word of this Ordinance is for any reason held to be illegal or otherwise invalid by any court of competent jurisdiction, such invalidity shall be severable, and shall not affect or impair any remaining section, subsection, provision, sentence, clause, phrase or word included within this Ordinance, it being the intent of the Town that the remainder of the Ordinance shall be and shall remain in full force and effect, valid and enforceable.

Section 3: Be it further resolved that a complete and exact copy of this proposed Ordinance shall be posted on the entrance door of the Town Building of University Park, Maryland, for a period of not less than ten (10) days, and a fair summary of this Ordinance shall be published at least once in a newspaper having general circulation in the community.

APPROVED this _____ day of _____, 2020

ATTEST:

MAYOR AND COMMON COUNCIL
TOWN OF UNIVERSITY PARK

By: _____
Lenford C. Carey, Mayor

APPOVED AS TO FORM AND
LEGAL SUFFICIENCY

By: _____
Suellen M. Ferguson, Town Attorney