



**MEETING OF
UNIVERSITY PARK MAYOR AND COMMON COUNCIL
WILL BE HELD
VIA VIDEO AND AUDIO CONFERENCE
7:30 p.m.
October 5, 2020
REGULAR SESSION**

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/81616409771?pwd=V2lXVTdDRmdibW5JdzRNNkMra0VuUT09>

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

Meeting ID: 816 1640 9771

Passcode: 117368

Public Participation:

Participants who join the video/audio conference will be muted and video turned off during the meeting except for Mayor, Council, and staff. 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 Carey 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 6 p.m. on September 14, 2020. Comments received will be read by the Town Clerk during public comment.

1. CALL TO ORDER: *Mayor Carey*

Present:	Biermann	Absent:	Biermann
	Schultz		Schultz
	Morrissey		Morrissey
	Verrill		Verrill
	Caskey		Caskey
	Wells		Wells
	Stephen		Stephen

2. PLEDGE OF ALLEGIANCE – Mayor Carey

3. APPROVAL OF THE AGENDA

Moved by:	Seconded by:	
Yea:	Nay:	Abstain:

4. APPROVAL OF MINUTES: *September 28, 2020*

Moved by:

Seconded by:

Yea:

Nay:

Abstain:

5. CONSENT AGENDA

Motion: To approve the following consent agenda items.

Moved by:

Seconded by:

Yea:

Nay:

Abstain:

A. BUILDING PERMIT APPLICATION TO INSTALL A NEW 4' FENCE

(Karen Lyon, 6804 Pineway) Ward 5

To install a 90' section of 4' fence along the rear property line on Lot 70 at 6804 Pineway.

B. BUILDING PERMIT APPLICATION TO REPLACE FENCE AND INSTALL A SHED

(Ernesto and Andrea Corrales, 6704 40th Avenue) Ward 6

To replace two sections of 4' fence including a gate, to remove existing shed and install a new 7'x 7' shed in the rear yard on Lot 33, Block 39 and Section 7 at 6704 40th Avenue.

C. BUILDING PERMIT APPLICATION TO INSTALL A 4' FENCE

(Danielle LeClair, 4206 College Heights Drive) Ward 7

To install a 4' fence on Lot 2, Block 32 and Section 7 at 4206 College Heights Drive.

6. PUBLIC COMMENT

7. MAYOR, COUNCIL, AND COMMITTEE COMMENTS AND REPORTS

A. MAYOR'S REPORT ~ *Mayor Len Carey*

B. COMMITTEE REPORTS AND COUNCIL COMMENTS

8. NEW BUSINESS

A. INTRODUCTION OF LEGISLATIVE RESOLUTION 20-O-09: AMENDING CHAPTER 4, §4-110, *LIMITATIONS ON FENCES*, ALLOWING 6' FENCES IN REAR AND SIDE YARDS (*First Reading*)

Motion: To introduce Legislative Resolution 20-O-9 to amend chapter 4 by repealing and reenacting §4-102 "Definitions" and § 4-110, "Limitations on Fences" of the Code of Ordinances of the Town of University Park, to allow fences six (6) feet in height in side and rear yards, with some exceptions, to clarify certain definitions, and to make clarifying and conforming changes

The earliest date this motion may be considered for passage is November 2, 2020.

Moved by:

Seconded by:

Yea:

Nay:

Abstain:

B. INTRODUCTION OF LEGISLATIVE RESOLUTION 20-O-10: AMENDING CHAPTER 9, §9-104, *PARKING*, TO ESTABLISH ADDITIONAL NO PARKING ZONES ON TENNYSON ROAD AND LIMITED DURATION NO PARKING ZONES ON 40TH AND 41ST AVENUES AND TENNYSON ROAD (*First Reading*)

Motion: To introduce Legislative Resolution 20-O-10 to amend Chapter 9 by repealing and reenacting §9-104 “Parking” of the Code of Ordinances of the Town of University Park, to establish additional no parking zones on Tennyson Road, and limited duration no parking zones to coincide with leaf collection season on 40th and 41st Avenues and Tennyson Road.

The earliest date this motion may be considered for passage is November 2, 2020.

Moved by:

Seconded by:

Yea:

Nay:

Abstain:

C. TOWN ACTIONS ON FLOODING CONCERNS

Town Administrator David Deutsch will summarize Town actions on flooding and discuss with Council

D. QUEENS CHAPEL ROAD INFRASTRUCTURE BRIEFING

Public Works Director Mickey Beall will give an update.

9. TOWN ADMINISTRATOR’S REPORT

10. ADJOURNMENT

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

Agenda item 4
Draft 9/28/20 Council Minutes



**MEETING OF
UNIVERSITY PARK MAYOR AND COMMON COUNCIL
VIA VIDEO AND AUDIO CONFERENCE**

**7:30 p.m.
September 28, 2020
MINUTES**

1. CALL TO ORDER: *Mayor Carey* at 7:30 p.m.

Present: Mr. Biermann, Mr. Schultz, Ms. Morrissey, Ms. Verrill, Mr. Caskey, Ms. Wells,
Mr. Stephen

Absent: None

Excused: None

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

3. APPROVAL OF THE AGENDA

Moved by: Ms. Verrill

Seconded by: Mr. Stephen

Yea: 7

Nay: 0

Abstain: 0

4. APPROVAL OF MINUTES: *September 14, 2020*

Moved by: Ms. Wells

Seconded by: Ms. Verrill

Yea: 7

Nay: 0

Abstain: 0

5. CONSENT AGENDA

Motion: To approve the following consent agenda items.

Moved by: Mr. Stephen

Seconded by: Mr. Schultz

Yea: 7

Nay: 0

Abstain: 0

**A. BUILDING PERMIT APPLICATION TO REPLACE EXISTING FENCE
(Leatha Thome, 4108 Van Buren Street) Ward 7**

To replace a 45' section of existing 4' fence in the backyard on Lot 12 and Block 31 at 4108 Van Buren Street.

**B. BUILDING PERMIT APPLICATION TO REPLACE EXISTING FENCE
(Kim Lopez, 4115 Woodberry Street) Ward 7**

To replace existing sections of 4' fence – one 25' section in the backyard and one 10' section in the side yard on Lot 3 and Block 31 at 4115 Woodberry Street.

C. BUILDING PERMIT APPLICATION TO REPLACE EXISTING FENCE AND TO ADD A NEW SECTION

(Fredrick Naikal, 4444 Wells Parkway) Ward 3

To replace 120' of fencing along Baltimore Avenue with 42" wooden picket fence and install 32' of new 42" wooden picket fence at the corner on Baltimore Avenue and Wells Parkway on Lot 1, Block 11 and Section 3 at 4444 Wells Parkway.

D. BUILDING PERMIT APPLICATION TO INSTALL A BASEMENT EGRESS WINDOW
(Joshua Escajeda, 6520 40th Avenue) Ward 2

To install a 36"x 36" egress window in the basement on Lot 12&13, Block 21 and Section 5A at 6520 40th Avenue.

E. BUILDING PERMIT APPLICATION TO CONSTRUCT A DECK, REPLACE EXISTING DRIVEWAY, WALKWAY AND STOOP, AND INSTALL BASEMENT EGRESS WINDOW
(Mark Harris, 4103 Tennyson Road) Ward 2

To construct a 6.5'x 10.75' open deck with steps, replace 526 square foot driveway, repair and replace existing front stoop and walkway in-kind and install an egress window in the basement on Lot 2, Block 18 and Section 5B at 4103 Tennyson Road.

6. PUBLIC COMMENT

- In reference to the Unity March that took place on August 28 and organized by Mr. Charles Wiley of North Brentwood, a University Park resident said that the group of participants have continued to meet regularly and they are brainstorming ideas. This resident suggested that Councilmembers and Mayor of University Park come up with a list of ideas for a brainstorming session that could be submitted to Mr. Wiley.
- A resident of Ward 1 who is a member of the Route 1 Community Cares, a group of residents in University Park and nearby neighborhoods who developed a project that supports local family owned restaurants in preparing nutritious meals for the increasing number of families in need. This resident recently submitted a request for Town funding as well as a fact sheet of the project and asked if this topic could be added to an upcoming agenda. She encouraged residents to visit their website at feedrouteone.org and to consider making a donation.

7. MAYOR, COUNCIL, AND COMMITTEE COMMENTS AND REPORTS

A. MAYOR'S REPORT ~ Mayor Len Carey

- Mayor Carey along with 21 Prince George's County Mayors will Zoom with the County Executive to work on the following: Cares Act Funding; Building Permits and Route 1 flooding.
- On Wednesday, September 30 at 7:00 p.m. County Councilmembers Dannielle Glaros and Deni Taveras are hosting a community update on the Wells Run Upstream Stormwater Improvement Project also known as 9 Pond. More information on how to join the meeting can be found on the Town's website in the community calendar.
- In reference to the Route 1 Community Cares donation request from the Town of University Park, a formal request was recently made to the County for donation reimbursement under the CARES Act funding. The budget for this has already been approved by the Council. While County approval is needed, the County has approved food assistance programs for several other municipalities. However, if this falls through then the Council can take action by amending the current budget to make a donation, which can be done over a little more than a month.

- Due to COVID-19, University Park is not recommending the traditional Halloween trick-or-treating this year. Residents are encouraged to turn off front porch lights to discourage trick-or-treaters on Halloween, and find lower-risk activities to celebrate Halloween.
- The Town playgrounds opened on September 4 with necessary rules which include facial coverings for anyone older than 5 years and suggested for anyone older than 2 years, and to maintain social distancing. Playground capacity limits 15 people on the Tot-Lot and 35 people on the playground on Wells Parkway.
- The six acre property on Baltimore Avenue across from Town Hall known as the Albion property has been sold to Maryland National Capital Park and Planning Commission (MNCPPC).
- The Mayor invited Police Chief Baker to describe what the University Park Police Department is doing in response to concerns of food insecurity in our community. The Chief reported since March, every Wednesday, the police department has been providing food to underprivileged families who attend University Park Elementary School, at the request of the outreach coordinator from the school. A donation of 40 boxes of dairy products were distributed to needy families at Toledo Terrace. These donations were given with the assistance of resident Ms. Lydia Baker and her church members.

B. COMMITTEE REPORTS AND COUNCIL COMMENTS

Policy, Rules and Municipal Structure Committee - Ms. Verrill

The next meeting is scheduled for Thursday, October 1 at 7:00 p.m. via Zoom.

8. CONTINUING BUSINESS

A. DISCUSSION OF TOWN ADMINISTRATOR POSITION

Council discussion of options for filling the Town Administrator position on a long-term (non-interim) basis.

Discussion:

- In a July 2020 discussion, Council indicated that they were not ready at that time to pursue the issue of a full-time Town Administrator.
- There would be a budget impact if the position transitioned to full-time in January 2021.
- Consideration for a July 1, 2021 start date (FY 2022 Budget) for a transition to a full-time position. This would mean extending the current interim part-time Town Administrator position or someone else to provide service until the full-time Administrator comes on board.
- If there is Council support for a July 1 anticipated start date for a full-time Administrator, the recruiting process would need to start in mid-March to early-April.
- It feels very comfortable knowing the Council is getting well-researched reports and recommendations from the Town Administrator.
- There shouldn't be a lapse between the part-time Administrator and full-time Administrator. Consider amending the current budget to prevent this from happening.
- The residents need to be included into this conversation. It would be very helpful for the residents to see the list that was provided in the memo from Mr. Deutsch.
- With a full-time Administrator the form of government would remain the same.
- Consider a virtual Town Hall meeting for a community conversation.
- Mr. Deutsch was asked if he would consider a one year appointment as a part-time Town Administrator for calendar year 2021. Mr. Deutsch responded by saying that he will have further conversations with the Mayor and with Council on this question.

9. NEW BUSINESS

A. DISCUSSION OF PROPOSED CHANGES TO THE CHARTER REGARDING ARTICLE V, REGISTRATION, NOMINATION AND ELECTIONS

Supervisor of Elections Stephanie Herold outlined proposed changes. A memorandum was provided in the Council meeting agenda packet.

Motion: To amend Article V, *Registration, Nomination and Elections* of the Town Charter as proposed in the September 25, 2020 memo from the Supervisor of Elections, with the exception of number 5, and to direct the Town Attorney to draft the Charter amendments.

Moved by: Mr. Stephen

Seconded by: Mr. Schultz

Yea: 7

Nay: 0

Abstain: 0

10. ADMINISTRATOR AND DEPARTMENT REPORTS

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

No Report.

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

No Report.

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

- Seven building permits were issued in the month of September; no vendor permits; two pod permits and one dumpster permit. Issuance of parking permits continue to be suspended due to COVID-19.
- The newly formed Transit Task Force met on September 8 and was well attended with great discussion. Future meetings have been scheduled for the second Tuesday of every month. The next meeting is scheduled for October 13 at 7:30 p.m.
- The October Newsletter can be found on the Town website at www.upmd.org/newsletter and should be in mailboxes soon.
- General Election voting information and helpful links can now be found on the [Town website under News and Announcements](#).
- The September 21 Town Hall meeting about the September 10 flooding was recorded. Those interested in watching the meeting can go to the [Town website on the homepage under Quick Links](#).
- The Staff Appreciation lunch took place on September 17 in the parking lot of Town Hall. This year Bookkeeper Judy Andino was recognized for her five years of service to the Town.

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

Crime Report, September 1-28, Wards 1 and 4.

Training:

- October 5-8 - National Incident Based Reporting System Virtual Training
- October 16 - Taser Training
- October 21-22 - Strategic Communication for Effective Conflict Resolution Training

Community Events:

- October 13 - Police Excessive Force Zoom Meeting
- October 24 - National Prescription Drug Take Back Day from 10:00 a.m. - 2:00 p.m.
- October 31 - Halloween Trick or Treating is discouraged

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

August 2020 Treasurer's Report.

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

- A written status report for the infrastructure project is complete and will be posted on the [Town website under News and Announcements](#).
- The design plans for Queens Chapel Road will be available on Tuesday, September 29.
- The recently paved road on Van Buren Street now has holes due to a gas leak. The patch will be approximately 100' and the full width of the road.
- The sharrows on Van Buren and Wells have all been replaced with thermoplastic.
- Mr. Deutsch responded to a question from Council about the recent flooding in University Park by stating the issue will be discussed at the October 5 Council meeting.

11. ADJOURNMENT by consent at 9:27 p.m.

Agenda Item 5A
Lyon's Building Permit Application
6804 Pineway - 4' Fence



Building Permit Application

◆ The Town of University Park ◆

An incorporated municipality in Prince George's County, Maryland
Town Hall, 6724 Baltimore Avenue, University Park, Maryland 20782
Phone: (301) 927-4262 Fax: (301) 277-4548 Email: townhall@upmd.org

<i>For Office Use Only</i>	
Ward # <u>5</u>	Date Received: <u>9/30/20</u>
Permit Application:	Approved [] Rejected []
Check/Cash Amt.:	<u>\$10</u>
Permit Number:	_____
Date Issued:	_____

Name of Applicant(s): Karen Lyon

Telephone Number: (240) 832 2641 Home () _____ Cell _____

Work: 240 832 2641 Email: Jeff@PhoenixFenceandDeck.com

Street Address of Property: 6804 Pineway

Lot Number: _____ Block Number: _____ Section Number: _____

Person/Company Doing the Work: Phoenix Fence

Address/Phone: Phoenix Fence and Deck 4501 Gregg Rd Brookeville, MD 20833 (240) 832-2641

Signature of Property Owner: Fred Werth Date: 9/30/20

Description of Work

Check all that apply:

Fence: Height: 4' tall; 90' section, Material: wood, Style: picket

Outbuilding: Dimensions: _____, Height at Apex: _____
Materials: _____

Other: *(Please Specify):*
Dimensions: _____, Height at Apex: _____
Materials: _____

Please Specify Reason for Structure: _____

POD or Dumpster (check one) Unit will be placed on the property: _____ or on the street: _____

Dates the unit will be delivered: _____ picked up: _____

Permit and Non-Refundable Filing Fee Paid (**\$10 + 10% of County permit fee (if applicable)**)= \$ 10

Caution: *To begin construction before a permit has been issued and prominently displayed for inspection at the construction site is a clear violation of municipal law.*



Agenda Item 5B
Corrales Building Permit Application
6704 40th Avenue - 4' Fence and Shed



Building Permit Application

◆ The Town of University Park ◆

An incorporated municipality in Prince George's County, Maryland
Town Hall, 6724 Baltimore Avenue, University Park, Maryland 20782
Phone: (301) 927-4262 Fax: (301) 277-4548 Email: townhall@upmd.org

For Office Use Only
Ward # 6 Date Received: 9/30/20
Permit Application: Approved
Rejected
Check/Cash Amt.: \$10
Permit Number: _____
Date Issued: _____

Name of Applicant(s): Ernesto & Andrea Corrales

Telephone Number: (202) 281-6526 Home () _____ Cell _____

Work: _____ Email: ernie1212@gmail.com

Street Address of Property: 6704 40th Avenue

Lot Number: 33 Block Number: 39 Section Number: 7

Person/Company Doing the Work: Best Landscaping & Construction

Address/Phone: 2106 Ruatan St., Hyattsville, MD 20783 / 240-863-6381

Signature of Property Owner: Armin C... Date: 10/1/20

Description of Work

Check all that apply:

Fence: Height: 4', Material: lumber, Style: regular point
(front facing only - approximately 40' total)

Outbuilding: Dimensions: 7' x 7', Height at Apex: 8'
Materials: resin

Other: (Please Specify): _____
Dimensions: _____, Height at Apex: _____
Materials: _____

Please Specify Reason for Structure: _____

POD or Dumpster (check one) Unit will be placed on the property: _____ or on the street: _____

Dates the unit will be delivered: _____ picked up: _____

Permit and Non-Refundable Filing Fee Paid (\$10 + 10% of County permit fee (if applicable)) = \$ 10

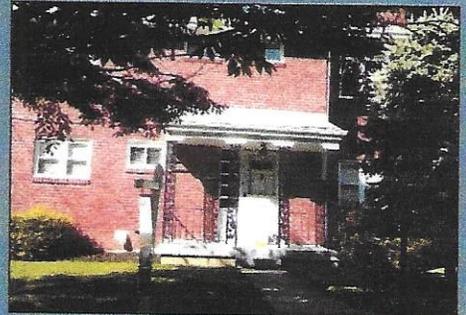
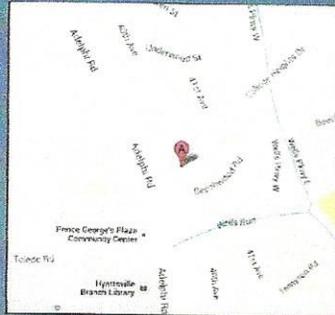
Caution: To begin construction before a permit has been issued and prominently displayed for inspection at the construction site is a clear violation of municipal law.

ORDERED BY:

stewart title®

2139 ESPEY CT, SUITE TWO
CROFTON, MARYLAND 21114

0 410-721-7131 | F 410-721-4692



PROPERTY ADDRESS: 6704 40TH AVENUE

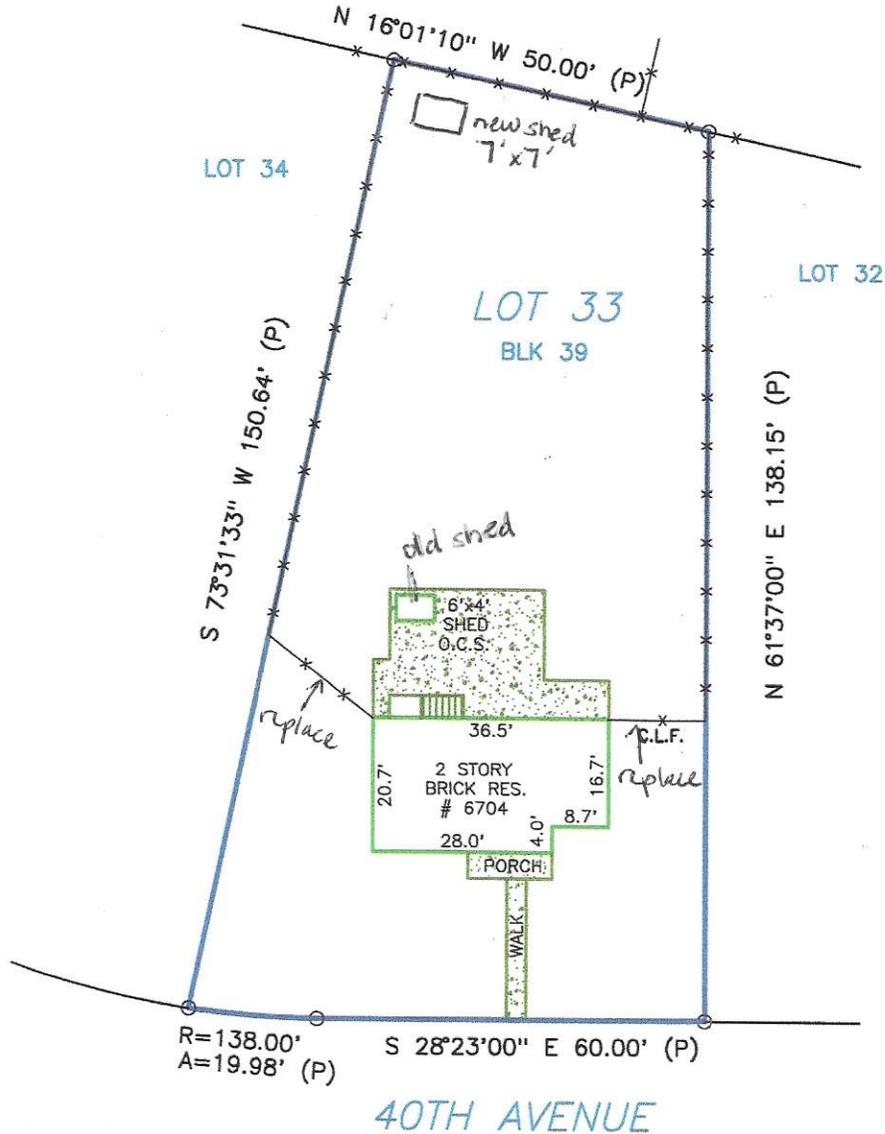
HYATTSVILLE, MARYLAND 20782

SURVEY NUMBER: MD1408.1789

FIELD WORK DATE: 8/25/2014

REVISION HISTORY: (REV.0 8/25/2014)

MD1408.1789
LOCATION DRAWING
LOT 33, BLOCK 39
SECTION 7, UNIVERSITY PARK
PRINCE GEORGE'S COUNTY, MARYLAND
08-25-2014 SCALE 1"=30'



William H. Hebert
EXPIRES 1-14-2015

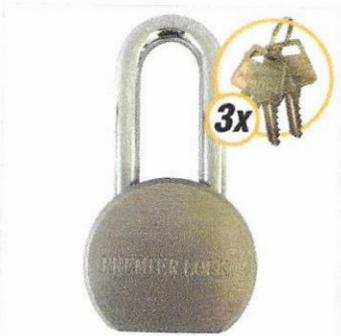


GRAPHIC SCALE (In Feet)

1 inch = 30' ft.

ACCURACY=3±

Get Everything You Need



+1 More items

Agenda Item 5C
LeClair Building Permit Application
4206 College Heights Drive - 4' Fence



Building Permit Application

◆The Town of University Park ◆

An incorporated municipality in Prince George's County, Maryland
Town Hall, 6724 Baltimore Avenue, University Park, Maryland 20782
Phone: (301) 927-4262 Fax: (301) 277-4548 Email: townhall@upmd.org

For Office Use Only
Ward # 7 Date Received: 9/30/20
Permit Application: Approved
Rejected
Check/Cash Amt: \$10.00
Permit Number: _____
Date Issued: _____

Name of Applicant(s): Danielle LeClair

Telephone Number: 608 658-3796 Home () Cell

Work: _____ Email: dleclair1972@gmail.com

Street Address of Property: 4206 College Heights Dr.

Lot Number: 2 Block Number: 32 Section Number: 7

Person/Company Doing the Work: Barry Potter

Address/Phone: 6025 Farrington Ave, Alexandria VA 22304

Signature of Property Owner: [Signature] Date: 9/28/2020

Description of Work

Check all that apply:

Fence: Height: 4'0", Material: Steel, Style: 3 rail black

Outbuilding: Dimensions: _____, Height at Apex: _____
Materials: _____

Other: (Please Specify): _____
Dimensions: _____, Height at Apex: _____
Materials: _____

Please Specify Reason for Structure: _____

POD or Dumpster (check one) Unit will be placed on the property: _____ or on the street: _____

Dates the unit will be delivered: _____ picked up: _____

Permit and Non-Refundable Filing Fee Paid (\$10 + 10% of County permit fee (if applicable))= \$ 10.00

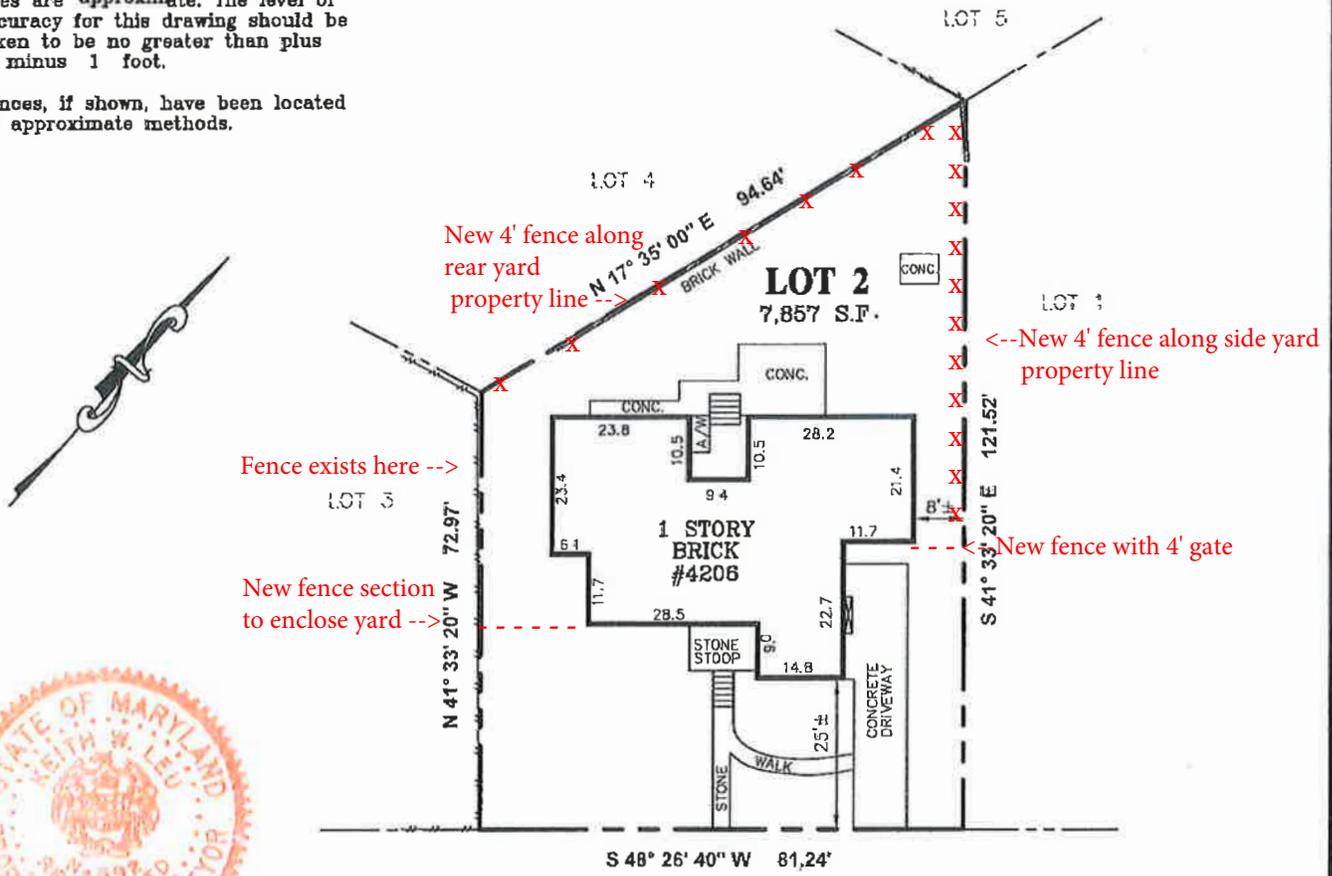
Caution: To begin construction before a permit has been issued and prominently displayed for inspection at the construction site is a clear violation of municipal law.

CONSUMER INFORMATION NOTES:

1. This plan is a benefit to a consumer insofar as it is required by a lender or a title insurance company or its agent in connection with contemplated transfer, financing or re-financing.
2. This plan is not to be relied upon for the establishment or location of fences, garages, buildings, or other existing or future improvements.
3. This plan does not provide for the accurate identification of property boundary lines, but such identification may not be required for the transfer of title or securing financing or re-financing.
4. Building line and/or Flood Zone information is taken from available sources and is subject to interpretation of originator.
5. No Title Report furnished.

Notes:

1. Setback distances as shown to the principal structure from property lines are approximate. The level of accuracy for this drawing should be taken to be no greater than plus or minus 1 foot.
2. Fences, if shown, have been located by approximate methods.



COLLEGE HEIGHTS DRIVE
(60' R/W)

LOCATION DRAWING
LOT 2, BLOCK 32
SECTION 7

UNIVERSITY PARK

PRINCE GEORGE'S COUNTY, MARYLAND

SURVEYOR'S CERTIFICATE		REFERENCES		SNIDER & ASSOCIATES LAND SURVEYORS 19544 Amaranth Drive Germantown, Maryland 20874 301/948-5100 Fax 301/948-1286 WWW.SNIDERSURVEYS.COM	
"THE INFORMATION SHOWN HEREON HAS BEEN BASED UPON THE RESULTS OF A FIELD INSPECTION PURSUANT TO THE DEED OR PLAT OF RECORD. EXISTING STRUCTURES SHOWN HAVE BEEN FIELD LOCATED BASED UPON MEASUREMENTS FROM PROPERTY MARKERS FOUND OR FROM EVIDENCE OF LINES OF APPARENT OCCUPATION." <i>Keith W. Leu</i> MARYLAND PROPERTY LINE SURVEYOR REG. NO. 592 Expires: 04-07-2021		PLAT BK. 12 PLAT NO. 48		DATE OF LOCATIONS WALL CHECK:	SCALE: 1" = 30' DRAWN BY: D.M.L.
LIBER		FOLIO	HSE. LOC.: 09-19-20	JOB NO.: 20-03743HL	

Agenda Item 8A
Legislative Resolution 20-O-09
Amending Chapter 4, Section 4-110 of the Town Code

LEGISLATIVE RESOLUTION 20-0-9

RESOLUTION AND ORDINANCE OF THE TOWN OF UNIVERSITY PARK TO AMEND CHAPTER 4 “BUILDING CODE”, §4-102 "DEFINITIONS" AND § 4-110, “LIMITATIONS ON FENCES” OF THE CODE OF ORDINANCES OF THE TOWN OF UNIVERSITY PARK, TO ALLOW FENCES SIX (6) FEET IN HEIGHT IN SIDE AND REAR YARDS, WITH SOME EXCEPTIONS, TO CLARIFY CERTAIN DEFINITIONS, AND TO MAKE CLARIFYING AND CONFORMING CHANGES

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 adopted §4-110 "Limitations on fences", to regulate the height, materials and placement of fences; and

WHEREAS; the Mayor and Common Council have determined that it is in the public interest that the four (4) foot height limitation that was placed on fences in the side and rear yards should be increased to six (6) and to adopt clarifying and conforming changes.

Section 1. NOW THEREFORE, BE IT ORDAINED AND ENACTED, by the Mayor and Common Council of the Town of University Park, Maryland that Chapter 4 “Building Code”, §4-102 "Definitions", be, and is hereby repealed, re-enacted and amended to read as follows:

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

§ 4-102 **Definitions.**

As used in this chapter, the following terms mean:

BUILDING RESTRICTION LINE

The setback line established by the Prince George's County Zoning Code for the R-55 Zone AND RSF-65 ZONE, by plat, or by covenant or agreement, whichever is applicable, beyond which no part of a main building or other structure may extend.

* * * *

FENCE Any structure, wall, RETAINING WALL, barrier, [or] partition OR COMBINATION THEREOF erected for the purpose or with the effect of enclosing a piece of land, dividing a piece of land into distinct portions, separating two contiguous estates, or stopping and/or creating an obstacle to pedestrian crossings, or consisting of a section or sections of any type or fencing material, including chain, railing, arbor, or trellis, or any other type of similar structure constructed or set in place and made of any material such as bricks, blocks, stones, wood, iron, wire, plastics, concrete or any other building or construction material. Fence does not include underground, invisible animal restraint barriers.

* * * *

Section 2. BE IT FURTHER RESOLVED that Chapter 4 “Building Code”, §4-110

"Limitations on fences", be, and is hereby repealed, re-enacted and amended to read as follows:

§ 4-110 Limitations on fences.

A. No fence [~~or wall or combination thereof~~] within the Town shall:

- (1) Exceed [~~four~~] SIX feet in height from existing finished grade [~~, unless it surrounds a swimming pool, as defined in the Prince George's County Zoning Code~~]. THE HEIGHT OF A FENCE IS MEASURED FROM THE TOP OF THE FENCE TO THE GRADE ON THE SIDE OF THE FENCE WHERE THE GRADE IS THE LOWEST.
- (2) Be erected or maintained in the front yard, except as provided in Subsection C of this section.
- (3) Impede or interfere with the natural flow of surface water from adjoining property.
- (4) Be constructed so as to encroach into the public right-of-way.
- (5) Be constructed, RECONSTRUCTED OR REPLACED in whole or in part [~~or~~] WITH barbed wire.

B. A fence[~~, wall, or fence/wall combination~~] may be erected or maintained in the side or rear yard of the property, but shall not be erected beyond the front building restriction line for any existing or proposed street [~~, alley or roadway~~] AS DEFINED IN CHAPTER 1 OF THIS CODE that borders the property, except as provided in Subsection C of this section and as follows:

(1) If the main building on the lot TO BE FENCED extends beyond the front building restriction line for a bordering street, then a side OR REAR yard fence may be constructed along a parallel line from the rear corner of THE MAIN building to the rear of the lot.

(2) If there are no houses facing the street on that side of the block on which a side or rear yard fence is to be built, then it may be constructed to the side or rear lot line.

C. Retaining walls built to retain or support the lateral pressure of earth or water or other superimposed load shall be designed and constructed of approved masonry, reinforced concrete, steel sheet piling, or other approved materials within the allowable stresses of acceptable engineering practices. Retaining walls may be constructed where necessary in the front, side, or rear yard, but shall not extend more than one foot above finished grade, EXCEPT THAT A RAILING OR FENCE AS REQUIRED FOR HEALTH AND SAFETY REASONS BY PRINCE GEORGE'S COUNTY MAY BE PLACED AS APPROVED ON RETAINING WALLS.

(1) Retaining walls shall be designed to resist the pressure of the retained material, including both dead and live load surcharges, to which they may be subjected, and to ensure stability against overturning, sliding, excessive foundation pressure, and water uplift.

(2) Unless drainage is provided, the hydrostatic head of water pressure shall be assumed equal to the height of the wall.

(3) All masonry retaining walls other than reinforced concrete walls shall be protected with an approved coping.

~~D. [Any protective railings, fences, or barriers required by this Building Code which do not conform to this section due to location, dimensions, materials, or open percentage, must be considered as a special exception by the Common Council pursuant to § 4-115 of this article.~~

~~E.]~~ Notwithstanding any other provision of this section, the Common Council shall not authorize the construction of any fence, wall, or combination, which will adversely affect the public health, safety, welfare or comfort.

~~[F.]~~ E. This section shall apply to all new fences~~[, walls, or combinations]~~ constructed, reconstructed, or replaced on or after the effective date of this section and to any fence, wall, or combination which encroaches on the public right-of-way. This section shall not apply to the reconstruction or replacement, with similar dimensions, placement and materials, of any fence~~[, wall or combination]~~ in existence or properly permitted before the effective date of this section, or for which a special exception has previously been granted by the Council, regardless of when it was first constructed.

~~[G. Notwithstanding any other provision of this section, no fence [, wall or combination] may be reconstructed or replaced with barbed wire.]~~

~~[H.]~~ F. Notwithstanding any other provision of this section, chicken wire may not be utilized to construct, reconstruct, or replace any fence which ~~[runs along]~~ ABUTS or is within four feet of any existing or proposed street, road, alley or public right-of-way, or ~~[immediately adjacent to]~~ ABUTS any property line of an adjoining lot owned by another.

[1.] G. Trellises and arbors up to six feet in height may be installed in any area in which a fence may be constructed under this section. Trellises and arbors between six and eight feet in height may be installed in any area in which a fence may be constructed under this section, subject to the restrictions of Section 27-420 of the Prince George's County Zoning Code, AS AMENDED, prohibiting construction in required yards. Trellises and arbors may not obscure visibility from adjoining properties.

Section 2. Be it further resolved that a certified copy of this Ordinance shall be submitted to the Prince George's County Council within five days after its adoption. This ordinance shall become effective twenty (20) days after enactment by the Mayor and Common Council of University Park and review and approval by the County Council. 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

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: _____
Suellen M. Ferguson, Town Attorney

Agenda Item 8B
Legislative Resolution 20-O-10
Amending Chapter 9, Section 9-104 of the Town Code

Amending Section 9-104 Parking
Sponsored by: Councilmember Schultz

LEGISLATIVE RESOLUTION 20-0-10

Resolution and Ordinance of the Town of University Park to amend Chapter 9 “Traffic and Vehicles”, Article 1, “Traffic”, Section 9-104, “Parking” to prohibit parking at any time at certain locations on Tennyson Road, and to prohibit parking from November 1 through January 15 of each year at certain locations on 40th and 41st Avenues and Tennyson Road.

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 Transportation Article, Annotated Code of Maryland, authorizes the Town to adopt parking and traffic regulations; and

WHEREAS, the Mayor and Common Council have adopted Chapter 9, “Traffic and Vehicles”, of the Town Code to regulate parking and traffic in the Town; and

WHEREAS, issues with parking, traffic and pedestrian safety have arisen at various locations in the Town; and

WHEREAS, the Mayor and Common Council, have determined that it is in the public interest to: prohibit parking at all times on the north side of Tennyson Road from the east side of the alley entrance to a distance of 30 feet east toward 41st Avenue, and from the line of the

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

curvature at the intersection with 40th Avenue to a distance of 29' west toward Adelphi Road, and on the south side of Tennyson Road from the east side of the driveway apron at 4011 Tennyson to a distance of 32' east toward 41st Avenue, and to prohibit parking from November 1-January 15 of each year at the following locations to enable leaf collection:

On the east side of 40th Avenue from the line of curvature of the circle to a distance 25' south toward Tennyson Rd.

On the east side of 41st Avenue from the line of curvature of the circle to a distance of 28' south toward Tennyson Road.

On the south side of Tennyson Rd. from the line of curvature of the circle to a distance of 25' west toward 41st Avenue.

On the north side of Tennyson Rd. from the west side of the alley entrance to a distance of 20' west toward 40th Ave.

Section 1: NOW THEREFORE be it resolved and ordained by the Mayor and Common Council of the Town of University Park that Chapter 9 "Traffic and Vehicles", Article 1 "Traffic", Section 9-104 "Parking", of the Code of the Town of University Park, be repealed, re-enacted and amended to read as follows:

Section 9-104 Parking

A. Prohibitions * * * *

(1) * * * *

(2) Parking. No person shall park any vehicle at any time in the specified places on the following streets:

* * * *

xx. Tennyson Road South from Adelphi Road to 40th Avenue and the entire park turnaround

NORTH SIDE FROM THE EAST SIDE OF THE ALLEY ENTRANCE
FOR A DISTANCE OF 30 FEET EAST TOWARD 41ST AVENUE
FROM THE LINE OF THE CURVATURE AT ITS INTERSECTION
WITH 40TH AVENUE FOR A DISTANCE OF 29 FEET WEST
TOWARD ADELPHI ROAD
SOUTH SIDE OF TENNYSON ROAD FROM THE EAST SIDE OF
THE DRIVEWAY APRON AT 4011 TENNYSON FOR A DISTANCE
OF 32 FEET EAST TOWARD 41ST AVENUE

* * * *

B. Limitations

(1) - (2) * * * *

(3) SPECIFIC TIMES.

NO PERSON SHALL PARK ANY VEHICLE AT ANY TIME IN THE SPECIFIED
PLACES ON THE FOLLOWING STREETS BETWEEN NOVEMBER 1 THROUGH
JANUARY 15 IN EACH YEAR.

40TH AVENUE EAST SIDE FROM THE LINE OF CURVATURE OF THE
CIRCLE FOR A DISTANCE OF 25 FEET SOUTH TOWARD
TENNYSON RD.

41ST AVENUE EAST SIDE FROM THE LINE OF CURVATURE OF THE
CIRCLE FOR A DISTANCE OF 28 FEET SOUTH TOWARD
TENNYSON ROAD.

TENNYSON ROAD SOUTH SIDE FROM THE LINE OF CURVATURE OF THE
CIRCLE FOR A DISTANCE OF 25 FEET WEST TOWARD 41ST
AVENUE.

NORTH SIDE FROM THE WEST SIDE OF THE ALLEY
ENTRANCE FOR A DISTANCE OF 20 FEET WEST TOWARD
40TH AVE.

* * * *

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

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

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: _____
Suellen M. Ferguson, Town Attorney

Agenda Item 8C
Town Administrator's Memo
re: Town actions to flooding



TOWN OF UNIVERSITY PARK

MAYOR
Lenford C. Carey

COMMON COUNCIL
Joel Biermann
Joseph Schultz
Laurie Morrissey
Linda Verrill
David Caskey
Martha Wells
Roland Stephen

MEMORANDUM

TO: Mayor and Common Council
FROM: David J. Deutsch, Town Administrator
SUBJECT: Flooding Overview
DATE: October 2, 2020

A severe rain storm hit University Park and other nearby towns late in the afternoon of September 10, 2020. Although the storm's duration was relatively brief, approximately 90 minutes, the intensity of the storm resulted in rainfall totals in University Park and nearby areas of 5.5 to 6.35 inches. These rainfall totals surpass what engineers describe as a "100-year storm event", which is defined as an event that is expected to occur once in 100 years. There is an increasing frequency of severe storms which points to the impact of climate change at the local level. While it is fortunate that no lives were lost nor were any injuries reported, many residents throughout University Park sustained significant property damage to their homes, yards and automobiles. The Town Police and Public Works Departments provided assistance to residents during and after the storm, and Public Works' efforts to remove debris continued into the next day.

A "Virtual Town Hall" was held by the Mayor and Common Council on September 21, 2020, with approximately forty Town households participating. Comments were received from residents in various University Park neighborhoods. Residents recounted the flooding impact on their properties, as well as reporting on the scope of storm water rushing through Town streets and parkland. Several residents have submitted photos and videos, providing graphic testimony of the storm severity.

Residents have been encouraged to complete an online form to report their damage assessments to the Prince George's County Office of Emergency Management (PGCOEM). These reports from Town and area residents will be used by the County to determine, in conjunction with the Maryland Emergency Management Agency (MEMA), whether certain thresholds have been met to qualify for a federal disaster declaration which would potentially provide reimbursement to residents for uninsured losses incurred in the storm.

The Town Director of Public Works had various sections of the Town storm sewer system televised this week to determine if there were any significant pipe blockages that may have contributed to the flooding severity on September 10th, and to determine if specific remediation measures are needed. Also, Mr. Beall is reviewing Town infrastructure to determine if there are other actions that the Town could take that would lessen the impact of future storms.

Prince George's County has primary responsibility for storm water management, except in one or two municipalities that have opted out of the County program. The Town has retained CPJ Engineering to perform easements research in order to prepare documentation to transfer maintenance of storm water installations (pipes, inlets, etc.) in three locations. Those areas are: Wells Parkway from Adelphi Road to Calverton Drive, the intersection of Beechwood and Adelphi Roads, 40th Avenue from the 6800 block to Town Park. It is anticipated that this transfer from the Town to the County could be completed during the first quarter of 2021. It will reduce the Town's maintenance responsibility and place the County in a primary response role in these locations.

The Town of University Park has a history of working collaboratively with regional partners, including area municipalities, Prince George's County and the Maryland-National Capital Park and Planning Commission (M-NCPPC), and state agencies. Although University Park is essentially "built out" and is all residential, development in the surrounding area has an impact on the Town. University Park officials and the community have been engaged in the review and approval process of area developments, both planned and constructed. This includes significant storm water management capital improvement projects, as well development and redevelopment plans in the area. Three projects are worth mentioning because of their regional impact:

- A. The 9 Pond Regional Storm Water Management Project. Prince George's County District 3 Councilmember Dannielle Glaros held a virtual community meeting on this project on September 30, 2020. Over 60 area residents signed in to the call, including University Park elected officials and staff, as well as Town residents and residents of areas in District 3. The 9 Pond Project, outside Town limits near Toledo and Belcrest Roads, is expected to reduce the rate of storm water flow downstream. The project engineers noted that the September 10th storm was actually a 1,000-year storm, rather than a 100-year flood event, given the concentrated time, about 90 minutes, of a 5- to 6 -inch plus rainfall. The 9 Pond Project drains 190 acres and will have positive water quality and quantity impact. The project will have a positive effect during future storms as it is expected to take as long as 30 hours for the pond to return to its pre-storm level. The project is expected to begin in FY22 and take one year to construct.

- B. Guilford Run Project: College Park/Calvert Hills. The planning for this project has been underway for a decade. It is now expected to begin construction in FY22. There has been some discussion of modifying the project to include adjoining areas of University Park, in order to improve storm water management in University Park and lessen the impact of large storms. Despite conversations between University Park and College Park and Prince

George's County officials, it is unlikely that the project will be modified now as it is already in the permitting phase at the County.

- C. Riverdale Park Station. It has been suggested by some residents that the severity of flooding was partially attributable to a decision not to install 100-year flood vaults under the Whole Foods parking lot. It was determined that Wells Run flooding would not be affected by this decision, according to County and by CPJ Engineering. A fee in lieu of \$400,000 was collected and allocated to upstream clean water/flood control projects.

SUMMARY

The Town will continue to focus on flooding and storm water management issues in the following ways:

- Appropriately maintaining the parts of the storm sewer system that are Town responsibility,
- Continuing to work with other agencies, such as the State Highway Administration (SHA), that have maintenance responsibility in the area,
- Continuing to advocate for best management practices in developments near the Town,
- Continuing to advocate for residents to address storm water issues by remaining in frequent communication with County Councilmember Glaros and our legislative delegation, and
- Provide relevant information to Town residents from other agencies, particularly the County Office of Emergency Management, and respond quickly to inquiries from residents related to flooding and other development concerns