



**MEETING OF
UNIVERSITY PARK MAYOR AND COMMON COUNCIL**

**TOWN HALL
6724 BALTIMORE AVENUES
7:30 p.m.
January 14, 2019
MINUTES**

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

Present: Mr. Brosch, Mr. Schultz, Ms. Morrissey, Ms. Verrill, Ms. Wells, Mr. Stephen
Absent: None
Excused: Mr. Caskey

2. PLEDGE OF ALLEGIANCE was led by Mr. Schultz.

3. APPROVAL OF THE AGENDA as amended. (Move 9G after 4B)

Moved by: Ms. Wells

Seconded by: Ms. Verrill

Yea: 6

Nay: 0

Abstain: 0

4. PERMITS

**A. BUILDING PERMIT APPLICATION TO ENCLOSE SCREENED PORCH
(Cynthia Cox, 6404 40th Avenue) Ward 2**

Motion: To approve the request for a building permit to enclose 8'x 16.5' screened porch located on Lot 8, Block 17, and Section 5A at 6404 40th Avenue.

Moved by: Mr. Schultz

Seconded by: Ms. Verrill

Yea: 6

Nay: 0

Abstain: 0

B. SPECIAL UTILITY PERMIT: PEPCO VEGETATION MANAGEMENT

Motion: To approve Special Utility Permits for Pepco SP-2018-06 and SP-2018-07 to remove and to prune trees listed in Appendix A from the Town right-of-way as itemized on the permits and with the conditions as proposed.

Moved by: Ms. Verrill

Seconded by: Mr. Schultz

Yea: 6

Nay: 0

Abstain: 0

Note: Mr. Beall agreed to send a letter to homeowners where tree removal will take place in the Town's right-of-way.

5. PUBLIC COMMENT

- A resident asked about the permitting process for the soccer field. Mayor Carey was asked how many permits are currently issued for the soccer field.
Mayor Carey said that he will get back to him with the answer.

6. CONTINUING BUSINESS

A. EMERGENCY LEGISLATIVE RESOLUTION 2019-O-01: ORDINANCE TO REGULATE LOCATION OF SMALL CELL WIRELESS/DAS TELECOMMUNICATIONS FACILITIES IN TOWNS RIGHTS-OF-WAY (*Second reading*)

Motion: To adopt emergency LR 2019-O-01 to provide for certain standards and regulations relating to the location of small cell wireless/DAS telecommunications towers, antennas, and other structures within the Town's public rights-of-way or on Town property, consistent with federal and state law, and provide a fee, penalty and annual charge and to include minor changes made and the amendments provided by the Town Attorney.

The earliest date this motion may be considered for passage is January 14, 2019.

Moved by: Ms. Wells

Seconded by: Mr. Schultz

Yea: 6

Nay: 0

Abstain: 0

7. NEW BUSINESS

A. "WELCOMING TOWN" CONCEPTS

Motion: To support the "Welcoming Town" concepts as recommended by the Policy, Rules and Municipal Structure Committee and previously discussed by Council and to direct the Town Attorney to identify the appropriate various sections of the Town Code, Personnel Manual, and General Orders Manual which would require revision to reflect the "Welcoming Town" concepts and present them to the Council.

"Welcoming Town" Concepts:

- Town Officials, Employees, or Agents shall:
 - Not inquire about; act in any way based upon; keep any information on file; or use documents or forms that have a place for people to declare, citizenship, immigration, national origin, or religious status;
 - Not spend – or agree to spend – Town funds or resources to enforce federal immigration operations or activities.
- Additionally, the Town Police may not:
 - Detain or arrest anyone based on known or suspected immigration status;
 - Use immigration status as an interrogation tool or tactic;
 - Convey the immigration status of anyone to any federal entity without a warrant signed by a federal judge or federal magistrate.

Moved by: Ms. Verrill

Seconded by: Mr. Brosch

Yea:

Nay:

Abstain:

Motion: To support the “Welcoming Town” concepts as recommended by the Policy, Rules and Municipal Structure Committee and previously discussed by Council and to direct the Town Attorney to identify the appropriate various sections of the Town Code, Personnel Manual, and General Orders Manual which would require revision to reflect the “Welcoming Town” concepts, including exceptions which must be made, and present them to the Council.

Moved by: Mr. Schultz

Seconded by: Ms. Wells

Yea: 6

Nay: 0

Abstain: 0

PUBLIC COMMENT:

- Would like to speak up and defend her neighbors and say “these are the people we know and trust and want here”.
- It is important as a Town to make a statement that everybody who lives in the community should have a voice and this motion will go a long way to doing that.
- This motion is a measured step toward enactment of policy. Encouraged Council to act on this motion immediately rather than waiting until March.
- The Charter had been changed in the past, but it has been very slow. Make this change “loud” and let people know what is happening and they will support it.
- This is a public safety concern and he would like to wait until March before approving this motion. He would like to add to the 3rd bullet under the Town Police policy: ... signed by a federal and State judge or federal and State magistrate. He would like to add an additional bullet which reads: The police may ask for State identification.
- *Chief Baker stated the only reason a police officer would ask for immigration papers would be if that person is applying for a police officer position.*
- A Councilmember said that some of the impetus for these kinds of policies is because of what is going on at the federal level and other jurisdictions. This is a preemptive documentation that in case the federal government wants to use University Park’s police department as an agent, if this motion is approved, University Park could say that they cannot cooperate because it’s against the Town’s policy.
- There is a reason not to put into Town law a restatement of State law. University Park is created under State law, the first sentence of the enabling legislation says “they’re created under and must follow State law”.
- The spirit of this initiative is to make all the residents feel safe regardless of immigration status, gender, race, nationality, or religion. We just want everybody to feel safe and not afraid to interact with the community.
- As an immigrant, you are one of the most vulnerable people whether or not you have a green card, visa and certainly if you are undocumented and University Park should not be wanting those neighbors to feel vulnerable and threatened.
- Often undocumented immigrants are victimized because they don’t come forward.
- In support of this motion and hopes that action can be taken on this today or very soon.
- Encourages the Council to move with speed on passing this motion.
- It would be horrifying to require University Park residents to carry identification. The language

that is in the State law is sufficient.

- Ms. Verrill asked Chief Baker how he feels if the following was codified in the General Orders Manual: “the Town Police may not use immigration status as an interrogation tool or tactic”: *Chief Baker responded by saying that’s not a problem. The problem comes if you say that the police can’t arrest somebody or enforce the law, then that would become an issue.*
- Chief Baker was asked, if this motion is moved forward, would it make our community safer or less safe?
Chief Baker responded by saying it will make our community safer. It is a better community when everybody is included.
- A Councilmember suggested asking the Town Attorney to review the suggested bullets and to provide a list of what needs to be fixed and her recommendations of what would need to be changed in the Code, the Personnel Manual and the General Orders Manual.
- A Councilmember suggested that the Town Attorney list which exceptions have to be carved out.

8. APPROVAL OF MINUTES: *January 7, 2019*

Moved by: Ms. Wells

Seconded by: Ms. Verrill

Yea: 6

Nay: 0

Abstain: 0

9. DEPARTMENT AND COUNCIL REPORTS

A. MAYOR’S REPORT

- Mayor Carey will be attending the next Maryland Mayor’s Association Meeting scheduled for January 31 - February 1 in Annapolis. He has asked the Maryland Municipal League to hold a workshop on 5G, small cell technology.
- He commended the work of the staff at Town Hall during leaf season and the most recent snowstorm.
- Mayor Carey met with the consultants who are working on the Town operations and management study. The survey results are in and the next step is the focus groups, which will take place at City Hall in College Park. With questions about the scheduling of this study, Mr. Stephen asked that Mayor Carey circulate the scope of work.
- On Monday, January 21, Martin Luther King Jr. Birthday, the 22nd Legislative District Delegation will be held in Annapolis. Those interested are welcome to attend.

B. COUNCIL AND COMMITTEE REPORTS

Police, Traffic and Public Safety Committee - Mr. Schultz

Next meeting is scheduled for Wednesday, January 16.

Sustainability Committee - Mr. Schultz

Next meeting is scheduled for Monday, January 21.

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

Not present.

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

- Ms. Marcavitch recently rode with the Town bus to get a feel for the schedule, the route, and to get

feedback from the drivers and Town residents.

- She has familiarized herself with the phone system and is able to update the Town Bus Status Recording line from home during inclement weather as necessary.
- The Town is considering the possibility of using an app by a company named System Riders. This will allow residents to track the Town Bus from their cell phones or the Town website.
- She encouraged Councilmembers and residents to call the Town Bus Status line or check the Town website for updated schedules, especially during the winter season and to sign-up for weather alerts.
- Ms. Marcavitch gave a presentation demonstrating the new online Town Charter and Code with General Code on the Town's website. The Charter and Code are now easy to search and navigate.
- On Monday, January 21, Town Hall will be closed and there will be no Town Bus service in observance of Martin Luther King Jr. Day.

E. REPORT FROM THE CHIEF OF POLICE ~ *Chief Baker*

January 1-14, 2019 Crime Report

- There is a vacancy for a police officer position. Information and an application can be found on the Town website. The closing date for applications is January 28, 2019.

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

December 2018 Treasurer's Report was distributed.

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

- With some minor issues with machinery and weather, leaf collection is done, amounting to approximately 355 tons.
- Mr. Beall commended his crew with the excellent job in snow removal throughout Town over the weekend.
- The Adelphi Road Water Main Project is winding down. The contractor will restore the area that they are occupying and they have agreed to restore the areas they did not use. At the completion of this project, Anacostia Watershed Society will come in and begin the process of preparing the Adelphi field for a Native Meadow.
- In reference to the College Heights Estates Water Main Project, the work in Town will be done by the end of January with the exception of Van Buren Street, the connections of the main on Queens Chapel and Baltimore Avenue and in front of University Park Elementary School. The plan is to complete the entire project during spring break.
- The Prince George's County Stormwater Project at Wells Parkway, next to the playground will begin in early February and will be completed in approximately four months.
- The first of the approvals for the Van Buren/Beechwood bridges were received from Prince George's County DPIE. Mr. Beall said that all of the other requirements still have to be met and reviews have to be done.
- Ms. Verrill expressed her appreciation to the Public Works Department for the quick, very thorough road clearing after the recent snow storm.
- Ms. Wells said that the leaf collection project was exceptional this year and how clean the Town looks.
- Mr. Beall informed the Council that his staff worked some Saturdays to collect leaves due to losing workdays because of the weather. Although there was overtime pay, there was a savings from not bringing in temporary workers. Mr. Beall anticipates that the savings in overtime this year was somewhere between \$20,000 and \$27,000.
- In reference to the plans for a drinking water fountain at the playground, WSSC contractors agreed to install the rough-in and make a donation of \$3,000. In order to complete this project, it will cost the Town approximately \$10,000 to \$15,000. Mayor Carey said he will come back with a plan for

the playground water fountain in the budget.

- Mayor Carey said that several other nearby municipalities were closed or behind schedule on January 14 due to the weekend snowstorm, while University Park was fully open and operating. He complimented the University Park staff (Public Works, Police and Town Clerk) for a tremendously good job in opening and operating the Town as scheduled.
- A Councilmember expressed concern about the amount of cars left on the street during the snowstorm, especially after being asked to move the cars to allow the plows to do their job.

10. ADJOURNMENT by consent at 9:47 p.m.

Submitted by: _____

Lenford C. Carey, Mayor