



**MEETING OF
UNIVERSITY PARK MAYOR AND COMMON COUNCIL
VIA VIDEO AND AUDIO CONFERENCE
7:30 p.m.
February 16, 2021
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. Wells **Seconded by:** Mr. Caskey

Yea: 7 **Nay:** 0 **Abstain:** 0

4. APPROVAL OF MINUTES: *February 1, 2021*

Moved by: Mr. Biermann **Seconded by:** Ms. Wells

Yea: 7 **Nay:** 0 **Abstain:** 0

5. PRESENTATION

A. UNIVERSITY OF MARYLAND (UMD) CAMPUS COMMUNITY CONNECTION UPDATE

Mr. Andrew Fellows gave a presentation on UMD projects.

- Mr. Fellows gave a brief update on the following projects: Wells Run Park; Guilford Run collaboration; flooding on 44th Avenue; sustainability resilient practices; mosquito control; Green Team; Step-Up; Bikeshare; Town bus services; Wells Run trail; and Prince George’s Plaza area development.
- Any resident who is interested in exploring a topic and wants to find out who is working on a particular project at UMD should email Mr. Fellows at afellows@umd.edu.

6. CONSENT AGENDA

Motion: To approve the following consent agenda item.

Moved by: Mr. Caskey **Seconded by:** Mr. Stephen

Yea: 7 **Nay:** 0 **Abstain:** 0

A. BUILDING PERMIT APPLICATION TO INSTALL A PATIO

(David and Jaime McGaughey, 6924 Pineway) Ward 5

To install a 15'x 30' brick patio on Lots 60 & 61 and Block E at 6924 Pineway.

7. PUBLIC COMMENT

None

8. MAYOR, COUNCIL, AND COMMITTEE COMMENTS AND REPORTS

A. MAYOR'S REPORT – Mayor Carey

- As someone on the community listserv had mentioned that had several years ago proposed a tree ordinance, Mayor Carey clarified that it was a prior Mayor who proposed an ordinance, not himself.

B. COMMITTEE REPORTS AND COUNCIL COMMENTS

Policy, Rules and Municipal Structure Committee - Ms. Verrill

- The Committee resubmitted to the Council a memo on the proposed ban on gas-powered leaf blowers. A discussion on this topic is scheduled for the March 1 Council meeting.
- The Committee discussed updating the animal chapter in the Town Code and to think of ways to address problems with feral cats in Town.

Public Facilities and Services Committee - Mr. Caskey

The Committee will not meet this month.

Mr. Biermann - Ward 1

- Constituents expressed concerns about the poor condition of the tennis court nets. Mayor Carey suggested sending a picture of the nets to alert Public Works Director Mr. Beall, who is responsive.
- A constituent asked if the Town is still within budget for the sidewalk installation on Queens Chapel Road. Town Administrator Mr. Deutsch responded to the question and confirmed that the project is within budget.

Police, Traffic and Public Safety Committee - Mr. Schultz

The next meeting is scheduled for February 17.

- Town Administrator Mr. Deutsch reported that there is a request for a speed hump/bump in the 4000 block of Van Buren Street. A traffic counter will be placed in that area to help determine what is going on in terms of the speed and volume of existing traffic before a decision is made on a solution.

Helping Hands University Park (HHUP) - Ms. Verrill

- All members of HHUP received a Valentine's Day gift that included a note and a hand-painted rock. This event was organized by Town resident Adena Fritz in coordination with the UPRocks activity which she also coordinates.

9. NEW BUSINESS

A. PROPOSED TREE ORDINANCE

Council discussed a proposal for a tree ordinance from the Trees, Parks, and Environment (TPE) Committee.

Ms. Morrissey gave a brief overview of the proposal that was distributed in the [Council meeting agenda packet](#) regarding the tree ordinance.

- The Committee is requesting that the Mayor and Council establish a town wide tree ordinance by amending Chapter 16 of the Town Code in order to preserve tree canopy.
- This proposal is not following the Takoma Park model. There is no request for a Tree Board, and the Committee is not forbidding or restricting an action.
- The plan is to require residents who want to cut down a tree that is 50 inches in circumference or greater will need to file for a permit.
- The resident will need to replace the tree with a comparable shade tree after being approved by the consulting arborist. Those who do not want to plant a tree will pay a fee to the Tree Program for a tree to be planted elsewhere in Town.

TPE Committee Chair Mr. Aubry pointed out the following aspects:

- Residents who remove large trees will need to replace that tree, either voluntarily or provide a fee to the Town.
- This also includes trees that Pepco removes from private property. Pepco will have to follow the same steps of submitting an application.
- The Legacy Program is where the Town assesses the neighborhood to determine which area is in need of canopy. This is an opportunity for residents to apply for a tree and call it a Legacy Tree with the idea that it is planted for the future and to maintain the canopy.
- The plan is to hire an objective registered certified arborist.

TPE Committee member Mr. Thompson explained the proposed process:

- The Council is not approving any change to the ordinance tonight.
- The Committee is asking the Council to consider directing the Town Attorney to draft the ordinance language. This will begin a long series of discussion, public meetings, work sessions about the draft ordinance.

Discussion: *(Responses from the TPE Committee are italicized)*

- A Councilmember said he would like to see this move by the beginning of the summer. They don't think the permits should be part of a consent agenda but rather have a public hearing. It suggested that there should be an exception for a homeowner to remove a tree if there is reason to believe it is causing damage to their home. *Regarding a permit, the homeowner has the right to cut down any tree they want to under this system, they only have to apply for a permit to describe which of the two actions they plan to take in response to cutting down the tree – either plant a tree or pay a fee to have the town plant a tree elsewhere.*
- A Councilmember said the wording “bear the cost of planting one comparable shade tree” is vague and would like a clearer explanation in the ordinance.
- One Councilmember was very leery of anything with a penalty and not sure how this can be enforced. He is not comfortable doing something that may encourage people to want to sue the Town.
- Another Councilmember liked the design of the approach, it is simple and leaves the ultimate decision in the hands of the homeowner. Having the Town pay for an arborist is a good thing and making allowance for this should be in the budget.
- Mayor Carey asked if the Committee has looked into the possibility of rather than a permit system, of awarding homeowners with a certificate who have legacy trees (trees larger than 50 inches in circumference) and the Town will pay for a Licensed Tree Expert – a tree doctor – to advise the landowner regarding the health of that tree.

- A resident strenuously objected to the proposed ordinance. This resident commented that it is naïve to think that residents will welcome an intrusion into their own decision making concerning their property. She asked that this not be moved forward to be drafted by the Town Attorney to save on legal fees. This resident does not want to pay for another homeowner’s consultation regarding the health of their tree.
- A resident said that it is important to save the trees, but does not think everyone needs to be paying for other people’s trees through taxes.
- A resident said they support this proposal. In 20 to 30 years, the climate here is predicted to be similar to the climate in South Carolina, so this should be taken into consideration when choosing what trees to plant.
- A resident said that the efforts of the Town should be in the public areas and not in backyards.
- A resident asked who will approve the permit? *The resident will fill out a form stating they will do one of two things when removing a healthy tree over a certain size. They will commit to either planting another tree to replace it or pay into the Legacy Tree Program to plant a tree elsewhere in town.*
- A resident suggested getting an estimate of the number of trees cut down each year and then the Town can plant that many trees.

Motion: To direct the Town Attorney to draft a tree ordinance.

Moved by: Ms. Verrill

Seconded by: Ms. Morrissey

Yea: 7

Nay: 0

Abstain: 0

Call Vote:	Mr. Biermann	Yea
	Mr. Schultz	Yea
	Ms. Morrissey	Yea
	Ms. Verrill	Yea
	Mr. Caskey	Yea
	Ms. Wells	Yea
	Mr. Stephen	Yea

B. COMMITTEE APPOINTMENTS

Motion: Per Section 16-103 of the Code of Ordinances, consent to the appointment of Mr. Matthew Jasinski to the Committee on Trees, Parks, and Environment.

Moved by: Ms. Morrissey

Seconded by: Ms. Wells

Yea: 7

Nay: 0

Abstain: 0

10. ADMINISTRATOR AND DEPARTMENT REPORTS

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

- The budget line items that were affected by the adjustments recently made by Council have been implemented and are reflected in the January Treasurer’s report.
- During the month of January, the Town received \$749,000.00 in property tax revenue which puts the Town at 96.59% of the budget for that line item.

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

Not present.

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

- The Maryland Municipal League (MML) summer conference is scheduled in-person for June 27-29. Registration begins on March 5, initially only two people from every municipality are allowed to register. After March 26, registration will open until it reaches a capacity of 400 attendees. A virtual summer conference is also scheduled for July 19-20.
- Summary of permits issued in the month of January: 3 building; 2 dumpster/POD; and 0 vendor
- The Transit Task Force held its [public forum](#) on February 9. The next meeting is scheduled for March 9 at 7:30 p.m. A report will be presented to Council at the March 15 Council meeting.
- The next Town election will be held on May 4 for the Office of Councilmember for wards 2, 4, 5 and 6. Information will be in the March Town newsletter and can be found on our website at www.upmd.org/2021TownElection. The candidate deadline where the name will appear on the ballot, or to register to vote in the Town election is April 5. For those interested in running as a candidate, information can be found on the website at www.upmd.org/candidateinfo.

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

No crime report.

The following trainings are scheduled for Officers:

- February 3 – Insight Policing Conflict Resolution for Law Enforcement
- February 9 – Records Management System
- February 19-20 – Duty to Intervene
- Registered the Department for the Georgetown University Law Center Innovative Policing Program’s Active Bystander for Law Enforcement (ABLE)

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

- The Adelphi Meadow path has been completed. The installation of the benches remains to be completed on the grant project.
- Measurements will be done on Queens Chapel Road to generate an invoice for completed operations.
- Mr. Beall asked that residents reach out to him directly about the tennis court nets. The matter can be taken care of very quickly.

11. ADJOURNMENT by consent at 9:55 p.m.

Submitted by: _____
Lenford C. Carey, Mayor