

**MEETING OF  
UNIVERSITY PARK MAYOR AND COMMON COUNCIL  
VIA VIDEO AND AUDIO CONFERENCE  
6:30 p.m.  
March 1, 2021  
REGULAR SESSION**



*A closed session was called to begin at 6:30 p.m. (see page 6 for closed session minutes)*

**Motion:** To close the public meeting and move to a closed session to discuss the acquisition of real property for a public purpose and matters directly related to the acquisition and to consult with the Town Attorney on a legal matter.

**Moved by:** Ms. Wells

**Seconded by:** Ms. Morrissey

**Yea:** 7

**Nay:** 0

**Abstain:** 0

**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** as amended – to move agenda item 9A after 6.

**Moved by:** Ms. Verrill

**Seconded by:** Mr. Biermann

**Yea:** 7

**Nay:** 0

**Abstain:** 0

**4. APPROVAL OF MINUTES:** *February 16, 2021* as amended.

**Moved by:** Ms. Verrill

**Seconded by:** Ms. Wells

**Yea:** 7

**Nay:** 0

**Abstain:** 0

## 5. CONSENT AGENDA

**Motion:** To approve the following consent agenda items.

**Moved by:** Mr. Schultz

**Seconded by:** Ms. Wells

**Yea:** 7

**Nay:** 0

**Abstain:** 0

**A. BUILDING PERMIT APPLICATION TO INSTALL TWO 4' GATES  
(Christopher Kearney, 4205 Tuckerman Street) Ward 2**

*To install two 4' high gates on Lots 23 & 24, Block 8 and Section 2 at 4205 Tuckerman Street.*

**B. BUILDING PERMIT APPLICATION FOR A SCREENED PORCH  
(Damon and Renee Catacalos, 4010 Beechwood Road) Ward 6**

*To build a 12'x 12' screened porch on Lot 20, Block 34 and Section 7 at 4010 Beechwood Road.*

## 6. PUBLIC COMMENT

None

## 7. MAYOR, COUNCIL, AND COMMITTEE COMMENTS AND REPORTS

### A. MAYOR'S REPORT – *Mayor Carey*

- Mayor Carey reported that Councilmember Dannielle Glaros' office said that a permit has been approved by the Army Corps of Engineers for the Nine Ponds Project (Regional Stormwater Solution). Construction is expected to begin mid to late summer.
- According to the County Executive, the supply of COVID-19 vaccines has been a challenge with 130,000 registered people on the wait list and until recently 974 doses per week. More recently the County has been receiving 4400 doses per week, and anticipates that the supply will continue to improve.

### B. COMMITTEE REPORTS AND COUNCIL COMMENTS

#### **Development Overview Committee – Ms. Wells**

The next meeting is scheduled for Thursday, March 11.

- Discussion will include five projects in the area and the Adelphi Road/ University Boulevard Sector Plan.

#### **Policy, Rules and Municipal Structure Committee – Ms. Verrill**

The next meeting is scheduled for Thursday, March 4 at 7:00 p.m.

#### **Sustainability Committee – Mr. Schultz**

The next meeting is scheduled for Wednesday, March 3.

## 8. CONTINUING BUSINESS

### A. ZONING TUTORIAL

Councilmember Martha Wells and Town Attorney Suellen Ferguson gave an overview of the zoning process in University Park and Prince George's County.

- Zoning is intended to provide for human activity in an orderly manner so that residents and businesses can operate in a mutually beneficial manner.
- The land uses in University Park are largely governed by the Prince George's County Zoning Ordinance and sub-division codes.
- If a proposed development is within one mile of the Towns borders, the Town can comment on it to the Planning Board and County Council.
- Slides of the zoning maps can be found on the Town website.
- The Town Attorney said that the County has approved and accepted the Town's new fence ordinance (20-O-09) and it will go into effect on March 15, 2021.
- Ms. Wells said that anyone is welcome to email her with questions about zoning, and the Development Overview Committee meetings are open to the public.
- Ms. Wells responded to a question by saying that a church within University Park would have to get a special exception permit to operate within a residential zone. A request for a change from a church would be handled differently than a residential. The church would have to comply with the requirements of that special exception and either ask for a variance or relief for the requested change.

### B. DISCUSSION: GAS-POWERED LEAF BLOWERS

Discussion on the recommendation of the Policy, Rules and Municipal Structure Committee that the Town adopt a ban on gas-powered leaf blowers beginning January 1, 2023.

- A revised report on a ban on gas-powered leaf blowers was distributed to the Councilmembers in Council's packet materials.
- The proposal is that there be a ban on gas-powered leaf blowers that would start January 1, 2023 however, if the ban passes, it would begin immediately for any town purchases.
- Mayor Carey expressed his concern about landscaping companies that use gas-powered leaf blowers. He is concerned about enforcing this ban, especially when the surrounding municipalities do not have the same restriction.
- The Committee needs to pay close attention to enforcement. When a regulation is impeding on ones freedom of action and you make laws that cannot be enforced, after a while those laws are not respected and are disregarded.
- University Park will be a leader in the local region taking a stand on this piece of equipment that puts out terrible pollution.
- The Town Attorney asked who the ordinance would be enforceable against, the resident or the landscaping company? What type of fine do you have in mind? Would you make a provision for a warning first before citing people for using gas-blowers? Is there an incentive for people who have to change over? *A Committee member responded by saying the fines would be enforceable against operators as well as residents and the fines would be approximately \$200.00, and yes warnings would be expected.*

## PUBLIC COMMENT

- A resident asked if the time of day and the day of the week is something that is going to be addressed even if it is an electrical leaf blower because it is noisy. Are the electrical devices sufficiently durable for commercial use?
- A resident said if the idea of placing a ban on gas-powered leaf blowers is to preserve the peace and quiet of University Park, then regulate noise, not leaf blowers. If the idea is to reduce pollution from 2-stroke gasoline engines, then regulate 2-stroke gasoline engines and their use, not leaf blowers. The resident asked that the legislation be targeted to solving the problem, not one particular example of the problem.
- A resident agreed with the ban and said the Town should get ahead of this.

*A Committee member responded to the public comments by saying that 2-stroke gas-powered leaf blowers are egregiously bad even in the family of 2-stroke lawn equipment. The ban on gas-powered leaf blowers is likely to cost the resident some money because the person/company caring for their lawn will have to replace their equipment and raise their prices.*

**Motion:** The Council requests the Town Attorney to develop an ordinance reflecting the ban that is in the proposal that was submitted to the Council.

**Moved by:** Ms. Verrill

**Seconded by:** Ms. Morrissey

**Yea:** 7

**Nay:** 0

**Abstain:** 0

<b>Call Vote:</b>	Mr. Biermann	Yea
	Mr. Schultz	Yea
	Ms. Morrissey	Yea
	Ms. Verrill	Yea
	Mr. Caskey	Yea
	Ms. Wells	Yea
	Mr. Stephen	Yea

## 9. NEW BUSINESS

### A. APPOINTMENT OF TOWN SUPERVISOR OF ELECTIONS

**Motion:** To approve the appointment of Ms. Heidi Marie Bulich as Supervisor of Elections per Section 502 of the Town Charter.

**Moved by:** Ms. Verrill

**Seconded by:** Ms. Morrissey

**Yea:** 7

**Nay:** 0

**Abstain:** 0

### B. TOWN SPEED LIMIT

**Motion:** On recommendation of the Committee on Police, Traffic, and Public Safety, to request Town staff and Town Attorney to research options available to institute a Town-wide 20 mph speed limit, and report to Council so that it may consider those options in concrete, practical, and actionable terms.

**Moved by:** Mr. Schultz

**Seconded by:** Ms. Wells

**Yea:** 7

**Nay:** 0

**Abstain:** 0

#### **PUBLIC COMMENT**

- A resident supported this motion and anything that can be done to support a town-wide reduction in the speed limit.
- A resident asked the Committee to consider how much safety do you gain by reducing the speed limit to 20 mph?
- *A Councilmember said they welcome any additional data on this matter. More information is always better.*

#### **C. INTRODUCTION OF LEGISLATIVE RESOLUTION 21-O-01: CURATIVE ORDINANCE TO CORRECT CERTAIN NON-SUBSTANTIVE ERRORS IN LEGISLATIVE RESOLUTION LR 20-O-11, WHICH WAS ADOPTED TO RECODIFY THE TOWN CODE WITH NO SUBSTANTIVE CHANGES AND TO INCLUDE GRAMMATICAL CHANGES, CORRECT CODE REFERENCES AND OTHER MINOR NON-SUBSTANTIVE CHANGES, AND RENUMBERING OF CHAPTERS, ARTICLES AND SECTIONS WITH INTERNAL REFERENCES AND CROSS-REFERENCES (*First Reading*)**

**Motion:** To introduce Legislative Resolution 21-O-01, a curative ordinance to correct non-substantive errors in Legislative Resolution 20-O-11, that recodified the Town's Code.

*The earliest date this motion may be considered for passage is April 5, 2021.*

**Moved by:** Ms. Wells

**Seconded by:** Mr. Schultz

**Yea:** 7

**Nay:** 0

**Abstain:** 0

#### **10. TOWN ADMINISTRATOR'S REPORT**

- In reference to COVID-19 vaccines, the County is working on a mobile unit to come either into town or close by to University Park to provide first a pre-registration site and then a vaccination site. Mr. Deustch will follow up with the County Executives office to make this a reality so that the seniors in town can get vaccinated.
- Maryland Municipal League hosted an informative webinar on Friday, February 26 which included Maryland Senate President William Ferguson and House of Delegates Speaker Adrienne Jones who provided an update on the 2021 legislative session.
- A Councilmember asked Mr. Deustch to speak on the American Recovery Plan Allocations to Maryland Municipalities. *Mr. Deustch said that the Bill has already passed the House and he hasn't seen what this contains but he will keep Council posted.*
- A councilmember asked about the status of public works employees and COVID-19 vaccinations. *Mr. Deustch said that the Police were the first to be vaccinated and the names of the Public Works employees were submitted to the County and he will check to see if they have been contacted.*

Submitted by:

**11. ADJOURNMENT** by consent at 9:35.p.m.

Lenford C. Carey

Lenford C. Carey, Mayor

## Public Record of Closed Session

Motion: To close public meeting	Motion: To resume public meeting
Moved by: Wells                      Seconded by: Morrisey	Moved by: Wells                      Seconded by: Verrill
Yea:7              Nay:0              Abstain:	Yea: 7              Nay: 0              Abstain:

TIME: 6:32 p.m.

DATE: March 1, 2021

PLACE (IF OTHER THAN TOWN HALL): Virtually via Zoom

PERSONS PRESENT: Mayor Len Carey, Ward 1 Joel Biermann, Ward 2 Joe Schultz, Ward 3 Laurie Morrissey, Ward 4 Linda Verrill, Ward 5 David Caskey, Ward 6 Martha Wells, Ward 7 Roland Stephen, Town Attorney Suellen Ferguson, Town Administrator David Deutsch, Public Works Director Michael Beall, Treasurer Dan Baden

AUTHORITY FOR CLOSING SESSION:

THE COUNCIL VOTED TO MEET IN CLOSED SESSION UNDER THE FOLLOWING PART(S) OF SECTION 10-508 TO:

- 1) DISCUSS (I) THE APPOINTMENT, EMPLOYMENT, ASSIGNMENT, PROMOTION, DISCIPLINE, DEMOTION, COMPENSATION, REMOVAL, RESIGNATION OR PERFORMANCE EVALUATIONS OF APPOINTEES, EMPLOYEES, OR OFFICIALS OVER WHOM IT HAS JURISDICTION; OR (II) ANY OTHER PERSONNEL MATTER THAT EFFECTS ONE OR MORE SPECIFIC INDIVIDUALS; OR
- 2) PROTECT THE PRIVACY OR REPUTATION OF INDIVIDUALS WITH RESPECT TO A MATTER NOT RELATED TO PUBLIC BUSINESS; OR
- ③) **CONSIDER THE ACQUISITION OF REAL PROPERTY FOR A PUBLIC PURPOSE AND MATTERS DIRECTLY RELATED THERETO;** OR
- 4) CONSIDER A MATTER THAT CONCERNS THE PROPOSAL FOR A BUSINESS OR INDUSTRIAL ORGANIZATIONS TO LOCATE, EXPAND OR REMAIN IN THE STATE; OR
- 5) CONSIDER THE INVESTMENT OF PUBLIC FUNDS; OR
- 6) CONSIDER THE MARKETING OF PUBLIC SECURITIES; OR

7) CONSULT WITH COUNSEL TO OBTAIN LEGAL ADVICE; OR

8) CONSULT WITH STAFF, CONSULTANTS, OR OTHER INDIVIDUALS ABOUT PENDING OR POTENTIAL LITIGATION; OR

9) CONDUCT COLLECTIVE BARGAINING NEGOTIATIONS OR CONSIDER MATTERS THAT RELATE TO NEGOTIATIONS; OR

10) DISCUSS PUBLIC SECURITY, IF THE PUBLIC BODY DETERMINES THAT PUBLIC DISCUSSION WOULD CONSTITUTE A RISK TO THE PUBLIC OR TO PUBLIC SECURITY, INCLUDING:

- (i) DEPLOYMENT OF FIRE AND POLICE SERVICE AND STAFF; AND
- (ii) THE DEVELOPMENT AND IMPLEMENTATION OF EMERGENCY PLANS;

11) PREPARE, ADMINISTER, OR GRADE A SCHOLASTIC, LICENSING, OR QUALIFYING EXAMINATION; OR

12) CONDUCT OR DISCUSS AN INVESTIGATIVE PROCEEDING ON ACTUAL OR POSSIBLE CRIMINAL CONDUCT; OR

13) COMPLY WITH A SPECIFIC CONSTITUTIONAL, STATUTORY, OR JUDICIALLY IMPOSED REQUIREMENT THAT PREVENTS PUBLIC DISCLOSURES ABOUT A PARTICULAR PROCEEDING OR MATTER; OR

14) BEFORE A CONTRACT IS AWARDED OR BIDS ARE OPENED, DISCUSS A MATTER DIRECTLY RELATED TO A NEGOTIATING STRATEGY OR DISCLOSURE WOULD ADVERSELY IMPACT THE ABILITY OF THE PUBLIC BODY TO PARTICIPATE IN THE COMPETITIVE BIDDING OR PROPOSAL PROCESS.

LIST OF TOPICS DISCUSSED: Council consulted with Counsel, subject was possible acquisition of a property for a Town maintenance garage, comparison of alternatives

ACTIONS TAKEN: None.

MEETING ADJOURNED: 7:27 p.m.

SIGNED: Lenford C. Carey, Mayor