

**MEETING OF
UNIVERSITY PARK MAYOR AND COMMON COUNCIL
VIA VIDEO AND AUDIO CONFERENCE
7:30 p.m.
March 15, 2021
REGULAR SESSION**



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: Mr. Caskey

Seconded by: Mr. Stephen

Yea: 7

Nay: 0

Abstain: 0

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

Moved by: Ms. Wells

Seconded by: Mr. Caskey

Yea: 7

Nay: 0

Abstain: 0

5. APPROVAL OF CLOSED SESSION MINUTES: *March 1, 2021*

Moved by: Ms. Wells

Seconded by: Ms. Verrill

Yea: 7

Nay: 0

Abstain: 0

6. PRESENTATION

A. TRANSIT TASK FORCE PRESENTATION

Transit Task Force presented a draft report providing an overview of the transit options for the future of the Town's bus services.

Discussion:

- The Task Force was asked to put together a report on the operations of the Town bus and how it can be improved.
- The bus service was shut down on March 23, 2020 due to COVID-19.
- The Task Force looked at possible changes to:
 - 1) the transit part of the service (transportation to the Metro station) and
 - 2) the paratransit service (transportation of seniors and disabled residents for grocery shopping, medical appointments, etc).
- The Task Force determined that providing paratransit services is a core value of the Town and recommend that the Town continue to provide paratransit service in some form. They also recommended that Helping Hands University Park (HHUP) Committee, manage future paratransit services to the community, with assistance from the Town.
- The members of the Transit Task Force explained in detail the various options that are in the draft report:
 - Option A: To maintain and strengthen the current transit and paratransit program.
 - Option B: Maintain the transit program and transfer the paratransit program to HHUP.
 - Option C: A third party contractor managed transit and paratransit program.
 - Option D: Eliminate the transit program and transfer the paratransit program to HHUP.
 - Option E: Purchase smaller buses (no CDL requirement) and shift the paratransit program to Helping Hands.

Questions:

- Q. What is the smallest capacity bus with a disability lift that does not require a CDL license?
A. A twelve-passenger bus.

- Q. Were there many times when there were more than twelve passengers on a bus run?
A. The Town Clerk has the ridership numbers, and that information can be provided.

- Q. Did the Task Force look into what other communities are doing such as subsidies for ride-share, etc.?
A. The County is experimenting with ride-share benefits. The Task Force will monitor this program.

- Q. Is there any kind of special insurance involved in the Transit Program?
A. Helping Hands is a committee of the Town and the volunteers are insured.

- Q. Has the Task Force heard what the community wants?
A. At the Open Forum it appeared that those who participated appreciate the value of the Transit Program and were relieved that a recommendation was going to be made to keep paratransit. A student group from the University of Maryland prepared a report a few years ago that included a survey on the bus service. This information can be found on the Town's [website](#).

- Q. Has College Heights Estates been contacted to see if they would be interested in helping to support the bus service in exchange for an expanded route that would include that unincorporated area?
A. No, this was not discussed with them.

- Q. Can a fee be charged to use the bus?
A. Once you charge a fee there are Federal rules which make it very complicated.

- Q. How will Councilmembers evaluate the information in order to determine the next steps?
A. The paratransit is needed for the residents who are aging in place. Due to the uncertainty of residents returning to their offices, at this time the bus service is an open question.

Mayor Carey encouraged everyone to email the Town Clerk or Mr. Thompson with any additional suggestions or comments on the Transit Program. The final report can be found on the Town's [website](#).

7. CONSENT AGENDA

Motion: To approve the following consent agenda items.

Moved by: Mr. Caskey

Seconded by: Ms. Verrill

Yea: 7

Nay: 0

Abstain: 0

- A. BUILDING PERMIT APPLICATION TO INSTALL A 5' FENCE IN THE REAR YARD (David Caskey and Mary Engler, 6800 Pineway) Ward 5**
To install a 5' fence with two gates in the rear yard on Lots 6, 7 & 8, Block E and Section 3 at 6800 Pineway.
- B. BUILDING PERMIT APPLICATION TO INSTALL A SHED AND GATE (David Furlong, 6900 Wells Parkway) Ward 7**
To install a 10'x 14' shed with a 3'x 3' extension and to install a 12' wide x 4' high gate to allow access to the shed on Lot 7 and Block 42 at 6900 Wells Parkway.
- C. BUILDING PERMIT APPLICATION FOR A 2-STORY ADDITION AND DORMER (Daniel and Catherine Rooney, 4209 Van Buren Street) Ward 4**
To build a 11.3'x 4.5' 2-story addition and a 11.3'x 26.1' dormer in the attic with maximum height of 35' on Lot 6 and Block 30 and Section 7 at 4209 Van Buren Street.
- D. BUILDING PERMIT APPLICATION FOR EXTENSION OF TWO DRAINAGE PIPES (Sabrina Myers, 6516 40th Avenue) Ward 2**
*To extend a new drainage pipe (closest to the driveway) to run under the Town sidewalk and through the curb to connect outfall to the gutter of the street; to remove and replace 1- 2'x2' sidewalk section in front of the property; and to relocate the existing drainage pipe 15' from the sidewalk to outfall into a bubbler pot on Lot 10 and Block 21 at 6516 40th Avenue.
Note: Town Engineer has reviewed, and application reflects recommendations.*
- E. BUILDING PERMIT APPLICATION TO INSTALL A SHED (Larry Prikockis, 6701 44th Avenue) Ward 3**
To install an 8'x 8' shed on Lot 34, Block 15 and Section 3 at 6701 44th Avenue.

8. PUBLIC HEARING

Section 4-115. Special Exceptions

The Common Council may consider an application for a special exception based upon a particular case or situation, and may approve the application provided that there is a showing of hardship, unique topography, unusual circumstances, or safety considerations that warrant an exception. Special exceptions shall be granted by the Council only if it finds that such exception:

- (a) will not adversely affect the public health, safety, welfare, or interest, nor the reasonable use of adjoining properties;
- (b) will not violate any covenants applicable to the property;
- (c) can be granted without substantial impairment of the purpose and intent of the Town building regulations;
- (d) will not interfere with or obstruct the visibility of motorists or cyclists; and
- (e) will not unduly impede the enforcement of any other applicable law. (Revised, effective December 12, 1989, February 28, 1998)

A. BUILDING PERMIT APPLICATION WITH SPECIAL EXCEPTION TO BUILD A TWO CAR GARAGE

(Anne Behneman and George Guschwan of 4201 Tuckerman Street) Ward 2

Town Code Section 4-105 (C) “Criteria for the Construction of Buildings” prescribes that no person shall erect any detached garage, or make any alterations or additions to any existing garage within the Town, so that the structure exceeds one story, or 15 feet in height at its highest point, or exceeds 24 feet by 24 feet in width and depth.

A request has been made for a building permit to construct a non-conforming 26’4”x 23’4” detached garage with a maximum height of 15’. Therefore, a variance of 2 feet and 4 inches in width is requested for Lots 22 & ½ of 23, Block 8 and Section 2 at 4201 Tuckerman Street. This request requires a Special Exception per Section 4-115 Sub-sections A-E of the Town Code. To approve a Special Exception, Council must make the requisite findings.

Motion: To approve the building permit application with a Special Exception to build a two-car garage at 4201 Tuckerman Street. The Special Exception be granted because the application was approved by the County and without consideration of the required exception language from the Town that the homeowners were unaware of at the time and that such exception will not adversely affect the public health, safety or welfare and use of the adjoining properties and it can be granted without impairing the purpose and the intent of the existing Town building regulations and it will not interfere or obstruct the visibility of motorists or cyclists and the hardship was created by the variance between the County and Town rules on such outbuildings.

Moved by: Mr. Caskey

Seconded by: Ms. Verrill

Yea: 5

Nay: 2

Abstain: 0

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

9. PUBLIC COMMENT

None

10. MAYOR, COUNCIL, AND COMMITTEE COMMENTS AND REPORTS

A. MAYOR’S REPORT – *Mayor Carey*

- Mayor Carey reported that it has been one year since Council meetings began occurring via Zoom.
- COVID vaccinations are now available, and the County is moving to Phase 1C.
- In reference to the request from the City of Greenbelt for University Park to financially help with the Maglev Project, Mayor Carey is not inclined to support this.

B. COMMITTEE REPORTS AND COUNCIL COMMENTS

Ms. Verrill – Ward 4

- Ms. Verrill requested that Mayor Carey schedule a Council discussion about Transit.
- Ms. Verrill and a few others have been working on getting the County to acknowledge the State law that individuals are not charged a recording fee for removing restrictive language from their homeowners’ deeds.
- Ms. Verrill reported that with only four members in Helping Hands, the group is in dire need of more volunteers.

Public Facilities and Services Committee – Mr. Caskey

The next meeting is scheduled for Thursday, March 18 at 7:30 p.m.

Police, Traffic and Public Safety Committee – Mr. Schultz

The next meeting is scheduled for Wednesday, March 17 at 7:30 p.m.

11. NEW BUSINESS

A. RESOLUTION 2021-R-03: ARBOR DAY PROCLAMATION

Motion: To adopt Resolution 2021-R-03, adopting a Town Arbor Day proclamation and to designate Friday, April 30, 2021 as Arbor Day in University Park.

Moved by: Ms. Morrissey

Seconded by: Mr. Caskey

Yea: 7

Nay: 0

Abstain: 0

12. ADMINISTRATOR AND DEPARTMENT REPORTS

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

- The Bill that recently passed (The American Rescue Plan) included a feature of \$360 billion for State and local governments, \$589 million is coming to Maryland municipalities. Mr. Deutsch will share additional information as soon as it is available.
- It has been suggested via the Metro CEO that due to financial difficulties they were contemplating closing the College Park Metro Station. Mr. Hoyer indicated that Metro has agreed to keep College Park Metro Station open because Metro will be receiving approximately \$325 billion under the American Rescue Plan.

- The infrastructure project that was approved by the Council approximately one year ago will reach and pass the Not To Exceed amount in the Contract with NZI, though is within what has been budgeted. Mr. Beall will provide a more detailed analysis of the situation and progress at the next Council meeting.

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

No report.

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

- A reminder that the Financial Disclosure forms and Disclosure of Gift forms are due by April 30.
- The next Town election is scheduled for Tuesday, May 4. The deadline for candidates running for election is Monday, April 5 by 5 p.m.
- The virtual Maryland Municipal League conference is scheduled for July 19-20 and the in-person Conference is scheduled for June 27-29 – is limited to 2 municipal representatives. Council was encouraged to contact the Clerk if they wish to attend.
- Summary of permits issued in the month of March: 8 building; 1 pod; 0 dumpster; and 0 vendor.

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

Crime Report from February 20 - March 15 – a total of 3 incidents (Wards 1, 4 and 6)

- February 8 - PFC Bell completed Field Training
- February 18 - Hired PFC Miltenberger
- February 24 - PFC Miltenberger attended Firearms Qualification
- March 9 - PFC Miltenberger completed Field Training
- All personnel are scheduled to attend Duty to Intervene training
- Applied to become an affiliate agency with the Georgetown Law Center Innovative Policing Program (Active Bystanderism for Law Enforcement Project)

Mr. Deutsch responded to a question about the stop-work order at the home on 40th Avenue by saying that the County has the permit application, and the homeowner knows that he needs to come to the Town to obtain a permit. The Code Compliance Officer will follow up on this issue.

Ms. Wells informed Chief Baker about several residents complaining about the increase of speeding cars and motorcycles along Adelphi Road and hopes that something can be done.

Mr. Biermann asked for an update on the speed enforcement cameras. Chief Baker said that he is currently working on this program and expects that it will be up and running in approximately 90 days.

Councilmembers informed Chief Baker that they notice that the police cruisers have their red and blue lights on while patrolling and they like the increased visibility that law enforcement nearby.

Chief Baker reported that this is the first time in the history of the department that there are two female police officers working at the same time.

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

February 2021 Treasurer's Report was distributed and discussed.

- The first draft of the FY2022 Budget will be distributed to the Council by April 1.

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

- The Adelphi Road meadow path has been completed. All of the amenities have been installed with the exception of the two benches. The benches should be installed within the next two weeks.
- In reference to the recent discussion on pickleball, Mr. Beall will forward to Ms. Verrill and Mr. Caskey a picture of what he thinks is a viable solution for the Town to accommodate pickleball on the tennis courts.
- The infrastructure project on Queens Chapel Road is close to being done. Mr. Beall said that, he expects that the project is within budget based on what has been paid to date and what is currently being done.
- The repairs on the Queens Chapel Road bridge will begin this week along with tree removal near the Word of God Baptist church.
- The plan is to have Queens Chapel Road paved and striped before school begins.

13. ADJOURNMENT by consent at 9:57 p.m.

Submitted by: _____
Lenford C. Carey, Mayor