

**MEETING OF
UNIVERSITY PARK MAYOR AND COMMON COUNCIL
VIA VIDEO AND AUDIO CONFERENCE
7:00 p.m.
April 5, 2021
MINUTES**



A closed session was called to begin at 7:00 p.m. (see page 6 for closed session minutes)

Motion: To close the public meeting and move to a closed session to discuss 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.

Moved by: Ms. Wells

Seconded by: Ms. Verrill

Yea: 5

Nay: 0

Abstain: 0

(Present: Mr. Biermann, Mr. Schultz, Ms. Verrill, Mr. Caskey, Ms. Wells)

1. CALL TO ORDER: *Mayor Carey* at 7:35 p.m.

Present: Mr. Biermann, Mr. Schultz (arrived at 7:37), 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: Ms. Verrill

Yea: 7

Nay: 0

Abstain: 0

4. APPROVAL OF MINUTES: *March 15, 2021*

Moved by: Ms. Verrill

Seconded by: Mr. Stephen

Yea: 7

Nay: 0

Abstain: 0

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

Moved by: Ms. Wells

Seconded by: Ms. Verrill

Yea: 7

Nay: 0

Abstain: 0

6. CONSENT AGENDA

Motion: To approve the following consent agenda items.

Moved by: Ms. Verrill

Seconded by: Mr. Stephen

Yea: 7

Nay: 0

Abstain: 0

A. BUILDING PERMIT APPLICATION TO REPLACE FENCE

(Catherine Peretti, 4300 Tuckerman Street) Ward 1

To replace 4' fence on the east side of the property on part of Lots 12,13 & 14, Block 6 and Section 1 at 4300 Tuckerman Street.

B. BUILDING PERMIT APPLICATION FOR 4' FENCE AND TEMPORARY DRAINAGE PIPE

(M. Marie Maxwell and Michael Henry Sr., 6510 41st Avenue) Ward 2

To replace existing 4' fence sections and install new 4' fence sections and two gates in the rear yard, and to install a 11' temporary 3" drainage pipe to outfall to the front yard on Lot 10, Block 20 and Section 5A at 6510 41st Avenue.

Note: Town Engineer has reviewed, and application reflects recommendations.

C. BUILDING PERMIT APPLICATION FOR A ONE-STORY ADDITION WITH STEPS

(Douglas Brown and Carol Martin, 4216 Woodberry Street) Ward 4

To add a 12.25'x 15.75' one-story addition with steps on Lot 26, Block 27 and Section 7 at 4216 Woodberry Street.

D. BUILDING PERMIT APPLICATION FOR A ONE-STORY ADDITION, COVERED PATIO, AND REPLACE EXISTING DRIVEWAY AND PATIO

(Joshua Abell, 4326 Woodberry Street) Ward 4

To add a 14.5'x 7' one-story addition, 3'x 7' covered patio, repair/replace existing driveway and patio on Lot 29, Block 25 and Section 6A at 4326 Woodberry Street.

E. BUILDING PERMIT APPLICATION TO INSTALL EXTERIOR FRENCH DRAIN AND REPLACE WALKWAY

(Heidi and Tristan St. Onge, 4306 Van Buren Street) Ward 4

To install a 50' French drain along the rear of the house using a perforated 4" pipe and connect a solid 4" pipe at the side yard 10' from the property line where drainage will outfall 10' beyond the front of the house; and replace a 28'x 36" walkway with flagstone pavers on Lots 22&23, Block 24 and Section 6B at 4306 Van Buren Street.

Note: Town Engineer has reviewed, and application reflects recommendations.

F. BUILDING PERMIT APPLICATION TO EXTEND DRAINAGE PIPE TO THE CURB

(Nataliya Kravets and Pavlo Rudyy, 4328 Van Buren Street) Ward 4

To extend a new drainage pipe in front yard to run under the Town sidewalk and through the curb to connect outfall to the gutter on Van Buren Street on Lot 35, Block 24 and Section 6B at 4328 Van Buren Street.

Note: Town Engineer has reviewed, and application reflects recommendations. Town contractors will perform the work in the right-of-way.

G. BUILDING PERMIT APPLICATION TO REPLACE REAR YARD DRAIN AND INSTALL DRY WELLS

(Charles Wilson, 6602 Queens Chapel Road) Ward 4

To replace rear yard drainage system by installing 2 flo-well dry wells at least 10' from the property line and connect overflow drainage pipe to existing pipe which outfalls to the curb on Lot 2, Block 23 and Section 6B at 6602 Queens Chapel Road.

Note: Town Engineer has reviewed, and application reflects recommendations.

7. PUBLIC COMMENT

None

8. MAYOR, COUNCIL, AND COMMITTEE COMMENTS AND REPORTS

A. MAYOR'S REPORT – Mayor Carey

No report.

B. COMMITTEE REPORTS AND COUNCIL COMMENTS

Development Overview Committee – Ms. Wells

The next meeting is scheduled for Thursday, April 8 at 7:30 p.m. via Zoom.

- Discussion will include the Landy Property, the Western Gateway (Gilbane Project), Riverdale Park Station, and the Adelphi Road Sector Plan.

Sustainability Committee – Mr. Schultz

The next meeting is scheduled for Wednesday, April 7 with the Tree Committee.

- Discussion will include a presentation on “online map-based tree inventory” from a group of students from the University of Maryland.

9. CONTINUING BUSINESS

A. PUBLIC HEARING: ADOPTION OF CHARTER RESOLUTION 21-CR-01: AMENDING ARTICLE VI, “FINANCE”, SECTION 602 “BUDGET”, AND SECTION 606 “APPROPRIATIONS LAPSE AFTER ONE YEAR”, AND TO ENACT SECTION 620 “SUBMISSION OF CAPITAL IMPROVEMENT PROGRAM” (Second Reading)

Motion: To adopt the introduction of Charter Resolution 21-CR-01 to repeal and re-enact Article VI, “Finance”, Section 602, “Budget“, and Section 606, "Appropriations Lapse After One Year”, and to enact Section 620, “Submission of Capital Improvement Program” to make provision for a Capital Improvement Program as part of the Town budget that may continue from fiscal year to fiscal year.

Moved by: Mr. Caskey

Seconded by: Ms. Wells

Yea: 7

Nay: 0

Abstain: 0

B. ADOPTION 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 (*Second Reading*)

Motion: To adopt 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. Verrill

Seconded by: Ms. Wells

Yea: 7

Nay: 0

Abstain: 0

10. NEW BUSINESS

A. SAFE ROUTES TO SCHOOL PROGRAM

Motion: To decline grant funds from the Safe Routes to School program for engineering and design for Phase 2B of the Infrastructure Project and to withdraw from the program.

Moved by: Mr. Schultz

Seconded by: Ms. Wells

Yea: 7

Nay: 0

Abstain: 0

B. AMEND SOLTESZ ENGINEERING CONTRACT

Motion: To amend an existing contract with Soltesz Engineering for design and engineering of Queens Chapel Road improvements to add engineering, design, and permitting of Phase 2B of the Infrastructure Project, subject to review by the Town Attorney.

Moved by: Ms. Wells

Seconded by: Mr. Schultz

Yea: 7

Nay: 0

Abstain: 0

C. AMEND NZI CONSTRUCTION CONTRACT

Motion: To amend an existing contract with NZI Construction through an addendum to include construction of Phase 2B of the Infrastructure Project and estimated contract costs of \$380,000 with a potential contingency amount of \$38,000, totaling approximately \$418,000, subject to review by the Town Attorney.

Moved by: Mr. Schultz

Seconded by: Ms. Wells

Yea: 7

Nay: 0

Abstain: 0

**D. INTRODUCTION OF LEGISLATIVE RESOLUTION 21-O-02: FISCAL YEAR 2022 BUDGET
(Introduction)**

Motion: To approve the introduction of Legislative Resolution 21-O-02: Fiscal Year 2022 Budget.

The earliest date this motion may be considered for passage is May 17, 2021.

Moved by: Ms. Verrill

Seconded by: Mr. Caskey

Yea:

Nay:

Abstain:

Presentation by Mayor Carey and Staff.

Mayor Carey outlined the Fiscal Year 2022 Budget in brief. Mr. Baden briefly reviewed significant line-item changes.

11. TOWN ADMINISTRATOR’S REPORT

- Working with Prince George’s County to facilitate a mobile vaccination clinic in University Park.

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

Submitted by: _____
Lenford C. Carey, Mayor

Public Record of Closed Session

Motion: To close public meeting	Motion: To resume public meeting
Moved by: Martha Wells Seconded by Linda Verrill:	Moved by: Martha Wells Seconded by: Linda Verrill
Yea:5 Nay: 0 Abstain:	Yea: 6 Nay: 0 Abstain:

TIME: 7:00 p.m.

DATE: April 5, 2021

PLACE (IF OTHER THAN TOWN HALL): Via Zoom

PERSONS PRESENT: Ward 6 Martha Wells, Ward 4 Linda Verrill, Ward 5 David Caskey, Ward 2 Joe Schultz, Ward 3 Laurie Morrissey, Ward 1 Joel Biermann, Mayor Len Carey, Town Administrator Deutsch, and Town Attorney Ferguson

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: Discussed plan for Town Clerk's transition with respect to timing and pay; one-time bonus award for one employee.

ACTIONS TAKEN: None

MEETING ADJOURNED: 7:34 p.m. into open session.

SIGNED: Lenford C. Carey