

**MEETING OF
UNIVERSITY PARK MAYOR AND COMMON COUNCIL
VIA VIDEO AND AUDIO CONFERENCE
7:30 p.m.
May 3, 2021
MINUTES**



A closed session was called at 7:05 p.m.

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 and to consult with Counsel to obtain legal advice.

Moved by: Ms. Wells

Seconded by: Mr. Stephen

Yea: 6

Nay: 0

Abstain: 0

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

Present: Mr. Biermann, Mr. Schultz, Ms. Morrissey, Mr. Caskey, Ms. Wells, Mr. Stephen

Absent: None

Excused: Ms. Verrill

2. PLEDGE OF ALLEGIANCE – was led by Mayor Carey.

3. APPROVAL OF THE AGENDA as amended (Agenda item 10A will be postponed).

Moved by: Ms. Wells

Seconded by: Mr. Stephen

Yea: 6

Nay: 0

Abstain: 0

4. APPROVAL OF MINUTES: *April 19, 2021*

Moved by: Ms. Wells

Seconded by: Mr. Schultz

Yea: 6

Nay: 0

Abstain: 0

5. APPROVAL OF SPECIAL SESSION MINUTES: *April 26, 2021*

Moved by: Mr. Caskey

Seconded by: Ms. Wells

Yea: 6

Nay: 0

Abstain: 0

6. APPROVAL OF CONFIDENTIAL CLOSED SESSION MINUTES: *April 26, 2021*

Moved by: Ms. Wells

Seconded by: Mr. Stephen

Yea: 6

Nay: 0

Abstain: 0

7. APPROVAL OF PUBLIC CLOSED SESSION MINUTES: *April 26, 2021*

Moved by: Mr. Schultz

Seconded by: Mr. Stephen

Yea: 6

Nay: 0

Abstain: 0

8. PRESENTATIONS

A. ANACOSTIA TRAILS HERITAGE AREA (ATHA/MARYLAND MILESTONES)

Former Executive Director Aaron Marcavitch introduced the new Executive Director Meagan Baco and they provided an annual update.

9. CONSENT AGENDA

Motion: To approve the following consent agenda items.

Moved by: Ms. Wells

Seconded by: Mr. Stephen

Yea: 6

Nay: 0

Abstain: 0

A. BUILDING PERMIT APPLICATION TO INSTALL 6' and 4' FENCE

(Joel Floyd, 6805 Pineway) Ward 5

To install a 4' fence for a length of 54' in the side and rear yard, and a 6' fence for a length of 24' in the rear yard on Lot 21 and Block B at 6805 Pineway.

B. BUILDING PERMIT APPLICATION TO REPLACE EXISTING DRIVEWAY

(Margaret Byron and David Owens, 4425 Underwood Street) Ward 3

To replace existing driveway on Lot 3, Block 12 and Section 3 at 4425 Underwood Street.

C. BUILDING PERMIT EXTENSION TO REPAIR FRONT LANDING

(Marina and Patrick O'Brien, 6706 40th Avenue) Ward 6

To request a building permit extension until June 13, 2021 which was approved by Council on November 2, 2020 to repair 15.6' x 8.5' front landing area and two steps located on Lot 30, Block 39 and Section 7 at 6706 40th Avenue.

10. PERMITS

**A. BUILDING PERMIT APPLICATION TO INSTALL 4’ RETAINING WALL
(Maising Zhu of 6804 40th Avenue) Ward 6**

Motion: To consider the request for a building permit to install a 4’ retaining wall, located on Lot 22, Block 39 and Section 7 at 6804 40th Avenue.

Moved by:

Seconded by:

Yea:

Nay:

Abstain:

11. PUBLIC COMMENT

- A resident was appalled by the terms of the Town Administrator’s contract.
- A resident asked that the Town Administrator position be reconsidered because this position is much more expensive than expected.
- A resident asked several questions about the Fiscal Year 2022 Budget.
- A resident offered to purchase adult sized chairs for the elementary school in lieu of an auditorium built at the current site of Town Hall and asked about mitigating stormwater runoff from any future development at the Town Hall site.

12. MAYOR, COUNCIL, AND COMMITTEE COMMENTS AND REPORTS

A. MAYOR’S REPORT – *Mayor Carey*

- The 22nd Legislative District Delegation will be at the June 21 Council meeting to present an end-of-session report.

B. COMMITTEE REPORTS AND COUNCIL COMMENTS

Development Overview Committee - Ms. Wells

The next meeting is scheduled for Thursday, May 13.

- Discussion will include: A rezoning application and potentially a representative from the Maryland National Capital Park and Planning Commission to talk about the Adelphi Road sector plan.

13. CONTINUING BUSINESS

**A. ADOPTION OF LEGISLATIVE RESOLUTION 21-O-02: FISCAL YEAR 2022 BUDGET
(*Second Reading*)**

Motion: To adopt 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:

Seconded by:

Yea:

Nay:

Abstain:

Motion: To increase the salary of the seven Public Works employees in FY2022 who are at levels 5 and

below to a one grade increase.

Moved by: Mr. Caskey

Seconded by: Ms. Morrissey

Yea:

Nay:

Abstain:

Note: Mr. Caskey said that the funds can be taken from the following line items in the budget: G25 Travel; G20 Publications; G21 Town History.

Motion: To continue consideration of the motion.

Moved by: Mr. Schultz

Seconded by: Ms. Wells

Yea: 5

Nay: 1

Abstain: 0

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

14. NEW BUSINESS

A. INTRODUCTION OF LEGISLATIVE RESOLUTION 21-O-03: AMENDING PERSONNEL MANUAL BY ENACTING SECTION 1.9 “REQUIRED VACCINATIONS AND INOCULATIONS” *(First Reading)*

Motion: To introduce Legislative Resolution 21-O-03, to amend the Personnel Manual by enacting Section 1.9, “Required vaccination and inoculations”, to authorize the Mayor to determine that certain vaccinations and inoculations are required in order for employees to be fit to perform the essential duties of their positions and/or to not endanger the health and safety of themselves or others.

The earliest date this motion may be considered for passage is June 7, 2021.

Moved by: Mr. Biermann

Seconded by: Ms. Morrissey

Yea: 6

Nay: 0

Abstain: 0

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

B. BUDGET ADJUSTMENTS – TRANSFER OF FUNDS (Introduction)

Motion: To approve the introduction of the budget adjustments for Fiscal Year 2021 as recommended by the Town Treasurer in the April 29, 2021 memo to the Mayor and Council in the total amount of \$65,420.00, as reflected below.

<u>Account Name</u>	<u>Transfer from:</u>	<u>Transfer to:</u>
<u>General Government</u>		
Transit	7,070.00	
Employee Awards and Events		70.00
Administration Expense (Town Administrator)		7,000.00
<u>Police</u>		
Transit Cost (GG)	13,350.00	
Supplies and Manuals		1,000.00
Medical Exams		350.00
Mobile Data Terminals		12,000.00
<u>Public Works</u>		
Landfill	9,000.00	
Bridge Repairs	26,000.00	
Transit Cost	10,000.00	
Salaries		10,000.00
Work Storage		9,000.00
Fuel		4,000.00
Vehicle Maintenance		5,000.00
Street Tree Maintenance		5,000.00
Recycling		2,000.00
Town Hall Bathroom Renovations		10,000.00

The earliest this may be considered is at the May 17, 2021 Council meeting, as the total exceeds \$2,500.00.

Moved by: Ms. Wells

Seconded by: Mr. Schultz

Yea: 6

Nay: 0

Abstain: 0

C. ELECTRIC VEHICLE CHARGING STATION GRANT AGREEMENT

Motion: To approve the grant agreement with Electric Vehicle Institute located at 1120 North Charles Street, Baltimore, MD 21201 establishing a framework for EVI to provide electric vehicle charging infrastructure and service through the deployment of EVI Level 2 electric vehicle charging stations on a no-cost, turnkey basis to the Town of University Park, which will include technical and labor support as well as five (5) years of maintenance and repair of the stations.

Moved by: Mr. Schultz

Seconded by: Ms. Morrissey

Yea: 6

Nay: 0

Abstain: 0

15. TOWN ADMINISTRATOR'S REPORT

No report.

16. ADJOURNMENT by consent at 9:30 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: Wells Seconded by: Stephen	Moved by: Wells Seconded by: Morrissey
Yea: 6 Nay: 0 Abstain:	Yea: 6 Nay: 0 Abstain:

TIME: 7:05 p.m.

DATE: May 3, 2021

PLACE (IF OTHER THAN TOWN HALL): Via Zoom

PERSONS PRESENT: Mayor Carey; Councilmembers Biermann, Schultz, Morrissey, Caskey, Wells, Stephen; Town Attorney Ferguson; and Town Administrator Deutsch

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.
- 15) DISCUSS CYBERSECURITY, IF THE PUBLIC BODY DETERMINES THAT PUBLIC DISCUSSION WOULD CONSTITUTE A RISK TO:
 - (i) SECURITY ASSESSMENTS OR DEPLOYMENTS RELATING TO INFORMATION RESOURCES TECHNOLOGY;
 - (ii) NETWORK SECURITY INFORMATION, INCLUDING INFORMATION THAT IS:
 1. RELATED TO PASSWORDS, PERSONAL IDENTIFICATION NUMBERS, ACCESS CODES, ENCRYPTION, OR OTHER COMPONENTS OF THE SECURITY SYSTEM OF A GOVERNMENTAL ENTITY;
 2. COLLECTED, ASSEMBLED, OR MAINTAINED BY OR FOR A GOVERNMENTAL ENTITY TO PREVENT, DETECT, OR INVESTIGATE CRIMINAL ACTIVITY; OR
 3. RELATED TO AN ASSESSMENT, MADE BY OR FOR A GOVERNMENTAL ENTITY OR MAINTAINED BY A GOVERNMENTAL ENTITY, OF THE VULNERABILITY OF A NETWORK TO CRIMINAL ACTIVITY; OR
 - (iii) DEPLOYMENTS OR IMPLEMENTATION OF SECURITY PERSONNEL, CRITICAL INFRASTRUCTURE, OR SECURITY DEVICES.

LIST OF TOPICS DISCUSSED: The Town Attorney discussed the legal requirements for requiring inoculation or vaccination of Town employees. Authorizing secondary employment for a Town employee was also discussed.

ACTIONS TAKEN: None

MEETING ADJOURNED: 7:28 p.m.

SIGNED: *Lenford C. Carey*