



**MEETING OF
UNIVERSITY PARK MAYOR AND COMMON COUNCIL
VIA VIDEO AND AUDIO CONFERENCE
7:30 p.m.
June 1, 2020
MINUTES**

A closed session began at 7 p.m. to 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.

1. CALL TO ORDER: Mayor Carey at 7:32 p.m.

Present: Mr. Brosch, Mr. Schultz, Ms. Morrissey, Ms. Verrill, Mr. Caskey, Ms. Wells, Mr. Stephen
Absent: None
Excused: None

2. PLEDGE OF ALLEGIANCE – Mayor Carey

3. APPROVAL OF THE AGENDA

Moved by: Ms. Verrill

Seconded by: Mr. Caskey

Yea: 7

Nay: 0

Abstain: 0

4. CONSENT AGENDA

Motion: To approve the following consent agenda item.

Moved by: Ms. Wells

Seconded by: Mr. Stephen

Yea: 7

Nay: 0

Abstain: 0

A. BUILDING PERMIT APPLICATION TO REPLACE 4’ FENCE

(Robert Cox and Monica Hesse, 4302 Tuckerman Street) Ward 1

To replace 4’ fence located on Lots 12-14, Block 6 and Section 1 at 4302 Tuckerman Street.

B. BUILDING PERMIT APPLICATION TO ADD TWO-STORY ADDITION

(Kevin Cheek, 4433 Wells Parkway) Ward 3

To demo garage and add a 19’x 22’ two-story addition located on Lot 10 and Block 3 at 4433 Wells Parkway.

C. BUILDING PERMIT APPLICATION TO REPLACE SHED

(Nicholas Pyenson, 4009 College Heights Drive) Ward 6

To replace existing shed with a 12'6"x 10'1" shed located on Lot 5, Block 34 and Section 7 at 4009 College Heights Drive.

5. PERMITS

A. 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)

BUILDING PERMIT APPLICATION WITH SPECIAL EXCEPTION FOR A 6' FENCE

(John Perhonis and Kathy Karlson of 4330 Clagett) Ward 5

A request has been made for a building permit to install a 120' section of non-conforming 6' fence on the side and rear property lines located on Lot 7 and Block 26 at 4330 Clagett. This 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 request for a building permit to install a 120' section of non-conforming 6' deer fence on the side and rear property lines located on Lot 7 and Block 26 at 4330 Clagett Road, requiring a Special Exception per Section 4-115 Sub-sections A-E of the Town Code. Applicant shows that unique topography and safety are at issue. Council approved the request for a building permit, with findings required by Section 4-115 Sub-Sections A-E of the Town Code having been met.

Moved by: Mr. Caskey

Seconded by: Ms. Verrill

Yea: 5

Nay: 2

Abstain: 0

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

Motion approved

PUBLIC COMMENT:

- A resident said that the Town Code says “exceptional, peculiar, unusual” and everyone agrees that deer are a problem but here is nothing exceptional, peculiar or unusual, this is a common condition. Council has a duty to uphold the laws as given or change them to proper procedures.
- A resident asked if the Council could include “deer fence” as part of the motion to show that it is not just any fence.
- A resident said that with the development of the Cafritz property the environment for many animals has shrunk and that is a fact of life that residents are going to live with going forward. The special exceptions language is vague, and the topic needs to be taken up by the appropriate committee.
- A resident of Clagett Road is also concerned about the deer and the possibility of tick bites. Due to the changing environment there seems to be a health and a security concern that needs to be addressed. This resident would be in favor of some long-term consideration by the Council for this type of topic

B. SPECIAL UTILITY PERMIT: PEPCO VEGETATION MANAGEMENT FOR TREE REMOVAL

Motion: To approve Special Utility Permit for Pepco SP-2020-01 to remove trees listed in Appendix A from the Town right-of-way as itemized on the permit and with the conditions as proposed, as amended.

Moved by: Ms. Verrill

Seconded by: Ms. Wells

Yea: 7

Nay: 0

Abstain: 0

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

Motion approved

PUBLIC COMMENT

- The resident at 4326 Clagett Road requested that the oak tree in front of their home not be removed but pruned if necessary. If the tree must be removed, then she would ask that the Town replace it with another tree that provides the same security and shade as the oak tree. The resident suggested that she plant a tree in her front yard and the Town wait to remove the oak tree until her tree provides her with the proper shade.

Motion: To amend the Special Utility Permit for Pepco SP-2020-01 to allow the tree at 4326 Clagett Road to remain for this cycle but to be pruned, with an understanding that the tree may need to be removed in some future cycle.

Moved by: Mr. Stephen

Seconded by: Mr. Brosch

Yea: 6

Nay: 1

Abstain: 0

Roll Call Vote:	Mr. Brosch	Yea
	Mr. Schultz	Yea

Ms. Morrissey	Yea
Ms. Verrill	Nay
Mr. Caskey	Yea
Ms. Wells	Yea
Mr. Stephen	Yea

Motion approved

C. SPECIAL UTILITY PERMIT: PEPCO VEGETATION MANAGEMENT FOR TREE PRUNING

Motion: To approve Special Utility Permits for Pepco SP-2020-02 to prune trees from the Town right-of-way as itemized on the permit and with the conditions as proposed.

Moved by: Ms. Wells

Seconded by: Mr. Caskey

Yea: 7

Nay: 0

Abstain: 0

6. PUBLIC COMMENT

- A Councilmember made a statement on Black Lives Matter. She reminded the Council of the recent Legislation in support of the concept of a Welcoming Town. She said, “let’s keep working to making University Park a beacon for Justice for All, we know that Black Lives Matter”.
- A Councilmember urged all to remember how fortunate we are and to reflect on how to make the world a better place.
- A resident questioned the language, “when is it acceptable to use lethal force on somebody”, University Park’s policy says, “a police officer can make that determination in the moment”. Maybe this is something that can be explored and looked at to be improved.
- A resident said we are paying for the hateful and divisive rhetoric of our President and that the residents of University Park have a special responsibility to try and act appropriately in the future.
- A Councilmember said that there is a group of people looking at ways to help those in need during the COVID pandemic. He will report back as soon as there are specific details.

7. CONTINUING BUSINESS

A. FY2020 PUBLIC WORKS BUDGET TRANSFER

Motion: To transfer \$3,000 from Public Works line item 6410-04, *Snow Removal*, to Public Works line item 6580-05, *Vehicle Maintenance*, to cover higher than anticipated costs.

Moved by: Ms. Verrill

Seconded by: Mr. Caskey

Yea: 7

Nay: 0

Abstain: 0

**Two readings required for approval. This is the second reading.*

B. ADOPTION OF LEGISLATIVE RESOLUTION 20-O-05: AMENDMENT OF THE FISCAL YEAR 2020 BUDGET – COVID-19 FUNDING (Second Reading)

Motion: To adopt Legislative Resolution 20-O-05 amending the Fiscal Year 2020 Budget to establish a new revenue line item to receive COVID-19 funding from Prince George’s County, and a new expenditures line

item for authorized COVID-19 expenditures from that funding source.

The earliest date this motion may be considered for passage is June 1, 2020.

Moved by: Ms. Wells

Seconded by: Mr. Stephen

Yea: 7

Nay: 0

Abstain: 0

C. ADOPTION OF EMERGENCY LEGISLATIVE RESOLUTION 20-O-06: AMENDING CHAPTER 13, ARTICLE 2, SECTION 13-203 RENTAL PROPERTY LICENSE AND RENEWALS

Motion: To adopt emergency Legislative Resolution 20-O-06 to amend Chapter 13 “Housing”, Article 2, “Rental Housing Code”, Section 13-203, “Rental property license and renewals” of the Code of Ordinances of the Town of University Park to allow a required inspection to be postponed or altered in scope by resolution of the Mayor and Council.

The earliest date this motion may be considered for passage is June 1, 2020.

Moved by: Mr. Caskey

Seconded by: Mr. Schultz

Yea: 7

Nay: 0

Abstain: 0

8. NEW BUSINESS

A. APPROVE AMENDMENT TO UPPD GENERAL ORDER SECTION 400.1, FIREARMS

Motion: To approve amendment of the General Order Manual revising section 400.1, *Firearms* to change the patrol rifle authorized for use from one which is personally owned to one which is issued by the University Park Police Department.

Moved by: Ms. Verrill

Seconded by: Mr. Schultz

Yea: 7

Nay: 0

Abstain: 0

PUBLIC COMMENT (*Responses from Councilmembers, the Mayor or staff are italicized.*)

- A resident asked if the patrol rifles require training that the officers may not have had? *There is a patrol rifle program and the officers go to the range twice a year. The weapons are sighted to each specific officer, so they are not interchangeable. Are the weapons capable of full-automatic function or are they self-loading only? This question was researched, and the answer is they are self-loading only, discharging one round for each trigger-pull.*

B. APPROVE AMENDMENT TO UPPD GENERAL ORDER BY ADDING SECTION 604.0, POLICE SPECIALTY CERTIFICATION PAY BONUS

Motion: To approve amendment of the General Order Manual by adding new section 604.0, *Police Specialty Certification Pay Bonus* to establish requirement eligibility for officers to a receive Police Specialty Certification Pay Bonus which enhances the officer’s skill level, job readiness and professional development, and creates value for the University Park Police Department and the Town of University Park.

Moved by: Ms. Wells

Seconded by: Ms. Verrill

Yea: 7

Nay: 0

Abstain: 0

C. POLICE, TRAFFIC AND PUBLIC SAFETY COMMITTEE RECOMMENDATION

Motion: On recommendation of the Police, Traffic and Public Safety Committee to authorize the Director of Public Works to obtain quotes from three or more engineering firms with rideable contracts for design and engineering of Queens Chapel Road and, if desirable, to complete all additional design work required for the later stages of the project.

Moved by: Mr. Schultz

Seconded by: Ms. Wells

Yea: 7

Nay: 0

Abstain: 0

D. RESOLUTION 2020-R-04: TO AUTHORIZE USE OF RENTAL INSPECTION CHECKLIST

Motion: To adopt Resolution 2020-R-04 to authorize the use of a Rental Inspection Checklist to be completed by the homeowner or property manager in lieu of an on-site inspection by the Code Compliance Officer as amended.

Moved by: Mr. Caskey

Seconded by: Ms. Verrill

Yea: 7

Nay: 0

Abstain: 0

Motion: To amend the motion by including the following: Once the emergency has ended, for all newly issued rental licenses, an in-person inspection is required.

Moved by: Mr. Caskey

Seconded by: Ms. Verrill

Yea: 7

Nay: 0

Abstain: 0

E. REVISE TOWN ADMINISTRATOR’S EMPLOYMENT AGREEMENT

Motion: To revise the Town Administrator’s employment agreement allowing an increase from 20 hours per week to 24 hours per week.

Moved by: Ms. Verrill

Seconded by: Mr. Schultz

Yea: 6

Nay: 1 (Brosch)

Abstain: 0

F. MUNICIPAL AUTHORITY

Discussion regarding municipal authority legislation.

- Ms. Verrill said that the Policy, Rules and Municipal Structure Committee recommends that the Council direct the Town Attorney to draft Municipal Authority Legislation for Council consideration and adoption.
- The Committee had a discussion on confusion surrounding the County’s short-term rental policy and in trying to find a way to move forward the idea of asserting municipal authority.
- State law allows the Town to exempt itself from County Legislation in some areas (zoning and building codes do not apply).
- The advantage of this provision is that the Town retains control over what is happening and the other government is not allowed to tell the residents in Town what the law is if the Town government has

decided that it is going to exercise its jurisdictional authority.

- Ms. Verrill asked that Mayor Carey send the draft Municipal Authority Legislation to the Policy, Rules and Municipal Structure Committee for review.

9. APPROVAL OF MINUTES: *May 18, 2020* as amended.

Moved by: Ms. Verrill

Seconded by: Ms. Wells

Yea: 7

Nay: 0

Abstain: 0

10. MAYOR AND COUNCIL REPORTS

A. MAYOR'S REPORT

- There was recently a Town election and the new and re-elected Councilmembers and Mayor will be sworn-in on June 15. The details of this event will be available soon.
- Mr. Caskey has been asked to temporarily step in as Acting Chair of the Development Overview Committee. Ms. Wells asked to temporarily step back as Chair of this Committee.

B. TOWN ADMINISTRATOR'S REPORT

- A Council Request Follow-Up Report has been prepared and is currently under review and should be ready for Council next week. This report will help keep track of items discussed and will be updated monthly.
- In reference to the Federal COVID19 funds through the County, the County Emergency Management Agency indicated that they are able to consider requests for personal protective equipment the Town needs currently and projected through the end of the calendar year. The staff is completing a list that will be submitted to the County.

C. COUNCIL AND COMMITTEE REPORTS

Police, Traffic and Public Safety Committee - Mr. Schultz

- The Committee met on May 20. The minutes are available on the Town website.
- The Committee is discussing the increase of cars speeding through town, speed cameras and revisiting traffic planning.
- A Councilmember asked if the Committee could revisit the discussion on decreasing the speed limit in Town.

Sustainability Committee - Mr. Schultz

- The Committee will meet on Saturday, June 6 to clean a section of the stream.

Development Overview Committee - Mr. Caskey

The next meeting is scheduled for Thursday, June 11, 2020.

Policy, Rules and Municipal Structure Committee - Ms. Verrill

The next meeting is scheduled for Thursday, June 4, 2020 at 7:00 p.m. via Zoom.

Ms. Wells - Ward 6

- Congratulations to Mayor Carey, Ms. Morrissey, Mr. Stephen for re-election to the Council and a welcome Mr. Biermann to the Council.

Ms. Verrill - Ward 4

- Thank you to Andrea Marcavitch and Stephanie Herold in doing a great job with putting together a very successful election via mail and drop-box. The Town may want to consider doing future elections this way.

11. ADJOURNMENT by consent at 9:52 p.m.

Submitted by: _____
Lenford C. Carey, Mayor