

**MEETING OF
UNIVERSITY PARK MAYOR AND COMMON COUNCIL
VIA VIDEO AND AUDIO CONFERENCE
6:30 p.m.
July 6, 2021
MINUTES**



A closed session was called at 6:30 p.m.

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 related thereto; and to consult with Counsel to obtain legal advice.

Moved by: Ms. Wells

Seconded by: Mr. McGaughey

Yea: 6

Nay: 0

Abstain: 0

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

Present: Mr. Biermann, Ms. Gathercole, Ms. Morrissey, Mr. Morgan, Mr. McGaughey, Ms. Wells, Mr. Stephen (arrived at 6:35 p.m.)

Absent: None

Excused: None

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

3. APPROVAL OF THE AGENDA as amended – move agenda item 11A after agenda item 3, and strike agenda item 11B.

Moved by: Ms. Morrissey

Seconded by: Mr. Stephen

Yea: 7

Nay: 0

Abstain: 0

4. APPROVAL OF MINUTES: *June 21, 2021*

Moved by: Mr. Biermann

Seconded by: Mr. Stephen

Yea: 4

Nay: 0

Abstain: 3 (Gathercole, Morgan, McGaughey)

5. APPROVAL OF PUBLIC CLOSED SESSION MINUTES: *June 21, 2021*

Moved by: Ms. Wells

Seconded by: Ms. Morrissey

Yea: 4

Nay: 0

Abstain: 3 (Gathercole, Morgan, McGaughey)

6. APPROVAL OF CONFIDENTIAL CLOSED SESSION MINUTES: *June 21, 2021*

Moved by: Ms. Wells

Seconded by: Mr. Stephen

Yea: 4

Nay: 0

Abstain: 3 (Gathercole, Morgan,
McGaughey)

7. CONSENT AGENDA

Motion: To approve the following consent agenda items.

Moved by: Mr. Stephen

Seconded by: Mr. Biermann

Yea: 7

Nay: 0

Abstain: 0

**A. BUILDING PERMIT APPLICATION TO INSTALL 6' FENCE IN REAR YARD
(Ray and Melissa Sedwick, 4004 Van Buren Street) Ward 7**

To install a 6' fence in the rear yard on Lot 14 and Block 41 at 4004 Van Buren Street.

**B. BUILDING PERMIT APPLICATION TO INSTALL 3' FENCE
(Cynthia Pearson and Gerald Wilkinson, 4312 Sheridan Street) Ward 1**

To install a 3' fence on Lot 6, Block 5, and Section 1 at 4312 Sheridan Street.

C. SPECIAL UTILITY PERMIT SP-2021-04: WASHINGTON GAS

Special Utility Permit for Washington Gas SP-2021-04 to install 515' of main, abandon 514' of main and replace 7 services, and change over 3 services in the 4100 block of Van Buren Street with conditions as stated in the July 2, 2021 Memo from Public Works Director Mickey Beall.

8. PUBLIC COMMENT

- A resident urged the Council to not delay the vote on banning gas-powered leaf blowers in University Park, and to vote yes on the ban.
- A resident asked Council to vote against passing the ordinance as introduced and to continue studying the proposal.
- A resident opposed banning gas-powered leaf blowers since the company he hires uses gas-powered blowers.
- A resident opposed banning gas-powered leaf blowers. The resident asked Council to wait until most people go back to their workplaces and see if the noise complaints continue to be an issue.

9. MAYOR, COUNCIL, AND COMMITTEE COMMENTS AND REPORTS

A. MAYOR'S REPORT – *Mayor Carey*

- The Independence Day parade was a big hit.
- County Councilmember Dannielle Glaros will be at the July 19 Council meeting to discuss stormwater management at Nine Pond and Guilford Run.
- There was a dog-on-dog attack in University Park where two people were bitten. Prince George's County Animal Control are taking action on this matter.

- The Maryland Municipal League Conference in Ocean City was very productive.
- University Park’s first ever “Meadow Day” is scheduled for July 24 at the Pollinator Meadow on Adelphi Road.
- Mr. Stephen reported that a resident of College Heights Estates allows their unleashed dog to bother University Park residents who are walking.
- Mr. Biermann asked if the police department could look into the status of a vehicle along Adelphi Road that was rear-ended several weeks ago and is still parked on the street.

B. APPOINTMENTS — COUNCIL STANDING COMMITTEES

(Established by Town Code and appointed by the Council, per Section 2-103)

Current committee appointments are listed in *italics*; new members are listed in **bold**.

Motion: Per Section 2-103 of the Town Ordinances, to appoint Chairs and Members of Standing Committees.

Police, Traffic and Public Safety Committee:

Ms. Wells (Chair), Mr. Biermann, Ms. Gathercole, Mr. McGaughey, and Mr. Morgan

Policy, Rules and Municipal Structure Committee:

Ms. Morrissey (Chair), Mr. Biermann, and Mr. Stephen

Public Facilities and Services Committee:

Mr. Stephen (Chair), Ms. Gathercole, Mr. McGaughey, Ms. Morrissey, and Ms. Wells

Moved by: Ms. Wells

Seconded by: Mr. McGaughey

Yea: 7

Nay: 0

Abstain: 0

C. APPOINTMENTS — SPECIAL COMMITTEES

(Established by Town Code and appointed by the Council, per Section 2-103)

Current committee appointments are listed in *italics*; new members are listed in **bold**.

Motion: Per Section 2-103 of the Town Ordinances, to appoint Chairs/Co-chairs and Members of Special Committees.

Development Overview Committee:

Ms. Wells (Co-chair), Mr. Biermann (Co-chair), Mr. Caskey, Mr. Deutsch (staff liaison), Mr. Hess, Mr. (Nathaniel) Morgan, Ms. (Stephanie) Simpson, Mr. Tabori, and Mr. Thompson

Trees, Parks, and Environment Committee:

Mr. Aubry (Chair), Ms. Morrissey, Ms. Alvarez, Mr. Alvarez, Mr. Ericson, Mr. Matt Jasinski, Ms. Sondak, Mr. Thompson, and Mr. Young,

Helping Hands University Park:

Ms. Verrill (Chair), Ms. Gathercole, Ms. Rosenfelt, and Ms. Smith

Sustainability Committee:

Mr. Biermann (Chair), Roy Alvarez, David Brosch, Steve Hurtt, Joe Thompson, Mary Sue Twohy, and Ms. Randolph Williams

Moved by: Ms. Wells

Seconded by: Ms. Morrissey

Yea: 7

Nay: 0

Abstain: 0

D. APPOINTMENTS — *MAYOR PRO TEMPORE* TO SERVE IN ABSENCE OF MAYOR

Motion: Per Section 307 of the Town Charter, to appoint Joel Biermann as *Mayor pro tempore* authorized (1) to perform the duties of the Mayor in the Mayor’s absence, and (2) to perform the duties and exercise the authority of the Mayor, without further action by Council, during an emergency when the Mayor is absent.

Moved by: Mr. Stephen

Seconded by: Ms. Wells

Yea: 7

Nay: 0

Abstain: 0

E. COMMITTEE REPORTS AND COUNCIL COMMENTS

Development Overview Committee - Ms. Wells

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

- Discussion will include a mixed-use project at the intersection of American Boulevard/East West Highway; storage space under the Mall at Prince George’s; and the Adelphi Road Sector Plan.

Trees, Parks and the Environment Committee - Ms. Morrissey

- The wording for the Tree ordinance has been revised and will be forwarded to the Town Attorney for review.

Policy, Rules and Municipal Structure Committee - Ms. Morrissey

- The Committee is taking into consideration the concerns about the proposed gas-powered leaf blower ban.
- The Committee has drafted a document on “Awards Policy” and will send this to the Town Attorney and Town Administrator for review.

Public Facilities and Services Committee - Mr. Stephen

The next meeting is scheduled for Thursday, July 15.

Mr. McGaughey - Ward 5

- Mr. McGaughey reported on the recent “Walk-Through” event on June 30 with town staff and Soltesz Engineers regarding phase 2B of the Infrastructure Project where new sidewalks that will be added in wards 4 and 5.

10. CONTINUING BUSINESS

A. ADOPTION OF LEGISLATIVE RESOLUTION 21-O-04: AMENDING CHAPTER 7 “PUBLIC HEALTH AND SANITATION”, BY REPEALING AND RE-ENACTING §7-104, “NOISE” TO PROHIBIT USE OF GAS-POWERED LEAF BLOWERS (*First Reading*)

Motion: To adopt Legislative Resolution 21-O-04 to amend chapter 7 by repealing and reenacting §7-104 “Noise” of the Code of Ordinances of the Town of University Park, to prohibit use of gas-powered leaf blowers by January 1, 2023.

The earliest date this motion may be considered for passage is July 6, 2021.

Moved by:

Seconded by:

Yea:

Nay:

Abstain:

Motion: To continue to the September 7 Council meeting.

Moved by: Mr. Stephen

Seconded by: Ms. Morrissey

Yea: 7

Nay: 0

Abstain: 0

11. NEW BUSINESS

A. ADOPTION OF RESOLUTION 2021-R-05 RECOGNIZING THE CONTRIBUTION OF RESIDENT LORETTA VITALE SAKS

Motion: To adopt Resolution 2021-R-05, proclaiming gratitude to resident Loretta Vitale Saks for her service to our community.

Moved by: Mr. McGaughey

Seconded by: Ms. Wells

Yea: 7

Nay: 0

Abstain: 0

B. TOWN CODE REVISION

Discussion of proposed changes to chapters 1-4 of the Town Code.

12. TOWN ADMINISTRATOR’S REPORT

- The plan is to present Council with some preliminary recommendations for the use of the funds that will be received under the American Rescue Plan at the next Council meeting.

13. ADJOURNMENT by consent at 8:34 p.m.

Submitted by: Lenford C. Carey

Lenford C. Carey, Mayor

Public Record of Closed Session

Motion: To close public meeting	Motion: To resume public meeting
Moved by: Ms. Wells Seconded by: Mr. McGaughey	Moved by: Ms. Wells Seconded by: Ms. Gathercole
Yea: 6 Nay: 0 Abstain: 0	Yea: 7 Nay: 0 Abstain: 0

TIME: 6:32 p.m.

DATE: July 6, 2021

PLACE (IF OTHER THAN TOWN HALL): Via Zoom

PERSONS PRESENT: Councilmembers Mr. Biermann, Ms. Gathercole, Ms. Morrissey, Mr. Morgan, Mr. McGaughey, Ms. Wells, Mr. Stephen (arrived 6:35 p.m.); Mayor Carey, Town Attorney Suellen Ferguson and Town Administrator David 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: Status of garage purchase and related negotiations, and consulted with Town Attorney

ACTIONS TAKEN: None

MEETING ADJOURNED: 7:15 p.m.

SIGNED: *Lenford C. Carey*