

**MEETING OF
UNIVERSITY PARK MAYOR AND COMMON COUNCIL
VIA VIDEO AND AUDIO CONFERENCE**

**7:30 p.m.
August 16, 2021
MINUTES**



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

Present: Mr. Biermann, Ms. Gathercole, Ms. Morrissey, Mr. Morgan, Ms. Wells,
Mr. Stephen (arrived at 7:33 p.m.)

Absent: None

Excused: Mr. McGaughey

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

3. APPROVAL OF THE AGENDA

Moved by: Ms. Wells **Seconded by:** Ms. Gathercole

Yea: 5 **Nay:** 0 **Abstain:** 0

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

Moved by: Ms. Wells **Seconded by:** Ms. Morrissey

Yea: 5 **Nay:** 0 **Abstain:** 0

5. APPROVAL OF PUBLIC CLOSED SESSION MINUTES: *July 19, 2021*

Moved by: Ms. Gathercole **Seconded by:** Ms. Wells

Yea: 5 **Nay:** 0 **Abstain:** 0

6. APPROVAL OF CONFIDENTIAL CLOSED SESSION MINUTES: *July 19, 2021*

Moved by: Mr. Morgan **Seconded by:** Mr. Stephen

Yea: 6 **Nay:** 0 **Abstain:** 0

7. PRESENTATION

A. DISCUSSION WITH LANDSCAPING BUSINESS OWNER ON PROPOSED GAS-POWERED LEAF BLOWER BAN

Landscaping business owner Dan Wilson of Xavieran Landscapes explained how landscapers use gas-powered leaf blowers, the effects of a proposed ban on gas-powered leaf blowers on their services to University Park residents, and the availability and utility of battery powered leaf blowers for commercial landscape services.

- Mr. Wilson has a small residential business with 3-4 employees and takes care of ten lawns within University Park as well as additional lawns in College Park and College Heights Estates.
- The leaf blowers are used in the spring (February-March) to get the yards ready for mulch. During the mowing season (April-October), the leaf blowers are used on each lawn for approximately 10 to 15 minutes. In leaf season (November-December), leaf blowers are used 3 to 4 times per lawn for approximately 15 minutes for up to 2 hours depending on the lawn.
- His company uses the Echo 755 T - backpack commercial blower.
- A battery-operated leaf blower with two additional batteries costs approximately \$3,200, while a gas-powered leaf blower costs approximately \$480.
- Ms. Morrissey noted that the Committee on Policy, Rules, and Municipal Structure is now suggesting the target date on banning gas-powered leaf blowers be extended another year to January 1, 2024.
- Mr. Biermann asked if his company would be willing to use a battery-operated leaf-blower if it belonged to the homeowner and Mr. Wilson responded by saying it's an option.
- In reference to the noise ordinance, Mr. Wilson said that the battery-operated leaf blowers are very loud.

8. CONSENT AGENDA

Motion: To approve the following consent agenda items.

Moved by: Ms. Morrissey

Seconded by: Ms. Wells

Yea: 6

Nay: 0

Abstain: 0

A. BUILDING PERMIT APPLICATION TO INSTALL FENCE

(Daniel Lockney and Sara Makris, 6507 43rd Avenue) Ward 1

To install a section of 6' fence and a section of 4' fence in the rear yard on Lot 15 and Block 6 at 6507 43rd Avenue.

B. BUILDING PERMIT APPLICATION TO INSTALL FENCE

(David and Erin McAneny, 6909 Forest Hill Drive) Ward 7

To install a 4' fence on Lot 12 and Block 42 at 6909 Forest Hill Drive.

C. BUILDING PERMIT APPLICATION TO INSTALL A SCREENED PORCH

(Julie and Daniel Epstein, 4102 Tennyson Road) Ward 2

To install a 12'x 18' screened porch with steps on Lot 11, Block 19 and Section 5 at 4102 Tennyson Road.

D. BLOCK PARTY/STREET CLOSURE FOR SHERIDAN STREET (FROM BALTIMORE AVENUE TO 44TH AVENUE)

(Saturday, September 25, 2021 from 5-10 p.m.) Ward 1

The police department has been notified and supports this request.

E. SPECIAL UTILITY PERMIT SP-2021-06: PEPCO VEGETATION MANAGEMENT FOR TREE PRUNING

Special Utility Permit for PEPCO SP-2021-06 to prune trees from the Town right-of-way as itemized on the permit and with the conditions as proposed.

F. SPECIAL UTILITY PERMIT SP-2021-08: WASHINGTON GAS INSTALL TEST STATIONS ON QUEENS CHAPEL ROAD

Special Utility Permit for Washington Gas SP-2021-08 to work in the Town's right-of-way to install 5 test stations on Queens Chapel Road from East West Highway to Underwood Street with the conditions as proposed.

9. PUBLIC COMMENT

- A member of the Route 1 Community Cares and the Central Kenilworth Avenue Community Development Corporation said that since April 2020 money has been raised for fourteen struggling local restaurants to provide well balanced meals for those in need along the Kenilworth Avenue and Route 1 corridors. These groups are urgently seeking financial help because the need is growing substantially with hungry families and the struggling restaurants.
- A resident asked Mayor Carey and the Council to consider making a donation from the American Rescue Plan funds to the Route 1 Community Cares.
- A resident reported that in the September 2021 issue of Consumer Reports it stated that battery operated backpack blowers are significantly quieter than their gas counterparts.
- A resident thanked Mayor Carey and the Council for referring the issue on the Guilford Woods/Western Gateway Project to the Development Overview Committee.
- A resident said that in reference to the Guilford Woods Project they hope that the Council can bring clarity to the process since currently the project seems murky and hard for citizens to understand.
- A resident who is against the gas-powered leaf blower owns a battery powered leaf blower that was not expensive and does a good job.
- In reference to the Guilford Woods Project, a resident from Calvert Hills said that there needs to be public input, officials and communities to scrutinize what is happening.
- A resident said that University Park has always made it a point to maintain tree canopy. Guilford Woods is the only natural preserve between University Park and Maryland University and its existence is important to University Park.
- A resident said that it is very important to convey that communication is critical and there needs to be open discussions so that all residents and stakeholders near Guilford Woods understand the impact it has on the neighborhoods.
- A resident said that there are many compelling reasons the proposed project should not be allowed to move forward on the site currently planned. They encouraged Mayor Carey, Councilmembers and town residents to stand up for the trees and wildlife in Guilford Woods and for the health of the community.
- A resident asked that the language be changed on agenda item 12C Western Gateway Project. He recommends that the Council amend the wording to read "September meeting and other meetings as needed."

- In reference to the Town’s Animal Control Ordinance, a resident encouraged the Mayor and Council to do what is necessary to increase the Town’s ability to protect residents in the rare instances when the dog owners are not responsibly managing dogs who have demonstrated dangerous behavior and pose a risk to public safety.
- A resident said that if the Guilford Woods project goes forward, it would be a loss as a community resource if they destroy the beautiful woods.
- A resident said that the new President for the University of Maryland has the authority to make a decision on the Guilford Woods Project and this resident suggests a strong community response.
- Several residents expressed their support on the ban of gas-powered leaf blowers.
- A resident listed several concerns about the current proposal as drafted on the gas-powered leaf blower ban.

10. MAYOR, COUNCIL, AND COMMITTEE COMMENTS AND REPORTS

A. MAYOR’S REPORT – *Mayor Carey*

- Mayor Carey thanked those who attended the Special Session Garage Tour on August 14.
- At the September 7 Council meeting, a hearing on the leaf blower issue will take place prior to the proposed leaf blower ordinance.
- In memory of the five University Park residents that died on September 11th, Mayor Carey and Chief Baker are planning a “moment of reflection” this September 11 at 9 a.m. at the Town’s 9/11 Memorial.
- An application has been submitted to the Maryland Department of Natural Resources for a grant from the Community Parks and Playgrounds Program in the amount of \$225,000. If successful, the money will be used to update the Tot Lot.
- In reference to the American Rescue Plan, a total of \$2,592,217 will be received over the next two years. \$1,296,108 has been received.

B. COMMITTEE REPORTS AND COUNCIL COMMENTS

Helping Hands of University Park - Ms. Gathercole

- Committee Chair Ms. Verrill was able to obtain a significant grant from Prince Georges County that will provide short-term emergency funds to seniors needing financial aid.
- In reference to the Route 1 Community Cares Program and the American Rescue Plan, a resident asked Ms. Gathercole to encourage Councilmembers to provide a significant amount of money to help the local restaurants and those in need.

Development Overview Committee - Ms. Wells

The next meeting is scheduled for Thursday, September 9.

- The Committee recently met and topics of discussion included: permitted land use for the area underneath the Mall at Prince George’s as a self-storage facility and the Guilford Woods Project.

Motion: To approve that the Mayor on behalf of the Council send a “no objection” notice to the County about underground storage project at the Mall at Prince George’s.

Moved by: Ms. Wells

Seconded by: Mr. Stephen

Yea: 6

Nay: 0

Abstain: 0

Police, Traffic and Public Safety Committee - Ms. Wells

- The Committee did not meet in the month of August.
- Topics of discussion at the September meeting include: traffic calming devices and new projects for the road system.
- Mayor Carey asked Ms. Wells to attend a “walk” with County Councilmember Dannielle Glaros at Adelphi Road and Wells Parkway on August 17 to discuss the signal at that intersection and other public safety needs.

Public Facilities and Services Committee - Mr. Stephen

The next meeting is scheduled for Thursday, August 19 at 7:30 p.m.

Sustainability Committee - Mr. Biermann

- The Committee met on Wednesday, August 4 and discussed the park plan RFP.

Policy, Rules and Municipal Structure Committee – Ms. Morrissey

The next meeting is scheduled for Thursday, September 2.

- The Committee met on Thursday, August 5 and discussed the implementation of gas-powered leaf-blower ban for January 1, 2024.

Trees, Parks and Environment Committee - Ms. Morrissey

The next meeting is scheduled for Wednesday, September 8.

- The Committee did not meet in the month of August.

11. CONTINUING BUSINESS

A. ADOPTION OF AMENDED EMERGENCY LEGISLATIVE RESOLUTION 21-O-05: PURCHASE OF GARAGE (*Second Reading*)

Motion: To adopt amended Legislative Resolution 21-O-05 to authorize the acquisition of certain real property located at 4201 48th Street, Bladensburg, Maryland 20710 for a public purpose of acquiring the Property for Town vehicle repair, maintenance and storage, and the use of funds in the “Public Works Garage” line item in the FY22 Budget for that purpose.

The earliest date this Ordinance may be considered for passage is August 16, 2021. Adoption as an emergency measure requires at least four votes. If adopted as an emergency measure it will be effective upon adoption.

Moved by: Ms. Wells

Seconded by: Mr. Stephen

Yea: 6

Nay: 0

Abstain: 0

Roll Call Vote:	Mr. Biermann	Yea
	Ms. Gathercole	Yea
	Ms. Morrissey	Yea
	Mr. Morgan	Yea
	Ms. Wells	Yea
	Mr. Stephen	Yea

B. ADOPTION OF AMENDED EMERGENCY LEGISLATIVE RESOLUTION 21-O-06: FY22 BUDGET ADJUSTMENTS (*Second Reading*)

Motion: To adopt amended Legislative Resolution 21-O-06 to amend the Fiscal Year 2022 budget to establish a new revenue line item to receive \$1,296,108.00 in American Rescue Plan (ARP) funds anticipated in the 2022 fiscal year; to authorize allocation of \$375,000.00 of the ARP funds to a newly created line item entitled “W19 Public Works Garage”; with the remaining ARP funds to be allocated to the Unreserved/Undesignated line item; and to transfer \$450,000 from the Unreserved/ Designated F5 Public Works Garage Line Item to the newly created W19 Public Works Garage line item.

The earliest date this Ordinance may be considered for passage is August 16, 2021. Approval requires a two-thirds vote of Council to amend the budget. If adopted as an emergency measure it will be effective upon adoption.

Moved by: Mr. Stephen

Seconded by: Ms. Wells

Yea: 6

Nay: 0

Abstain: 0

Roll Call Vote:	Mr. Biermann	Yea
	Ms. Gathercole	Yea
	Ms. Morrissey	Yea
	Mr. Morgan	Yea
	Mr. McGaughey	Yea
	Ms. Wells	Yea
	Mr. Stephen	Yea

12. NEW BUSINESS

A. TOWN CODE REVISION

Ms. Ferguson, Town Attorney briefly explained the proposed changes to chapters 1-4 of the Town Code.

- Councilmembers were asked to go through the various proposed changes and ask questions and make suggestions.
- Discussion/questions on the Town Code Revision will take place at the September 7 Council meeting.

B. APPOINTMENT TO TREES, PARKS AND THE ENVIRONMENT SPECIAL COMMITTEE

Motion: Per Section 16-103 of the Town Ordinances, to consent to the appoint of Dr. Karin Burghardt as a member of the Committee on Trees, Parks and Environment.

Moved by: Ms. Morrissey

Seconded by: Mr. Biermann

Yea: 6

Nay: 0

Abstain: 0

C. WESTERN GATEWAY PROJECT

Motion: To refer Guilford Woods/ Western Gateway Project, including the Board of Public Works consideration of a related University of Maryland property transfer, to the Development Overview Committee to invite presentations from all sides at its September meeting and recommend appropriate action to the Council.

Moved by:

Seconded by:

Yea:

Nay:

Abstain:

Motion: To put the matter of Guilford Woods/ Western Gateway Project on the September 9 Development Overview Committee agenda and to ensure that the University and the project proponents, developers as well as any group that wants to attend are given time to speak and discuss this. If the Committee needs to set additional meetings they will do so.

Moved by: Ms. Wells

Seconded by: Mr. Morgan

Yea: 6

Nay: 0

Abstain: 0

13. ADMINISTRATOR AND DEPARTMENT REPORTS

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

No report.

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

No report.

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

- Summary of permits issued in the month of August: 3 building; 1 pod and 0 vendor.
- The Resident Information Guide is close to completion.

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

Crime Report from July 29-August 16 - 2 incidents were reported.

- To help prevent crime, the Park, Walk and Talk activities have been increased.
- Training: Hand-held automated speed enforcement camera and the Chief attended a training through the States Attorney's office for Investigating Strangulation.
- The 2021 Ford Hybrid SUV should be on the road this week.
- The August 3 event National Night Out was well attended.
- Upcoming events: September 11 – Moment of Reflection; September 17 – Movie Night in the Park; August 17 – Traffic discussion at Adelphi Road and Wells Parkway.
- The automated speed enforcement camera is in the warning stages, after September 11 citations will be issued.

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

July 2021 Treasurer's Report was distributed.

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

- The Town Hall basement bathroom in the Public Works space is nearing completion.
- Door hangers have been distributed to the homes where tree work is scheduled. This new policy will inform the property owner what is intended and an approximate timeline and gives the homeowner an opportunity to ask questions or express concerns.
- The Pickleball striping on the tennis court will be completed on August 19-20. A public Pickleball demonstration will be held on September 17 at 5 p.m.

14. **ADJOURNMENT** by consent at 10:03 p.m.

Submitted by: _____
Lenford C. Carey, Mayor