



**MEETING OF  
UNIVERSITY PARK MAYOR AND COMMON COUNCIL  
WILL BE HELD  
VIA VIDEO AND AUDIO CONFERENCE  
7:30 p.m.  
March 6, 2023  
REGULAR SESSION**

**The Council meeting will be conducted entirely remotely with no in-person meeting attendance. To join the Council meeting through a video conference, please use the link below.**

**Join Meeting:**

**<https://us02web.zoom.us/j/86539222754?pwd=OGdVa3ZDejk2Wk1adVhlMkdmN0lNdz09>**

**To join with audio only, dial: (301) 715-8592**

**Meeting ID: 865 3922 2754**

**Passcode: 472374**

**Public Participation:**

Participants who join the video/audio conference will be muted during the meeting except for Mayor, Council, and staff. Participants can turn their video on during the meeting, so we can all see each other, or can turn it off if they would rather. Participants will have the opportunity to speak during Public Comment - agenda item #6. During that time, all participants will be taken off mute. If you would like to comment, please state your name and Mayor Biermann will call on you to speak. Public comments will be limited to three minutes.

Public comments or questions may also be made by emailing the Town Clerk TC Hegeman at [thegeman@upmd.org](mailto:thegeman@upmd.org). All electronic comments must be submitted by 12 p.m. on March 6, 2023. Comments received will be read by the Town Clerk during public comment.

**1. CALL TO ORDER: *Mayor Biermann***

|                 |                                                                             |                |                                                                             |
|-----------------|-----------------------------------------------------------------------------|----------------|-----------------------------------------------------------------------------|
| <b>Present:</b> | Dubayah<br>Gathercole<br>Morrissey<br>Morgan<br>McGaughey<br>Wells<br>Sweet | <b>Absent:</b> | Dubayah<br>Gathercole<br>Morrissey<br>Morgan<br>McGaughey<br>Wells<br>Sweet |
|-----------------|-----------------------------------------------------------------------------|----------------|-----------------------------------------------------------------------------|

**2. APPROVAL OF THE AGENDA**

**Moved by:**

**Seconded by:**

**Yea:**

**Nay:**

**Abstain:**

**3. APPROVAL OF MINUTES:** *February 21, 2023*

**Moved by:**

**Seconded by:**

**Yea:**

**Nay:**

**Abstain:**

**4. APPROVAL OF CLOSED SESSION MINUTES:** *March 1, 2023*

**Moved by:**

**Seconded by:**

**Yea:**

**Nay:**

**Abstain:**

**5. AZALEA CLASSIC UPDATE**

Jaime McGaughey will briefly discuss the Azalea Classic scheduled for April 29, 2023.

**6. PUBLIC COMMENT**

**7. MAYOR, COUNCIL, AND COMMITTEE COMMENTS AND REPORTS**

**8. CONTINUING BUSINESS**

**TRAFFIC CALMING DEVICE ORDINANCE** (*Second Reading*)

**Motion:** To adopt Ordinance 23-O-02, an ordinance amending Chapter 9, Vehicles and Traffic, of the Code of the Town to add Article 4, Traffic Calming Devices, §§9-401 through 9-407, to provide a resident petition process for installation and removal of traffic calming devices.

**Moved by:**

**Seconded by:**

**Yea:**

**Nay:**

**Abstain:**

**9. ADJOURNMENT**

**\*\* A Closed Session may be called \*\***

**Agenda Item 3**  
**Draft Minutes 02/21/23**

**MEETING OF  
UNIVERSITY PARK MAYOR AND COMMON COUNCIL  
VIA VIDEO AND AUDIO CONFERENCE  
7:30 p.m.  
February 21, 2023  
MINUTES**



**1. CALL TO ORDER: *Mayor Biermann* at 7:32PM**

**Present:** Mayor Biermann, Mr. Dubayah, Ms. Gathercole, Ms. Morrissey, Mr. Morgan, Mr. McGaughey, Ms. Wells and Mr. Sweet

**Absent:** None

**2. APPROVAL OF THE AGENDA**

**Moved by:** Ms. Wells

**Seconded by:** Mr. McGaughey

**Yea:** 7

**Nay:** 0

**Abstain:**

**3. APPROVAL OF MINUTES: *February 6, 2023***

**Moved by:** Ms. Wells

**Seconded by:** Mr. Dubayah

**Yea:** 7

**Nay:** 0

**Abstain:**

**4. INTRODUCTION FROM UNITED STATES REPRESENTATIVE GLEN IVEY'S (MD-04) CONGRESSIONAL STALL (COMMUNITY LIAISON ETHAN SWEEP)**

Mr. Sweep spoke about the Grants Newsletter that will be published soon. It will contain information about federal grants that are available as well as webinars on how to write better grants. His office is available and willing to assist University Park, and invited the Mayor and Council to contact him with any matters that constituents may have.

**5. PUBLIC COMMENT**

None

**6. MAYOR, COUNCIL, AND COMMITTEE COMMENTS AND REPORTS**

**Police, Traffic and Public Safety Committee - Ms. Gathercole**

- The next meeting is March 8.
- The Committee met on February 8 and received a report from Chief Baker with Speed Radar Camera data from Van Buren Street for December 1, 2022 through January 31, 2023. The data shows there is not a lot of speeding on that street.

- It was reported that the Chief recommends a Stop sign at the bottom of Van Buren Street on Wells Parkway in addition to adding sidewalks as children currently must walk in the street.
- Would like to schedule a public forum on April 22 so Chief Baker can present the annual report and explain the resources utilized to keep the town safe. Ms. Gathercole is searching for a venue. Chief Baker would also like to discuss Neighborhood Watch.

#### **Development Overview Committee – Ms. Wells**

- The Committee met on February 9 and discussed the letter on the agenda for approval that will be sent to the County Planning Board concerning the conversion of a portion of the garage, which is immediately to the west of the new library.
- To view and learn more about rain gardens and their construction and maintenance, there will be a rain garden field trip on February 25 at 10:00 a.m. to view neighbors' rain gardens.
- Emailed the County, the Department of Environment, Soil Conservation District and County Council Member Eric Olson because the creek is muddy again and asked for a meeting to discuss the storm water issues. I Hope to have a meeting with County Council Member Eric Olson in the next week or so.

#### **Public Facilities and Services Committee – Mr. Morgan**

- The Committee met on February 16 and discussed storm water issues in Ward 2, which should be addressed.
- Also discussed RK&K's reports detailing recommendations for fixing a number of storm water issues in town. The committee will organize the storm water issues by priority and feasibility.

#### **The Transit Task Force Committee - Mr. McGaughey**

- The Committee met February 15 and have a preliminary draft of a report.
- There appears to be very generous federal grants to fund the electric shuttle infrastructure. The shuttles are approximately \$180,000 with an ADA lift. The federal government does have grants that can fund up to 85% of the purchase price.

#### **Policy Rules of Municipal Structure Committee – Ms. Morrissey**

- The next meeting is March 2, and an agenda will be distributed soon.
- The Ad Hoc Committee formed to hire a new Town Administrator has been working hard and is looking forward to sharing one recommendation with the group later today.

#### **The Sustainability Committee - Mr. Dubayah**

- The next meeting is March 7 and will be focused on the renewal for Sustainable Maryland and Mike Hunninghake will attend that meeting.

#### **Mayor's Report – Mayor Biermann**

- Items for the agenda must be submitted at least 24-hours in advance for consideration. Please cc Ms. Hegeman on your request.
- The Budget Report will be submitted in early April.
- Suggested the creation of a special committee to discuss allotment of ARPA funds.
- The Town is close to breaking ground on the Tot Lot.

## **7. NEW BUSINESS**

**A. TRAFFIC CALMING DEVICE ORDINANCE (*Introduction*)**

**Motion:** To introduce Ordinance 23-O-02, an ordinance amending Chapter 9, Vehicles and Traffic, of the Code of the Town to add Article 4, Traffic Calming Devices, §§9-401 through 9-407, to provide a resident petition process for installation and removal of traffic calming devices.

**Moved by:** Ms. Gathercole

**Seconded by:** Ms. Morrissey

**Yea:** 7

**Nay:** 0

**Abstain:**

**B. LETTER TO THE PRINCE GEORGE’S COUNTY PLANNING BOARD**

**Motion:** On the advice of the Town’s Development Overview Committee, to authorize the Mayor to send a letter to the Prince George’s County Planning Board addressing the Town’s concerns with the proposed Preliminary Plan to develop a portion of land on the south side of Toledo Road that is approximately 265 feet from the intersection of Toledo Road and Adelphi Drive.

**Moved by:** Ms. Wells

**Seconded by:** Mr. Morgan

**Yea:** 7

**Nay:** 0

**Abstain:**

**C. TOWN ADMINISTRATOR SEARCH CONTRACT**

**Motion:** To authorize the Mayor to contract the services of the Mercer Group in order to identify candidates for the position of interim Town Administrator at a cost not to exceed \$2,500.

**Moved by:** Ms. Morrissey

**Seconded by:** Ms. Wells

**Yea:** 7

**Nay:** 0

**Abstain:**

**D. TOWN WEBSITE – CIVICPLUS CONTRACT UPGRADE**

**Motion:** To authorize the Mayor to contract with CivicPlus to integrate their SeeClickFix platform into the Town’s website at an additional cost of no more than \$5,500 per year to enhance the methods of communications with Town residents and improve the Town staff’s ability to accurately and quickly respond to resident concerns.

**Moved by:** Mr. McGaughey

**Seconded by:** Mr. Dubayah

**Yea:**

**Nay:** 0

**Abstain:**

**Mayor Biermann withdrew the Motion.**

**E. INSTALLATION OF STOP SIGN ON WELLS PARKWAY**

**Motion:** To approve a STOP sign at 6900 Wells Parkway at the intersection of Van Buren Street to control southbound traffic on Wells Parkway.

**Amended Motion:** To approve two STOP signs at 6900 Wells Parkway at the intersection of Van Buren Street to control southbound and well as northbound traffic on Wells Parkway.

**Moved by:** Ms. Gathercole

**Seconded by:** Mr. Morgan

**Yea:** 7

**Nay:** 0

**Abstain:**

**8. DEPARTMENT REPORT**

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

Not present.

**B. REPORT FROM THE TOWN CLERK ~ *TC Hegeman***

- Information about the one building permit is in the agenda packet. There was also one dumpster permit.
- Still need another Supervisor of Elections and Election Judges; this information will be in the March newsletter and is online. If anyone is interested, they should contact Ms. Hegeman.

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

**Crime Report for February:** 3 incidents.

- PFC Shepherd will participate in career day at University Park Elementary School on February 24.
- Acting Sergeant Govan and PFC Deshields were both promoted to the rank of Sergeant as a result of their successful interview with the Sergeant Promotion Oral Board.
- One crossing guard has stepped down for the remainder of the school year. We will begin advertising to fill that vacancy.
- On March 14, 2023, there will be a police officer hiring board as we hope to hire one or two new officers.
- The DEA Drug Take Back is April 22 from 10a.m. to 2 p.m. at Town Hall.

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

- Demolition of the Tot Lot began on February 14 with a tentative completion date of March 21.
- Washington Gas and subcontractors had to fix the gas line which was within two feet of the largest Elm tree on public property located at 6500 Queens Chapel Road. They were able to run a new line without damaging the tree.
- On February 15 a speed hump was relocated to the 4000 block of Van Buren Street.
- Pepco Vegetation Management began work on Tuckerman Street and only have about six or seven days of work to do.
- Phase2B: the storm water structures have been received by the contractors so they can finish that project.
- Approximately 70% of the miles driven are electric miles on the new Public Works plug-in hybrid vehicle.

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

## **Agenda Item 4**

**Closed Session Minutes 03/01/23**



## Public Record of Closed Session

| Motion: To close public meeting                              | Motion: To resume public meeting                             |
|--------------------------------------------------------------|--------------------------------------------------------------|
| Moved by: W. Sweet    Seconded by: M. Gathercole             | Moved by:    N/A                      Seconded by:           |
| Yea:                      Nay:                      Abstain: | Yea:                      Nay:                      Abstain: |

TIME: 7 PM

DATE: March 1<sup>st</sup>, 2023

PLACE (IF OTHER THAN TOWN HALL): Zoom

PERSONS PRESENT: J. Biermann, R. Dubayah, M. Gathercole, L. Morrissey, N. Morgan, D. McGaughey, M. Wells, W. Sweet, S. 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.
- 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: Re-appointment of Dan Baden to the position of Town Treasurer.

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ACTIONS TAKEN: Motion to approve the Mayor's nomination of Dan Baden to his previous position of Town Treasurer. Vote: 7 Ayes, 0 Nays.

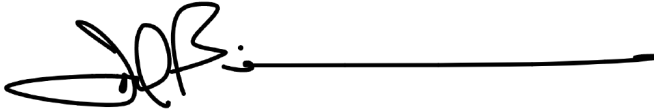
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MEETING ADJOURNED: 7:25 PM

SIGNED:  \_\_\_\_\_

**Agenda Item 8**  
**Traffic Calming Device Ordinance**

Amending Section 9-104 Parking –  
Petition process for traffic calming  
Sponsored by: Councilmember Gathercole

**LEGISLATIVE RESOLUTION 23-O-02**  
**RESOLUTION AND ORDINANCE OF THE TOWN OF UNIVERSITY PARK TO**  
**AMEND CHAPTER 9 “TRAFFIC AND VEHICLES”, BY ENACTING ARTICLE 4,**  
**“TRAFFIC CALMING DEVICES”, §§ 9-401, “PURPOSE”, 9-402, “DEFINITIONS”,**  
**9-403, “REQUEST FOR INSTALLATION OF TRAFFIC CALMING DEVICE BY**  
**PETITION”, 9-404, “REVIEW OF PETITION BY TOWN TRAFFIC ENGINEER”,**  
**9-405, “PUBLIC HEARING; CRITERIA FOR EVALUATING REQUESTS”,**  
**9-406, “REMOVAL OR ALTERATION OF DEVICES” AND 9-407 “AUTHORITY OF**  
**THE TOWN” TO ENABLE A UNIFORM PETITION PROCEDURE FOR**  
**INSTALLATION, ALTERATION AND REMOVAL OF TRAFFIC CALMING**  
**DEVICES**

WHEREAS, pursuant to §5-202 of the Local Government Article, Annotated Code of Maryland, the Mayor and Common Council of the Town of University Park have the power to pass such ordinances as deemed necessary to protect the health, safety and welfare of the residents of the municipality and to prevent and remove nuisances; and

WHEREAS, § 25-106 "Placement of Local Traffic Control Devices" of the Transportation Article, Annotated Code of Maryland, authorizes the Town to place and maintain those traffic control devices on every highway under its jurisdiction that it considers necessary to carry out the provisions of the Maryland Vehicle law or local traffic ordinances which regulate, warn or guide traffic; and

WHEREAS, the §25-102 of the Transportation Article, Annotated Code of Maryland, authorizes the Town to adopt parking and traffic regulations; and

WHEREAS, the Mayor and Common Council have adopted Chapter 9, “Traffic and Vehicles”, of the Town Code to regulate parking and traffic in the Town; and

**EXPLANATION:**

**CAPITALS INDICATE MATTER ADDED TO EXISTING LAW**

**[Brackets]** indicate matter deleted from existing law

**\* \* Asterisks\* \*** indicate existing law which are unchanged but not set forth in the ordinance

**CAPITALS INDICATE MATTER ADDED BY AMENDMENT TO THE PROPOSED ORDINANCE**

**[Brackets]** indicate matter deleted by amendment to the proposed ordinance

WHEREAS, the Town's Police, Traffic and Public Safety Committee has recommended to the Mayor and Council to adopt a petition process for residents to follow when traffic calming devices are requested; and

WHEREAS, the Mayor and Council have determined that a uniform petition process with engineering review and full public notice to authorize installation and removal of traffic calming devices is in the public interest.

Section 1: NOW THEREFORE be it resolved and ordained by the Mayor and Common Council of the Town of University Park that Chapter 9 "Traffic and Vehicles", Article 4 "Traffic Control Devices", §§ 9-401, "Purpose", 9-402,"Definitions", 9-403, "Request for installation of traffic calming device by petition", 9-404, "Review of petition by Town Traffic Engineer", 9-405, "Public hearing; criteria for evaluating requests", 9-406, "Removal or alteration of devices" and 9-407 "Authority of the Town" of the Code of the Town of University Park, be enacted to read as follows:

#### **ARTICLE 4 TRAFFIC CALMING DEVICES**

##### **§ 9-401 PURPOSE.**

TO PROMOTE AND MAINTAIN SAFE VEHICULAR SPEEDS ON RESIDENTIAL STREETS AND TO ENHANCE THE LIVABILITY OF NEIGHBORHOODS.

##### **§ 9-402 DEFINITIONS.**

A. CHOKER - THESE DEVICES PHYSICALLY REDUCE THE WIDTH OF THE ROAD, THEREBY FORCING THE DRIVER TO REDUCE THE VEHICLE SPEED TO SAFELY TRAVEL THROUGH THE DEVICE.

B. EDGE LINES MARKINGS - THESE MARKINGS ARE USED TO DELINEATE LANE WIDTHS, THEREBY POTENTIALLY REDUCING VEHICLE SPEEDS. THE AREA BETWEEN THE EDGE OF THE ROAD AND THE LANE MARKING CAN BE USED FOR PARKING IN SELECTED SITUATIONS OR AS A BIKE LANE.

C. INTERSECTION MODIFICATIONS - CHANGING THE INTERSECTION BY RESTRICTING THROUGH MOVEMENTS OR RAISING THE PAVEMENT HEIGHT TO EFFECTIVELY REGULATE VEHICLE SPEEDS. THESE CHANGES CAN ALSO INCLUDE REDUCING THE CORNER RADIUS AT THE INTERSECTIONS.

D. MEDIAN OR PEDESTRIAN REFUGE ISLANDS - THESE DEVICES ARE GENERALLY USED WITH MULTILANE ROADWAYS. THEY ARE USED TO REDUCE

THE WIDTH OF A ROAD WHICH CAN REGULATE VEHICLE SPEEDS AND PROVIDE IMPROVED PEDESTRIAN CROSSING OPPORTUNITIES.

E. ROAD MEDIANS - THESE DEVICES CAN RANGE IN LENGTH, WIDTH AND ARCHITECTURAL FEATURES. THEY ARE EFFECTIVE IN REDUCING THE WIDTH OF THE STREET AND REDUCING THE TURNING RADIUS OF INTERSECTIONS.

F. RUMBLE STRIPS - THESE DEVICES CREATE TIRE NOISE AND ARE USED PRIMARILY TO ALERT DRIVERS TO A CHANGE IN ROAD CONDITIONS.

G. SPEED HUMPS - THESE DEVICES ARE DESIGNED TO PRODUCE AN ELONGATED PAVEMENT RISE THAT IS DESIGNED TO ALLOW VEHICLES TO TRAVEL OVER THEM SAFELY, AT OR BELOW THE POSTED SPEED LIMIT.

H. TRAFFIC CALMING - THE TERMINOLOGY USED TO DESCRIBE VARIOUS METHODS OF REDUCING VEHICULAR SPEEDS AND VOLUMES ON RESIDENTIAL NEIGHBORHOOD STREETS. THESE METHODS TYPICALLY REQUIRE THE INSTALLATION OF PHYSICAL DEVICES SUCH AS TRAFFIC CIRCLES, RUMBLE STRIPS, EDGE LINES MARKINGS AND SPEED HUMPS THAT WERE DEVELOPED FOR THE PURPOSE OF DISCOURAGING VEHICULAR SPEEDING.

I. TRAFFIC CIRCLES - THESE DEVICES ARE GENERALLY INSTALLED IN INTERSECTIONS. THE ROADWAY ALIGNMENT IS DEFLECTED AROUND THE CENTER ISLAND THEREBY REDUCING VEHICLE SPEEDS.

**§ 9-403 REQUEST FOR INSTALLATION OF TRAFFIC CALMING DEVICE BY PETITION.**

A REQUEST FOR THE INSTALLATION OF A TRAFFIC CALMING DEVICE BY RESIDENTS CAN BE MADE BY PETITION.

A. PETITION REQUEST.

(1) HOMEOWNERS OF PROPERTY ON A STREET CAN SUBMIT A PETITION TO THE TOWN REQUESTING THAT A TRAFFIC CALMING DEVICE BE INSTALLED ON THAT STREET. THE PETITION SHALL DEFINE THE PORTION OF THE STREET FOR WHICH THE REQUEST FOR A TRAFFIC CALMING DEVICE IS MADE. THE PETITION MUST BE SIGNED BY AT LEAST 75% OF THE HOMEOWNERS OF THE PROPERTIES THAT:

- (A) FRONT THE STREET FOR WHICH THE TRAFFIC CALMING DEVICE IS REQUESTED, AND
- (B) ARE LOCATED WITHIN 500 FEET OF THE REQUESTED INSTALLATION SITE.

(2) IF A TRAFFIC CALMING DEVICE IS REQUESTED FOR AN INTERSECTION, THE PETITION MUST BE CIRCULATED TO THE HOMEOWNERS OF ALL PROPERTIES

FACING ON INTERSECTING STREETS WITHIN 500 FEET OF THE REQUESTED INSTALLATION SITE.

(3) THE TOWN CLERK SHALL REVIEW THE PETITION TO DETERMINE THE TOTAL NUMBER OF ELIGIBLE HOMEOWNERS ON THE STREET(S) AND SHALL COMPUTE THE PERCENTAGE OF HOMEOWNERS SIGNING THE PETITION. IF THAT PERCENTAGE IS 75% OR GREATER, THE TOWN CLERK SHALL VALIDATE THE PETITION AND INFORM THE MAYOR AND COUNCIL THAT A PETITION HAS BEEN VALIDATED FOR THE INSTALLATION OF A TRAFFIC CALMING DEVICE AT A PARTICULAR LOCATION.

(4) A PREVIOUS PETITION MADE IN THE SAME AREA AFTER A PRIOR REFUSAL BY THE TOWN TO INSTALL TRAFFIC CALMING DEVICES SHALL NOT BE CONSIDERED BY THE TOWN WITHOUT FINDINGS THAT THE TRAFFIC CONDITIONS, VOLUMES OR OTHER RELEVANT FACTORS HAVE MATERIALLY CHANGED.

B. TO ASSIST HOMEOWNERS IN PETITIONING FOR TRAFFIC CALMING DEVICES, THE TOWN CLERK IS AUTHORIZED TO DISTRIBUTE A STANDARD PETITION FORM.

**§ 9-404 REVIEW OF PETITION BY TRAFFIC TOWN ENGINEER.**

A. UPON RECEIPT OF A VALIDATED PETITION, THE TOWN TRAFFIC ENGINEER OR OTHER TOWN AUTHORIZED PERSON SHALL EVALUATE THE PETITION AND CONDUCT ALL NECESSARY STUDIES. A REPORT SHALL BE ISSUED BY THE TOWN TRAFFIC ENGINEER OR OTHER AUTHORIZED PERSON WITHIN 90 DAYS OF RECEIPT OF A VALIDATED PETITION. UPON REQUEST, THIS TIME FRAME MAY BE EXTENDED BY THE MAYOR AND COUNCIL. THE REPORT SHALL, IF WARRANTED, CONTAIN A RECOMMENDED TRAFFIC CALMING METHOD AND A RECOMMENDED INSTALLATION SITE. THE REPORT SHALL TAKE INTO CONSIDERATION ANY HILL, CURVE OR STREET CONDITION THAT MAY AFFECT THE PLACEMENT OF THE TRAFFIC CALMING DEVICE. IN ADDITION, THE TOWN TRAFFIC ENGINEER OR OTHER AUTHORIZED PERSON WILL INCLUDE ESTIMATED COSTS FOR THE RECOMMENDED SOLUTION OR SOLUTIONS, SO THAT THE COST EFFECTIVENESS OF SUCH SOLUTIONS CAN BE EVALUATED.

**§ 9-405 PUBLIC HEARING; CRITERIA FOR EVALUATING REQUESTS.**

A. CONDUCT OF PUBLIC HEARING.

(1) UPON RECEIPT OF THE COMPLETED REPORT, THE MAYOR AND COUNCIL SHALL SCHEDULE A PUBLIC HEARING TO SOLICIT THE OPINIONS OF THE TOWN'S RESIDENTS.

(2) THE PUBLIC HEARING SHALL BE ADVERTISED IN THE TOWN NEWSLETTER.



(3) AFTER CONDUCTING THE PUBLIC HEARING, THE MAYOR AND COUNCIL SHALL ANNOUNCE ITS DECISION WITHIN 45 DAYS OF THE CLOSE OF THE HEARING RECORD. THIS TIME MAY BE EXTENDED BY MAJORITY VOTE OF THE COUNCIL.

(4) THE MAYOR AND COUNCIL MAY APPROVE, APPROVE WITH MODIFICATIONS OR DENY THE REQUEST FOR THE INSTALLATION OF A TRAFFIC CALMING DEVICE.

(5) THE TOWN CLERK SHALL NOTIFY THE PETITIONERS OF THE MAYOR AND COUNCIL'S DECISION, WHICH SHALL ALSO BE PUBLISHED IN THE NEWSLETTER.

B. GUIDELINES FOR EVALUATING A REQUEST FOR THE INSTALLATION OF A TRAFFIC CALMING DEVICE. PETITIONS REQUESTING THE INSTALLATION OF A TRAFFIC CALMING DEVICE SHALL BE EVALUATED IN ACCORDANCE WITH THE STANDARDS ESTABLISHED BY THE STATE HIGHWAY ADMINISTRATION AND THE INSTITUTE OF TRAFFIC ENGINEERING GUIDELINES. THE FOLLOWING CRITERIA ARE INTENDED TO FURTHER GUIDE THE MAYOR AND COUNCIL IN DETERMINING WHETHER A REQUEST FOR A TRAFFIC CALMING DEVICE IS REASONABLE AND JUSTIFIED. THESE SHALL NOT BE CONSIDERED EXCLUSIVE CRITERIA:

(1) THE STREET PROPOSED FOR A TRAFFIC CALMING DEVICE HAS AN IDENTIFIED SPEEDING PROBLEM WHICH CANNOT BE ALLEVIATED ANY OTHER WAY THAN BY A TRAFFIC CALMING DEVICE. SUCH A PROBLEM CAN BE IDENTIFIED THROUGH A COMBINATION OF RESIDENT COMPLAINTS, POLICE RADAR SURVEILLANCE AND TICKETING PRACTICES AND THE HISTORY OF THE PREVIOUS EFFORTS TO CONTROL SPEEDING ON THE STREET. TRAFFIC CALMING DEVICES WILL ONLY BE INSTALLED TO ADDRESS DOCUMENTED SAFETY OR TRAFFIC CONCERNS SUPPORTED BY TRAFFIC ENGINEERING STUDIES. DEVICES CAN BE IMPLEMENTED INDIVIDUALLY OR IN CONJUNCTION WITH OTHER TRAFFIC CALMING MEASURES DEPENDING UPON AREA CONDITIONS AND CHARACTERISTICS.

(2) THE STREET CARRIES A HIGHER VOLUME OF NONRESIDENTIAL TRAFFIC THAN WOULD NORMALLY BE EXPECTED. STREETS CONSIDERED FOR TRAFFIC CALMING MUST BE PRIMARILY RESIDENTIAL WITH A MAJORITY OF RESIDENTIAL HOMES AND DRIVEWAYS FRONTING ON THE STREET.

(3) THE INSTALLATION OF TRAFFIC CALMING DEVICES SHALL BE ASSESSED FOR THEIR POTENTIAL IMPACT ON PUBLIC TRANSPORTATION, FIRE AND RESCUE OPERATIONS AND STREET MAINTENANCE OPERATIONS, E.G., STREET SWEEPING AND SNOW PLOWING.

(4) THE POTENTIAL IMPACT OF TRAFFIC CALMING DEVICES ON ADJACENT NEIGHBORHOODS SHALL BE ASSESSED.

(5) SPEED HUMPS MAY BE CONSIDERED WHEN 15% OF THE TOTAL VOLUME OF THE TRAFFIC IS EXCEEDING THE POSTED SPEED LIMIT BY FIVE MILES PER HOUR OR MORE.

(6) IF A PROBLEM IS DETERMINED DURING THE ENGINEERING STUDY, THE DEPARTMENT OF PUBLIC WORKS WILL CONSULT WITH THE HOMEOWNERS OF THE PARTICULAR STREET AND DEVELOP A PLAN FOR THE TYPE AND LOCATION OF TRAFFIC CALMING DEVICES.

(7) THE COSTS OF A RECOMMENDED SOLUTION OR SOLUTIONS BY THE TRAFFIC ENGINEER OR OTHER AUTHORIZED PERSON SHOULD BE EVALUATED BY THE COUNCIL.

**§ 9-406 REMOVAL OR ALTERATION OF DEVICES.**

UPON REQUEST OF THE 75% OF THE HOMEOWNERS OF PROPERTY FACING ON THE STREET WITHIN 500 FEET OF A TRAFFIC CALMING DEVICE, AT LEAST SIX MONTHS FOLLOWING THE INSTALLATION OF THE TRAFFIC CALMING DEVICE, THE MAYOR AND COUNCIL SHALL CONSIDER REMOVING OR ALTERING THE TRAFFIC CALMING DEVICE. THE REQUEST FOR REMOVAL OR ALTERATION MUST BE MADE BY PETITION SUBJECT TO THE PROCEDURES SET FORTH IN THIS ARTICLE.

**§ 9-407 AUTHORITY OF THE TOWN.**

A. THE MAYOR AND COUNCIL MAY INITIATE THE INSTALLATION, ALTERATION OR REMOVAL OF TRAFFIC CALMING DEVICES AT ANY TIME AS THEY DEEM APPROPRIATE.

B. NOTHING IN THIS ARTICLE SHALL BE CONSTRUED AS PREEMPTING THE MAYOR AND COUNCIL FROM INSTALLING, ALTERING, MAINTAINING OR REMOVING A TRAFFIC CALMING DEVICE. TOWN RESIDENTS WILL HAVE AN OPPORTUNITY TO COMMENT ON ANY PROPOSED INSTALLATION, CHANGE OR REMOVAL BY THE MAYOR AND COUNCIL AT A PUBLIC MEETING PRIOR TO ADOPTION.

C. IF BY DECISION OF THE MAYOR AND COUNCIL, A SPECIFIC TRAFFIC CALMING DEVICE IDENTIFIED IN A PETITION IS DEEMED INAPPROPRIATE FOR THE LOCATION OR PURPOSE, OTHER SPEED CONTROL DEVICES MAY BE SUBSTITUTED.

Section 2. Be it further resolved that this resolution shall become effective twenty (20) days after enactment by the Mayor and Common Council of University Park, Maryland. If any section, subsection, provision, sentence, clause, phrase or word of this Ordinance is for any

reason held to be illegal or otherwise invalid by any court of competent jurisdiction, such invalidity shall be severable, and shall not affect or impair any remaining section, subsection, provision, sentence, clause, phrase or word included within this Ordinance, it being the intent of the Town that the remainder of the Ordinance shall be and shall remain in full force and effect, valid and enforceable.

Section 3: Be it further resolved that a complete and exact copy of this proposed Ordinance shall be posted on the entrance door of the Town Building of University Park, Maryland, for a period of not less than ten (10) days, and a fair summary of this Ordinance shall be published at least once in a newspaper having general circulation in the community.

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2023

ATTEST:

MAYOR AND COMMON COUNCIL  
TOWN OF UNIVERSITY PARK

\_\_\_\_\_  
T'Alicandra Hegeman, Town Clerk

By: \_\_\_\_\_  
Joel T. Bierman, Mayor

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY

By: \_\_\_\_\_  
Suellen M. Ferguson, Town Attorney