



**MEETING OF
UNIVERSITY PARK MAYOR AND COMMON COUNCIL
WILL BE HELD
VIA VIDEO AND AUDIO CONFERENCE
7:30 p.m.
June 5, 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.

A closed session has been called to begin prior to the Council meeting at 7:15 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.

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 #4. 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 townhall@upmd.org. All electronic comments must be submitted by 12 p.m. on June 5, 2023. Comments received will be read by the Town Clerk during public comment.

1. CALL TO ORDER: *Mayor Biermann*

Present:

Dubayah
Gathercole
Morrissey
Morgan
McGaughey
Wells
Sweet

Absent:

Dubayah
Gathercole
Morrissey
Morgan
McGaughey
Wells
Sweet

2. APPROVAL OF THE AGENDA

Moved by:

Seconded by:

Yea:

Nay:

Abstain:

3. APPROVAL OF MINUTES

A. May 8, 2023 Worksession

Moved by:

Seconded by:

Yea:

Nay:

Abstain:

B. May 15, 2023 Council Meeting

Moved by:

Seconded by:

Yea:

Nay:

Abstain:

4. PUBLIC COMMENT

5. MAYOR, COUNCIL, AND COMMITTEE COMMENTS AND REPORTS

6. CONTINUING BUSINESS

ADOPTION OF ORDINANCE 23-O-04 - AMENDMENT TO 23-O-03, FY24 BUDGET ORDINANCE

Motion: To adopt Ordinance 23-O-04, an amendment of the FY24 Budget to allow for transfer of \$20,000 from the General Fund - Unreserved/Undesignated Fund to the following accounts in the Capital Improvement Projects Fund:

A/C 7050-00 - Reserves - Bridges - Revenue

A/C 7133-00 - Park Bridge Replace - Beechwood & Van Buren - Expenditure

to fully fund a contract for installation of the two pedestrian bridges.

The earliest date this motion will be considered for passage is July 3, 2022.

Moved by:

Seconded by:

Yea:

Nay:

Abstain:

7. NEW BUSINESS

A. RESOLUTION HONORING DEVILAN COWHERD

B. INTRODUCTION FOR FY24 POLICE DEPARTMENT FUND TRANSFERS

Motion: To introduce budget transfers within the police department for expenditures.

Transfer from line item **P27 \$81,120.00 – Axon In-Car Video to:
P8 \$21,199.95 – to pay off Axon Tasers and Body Worn Cameras
P26 \$12,500 – to pay for upfitting of new cruiser**

The earliest date this motion will be considered for passage is July 3, 2022.

Moved by:

Seconded by:

Yea:

Nay:

Abstain:

C. REVISED 2023 COUNCIL MEETING SCHEDULE

Motion: To approve the revised 2023 schedule to reflect only one meeting in the months of July and December.

Moved by:

Seconded by:

Yea:

Nay:

Abstain:

8. ADJOURNMENT

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

Agenda Item 3A

Draft Worksession Minutes 05/08/23



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

7:30 p.m.

May 8, 2023

WORKSESSION

MINUTES

1. CALL TO ORDER: Mayor Biermann at 7:33PM

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. Morgan

Yea: 7

Nay: 0

Abstain:

3. PUBLIC COMMENT

- A resident spoke on behalf of Route 1 Communities Care. Their purpose is to raise money to provide well balanced meals for the food and secure populations of Riverdale Park, Hyattsville, College Park and the vast surrounding areas. Together they have raised over \$500,000 for their restaurant meals program. Donations have come from foundations, municipalities, the County and lots of organizations and caring individuals. They would like to ask for a donation from the Council once again from the remaining ARPA funds.
- A resident stated that she has been volunteering with Route 1 Communities Care since it started in April 2020. They started with a “Go Fund Me” page, along with four art auctions and yard sales. They have also received grants and donations. She asked that University Park make a donation.
- Mayor Biermann stated that it does sound like there is support for Route 1 Community Cares.

4. DISCUSSION OF LEGISLATIVE RESOLUTION 23-O-03: FISCAL YEAR 2024 BUDGET

Motion: To discuss Legislative Resolution 23-O-03: Fiscal Year 2024 Budget.

Moved by: Ms. Gathercole

Seconded by: Mr. Morgan

Yea: 7

Nay:

Abstain:

The earliest date this may motion may be considered for passage is May 15, 2023

- Mayor Biermann showed the “UP Tax Brackets vs.US Population as a Percentage of Households” chart.
- Mr. Baden showed the most recent draft of the budget which was sent out last Tuesday after the Council meeting. He noted there were 4 adjustments that the Council made at Monday’s meeting. They were: an increase in legal fees of \$5,000; a gas blower rebate increase of \$5,000; under the ARPA funds – the reduction of path lighting by \$200,000 and a reduction of the transit plan by \$220,000.
- Ms. Morrissey wanted to start with lines G-1 and G-2 and wants to raise the amount to fund the Town Administrator at 40 hours per week. The salary range would be between \$130,000 and \$150,000.

Moved by: Ms. Morrissey

Seconded by:

Yea: 7

Nay: 0

Abstain:

- Ms. Morrissey wanted to focus on G-44 which relates to animal shelter donations. She and Mayor Biermann discussed creating some kind of program in town which would partner with local veterinary services to provide reimbursement services and neutering for strays. She suggests taking the \$5,000 for this line item and devoting it to the reimbursement program. She stated that she is willing to donate some of the money to the SPCA as well and suggested splitting it 50/50.
- Mr. McGaughey moved to amend Ms. Morrissey’s proposal and said we should give \$3,000 to the animal shelter donations and the remaining to the SPCA at the end of the year.

Moved by: Ms. Morrissey

Seconded by: Mr. McGaughey

Yea: 7

Nay: 0

Abstain:

- Ms. Morrissey and Mayor Biermann spoke on April 30 about possibly raising the training budget for the Department of Public Works. She provided a document for her fellow Council members and Mayor Biermann to look at for some ideas from the Trade Committee to look at regarding granting some training ideas (Horticulture, etc.) from the University of Maryland for the Department of Public Works. Her proposal is to increase line item W8 by \$5,000.

Moved by: Ms. Morrissey

Seconded by: Ms. Wells

Yea: 7

Nay: 0

Abstain:

- Ms. Gathercole suggested that B-8 (Park Usage Concept Plan) and G-34 (Park Upgrades) should be combined and should be called Park Planning and Upgrades. She expressed concern about \$20,000 for new composting bins and her concern is that waste and compost waste will be combined in the same bin. Michael Beall, Director of Public Works detailed the benefits of the proposed bins as well as the cost savings.
- Mr. McGaughey said he would be happy to make an amendment to change that line item to \$28,000. Ms. Gathercole made the motion to change the line item to \$28,000.

Moved by: Ms. Gathercole

Seconded by: Mr. McGaughey

Yea: 7

Nay: 0

Abstain:

- Ms. Gathercole stated that since we already discussed trapping, neutering and the Humane Society, she would like to change the amount donated to Route 1 Community Cares from \$13,000 to \$15,000 and also change the donation amount for the Anacostia Watershed Society from \$2,500 to \$5,000.

Moved by: Ms. Gathercole

Seconded by: Ms. Wells

Yea: 7

Nay: 0

Abstain:

- Ms. Wells wanted to put the position for a part-time administrative assistant back in the budget at the costs that was allocated in the previous year's budget. She thinks it is going to be very busy with grant applications and all kinds of contracting. We can even use a temp agency to fill the position until it is filled.

Moved by: Ms. Wells

Seconded by: Ms. Gathercole

Yea: 7

Nay: 0

Abstain:

- She would also like us to consider an addition of \$5,000 for the Town Attorney because she believes they are going to be very busy negotiating contracts, etc. She feels this is a vital position.
- Ms. Wells made a motion to add \$10,000 for legal support for ARPA projects in the ARPA funding category. This will update line item G-16 beyond the \$45,000 that is currently there.

Moved by: Ms. Wells

Seconded by: Mr. Dubayah

Yea: 7

Nay: 0

Abstain:

- Ms. Wells stated that with regard to line item G-35, she would like us to consider adding \$30,000 for additional electrical vehicle charging stations.
- She also wanted us to add \$200,000 to line item G-37, the Town Hall project. The reason is that the total cost of the Town Hall Project may be in excess of \$2,000,000.
- She would also like to add another \$200,000 to the Stormwater Management Project management funds.; put \$219,047 into Town Hall and remove the \$30,000 for the charging stations for electrical vehicles.

Motion: To allocate an additional \$300,000 to stormwater and to put \$200,000 to Town Hall and remove \$30,000 out of charging stations and leave park upgrades at \$50,000.

Moved by: Ms. Wells

Seconded by: Ms. Gathercole

Yea: 7

Nay: 0

Abstain:

Mr. Sweet spoke against allocating additional funds for the electrical car charging stations and the Town Hall project.

Motion: To adopt the constant yield tax rate of \$4,959 for fiscal year 2024.

Moved by: Ms. Wells

Seconded by:

Yea:

Nay:

Abstain:

Mayor Biermann suggested postponing the vote until the final budget is presented.

- Mr. Sweet suggested we do something for Veterans Park such as adding a flagpole, trees or a placard.

5. ADJOURNMENT: by consent at 10:00 p.m.

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

DRAFT

Agenda Item 3B
Draft Council Minutes 05/15/23



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

**7:30 p.m.
May 15, 2023
Minutes**

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

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: Mr. McGaughey **Seconded by:** Ms. Wells

Yea: 7 **Nay:** 0 **Abstain:**

3. APPROVAL OF MINUTES: *May 1, 2023*

Moved by: Mr. McGaughey **Seconded by:** Ms. Gathercole

Yea: 7 **Nay:** 0 **Abstain:**

4. PUBLIC COMMENT

- A resident stated that he wanted to make a comment about some of the discussions that have taken place recently regarding the budget and Mayor Biermann’s suggestion that there be a tax cut to help the lower income households in town. He thinks this is an admirable idea, but he suggested that a tax cut is not the best way to go about this. He thinks there are some other things that the town could look at to help people who are in need rather than an across-the-board tax cut of that sort which is going to benefit everyone instead of just the households who could use some extra help.
- A resident stated that she is interested in a discussion based on Ms. Morrissey’s email about the \$100 tax rebate vs. fixing a number of problems that we have in town. She feels we need to fix the problems in town, such as the stormwater problems that affect several of our neighbors.
- A resident stated that he thinks the tax cut idea is inappropriate at this time because there are many areas, including the bridge, that need to be addressed to keep the town doing what is needed.
- A resident stated that he wants to state his opposition to reducing the tax rate at this time. More importantly, he said we should not leave money on the table as we have a lot of assistance from the federal government.
- A resident stated that under G-33, we have \$15,000 of ARPA funds committed to non-profits. He thinks the need is a lot more than that as they committed \$113,000 to non-profits in December 2021.
- A resident stated that she is not for the tax cut. She thinks it is not prudent right now. When we are

looking at non-profits, we should include the Anacostia Watershed Society because they have been supporting us for years.

- A resident stated that is in favor exclusive of a tax cut. She would rather spend money supporting our neighbors, our aging town infrastructure or establishing a more modern, accessible Town Hall.
- Mayor Biermann stated that using the term “tax cut” is the wrong way to look at it. You are adopting a tax rate. Whether that tax rate is the same or it’s higher or it’s lower, the tax rate that we adopt should be the tax rate that pays for the cost of operating the town. He feels that everyone should agree with that. He is also concerned that after all of this, we are only at \$100,000 to give back because this coming FY ’24, we are *literally* going to have about \$900,000 extra than we did two years ago. Over \$600,000 of that is coming from speed camera revenue. He stated that we are making significant progress on the pedestrian bridges. We recently paid to have our permit extensions put out for another six months and by May 26th, we are going to have two companies submitting proposals for putting those bridges in. You will note in the budget, there is funding for that. We are not cutting any services; and we are not proposing to leave any money on the table.
- Mayor Biermann gave a brief presentation on University Park home values and affordability.
- Ms. Wells stated that if we think of our budget as a one-year adventure, maybe we are taking in a little more money than we are going to spend this year, maybe that’s been true for a couple years. We have waited six years to accumulate enough money to replace the pedestrian bridges that were discussed years ago. We are looking at some major expenses in the future such as Town Hall and stormwater management.
- Ms. Morrissey said that Mayor Biermann threatened to veto the budget if we did not pass this tax rate decrease. What this means is that we would have to revert back to this year’s budget which would have no decrease and there would be a lasting ripple effect of doing that. Her understanding is that the County will increase our assessments for three years in a row. In her opinion, what would be a smarter thing to do would be to take the \$100,000 and put it into a designated reserve for stormwater management, Town Hall, the bridges, etc.
- Mayor Biermann said that \$100 or \$200 may not seem like a lot of money but if we had an extra \$50 per household, which is about as low as it can get, because a one cent change in our tax rate is effectively \$50 per household. He is advocating for people of a lower socio-economic status.

5. ADOPTION OF LEGISLATIVE RESOLUTION 23-O-03: FISCAL YEAR 2024 BUDGET

Motion: To adopt Legislative Resolution 23-O-03, Fiscal Year 2024 Budget.

Moved by: Mr. Sweet

Seconded by:

Yea:

Nay:

Abstain:

Mr. Sweet asked Attorney Ferguson and Mr. Baden budget questions regarding the tax rate, tax cuts, possible public hearings. Attorney Ferguson explained the process for changing the budget with a budget amendment if necessary. Mr. Baden explained the tax rate and the constant yield rate. The Council is proposing to keep the rate at the Constant Yield which means we’ll get the same amount of property tax in fiscal year 24 as fiscal year 23. The Mayor is proposing a four-cent tax decrease below constant yield rate and it’s now down to two cents which equates to \$100,000.

The earliest date this may motion may be considered for passage is May 15, 2023

Motion: To create a new line item, P-26 for the Emergency Alert System and fund it with \$2,200.

Moved by: Mr. McGaughy

Seconded by: Ms. Gathercole

Yea: 6

Nay: 1

Abstain:

Motion: To add \$1,000 to line item G-21, Publications.

Moved by: Mr. McGaughey

Seconded by:

Yea:

Nay:

Abstain:

Motion: To adopt a motion to give \$15,000 to the Capital Area Food Bank.

Moved by: Mr. McGaughey

Seconded by: Ms. Wells

Yea: 7

Nay: 0

Abstain:

Motion: To increase the amount for line item G-7 from \$5,000 to \$7,500 to cover committee activities that we know of as well as to encourage more activities.

Moved by: Mr. Dubayah

Seconded by: Ms. Morrissey

Yea: 7

Nay: 0

Abstain:

Motion: To add \$4,000 to a new line item for increasing tree cover through the planting of trees on private property or through the resident tree reimbursement program, Legacy Tree Program.

Moved by: Mr. Dubayah

Seconded by: Ms. Morrissey

Yea: 7

Nay: 0

Abstain:

Motion: To adopt a motion that we set the tax rate at the constant yield tax rate.

Moved by: Ms. Morrissey

Seconded by: Ms. Wells

Yea: 5

Nay: 2

Abstain:

Motion: To adopt the budget as amended tonight, including the constant yield tax rate.

Moved by: Ms. Wells

Seconded by: Ms. Morgan

Yea: 7

Nay: 0

Abstain:

6. DEPARTMENT REPORTS

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

Nothing to report.

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

- All permits approved administratively are in the packet.

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

- Crime report: A total of two incidents.
- Movie Night in the Park this Friday from 6-9 p.m.
- Several trainings this month –including In Service training, Tasers, Community Engagement, Crisis Intervention, Mental Health Assessment, and Virtual and Inclusive Leadership

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

- April 2023 Treasurer’s Report was distributed and discussed.

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

- The roads contractor is expected back on Thursday or Friday to begin construction of the Micro Bio Retention and to finish up any miscellaneous things that still need to be done.
- The VEO Ride Bike Share East Scooter Station is live at the corner of Woodberry and College Heights Drive.
- The two previous low bidders for the pedestrian bridge project will again submit their proposals. We anticipate those proposals to come in in the vicinity of the \$300,000 that is budgeted. They originally bid within \$75 of each other in November 2019.

7. ADJOURNMENT: by consent at 10:00- p.m.

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

Agenda Item 6
Budget Amendment

Ordinance to Amend the Fiscal Year 2024 Budget
Sponsored by: Councilmember

LEGISLATIVE RESOLUTION 23-O-04

Resolution and Ordinance of the Town of University Park, to amend the FY 2024 Budget Ordinance, Legislative Resolution 23-O-03, to transfer \$20,000 from the General Fund - Unreserved/Undesignated Fund to the A/C 7050-00 - Reserves - Bridges - Revenue line item and to increase the A/C 7133-00 - Park Bridge Replace - Beechwood & Van Buren - Expenditure line item by \$20,000.00 in order to fully fund the contract for installation of the Beechwood and Van Buren pedestrian bridges.

Section 1: Be it resolved and ordained by the Mayor and Common Council of the Town of University Park that Legislative Resolution 23-O-03, Fiscal Year 2024 Budget Ordinance, be and is hereby amended to:

Transfer \$20,000 from the General Fund - Unreserved/Undesignated Fund to the A/C 7050-00 - Reserves - Bridges - Revenue line item and to increase the A/C 7133-00 - Park Bridge Replace - Beechwood & Van Buren - Expenditure line item by \$20,000.00.

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.

Section 3. 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

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

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 4: Be it further resolved that a complete and exact copy of this adopted 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.

ADOPTED the _____ day of _____, 2023.

ATTEST:

MAYOR AND COMMON COUNCIL
TOWN OF UNIVERSITY PARK

T'Alicandra Hegeman, Town Clerk

By: _____
Joel T. Biermann, Mayor

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: _____
Suellen M. Ferguson, Town Attorney

Agenda Item 7A
Devilan Cowherd Resolution

Agenda Item 7B
Police Department Fund Transfers



UNIVERSITY PARK POLICE DEPARTMENT

6724 Baltimore Avenue

University Park, Maryland 20782

(301) 277-0050 FAX (301) 779-1905

Memorandum

June 02, 2023

To: Mayor Joel Biermann

Via: Dan Baden

From: Chief Harvey Baker *(signature)*

Subj: **FY2024 Budget Line-Item Transfers**

Due to unforeseen cost increase for upfitting the new cruiser and the overall cost of the In-Car Video System I am requesting the following line-item transfers from P27 Axon In-Car Video to the following line items as indicated below:

Budget line-item transfers from:

P-27 \$81,120.00 – Axon In-Car Video

Budget line-item transfers to:

P-8 \$21,199.95 Pay off the Axon Tasers and Body Worn Cameras

P-26 \$12,500 – Pay for upfitting of new cruiser.

First Year Payment of 60 Month Payment Plan

P-27 \$24,568.78 First year payment of Axon In-Car Video

Remaining balance:

P-27 \$22,851.27

I request these line-item transfers be included on the agenda for the next council meeting.

Agenda Item 7C
Revised Council Meeting Schedule

2023

COUNCIL MEETING SCHEDULE

Council meets the 1st and 3rd Monday of every month except for August. When a holiday falls on a meeting date, the Council will meet on Tuesday. These meetings are indicated with an asterisk (). Public holidays are listed in the right-hand column and indicate when Town Hall is closed.*

| | | | |
|---------------------|------------|------------------------------|---|
| JANUARY -- | 03* | Monday, January 2 | New Year's Day <i>observed</i> |
| JANUARY -- | 17* | Monday, January 16 | M. L. King Jr. Day |
| FEBRUARY -- | 06 | Monday, February 20 | Presidents' Day |
| FEBRUARY -- | 21* | | |
| MARCH -- | 06 | | |
| MARCH -- | 20 | | |
| APRIL -- | 03 | | |
| APRIL -- | 17 | | |
| MAY -- | 01 | Monday, May 29 | Memorial Day |
| MAY -- | 15 | | |
| JUNE -- | 05 | Monday, June 19 | Juneteenth Day |
| JUNE-- | 20* | | |
| | | Tuesday, July 4 | Independence Day |
| JULY -- | 17 | | |
| AUGUST -- | 21 | | |
| | | Monday, September 4 | Labor Day |
| SEPTEMBER -- | 05* | | |
| SEPTEMBER -- | 18 | | |
| OCTOBER -- | 02 | Monday, October 9 | Indigenous People's Day |
| OCTOBER -- | 16 | | |
| NOVEMBER -- | 06 | Friday, November 10 | Veterans Day <i>observed</i> |
| NOVEMBER -- | 20 | Thursday, November 23 | Thanksgiving |
| | | Friday, November 24 | Employee Appreciation Day |
| DECEMBER -- | 04 | | |
| | | Monday, December 25 | Christmas Day |