



**MEETING OF  
UNIVERSITY PARK MAYOR AND COMMON COUNCIL  
VIA VIDEO AND AUDIO CONFERENCE  
7:30 p.m.  
April 17, 2023  
MINUTES**

**1. CALL TO ORDER: *Mayor Biermann at 7:31PM***

**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. Gathercole**

**Yea: 7**

**Nay: 0**

**Abstain:**

**3. APPROVAL OF MINUTES: *April 3, 2023***

**Motion:** To approve the amended minutes for the April 3, 2023 Council Meeting to include the letter from Ms. Morrissey that Council Member Gathercole read into the record.

**Moved by: Ms. Wells**

**Seconded by: Ms. Gathercole**

**Yea: 5**

**Nay: 0**

**Abstain: 2**

**4. PERMIT – VARIANCE**

**PUBLIC HEARING**

**Section 4-113. 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;
- ( ) will not interfere with or obstruct the visibility of motorists or cyclists; and
- (a) will not unduly impede the enforcement of any other applicable law.

**BUILDING PERMIT APPLICATION WITH SPECIAL EXEMPTION TO INSTALL 5' FENCE IN REAR AND SIDE OF LOT.**

**(Cone, 4309 Woodberry Street) Ward 4**

A request has been made for a building permit to install a 5' fence in the rear and side yard located on Section 6A, and Block 24. This requires a Special Exception per Section 4-113 Sub-sections A and B of the Town Code. To approve a Special Exception, the Council must make the requisite findings.

Motion: To remove the fence layout (not to scale diagram) for clarification purposes since the owners have said that it shouldn't be there and it's incorrect.

**Moved by: Mr. Dubayah**

**Seconded by: Ms. Morrissey**

**Yea: 7**

**Nay: 0**

**Abstain:**

**Motion:** To allow special exception for Section 4-113 Sub-sections A and B of the Town Code to approve the special exception for the installation of a 5' fence in the rear and side yard at 4309 Woodberry Street.

**Moved by: Mr. Morgan**

**Seconded by: Ms. Gathercole**

**Yea: 5**

**Nay: 2**

**Abstain:**

**5. PUBLIC COMMENT**

- The Town Clerk read a comment from a resident stating their support for the Town Administrator position.
- A resident who volunteers with Route 1 Communities Care requested that the Council consider donating to non-profit charities as need still exists.
- A resident stated that the streetlights item in the budget could be included with the Park Plan which is currently under review. She briefly explained the effects of artificial light on wildlife and plants that are located in parks. She also supports the funding of the Town Administrator position.
- A resident thanked the Town and especially the Department of Public Works for some of the infrastructure improvements. He opposes the adoption of any budget that includes a reduction in revenue to the Town.
- A resident supports the removal of the lights in the park line item in the budget but inquired about the possibility of temporarily lighting the field for kids sports that go into the night. She also asked that the Town consider potential funding for the Anacostia Watershed Society.
- A resident agreed with a previous statement regarding infrastructure. He does not agree with lighting the park and fully supports the position of Town Administrator.
- A resident agreed with the need for a Town Administrator and stated that if that position were filled, it could help with some of the issues we are now facing.
- A resident thanked the councilmembers for their hard work and the Public Works Department for the completion of projects, especially the sidewalks. She strongly disagrees with the proposed tax cut.

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

**Mayor Biermann**

- Spoke with the Town staff and our Town Clerk needs a raise.
- He was on board with the position of Town Administrator and if the Council had approved one of his recommended candidates, then there would have been an overlap of a couple of weeks. Mayor Biermann expressed his disappointment with the process and lack of deference given to his nominations.
- Attorney Ferguson explained that the Town Administrator position is not an Assistant to the Mayor position. She also requested that Mayor and Council discuss any personnel matters in a Closed Session.
- Mayor Biermann suggested meeting with Ms. Morrissey, Mr. Morgan and Ms. Gathercole this weekend regarding the four resumes for the Town Administrator position that the committee received.

#### **The Police Traffic and Public Safety Committee – Ms. Gathercole**

- The committee met last Wednesday and Chief Baker was not in attendance, but asked Ms. Gathercole to read his statement.  
*The Town is experiencing an increase in motor vehicle accidents and an increase in hit and run vehicle collisions and asks that residents slow down.*
- Parking is an issue on Wells Parkway as a result of people picking up their children from school and recommend UP parking stickers for residents.
- The Sustainability Committee spoke at their meeting about lights in the Park and the threat to wildlife.
- The only incident of reported crime in the park within the last five years occurred in the daytime.
- The next meeting is May 10.

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

- Met on April 11.
- Joint Stream Clean-up is April 22<sup>nd</sup>.
- Requested \$300 for Meadow Day that will be held in July.
- Sustainable Maryland Recertification is proceeding.
- Stormwater Management meeting at College Park City Hall will be on April 24 at 9:30.
- Suggested a community discussion for clarity on the cost of the new compost bins.
- Requested the Transit Report be released publicly.

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

- The next meeting is April 20.
- Will meet with the Town Attorney and Public Works Director regarding information from the low bidder for the Town Hall project.

#### **The Development and Overview Committee – Mr. McGaughey**

- The Committee met on April 13<sup>th</sup>.
- Dewey Construction gave a presentation on the 9 Ponds project and believes the pond will be completed Quarter 2 or 3 of 2024. There will be no housing facing University Park on that property.

## **7. CONTINUING BUSINESS**

### **A. DISCUSSION OF LEGISLATIVE RESOLUTION 23-O-03: FISCAL YEAR 2024 BUDGET (Second Reading)**

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

**Moved by:** Mr. Dubayah

**Seconded by:** Ms. Gathercole

**Yea:** 7

**Nay:** 0

**Abstain:**

## **8. DEPARTMENT REPORTS**

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

No report.

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

- All permits approved administratively are in the packet and 1 pod extension.

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

**Crime Report for April:** 1 incident

- April 22 – DEA Drug Takeback from 10:00 a.m. - 2:00 p.m. at Town Hall
- April 22 – Community Policing Forum from 2:00 p.m. – 3:00 p.m. at Word of God Baptist Church
- May 19 – Movie Night in the Park at 6:60 p.m. and will show the movie Sonic the Hedgehog 2. There will also be food vendors on site.

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

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

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

- Tot lot Grand Opening was April 16, and the Tot Lot is now open.
- They are closing the inlet on the corner of College Heights Drive and Underwood Street and then the sidewalk will be operational at that point.
- April 22 - Recycling event is from 9:00 a.m. to 1:00 p.m. at the school.
- April 29 – Arbor Day is at 9:00 a.m. in the park.
- Three bee houses were installed (1 at Town Hall and 2 in the Adelphi Meadow) for the Bee City process.

## **9. ADJOURNMENT** by consent at 10:18PM

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