



**MEETING OF
UNIVERSITY PARK MAYOR AND COMMON COUNCIL**

**UNIVERSITY PARK ELEMENTARY SCHOOL
4315 UNDERWOOD STREET**

**7:30 p.m.
August 10, 2015
MINUTES**

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

Present: Mr. Thompson, Mr. Gekas, Mr. Hess, Ms. Verrill, Mr. Caskey, Mr. Cron,
Mr. Alvarez
Absent: None
Excused: None

2. PLEDGE OF ALLEGIANCE was led by Mr. Caskey.

3. APPROVAL OF THE AGENDA as modified.

Items moved: 8A, 8B.

Moved by: Mr. Cron **Seconded by:** Mr. Thompson
Yea: 7 **Nay:** 0 **Abstain:** 0

4. PRESENTATIONS

Toi Davis, Principal of University Park Elementary School gave a brief presentation, which included a description of the Italian program, student enrollment and the Science Bowl championship, and an education award program. Ms. Davis introduced Assistant Principal Massa Freeman, who has been with UPES for seven years.

John Shoaff, University Park Ethics Commission distributed a copy of their recommended changes to draft Resolution 15-O-11 (agenda item 8A) *repealing and re-enacting chapter 12 "Public Ethics" of the Town Code*. The intent of this request is to clarify certain aspects with reporting of the code and to fine tune how it is implemented.

5. PUBLIC COMMENT

None

6. PERMITS

**A. BUILDING PERMIT APPLICATION TO INSTALL A SHED
(Tina and Ahmet Hanonu, 6715 Adelphi Road) Ward 6**

Motion: To approve the request for a building permit to install a 10' x 14' x 10' shed located on Lot 43, Block 39, Section 7 at 6715 Adelphi Road.

Moved by: Mr. Cron **Seconded by:** Mr. Alvarez
Yea: **Nay:** **Abstain:** **Motion:** To be continued until the August 31, 2015 Council Meeting.

Moved by: Mr. Hess **Seconded by:** Mr. Cron
Yea: 7 **Nay:** 0 **Abstain:** 0

**B. BOARD OF ZONING APPEALS: Variance Request V-76-15
(Kim Shannon and Allen Naylor, 4405 Underwood St) Ward 3**

Motion: To send no letter to the Board of Zoning Appeals to validate an existing condition and construct a driveway in the front yard on the premises. A variance of 3 feet side yard width and a waiver of the parking area location requirement are requested for Lot 13, Block 12, Section 3 at 4405 Underwood Street.

Moved by: Mr. Hess **Seconded by:** Mr. Thompson
Yea: 7 **Nay:** 0 **Abstain:** 0

**C. PERMIT REQUEST TO INSTALL 4’ FENCE AND PERMIT REQUEST WITH SPECIAL EXCEPTION TO INSTALL NON-CONFORMING 6’ FENCE
(Ariadne BenAissa, 4441 Wells Parkway) Ward 3**

Motion: To approve the request for a building permit to install a 4’ fence, located on Lot: 6, Block: 3, Section 1 at 4441 Wells Parkway.

Moved by: Mr. Hess **Seconded by:** Ms. Verrill
Yea: 7 **Nay:** 0 **Abstain:** 0

Motion: To approve the request for a Building Permit with Special Exception for the installation of a non-conforming 6’ fence, located on Lot 6, Block 3, Section 1 at 4441 Wells Parkway. Council must make the requisite findings to approve this Special Exception per Section 4-115 Sub-sections A-E of the Town Code.

Section 4-115. 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;
- (d) will not interfere with or obstruct the visibility of motorists or cyclists; and
- (e) will not unduly impede the enforcement of any other applicable law. (Revised, effective December 12, 1989, February 28, 1998)

Moved by: Mr. Hess **Seconded by:** Mr. Thompson
Yea: 4 **Nay:** 3 (Hess, Thompson, Alvarez) **Abstain:** 0

Mayor Carey stated his intent to veto the motion. Mr. Gekas asked that the veto be in writing. The Mayor will provide the veto statement within 15 days.

D. BUILDING PERMIT APPLICATION TO REMOVE WINDOW AND REPLACE WITH A DOOR (Majelissa and Pedro Carvalho, 6914 Pineway) Ward 5

Motion: To approve the request for a building permit to remove window and replace with a door on Lot 54, 55, 56 and 57, Block E at 6914 Pineway.

Moved by: Mr. Caskey **Seconded by:** Mr. Gekas
Yea: 7 **Nay:** 0 **Abstain:** 0

E. BUILDING PERMIT APPLICATION TO MODIFY SUNROOM AND ADD A SCREENED PORCH AND EXTEND EXISTING DECK (Donald Milton and Diane Teichert, 4321 Van Buren Street) Ward 4

Motion: To approve the request for a building permit to modify an existing sunroom and add a new screened porch off the back, and to an extend existing deck with new stairs, located on Lot 7 and part of Lot 6, Block 23, Section 6-B at 4321 Van Buren Street.

Moved by: Ms. Verrill **Seconded by:** Mr. Thompson
Yea: 7 **Nay:** 0 **Abstain:** 0

F. BUILDING PERMIT APPLICATION TO CONSTRUCT A DECK (Karen Hogan and Douglas Julin 4317 Tuckerman) Ward 1

Motion: To approve the request for a building permit to construct a 12' x 11' deck located on Lot 23, Block 5, Section 1 at 4317 Tuckerman Street.

Moved by: Mr. Thompson **Seconded by:** Mr. Gekas
Yea: 7 **Nay:** 0 **Abstain:** 0

G. BUILDING PERMIT APPLICATION TO ERECT A DETACHED GARAGE (Ben Kyger and Adena Fritz, 4310 Van Buren Street) Ward 4

Motion: To approve the request for a building permit to erect a 12' x 32' detached garage and 10' x 39' driveway located on Lot 25, Block 24 at 4310 Van Buren Street. The front of the garage that faces the street, the cladding shall be original brick from the original garage and the distance between the existing driveway and the front of the garage be allowed as a new portion of driveway.

Moved by: Ms. Verrill **Seconded by:** Mr. Thompson
Yea: 7 **Nay:** 0 **Abstain:** 0

H. BUILDING PERMIT APPLICATION TO CONSTRUCT A DRIVEWAY PAD EXTENSION (Mireya Chaves, 4445 Wells Parkway) Ward 3

Motion: To approve the request for a building permit to construct a 12' x 30' driveway pad extension located on Lot 4, Block 3, Section 1 at 4445 Wells Parkway.

Moved by: Mr. Hess **Seconded by:** Mr. Alvarez
Yea: 7 **Nay:** 0 **Abstain:** 0

I. PERMIT EXTENSION REQUEST FROM ANACOSTIA WATERSHED SOCIETY TO CONSTRUCT STORMWATER MANAGEMENT BMPS ON TENNYSON AND QUEENS CHAPEL ROAD

Per Chapter 4, Section 4-113 of the Town Code, with Council approval permits may be extend for up to six months.

Motion: To approve the extension of two (2) Special Utility Permits for the Anacostia Watershed Society to enter University Park right-of-way to install storm water management features as itemized on the Permits and with the conditions as proposed.

Moved by: Mr. Gekas

Seconded by: Mr. Cron

Yea: 7

Nay: 0

Abstain: 0

7. CONSENT AGENDA

Motion: To approve the following consent agenda items.

Moved by: Mr. Gekas

Seconded by: Ms. Verrill

Yea: 7

Nay: 0

Abstain: 0

A. BLOCK PARTY/STREET CLOSURE AT 40th AVENUE AT THE CUL-DE-SAC AT THE END OF THE BLOCK (Saturday, September 19, 2015 from 3:00 - 9:00 p.m.)
Ward 2 The police department has been notified and supports this request

B. TO ENDORSE THE ANNUAL FALL FEDERAL AGENCY 3-MILE WALK/ RUN ON THURSDAY OCTOBER 1, 2015 FROM 12 P.M. UNTIL 1 P.M. THROUGH UNIVERSITY PARK. *The police department has been notified and supports this request*

8. NEW BUSINESS

A. REPEALING AND RE-ENACTING CHAPTER 12 “PUBLIC ETHICS” OF THE TOWN CODE: Legislative Resolution 15-O-11 (Introduction)

Motion: To approve the introduction of Legislative Resolution 15-O-11 to repeal and reenact Sections 12-101, 12-102, 12-104, 12-105, 12-106, 12-107, 12-108, and 12-109 of Chapter 12 “Public Ethics,” of the Town Ordinances and to add Section 12-110, to clarify the applicability of the Code; delete a publicly traded mutual fund from the definition of interest; clarify the procedures for filing and retention of the required financial and other disclosures by elected Town officials and candidates; clarify the procedures for filing and retention of the required financial and other disclosures by appointed officials and Town employees; delete the requirements for and enforcement of lobbying disclosure; authorize the Town Clerk to receive filings on behalf of the Ethics Commission and Supervisors of Elections; change the complaint procedure when ethics counsel determines that the complaint is time barred under or does not assert facts that if proven true would constitute an ethics violation; and make provision to require filing of conflict of interest statements and correction of inaccurate or incomplete filings.

Moved by: Mr. Thompson

Seconded by: Mr. Hess

Yea: 7

Nay: 0

Abstain: 0

Sponsored by Mr. Thompson

B. SET DATE FOR EMERGENCY RESPONSE TABLE-TOP EXERCISE

Motion: To schedule an Emergency Response Table-Top Exercise for no more than 2 hours duration during the Council meeting scheduled for September 21, 2015. The Council will meet in Council Work Session for this exercise.

Moved by: Mr. Cron

Seconded by: Mr. Alvarez

Yea: 7

Nay: 0

Abstain: 0

9. APPROVAL OF MINUTES: *July 20, 2015*

Moved by: Mr. Alvarez

Seconded by: Mr. Thompson

Yea: 6

Nay: 0

Abstain: 1 (Hess)

10. DEPARTMENT AND COUNCIL REPORTS

A. MAYOR'S REPORT

- The new used University Park Town bus, a 2006 Ford, has arrived and is in service. The new 2015 bus will arrive at the end of the month.
- Continuing to solicit recommendations for the Ethics Commission.
- The Town has changed its information technology maintenance and support contractor. They will take charge of the system on September 1.
- The Mayor will propose a revision of the Town policy and fees to be charged in responding to requests made under the Maryland Public Information Act.

B. COUNCIL REPORTS

Police, Traffic and Public Safety Committee - Mr. Alvarez

- Would like to propose at the September 21 Council Meeting a rebate program for the home security systems.
- Waiting for a proposal from Art at Work on signage at Town Hall and various places throughout University Park.

Development Overview Committee - Mr. Hess

- A Development Overview Committee meeting is scheduled for August 19 at 7:30 p.m. at Town Hall.

Mr. Alvarez suggested and the Council agreed that Ms. Ferguson write a follow-up letter to the Public School System regarding the unresolved fencing issue at University Park Elementary School.

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

None

D. REPORT FROM THE TOWN CLERK ~ *Tracey Toscano*

- MML Fall Conference is scheduled for October 24-28, 2015 and will be held in Cambridge, Maryland.

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

Not present

F. REPORT ON POLICE DEPARTMENT ACTIVITIES ~ *Chief Wynnyk*

July 2015 Crime Report was distributed.

- The Administrative Assistant position will close on August 12. There are approximately ten applicants.
- Sat on a panel with Mayor Carey at the Word of God Baptist Church on Community and Race.

G. REPORT ON THE DEPARTMENT OF PUBLIC WORKS ~ *Michael Beall*

- In the process of acquiring a third trash packer.
- Pepco is scheduled to begin work on August 17.
- The Queens Chapel Road tennis court has bubbled due to ground water. A meeting is scheduled to discuss how repairs should be addressed.
- The Public Works department is at full staff. An arrangement was made that when the Town bus driver is not available, a public works employee with a CDL license can fill in as substitute drivers on an as-needed basis.

11. ADJOURNMENT by consent at 9:55 p.m.