



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

**UNIVERSITY PARK ELEMENTARY SCHOOL
4315 UNDERWOOD STREET**

7:30 p.m.

September 18, 2017

MINUTES

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

Present: Mr. Thompson, Mr. Schultz, Mr. Hess, Ms. Verrill, Mr. Caskey, Ms. Wells, Mr. Alvarez
Absent: None
Excused: None

2. PLEDGE OF ALLEGIANCE was led by Ms. Wells

3. APPROVAL OF THE AGENDA as amended.

5B-Address correction

Moved by: Mr. Thompson
Yea: 7

Seconded by: Mr. Alvarez
Nay: 0 **Abstain:** 0

4. PERMITS

A. BUILDING PERMIT APPLICATION TO REPLACE EXISTING PORCH, STEPS AND WALKWAY

(Susan Minor, 6507 Queens Chapel Road) Ward 2

Motion: To approve the request for a building permit to replace existing porch, steps and walkway with concrete located on Lot 9, Block 9 and Section 2 at 6507 Queens Chapel Road.

Moved by: Mr. Schultz
Yea: 7

Seconded by: Mr. Thompson
Nay: 0 **Abstain:** 0

5. PUBLIC HEARING - APPEALS OF RENTAL HOUSING CODE VIOLATION NOTICE (PER TOWN CODE SECTION 13-210)

Excerpt from Town Code Article 2 – Rental Housing Code, Section 13-210. Right to appeal.

Any person affected by any notice which has been issued in connection with the enforcement of any provision of this article, or of any rule or regulation adopted pursuant thereto, may request and shall be granted a hearing on the matter before the Town Council or its designated committee.

A. APPEAL FROM VIOLATION NOTICE - ATTIC CEILING HEIGHT, BASEMENT WINDOW HEIGHT FROM THE FLOOR AND ADDING A GFIC KITCHEN OUTLET

(Jude Breitwieser and Judith Reid, 6713 Queens Chapel Road, Ward 3)

Public Hearing

1. An appeal of a requirement of Town Code Section 13-204(a) that habitable space shall have a clear ceiling height of not less than seven (7) feet for at least one-half (1/2) of the space and in attics the ceiling height shall be not less than seven (7) feet for at least one-third (1/3) of the area of such space when used for habitation, a request for a variance of one (1) inch in one section and eight (8) inches in another section for an attic ceiling height of six (6) feet, eleven (11) inches and six (6) feet, four(4) inches.

Excerpt from Town Code Article 2 - Rental Housing Code.

Section 13-204 Occupancy requirements

No person shall rent or lease to another for occupancy any non-owner occupied premises, or any premises which is occupied by the owner and rented to more than one other person, including any dwelling and rooming units or portions thereof, which does not comply with the following requirements.

- (a) Minimum ceiling heights – Habitable space, including all space that will be used for habitation, shall have a clear ceiling height of not less than seven feet for at least one-half (1/2) of the space. In attics or top half stories the ceiling height shall be not less than seven (7) feet for at least one-third (1/3) of the area of such space when used for habitation. In calculating the floor area for any habitable space, only those portions of the floor area of the rooms having a clear ceiling height of five (5) feet or more may be included.

Motion: To approve the appeal of a requirement of Town Code Section 13-204(a) that habitable space shall have a clear ceiling height of not less than seven (7) feet for at least one-half (1/2) of the space and in attics the ceiling height shall be not less than seven (7) feet for at least one-third (1/3) of the area of such space when used for habitation, a request for a variance of one (1) inch in one section and eight (8) inches in another section for an attic ceiling height of six (6) feet, eleven (11) inches and six (6) feet, four(4) inches, due to prior permits have been issued in error and the owner has made investments in reliance on those permits.

Moved by: Mr. Hess
Yea: 7

Seconded by: Ms. Verrill
Nay: 0 **Abstain:** 0

2. An appeal of the requirement to comply with International Residential Code Section R310 that the bottom of egress windows in every sleeping room cannot exceed forty-four (44) inches above the floor and that egress windows must have a minimum net clear opening height of twenty-four (24) inches. Owner requests a variance of ten (10) inches to retain the current height of the window off the floor and to permanently install a two-step riser under the window to assist in exiting the building in an emergency, and a variance request to retain current window height of twenty-three and a half (23.5) inches.

Excerpt from International Residential Code – Section R310, Emergency Escape and Rescue Openings.

R310.1 Emergency escape and rescue required. Basements and every sleeping room shall have at least one operable emergency escape and rescue opening. Such opening shall open directly into a public street, public alley, yard or court. Where basements contain one or more sleeping rooms, emergency egress and rescue openings shall be required in each sleeping room, but shall not be required in adjoining areas of the basement. Where emergency escape and rescue openings are provided they shall have a sill height of not more than 44 inches (1118 mm) above the floor. Where a door opening having a threshold below the adjacent ground elevation serves as an emergency escape and rescue opening and is provided with a bulkhead enclosure, the bulkhead enclosure shall comply with Section R310.3. The net clear opening dimensions required by this section shall be obtained by the normal operation of the emergency escape and rescue opening from the inside. Emergency escape and rescue openings with a finished sill height below the adjacent ground elevation shall be provided with a window well in accordance with Section R310.2. Emergency escape and rescue openings shall open directly into a public way, or to a yard or court that opens to a public way.

R310.1.1 Minimum opening area. All emergency escape and rescue openings shall have a minimum net clear opening of 5.7 square feet (0.530 m²).

R310.1.2 Minimum opening height. The minimum net clear opening height shall be 24 inches (610 mm).

R310.1.4 Operational constraints. Emergency escape and rescue openings shall be operational from the inside of the room without the use of keys, tools or special knowledge.

Motion: To approve the appeal of the requirement to comply with International Residential Code Section R310 that the bottom of egress windows in every sleeping room cannot exceed forty-four (44) inches above the floor and that egress windows must have a minimum net clear opening height of twenty-four (24) inches. Owner requests a variance of ten (10) inches to retain the current height of the window off the floor and to permanently install a two-step riser under the window to assist in exiting the building in an emergency, and a variance request to retain current window height of twenty-three and a half (23.5) inches.

Moved by: Mr. Hess
Yea: 1(Caskey)
Motion denied

Seconded by: Mr. Caskey
Nay: 6 **Abstain:** 0

Motion: To deny the appeal of the requirement for an egress window issue in the basement, and allow that compliance not be required until July 1, 2018, provided that a platform, 10” high, 12” deep and the width of the window is installed within 30 days.

Moved by: Mr. Hess
Yea: 6

Seconded by: Mr. Thompson
Nay: 1 (Wells) **Abstain:** 0

3. An appeal of the National Electrical Code Section 210.52(C) (1) requirement that receptacle outlets shall be installed so that no point along the wall line is more than twenty-four (24) inches measured horizontally from a receptacle outlet. Owner requests a waiver of this requirement to add one (1) additional GFIC outlet to kitchen countertop.

Excerpt from National Electrical Code.

Section 210.52(C) (1) a receptacle outlet shall be installed at each wall countertop and work surface that is 300 mm (12 inches) or wider. Receptacle outlets shall be installed so that no point along the wall line is more than 600 mm (24 inches) measured horizontally from a receptacle outlet in that space

Motion: To approve the appeal of the National Electrical Code Section 210.52(C) (1) requirement that receptacle outlets shall be installed so that no point along the wall line is more than twenty-four (24) inches measured horizontally from a receptacle outlet. Owner requests a waiver of this requirement to add one (1) additional GFIC outlet to kitchen countertop.

Moved by: Mr. Hess
Yea: 5

Seconded by: Mr. Caskey
Nay: 2 (Thompson, Alvarez) **Abstain:** 0

**B. APPEAL FROM VIOLATION NOTICE - BASEMENT CEILING HEIGHT
(Edith Franco, 4414 East West Highway, Ward 1)**

Public Hearing

1. An appeal of the requirement of Town Code Section 13-204 (a) that habitable space shall have a clear ceiling height of not less than seven (7) feet for at least one-half (1/2) of the space. Owner requests a variance of six (6) inches, resulting in a basement ceiling with the height of six (6) feet, six (6) inches.

Excerpt from Town Code Article 2 - Rental Housing Code.

Section 13-204 Occupancy requirements

No person shall rent or lease to another for occupancy any non-owner occupied premises, or any premises which is occupied by the owner and rented to more than one other person, including any dwelling and rooming units or portions thereof, which does not comply with the following requirements.

- (a) Minimum ceiling heights – Habitable space, including all space that will be used for habitation, shall have a clear ceiling height of not less than seven feet for at least one-half (1/2) of the space. In attics or top half stories the ceiling height shall be not less than seven (7) feet for at least one-third (1/3) of the area of such space when used for habitation. In calculating the floor area for any habitable space, only those portions of the floor area of the rooms having a clear ceiling height of five (5) feet or more may be included.

Motion: To deny the appeal of the requirement of Town Code Section 13-204 (a) that habitable space shall have a clear ceiling height of not less than seven (7) feet for at least one-half (1/2) of the space, and allow that compliance not be required until August 1, 2018.

Moved by: Mr. Hess

Yea: 7

Seconded by: Ms. Verrill

Nay: 0

Abstain: 0

6. PUBLIC COMMENT

None

7. CONTINUING BUSINESS

A. LEGISLATIVE RESOLUTION 17-O-06: AMENDING TOWN CODE REGARDING EMERGENCY EGRESS FROM SLEEPING ROOMS (Second reading)

Motion: To adopt LR 2017-O-06 to amend Town Code Section 13-217 requiring every sleeping room to have at least one openable window or exterior door approved for secondary emergency egress or rescue. A single means of egress may be approved by the Town in cases of fireproof construction and other approved circumstances.

Moved by: Mr. Alvarez

Yea: 7

Seconded by: Mr. Caskey

Nay: 0

Abstain: 0

Sponsored by: Mr. Alvarez

8. NEW BUSINESS

A. INTRODUCTION OF LEGISLATIVE RESOLUTION 17-O-07: AMENDING FY 2018 BUDGET FOR NEW PLAYGROUND (Introduction)

Motion: To introduce LR 2017-O-07 to transfer \$20,000 from Line Item F4 Unreserved Designated Park Infrastructure and \$27,000 from Unreserved Undesignated to Public Works Line Item W17 Park Playground to cover the cost of installing the new multi-age playground adjacent to Wells Parkway near the 911 Memorial.

The earliest this resolution may be considered is at the October 2, 2017 Council meeting.

Moved by: Mr. Thompson

Yea: 7

Seconded by: Mr. Hess

Nay: 0

Abstain: 0

B. INTRODUCTION OF LEGISLATIVE RESOLUTION 17-O-08: AMENDING FY 2018 BUDGET FOR PURCHASE OF PUBLIC WORKS EQUIPMENT (*Introduction*)

Motion: To introduce LR 2017-O-08 to increase Line Item R18 Sale of Assets by \$22,000 and to increase Line Item W15 Equipment by \$22,000 and to transfer \$1,400 from Unreserved Undesignated Funds to Line Item W15 Equipment, for a total of \$23,400, to purchase a Grasshopper 725DT to improve winter maintenance capabilities while also giving the Town another mower for summer maintenance.

The earliest this resolution may be considered is at the October 2, 2017 Council meeting.

Moved by: Ms. Wells
Yea: 7

Seconded by: Mr. Hess
Nay: 0 **Abstain:** 0

C. AWARD CONTRACT FOR PURCHASE OF PUBLIC WORKS EQUIPMENT

Motion: Per Section 2-105 (b) of the Town Ordinances, to override sealed bid procedures for good cause and award a contract to Woodbine Equipment and Supply, Inc, 7746 Woodbine Road, Woodbine, Maryland for the purchase of a Grasshopper 725DT, and to authorize Mayor and Town Attorney on the behalf of the Town to negotiate and sign a contract with Woodbine Equipment and Supply, Inc. for such purchase. Good cause to override the sealed bid procedure is that by purchasing through the U.S. Communities Contract, the cost to the Town will be less than by riding the Maryland State Contract.

Excerpt from Town Code Article 1, Section 2-105 – Duties of the Treasurer.

(b) Purchasing. The Treasurer shall oversee all purchase orders. Except in situations where good cause has been demonstrated to the Council, the Treasurer shall make any single purchase or expenditure of more than ten thousand dollars (\$10,000.00) by means of sealed bids. Such bids shall be opened publicly after public notice at such time and place as the Treasurer shall determine. Whenever the State of Maryland, or any department thereof, or any Prince George’s County, or the Metropolitan Washington Council of Governments or individual member government, or other local government in Maryland, has conducted a competitive bid process that is consistent with that adopted by the Town, and has awarded a contract that authorizes local governments to purchase the bid item at the bid price, the Treasurer may purchase the bid item at the bid price from the successful bidder, subject to the prior approval of the Mayor.

Moved by: Mr. Alvarez
Yea: 7

Seconded by: Ms. Wells
Nay: 0 **Abstain:** 0

D. DISCUSSION FOR REDESIGN AND EXPANSION OF TOWN HALL

Town Treasurer Dan Baden gave a brief overview for the redesign and expansion of Town Hall.

- A top priority for the Councilmembers at the Strategic Plan Retreat last year was the possible expansion/renovation of the Town Hall to increase services to the residents and provide a large meeting area.
- At a recent staff meeting, it was suggested that it would be best to get a proposal to update the 2009 study, Program for Expansion & Space Usage Study of the Town Hall (Ahmann Architects) and to do a Site Feasibility Analysis (Ben Dyer Associates, Inc.). Written proposals for both of these projects were presented to the Council.
- With limited time remaining at this meeting, it was suggested that this topic should be brought back to Council for further discussion prior to making any decisions.

9. APPROVAL OF MINUTES: *September 11, 2017* as amended

Moved by: Mr. Hess
Yea: 7

Seconded by: Mr. Thompson
Nay: 0

Abstain: 0

10. DEPARTMENT AND COUNCIL REPORTS

A. MAYOR'S REPORT

- Mayor has been meeting as a member of the Maryland Municipal League Legislative Committee.
- Mayor attended the Maryland Open Meetings Compliance Training on September 12, as did several Councilmembers.
- The Maryland Municipal League Fall Conference is scheduled for October 11-14.
- At the October 16 Council meeting, we will have two presentations. One will be a conversation with the PTA and School Principal regarding the state of the school and the other will be a presentation from Dr. Dina Fonseca and UP Mosquito Coordinator Amy Milne to discuss the results of the 2017 Mosquito Program.
- Mayor will be out of the office from October 17-24.
- The Town recently received a notice from the Maryland Department of Housing and Community Development that University Park's application for a Circuit Rider Grant has been denied.
- The two traffic studies at Sheridan Street and post-Cafritz have begun. When they are available, the post-Cafritz study recommendations will be reviewed first by the Police, Traffic and Public Safety Committee and then by the Council
- In regard to the house at 6716 Baltimore Avenue which has been destroyed by a fire, the house has been secured to the fullest extent possible and the owner has a contractor for the demolition. The County will issue a final violation notice on or before October 28 and will be requesting bids for demolition.

B. COUNCIL AND COMMITTEE REPORTS

Development Overview Committee - Ms. Wells

- The committee is scheduled to meet on September 20.

Policy, Rules and Municipal Structure Committee - Ms. Verrill

- The committee is scheduled to meet on September 27.

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

No Report

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

- The evening bus driver is on vacation. Andrew, our morning driver, is filling in.

E. REPORT FROM THE CHIEF OF POLICE~ *Chief Wynnyk*

August 2017 Crime Report was distributed.

- There is no crossing guard at the University Park Elementary School. Police officers are helping out as much as possible and a couple of "Slow" signs were purchased for Queens Chapel Road to help slow traffic.
- Chief Wynnyk was appointed to the Governor's Task Force on Bicycle Safety.
- Code Compliance Officer Mr. Brown has been in regular contact with the homeowner of the

burned down house on Baltimore Avenue. Re-inspections on rentals are almost done.

- Ms. Verrill reported to Chief Wynnyk that cars have been seen going through the intersection of Van Buren and College Heights without slowing down. Another reported many cars heading east from University Park going towards Whole Foods are going around the median straight into Whole Foods.

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

No Report

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

No Report

11. ADJOURNMENT by consent at 10:07 p.m.