



**MEETING OF  
UNIVERSITY PARK MAYOR AND COMMON COUNCIL  
WILL BE HELD AT  
UNIVERSITY PARK ELEMENTARY SCHOOL  
4315 UNDERWOOD STREET  
7:30 p.m.  
February 25, 2019  
REGULAR SESSION**

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

<b>Present:</b>	Brosch	<b>Absent:</b>	Brosch
	Schultz		Schultz
	Morrissey		Morrissey
	Verrill		Verrill
	Caskey		Caskey
	Wells		Wells
	Stephen		Stephen

**2. PLEDGE OF ALLEGIANCE**

**3. APPROVAL OF THE AGENDA**

**Moved by:**

**Seconded by:**

**Yea:**

**Nay:**

**Abstain:**

**4. PUBLIC HEARING — APPEAL 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. RECONSIDERATION TO AN APPEAL OF VIOLATION NOTICE — EGRESS WINDOWS  
(Jeffrey Walters, 6712 44<sup>th</sup> Avenue, Ward 3)**

An appeal of the requirement to comply with Town Code Chapter 13, Article 2 and Section 13-217 Fire Safety Requirements. This section incorporates by reference Chapter 24 of the NFPA 101 Life Safety Code, 2015 edition. Owners request a variance to retain the current clear opening of all four bedroom windows – two windows measuring at 17” x 27” and the other two windows measuring at 15”x 27” – which does not comply with secondary egress window area requirements.

**NFPA 101 Life Safety Code, Chapter 24, Section 2.2.3.3 Secondary Means of Egress**

It shall be an outside window or door operable from the inside without the use of tools, keys, or special effort and shall provide a clear opening of not less than 5.7 square feet. The width shall be not less than 20 in. and the height shall be not less than 24 in. The bottom opening shall be not more than 44 in. above the floor....

**A.24.2.2.3.3**

A window with dimensions of 20 in.x24 in. has an opening of 3.3 square feet, which is less than the required 5.7 square feet. Therefore, either the height or width needs to exceed the minimum requirement to provide the required clear area. The current minimum width and height dimensions, as well as the minimum clear opening, became a requirement of this *Code* in the 1976 edition and were based on tests conducted to determine the minimum size of the wall opening required to allow a fire fighter wearing complete turnout gear and a self-contained breathing apparatus entry to the room from the exterior to effect search and rescue. Prior edition of the *Code* limited the width or height, or both, to not less than 22 in. and a clear opening of 5 square feet. For existing window frames and sash of steel construction, adherence to these dimensional criteria is essential to allow fire fighter entry. For existing window frames and sash of wood construction that can easily be removed prior to entry by fire fighters to achieve the 5 square foot hole in the wall, the clear opening created by the occupant upon opening the window from the interior room side is required only to provide an opening measuring not less than 20 in. x 24 in. or 3.3 square feet.

**Motion:**

**Moved by:**

**Seconded by:**

**Yea:**

**Nay:**

**Abstain:**

**5. PUBLIC COMMENT**

**6. CONTINUING BUSINESS**

**A. BUDGET ADJUSTMENTS – TRANSFER OF FUNDS (*Second Reading*)**

**Motion:** To adopt the transfer of funds as recommended by the Town Treasurer in the January 24, 2019 and February 21, 2019 memos to the Mayor and Council in the total amount of \$46,075.00, as reflected below.

<u>Account Name</u>	<u>Transfer to:</u>	<u>Transfer from:</u>
<b><u>General Fund Expenditures</u></b>		
<b><u>General Government</u></b>		
Elections	400.00	
Employee Awards and Events	250.00	
Insurance	2,500.00	
Legal Advertisement	200.00	
Payroll Taxes & Benefits		2,950.00
Training		400.00
<b><u>Police</u></b>		
Salaries	5,000.00	
Bike Patrol	1,500.00	

<u>Account Name</u>	<u>Transfer to:</u>	<u>Transfer from:</u>
Gasoline	3,000.00	
Police Vehicle Maintenance	2,500.00	
Medical Exams	1,500.00	
Mobile Data Terminals	1,725.00	
Training	2,500.00	
Payroll Taxes and Benefits		6,725.00
Body Worn Cameras		6,000.00
Small Equipment		5,000.00
 <b><u>Public Works</u></b>		
Snow Removal	2,000.00	
Tools & Supplies	3,000.00	
Street Improvement and Traffic Control	10,000.00	
Vehicle Maintenance	10,000.00	
Payroll Taxes & Benefits		25,000.00

**The earliest this may be considered is at the February 25, 2019 Council meeting, as the total exceeds \$2,500.00.**

**Moved by:**

**Seconded by:**

**Yea:**

**Nay:**

**Abstain:**

**B. ADOPTION OF LEGISLATIVE RESOLUTION 2019-O-02: AMENDING FY 2019 BUDGET  
(Second Reading)**

**Motion:** To adopt LR 2019-O-02 containing budget amendments as recommended by the Town Treasurer in the January 24, 2019 memo to the Mayor and Council, as reflected below.

<b><u>Increase in General Fund Revenues</u></b>		
Prior Years Surplus	156,498.00	
 <b><u>Account Name</u></b>		
<b><u>General Government</u></b>		
Salaries	7,000.00	
Council Retreat/Orientation	3,750.00	
Employee Awards and Events	3,250.00	
Unreserved Undesignated		14,000.00
 <b><u>Police</u></b>		
Salaries	15,000.00	
Police Officer – Unreserved – Designated		15,000.00

**The earliest this may be considered is at the March 4, 2019 Council meeting.**

**\* A budget amendment ordinance requires 5 votes.**

**Moved by:**

**Seconded by:**

**Yea:**

**Nay:**

**Abstain:**

**7. NEW BUSINESS**

**A. LETTER OF SUPPORT FOR RIVERDALE PARK STATION BANNERS**

**Motion:** As recommended by the Development Overview Committee, to authorize the Mayor and Town Attorney to write a letter to the Maryland-National Capital Park and Planning Commission (M-NCPPC) in support of minor amendment 16 to DSP 13009 for Riverdale Park Station to permit banners on light poles in commercial areas of property.

**Moved by:**

**Seconded by:**

**Yea:**

**Nay:**

**Abstain:**

**B. COMPENSATION FOR ELECTION PERSONNEL (PER TOWN CHARTER SECTION 502(c))**

**Town Charter, Section 502 (c) Supervisors of Elections**

Pursuant to authorization of the Mayor and Common Council, the Chairman of the Supervisors of Elections may employ necessary personnel to assist in the performance of their duties. The Mayor and Common Council shall establish compensation for personnel employed by the Chairman.

**Motion:** To approve compensation of election personnel, as recommended by the Town Clerk in the February 22, 2019 memo to Mayor and Council, at \$15.00 per hour to assist in the performance of the Supervisors of Elections duties.

**Moved by:**

**Seconded by:**

**Yea:**

**Nay:**

**Abstain:**

**8. APPROVAL OF MINUTES: *February 4, 2019***

**Moved by:**

**Seconded by:**

**Yea:**

**Nay:**

**Abstain:**

**9. APPROVAL OF SPECIAL SESSION MINUTES: *February 14, 2019***

**Moved by:**

**Seconded by:**

**Yea:**

**Nay:**

**Abstain:**

**10. DEPARTMENT AND COUNCIL REPORTS**

**A. MAYOR'S REPORT**

**B. COUNCIL AND COMMITTEE REPORTS**

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

**D. REPORT FROM THE TOWN CLERK ~ *Andrea Marcavitch***

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

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

**11. ADJOURNMENT**

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