



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

**UNIVERSITY PARK ELEMENTARY SCHOOL  
4315 UNDERWOOD STREET**

**7:30 p.m.  
April 1, 2019  
MINUTES**

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

**Present:** Mr. Brosch, Mr. Schultz, Ms. Morrissey, Ms. Verrill, Mr. Caskey, Ms. Wells, Mr. Stephen

**Absent:** None

**Excused:** None

**2. PLEDGE OF ALLEGIANCE** was led by Mr. Schultz.

**3. APPROVAL OF THE AGENDA**

**Moved by:** Mr. Schultz

**Seconded by:** Ms. Verrill

**Yea:** 7

**Nay:** 0

**Abstain:** 0

**4. CONSENT AGENDA**

**Motion:** To approve the following consent agenda item.

**Moved by:** Ms. Verrill

**Seconded by:** Ms. Wells

**Yea:** 7

**Nay:** 0

**Abstain:** 0

**A. TO ENDORSE THE FEDERAL INTERAGENCY ANNUAL SPRING 3-MILE WALK/RUN ON THURSDAY, MAY 2 FROM 12:00 P.M. - 1:30 P.M. AND TO PROVIDE POLICE ASSISTANCE WITH TRAFFIC CONTROL AT THE TOLEDO ROAD AND ADELPHI ROAD INTERSECTION.**

*The police department has been notified and supports this request.*

**B. BUILDING PERMIT APPLICATION TO REPLACE EXISTING 6' AND 4' FENCE AND ADD 4' SECTION OF FENCE**

**(Andrew Shivone, 4319 Clagett Pineway) Ward 5**

*To replace existing 6' and 4' fence and add a new 4' section of fence located on Lot 37, 38 and 10' of 36 and Block E at 4319 Clagett Pineway.*

**5. PERMIT**

**A. PARKING PERMIT REQUEST**

**(Gregory Little, 4205 Tuckerman Street) Ward 2**

**Motion:** *To consider a request for on-street parking of a commercial vehicle until July 31, 2019.*

**Moved by:** Mr. Schultz

**Seconded by:** Mr. Brosch

**Yea:**

**Nay:**

**Abstain:**

**Motion:** To approve the request for on-street parking of a commercial vehicle until July 31, 2019 with the condition that the homeowner will park the commercial vehicle in the driveway whenever possible.

**Moved by:** Mr. Stephen

**Seconded by:** Mr. Brosch

**Yea:** 5

**Nay:** 2 (Schultz, Wells)

**Abstain:** 0

***Excerpt from Town Code Article 2 – Vehicles, Section 9-201(c). Parking and Storage of Vehicles***

*Any vehicle registered or licensed as a truck upon any public street or alley, except while loading or unloading passengers or freight or while actually in use in connection with a service call in the immediate area, unless the owner of such vehicle is a resident of University Park, and the Mayor and Council approve a permit for parking or storing such vehicle upon a finding that off-street parking facilities cannot be provided on the premises of the owner of such vehicle and that parking or storage of such vehicle does not adversely affect vehicular or pedestrian traffic. This provision shall not apply to any recreational or van-type vehicle or pick-up truck with a 3/4 ton or less manufacturer's rated capacity, without regard to the license tag designation of the vehicle, which is owned by residents of the Town of University Park, used primarily for personal transportation and does not display any form of commercial advertising on the body of, or affixed to, the vehicle. The term "truck" shall be defined to include buses for transportation of 12 or more persons and vehicles licensed as taxicabs.*

**6. 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.*

**Note:** Code Compliance Officer Craig Brown reported that on inspection of 4414 East West Highway, the windows were in violation of the Code and would have to be replaced.

**A. APPEAL OF VIOLATION NOTICE — EGRESS WINDOWS**

**(Edith Franco, 4414 East West Highway, Ward 1)**

**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.

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 two-bedroom windows measuring at 16”x 23” which does not comply with secondary egress window area requirements.

***Excerpt from Town Code Article 2 - Rental Housing Code, Section 13-220 Enforcement Authority***

- A.** It shall be the duty and responsibility of the Town to enforce the provisions of this Code as herein provided.
- B.** The Mayor and Council may waive applicability of the document to a unit of rental property on application of the property owner if:
  - (1)** Adequate notice in a form and manner specified by the subdivision as afforded any tenant of the unit;
  - (2)** The tenant is afforded in opportunity to comment on the application either in writing or in person; and
  - (3)** The waiver would not threaten the health or safety of any tenant.

**Motion:** To deny the waiver of the requirement for egress windows. To hold off in the enforcement action and give the owner until July 31, 2019 to be in compliance with Town Code or cease renting.

**Moved by:** Ms. Wells

**Seconded by:** Mr. Caskey

**Yea:** 7

**Nay:** 0

**Abstain:** 0

**PUBLIC COMMENT:**

- Given that rental housing code violations continue to come before the Council and — as a concerned citizen — this resident wants to be on record again and say that it is important to respect the law because the rule of law makes everything consistent.

**7. PUBLIC COMMENT**

- A resident who attended the Strategic Planning Retreat on March 23 expressed concern that the Councilmembers were not able to have a discussion on a subject because a particular document was not available. This resident suggested that the Councilmembers write a letter to the Mayor requesting a copy of this document.
- A resident read in the newsletter that the Council is thinking of changing the Charter to make University Park a sanctuary town - based on the earlier public comment that “we should be bound by the rule of law”, this would not be the case if University Park becomes a sanctuary town. This resident is in favor of large numbers of aliens coming into this country and staying here, but he is in favor of it being done lawfully. There is a concern of the large number of MS13 gang members in the area and they may be encouraged to rent in University Park when they see that the Town Charter was changed and the police will not be following up. The Town should not tie the hands of the police department when it comes to ICE. At most, pass a resolution that states, if any of the officers find there is a need to call ICE, they should inform the Chief first.

- A resident said that for the past year and a half there were meetings on “welcoming town” and information was published on the website and newsletter. This resident wishes there was more than that as far as having public discourse in the Town, but these are the tools that are available.
- A resident said that she does not want University Park to become a magnet city. It is the Council’s job to act in the best interest of the people who live in University Park, not the people who don’t. If the Town police are going to be restricted, then get rid of the police.
- A Councilmember said that there is no intention of taking any tools away from the police. Chief Baker supports the Town becoming a “Welcoming Town”.
- A Councilmember said the concern is that anyone seen in Town is treated in an even-handed way without presumptions.
- The Town Attorney said that there will be nothing in the Charter or anywhere else that says that University Park is a sanctuary city.
- A resident said that there are people from different generations who are trying to create a new path and a new identity for University Park and this resident is on board with it.
- A resident reminded the public that a “non-discrimination provision” in the Town Charter was amended last June and there was no controversy. The plan is to make sure that the other governing documents of the Town are consistent with the Charter amendment.
- Chief Baker said that he believes in changing University Park to a Welcoming Town, this speaks to bringing people in. In order for the police department to be effective, they need everybody to be included.
- A resident stated they want the University Park police to be free, if they feel the need, to be able to call ICE.
- A Councilmember said that a little over a year ago she voted in favor of the change in the size of egress windows and since that time she has had a change of heart. After lots of research, she was not able to find any data showing evidence that the NFPA required size of an egress window is necessary for people to get out.
- A Councilmember said that evidence for lead paint is overwhelming whereas there is no evidence on egress windows.
- A resident suggested that the Town become an NFPA member and get access to all of the research.
- A resident who is the president of the Northwestern High School Parents/Students Association said that a proposal for \$7,500 was submitted to the Town to be included in the budget for 15 computers and 2 printers for the Northwestern library. Mayor Carey said that \$6,000 has been proposed in the FY 2020 budget, consistent with grants to other organizations.

## 8. NEW BUSINESS

### A. INTRODUCTION OF LEGISLATIVE RESOLUTION 19-O-03: FISCAL YEAR 2020 BUDGET (Introduction)

**Motion:** To approve the introduction of Legislative Resolution 19-O-03: Fiscal Year 2020 Budget.

*The earliest date this motion may be considered for passage is May 20, 2019.*

**Moved by:** Ms. Verrill

**Seconded by:** Ms. Morrissey

**Yea:** 7

**Nay:** 0

**Abstain:** 0

A presentation by Mayor Carey and a brief overview of the budget by Dan Baden, Treasurer.

*With the approval of the Council, Mayor Carey called a Special Session of the Council on Monday, April*

22, 2019 at 7:30 p.m. at Word of God Baptist Church, to discuss the budget in Work Session.

**B. INTRODUCTION OF LEGISLATIVE RESOLUTION 19-O-04: PARKING RESTRICTION  
4300 BLOCK OF UNDERWOOD STREET, SOUTH SIDE (*Introduction*)**

**Motion:** To approve the introduction of Legislative Resolution 19-O-04 to amend Town Code, Chapter 9 to restrict parking on the South side of Underwood Street West from its intersection with Queens Chapel Road for a distance of 470 feet, on school days between the hours of 7 a.m. and 3 p.m.

*The earliest date this motion may be considered for passage is May 6, 2019.*

**Moved by:** Ms. Verrill

**Seconded by:** Mr. Schultz

**Yea:** 7

**Nay:** 0

**Abstain:** 0

Note: Ms. Verrill agreed to sponsor Resolution 19-O-04, rather than Mr. Schultz.

**PUBLIC COMMENT:**

- A resident near the school thanked everyone who worked so hard on this issue.

**C. WELCOMING TOWN**

**Motion:** To instruct the Town Attorney to draft changes to the provisions of the Town Charter, Code and Personnel Manual that are inconsistent with the Town’s status as a Welcoming Town; and to draft an Order, in cooperation with the Chief of Police, for the Police General Order Manual, to prohibit enforcement of civil violations of federal immigration laws, and any criminal investigations or enforcement initiated solely on the basis of citizenship or immigration status.

**Moved by:** Ms. Caskey

**Seconded by:** Ms. Verrill

**Yea:** 7

**Nay:** 0

**Abstain:** 0

**PUBLIC COMMENT:**

- A resident asked to define who is a “resident”? The Town Attorney responded with “wherever you happen to be living at the time, you are a resident of”. How can a referendum be initiated? The Town Attorney responded with “the Council has the ability to direct the Town Attorney to help write the referendum, this is to ensure that what goes to the voters is clear”.

**9. APPROVAL OF MINUTES:** *March 18, 2019* as amended.

**Moved by:** Mr. Schultz

**Seconded by:** Ms. Wells

**Yea:** 7

**Nay:** 0

**Abstain:** 0

**10. MAYOR AND COUNCIL REPORTS**

**A. MAYOR’S REPORT**

- Mayor Carey will be out of town from April 11-18.
- In reference to the recent Strategic Planning Retreat, Mr. Stephen requested that the open-ended responses be made available for the Town through the website.
- The full report from the Strategic Planning Retreat is expected to be completed by April 5.

- In response to a question, Mayor Carey said that he will ask Mr. Beall about the status of the engineering estimate for managing stormwater when Queens Chapel Road is repaved.
- Ms. Ferguson responded to Ms. Verrill’s question by saying that the Council can expect to see the ordinances for a “Welcoming Town” at the April 29 Council meeting.

**B. COUNCIL AND COMMITTEE REPORTS**

**11. ADJOURNMENT** by consent at 10:03 p.m.

Submitted by: \_\_\_\_\_  
Lenford C. Carey, Mayor