



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

**UNIVERSITY PARK ELEMENTARY SCHOOL
4315 UNDERWOOD STREET**

**7:30 p.m.
June 17, 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: Ms. Verrill

Seconded by: Mr. Brosch

Yea: 7

Nay: 0

Abstain: 0

4. SWEARING-IN OF COUNCILMEMBERS-ELECT BY MAYOR CAREY

**Joseph M. Schultz, Ward 2 Councilmember
Linda A. Verrill, Ward 4 Councilmember
David L. Caskey, Ward 5 Councilmember
Martha M. Wells, Ward 6 Councilmember**

After the swearing-in, there was a short break for refreshments.

5. PERMITS

**A. BOARD OF ZONING APPEALS: Variance Request V-64-19
(Susan McDermott and John Tabori, 6816 Pineway) Ward 5**

Zoning Ordinance Section 27-442(e)(Table IV) prescribes that each lot shall have a side yard at least 8 feet in width. Therefore, a variance of 3 feet side yard width is requested for Lot 20 and part of lots 19 & 21 and Block E at 6816 Pineway.

Motion: To support the application by Susan McDermott and John Tabori for a variance to validate existing conditions and construct an open deck with steps on side yard located on Lot 20 and parts of lots 19 & 21 and Block E at 6816 Pineway and authorize the Mayor to send a letter to the Board of Zoning

Appeals stating the Council’s position. The Council’s position is based on the following criteria:

- (1) A specific parcel of land has exceptional narrowness, shallowness, or shape, exceptional topographic conditions, or other extraordinary situations or conditions; and
- (2) The strict application of this Subtitle will result in peculiar and unusual practical difficulties to, or exceptional or undue hardship upon, the owner of the property; and
- (3) The variance will not substantially impair the intent, purpose, or integrity of the General Plan or Master Plan.

Moved by: Mr. Caskey

Seconded by: Ms. Wells

Yea: 7

Nay:

Abstain: 0

**B. VARIANCE EXTENSION FOR RENTAL EGRESS WINDOWS
(Stephanie Walters, 6712 44th Avenue, Ward 3)**

Motion: To grant an extension for the installation of two egress windows in the third floor sleeping rooms for the rental property located at 6712 44th Avenue until October 1, 2019 with the following conditions: 1) owners apply for a rental license; 2) lease third floor rooms on a month to month basis; 3) remove the window air conditioner units.

Moved by: Ms. Morrissey

Seconded by: Ms. Verrill

Yea: 7

Nay: 0

Abstain: 0

Note: Mayor Carey will consider bringing in the County Fire Marshall to discuss safety situations.

6. PUBLIC HEARINGS

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;
- () 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. (Revised, effective December 12, 1989, February 28, 1998)

**A. BUILDING PERMIT TO INSTALL A 3’ FENCE ON A CORNER LOT
(Jeff Butler, 6701 Queens Chapel Road) Ward 3**

Town Code Section 4-110 (B) “Limitation on Fences” prescribes that a fence may be erected in the side yard of the property, but shall not be erected beyond the front building restriction line for any existing or proposed street, alley or roadway that borders the property.

A request has been made for a building permit to install a 3’ fence including a side yard fence along Van

Buren Street to be installed 7' in from the property line. Therefore, a variance of 18 feet on the side yard is requested for Lot 15 and Block 16 at 6701 Queens Chapel Road. This request requires a Special Exception per Section 4-115 Sub-sections A-E of the Town Code. To approve a Special Exception, Council must make the requisite findings.

Motion: To approve the request for a building permit to install a 3' fence including a side yard fence along Van Buren Street to be installed 7' in from the property line. Therefore, a variance of 18 feet on the side yard is requested for Lot 15 and Block 16 at 6701 Queens Chapel Road, requiring a Special Exception per Section 4-115 Sub-sections A-E of the Town Code. Applicant shows that safety is an issue, as the residence has four external entrances on a corner lot, and the fence will help direct people to use the front door on Queens Chapel Road and allow better security of the property which borders a street with heavy foot traffic. Council approved the request for a building permit, with findings required by Section 4-115 Sub-sections A-E of the Town Code having been met.

Moved by: Ms. Morrissey

Seconded by: Mr. Stephen

Yea: 7

Nay: 0

Abstain: 0

**B. BUILDING PERMIT APPLICATION WITH SPECIAL EXCEPTION FOR A 6' FENCE
(Rhonda Sabb of 6312 Baltimore Avenue) Ward 1**

A request has been made for a building permit to install a non-conforming 6' fence section on the back-property line located on Lots 2 & 3, Block 1 and Section 1 at 6312 Baltimore Avenue. This requires a Special Exception per Section 4-115 Sub-sections A-E of the Town Code. To approve a Special Exception, Council must make the requisite findings.

Motion: To approve the request for a building permit to install a non-conforming 6' fence section on the back-property line located on Lots 2 & 3, Block 1 and Section 1 at 6312 Baltimore Avenue requiring a Special Exception per Section 4-115 Sub-sections A-E of the Town Code. Applicant shows safety considerations, as well as unusual circumstances due to unwanted foot traffic and vehicles using the driveway as a cut-through to neighboring properties. Council approved the request for the building permit, with findings required by Section 4-115 Sub-sections A-E of the Town Code having been met.

Moved by: Mr. Brosch

Seconded by: Ms. Wells

Yea: 7

Nay: 0

Abstain: 0

**C. BUILDING PERMIT APPLICATION WITH SPECIAL EXCEPTION FOR A NEW GARAGE
(Greg Miller and Heather Creek of 4101 Van Buren Street) Ward 7**

Town Code Section 4-105 (C) "Criteria for the Construction of Buildings" prescribes that no person shall erect any detached garage, or make any alterations or additions to any existing garage within the Town, so that the structure exceeds one story, or 15 feet in height at its highest point, or exceeds 24 feet by 24 feet in width and depth.

A request has been made for a building permit to construct a non-conforming 24' x 26' detached garage with a height of 15'-8.875". Therefore, a variance of 2 feet in depth and 8.875" in height is requested for Lot 4 and Block 32 at 4101 Van Buren Street. This request requires a Special Exception per Section 4-115 Sub-sections A-E of the Town Code. To approve a Special Exception, Council must make the requisite findings.

Motion: To approve the request for a building permit to construct a non-conforming 24' x 26' detached garage with a height of 15'-8.875". Therefore, a variance of 2 feet in depth and 8.875" in height is requested for Lot 4 and Block 32 at 4101 Van Buren Street requiring a Special Exception per Section 4-115 Sub-sections A-E of the Town Code. Applicants shows unique topography of this large corner lot which requires considerable maintenance and tools which will be kept in the garage, avoiding a shed to be placed on the property. Council approved the request for the building permit, with findings required by Section 4-115 Sub-sections A-E of the Town Code having been met.

Moved by: Mr. Stephen

Seconded by: Ms. Wells

Yea: 7

Nay: 0

Abstain: 0

7. PUBLIC COMMENT

None

8. CONTINUING BUSINESS

A. TOWN OF UNIVERSITY PARK THREE-YEAR STRATEGIC PLAN

Motion: To approve the 2019-2021 University Park Strategic Plan and to establish it as a Town document to guide budget and policy proposals.

Moved by: Ms. Wells

Seconded by: Ms. Verrill

Yea:

Nay:

Abstain:

Motion: To amend the 2019-2021 University Park Strategic Plan that was distributed at the June 3 Council Meeting to include all of the "red and blue" amendments submitted in a document from Mr. Brosch.

Moved by: Mr. Brosch

Seconded by: Ms. Morrissey

Yea:

Nay:

Abstain:

Motion: To amend the 2019-2021 University Park Strategic Plan to include the following changes: 1) on page 2, under "Goals, Outcomes, and Action" and "Actions" sub header – to flip actions #2 and #3; 2) under "Decide what to do about Town Hall" and "Action" sub header – on #1 strike text after the word "report" to read "Review the consultant report; and 3) correct WSSC acronym to read "Washington Suburban Sanitary Commission".

Moved by: Ms. Wells

Seconded by: Ms. Verrill

Yea: 6

Nay: 1 (Brosch)

Abstain: 0

Motion: To adopt the motion as amended.

Moved by: Mr. Caskey

Seconded by: Mr. Schultz

Yea: 6

Nay: 1 (Brosch)

Abstain: 0

B. ADOPTION OF CHARTER RESOLUTION 19-CR-01 AMENDING ARTICLE IV, “POWERS OF MAYOR AND COUNCIL”, SECTION 402, “POWERS AND DUTIES OF THE COUNCIL” CHANGING THE STATED PURPOSE OF TOWN NEWSLETTER TO PROVIDE INFORMATION TO ALL TOWN RESIDENTS (Second Reading)

Motion: To adopt Charter Resolution 19-CR-01 to repeal and re-enact Article IV, “Powers of Mayor and Council”, Section 402 “Powers and Duties of Council” to clarify that the Town newsletter is intended to provide information to all residents of the Town and reflecting the Town’s “Welcoming Town” concepts adopted at the January 14, 2019 Council meeting.

The earliest date this Charter Resolution may be considered for adoption is July 1, 2019.

Moved by:

Seconded by:

Yea:

Nay:

Abstain:

9. NEW BUSINESS

A. PUBLICS WORKS REQUEST TO PURCHASE TWO NEW VEHICLES

Motion: Per section 2-105 (b) of the Town Ordinances, to override sealed bid procedures for good cause and award a contract for \$133,900 to Southco Industries, Inc of 1840 E Dixon Blvd, Shelby, North Carolina to provide two Ford F550 Chassis and manufacture and install two leaf bodies, and to authorize the Mayor to enter into a lease-purchase contract for this purpose, subject to approval by the Town Attorney. Good cause to override the established sealed bid procedure is that the Town is able to ride a Maryland State contract, however the state contractor cannot obtain the vehicles in time to meet Public Works operational needs for the fall and the proposed contractor has the vehicles and is willing to match the state contract price.

Moved by: Ms. Verrill

Seconded by: Ms. Wells

Yea: 7

Nay: 0

Abstain: 0

10. APPROVAL OF SPECIAL SESSION MINUTES: *May 29, 2019*

Moved by: Ms. Wells

Seconded by: Mr. Schultz

Yea: 5

Nay: 0

Abstain: 2 (Verrill, Caskey)

11. APPROVAL OF MINUTES: *June 1, 2019*

Moved by: Ms. Verrill

Seconded by: Mr. Schultz

Yea: 6

Nay: 0

Abstain: 1 (Stephen)

12. DEPARTMENT AND COUNCIL REPORTS

A. MAYOR'S REPORT

- An updated notice of the Public Hearing on the Construction of Sidewalks was distributed. Mayor Carey explained that the Committee on Police, Traffic and Public Safety will come to the Council with a report for action and this will be done in the form of a public hearing.
- Mayor Carey reminded Councilmembers of the Maryland Municipal League Conference.

B. COUNCIL AND COMMITTEE REPORTS

Development Overview Committee - Ms. Wells

- The latest Cafritz amendments are eliminating one building, consolidating two buildings and approval of parking a street car.
- The Dewey Property is going to the Planning Board on June 27.

Motion: To ask the Mayor and Town Attorney to draft a letter supporting the Nine-Pond regional stormwater solution as part of the Dewey Property's preliminary plan of subdivision.

Moved by: Ms. Wells

Seconded by: Mr. Caskey

Yea: 7

Nay: 0

Abstain: 0

Trees, Parks and Environment Committee - Ms. Morrissey

- Ms. Morrissey reminded Mayor Carey of the request by the Committee on Trees, Parks, and Environment to place the Pepco vegetation management plan of work on the Town website and newsletter.

Policy, Rules and Municipal Structure Committee - Ms. Verrill

The next meeting is scheduled for June 27 at 7:00 p.m. at Town Hall.

- The June 6 meeting was cancelled due to no quorum.

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

No Report.

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

- An email will be sent with details on the Maryland Municipal League Conference.
- Anyone interested in a ticket for the PGCMA breakfast scheduled for June 25 at 7:00 a.m. should contact Ms. Marcavitch.
- On June 7, Ms. Marcavitch and Ms. Hudlin attended training on Records Management in Baltimore presented by the state archives.
- Effective July 1, Ms. Hudlin will be a permanent part-time employee.
- Any spam emails should be reported to Ms. Marcavitch.

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

- National Night Out is scheduled for Tuesday, August 6 from 6 – 9 p.m. at the Town field.
- Officers recently attended: Understanding Development on Intellectual Disabilities in Law Enforcement; CPR Training; and Judgment of Shooting Training.

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

- Ten additional trees are to be planted and plants will be replaced at the submerged gravel wetland location along Wells Parkway and adjacent to the new playground.
- The Adelphi field meadow was accidentally mowed, but this is not expected to have a negative impact on the field. The meadow will be re-seeded in the fall.

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

May 2019 Treasurer's Report was distributed.

- The auditors will get started with some preliminary field work in July.

13. ADJOURNMENT by consent at 10:10 p.m.

Submitted by: _____
Lenford C. Carey, Mayor