



MEETING OF
UNIVERSITY PARK MAYOR AND COMMON COUNCIL
UNIVERSITY PARK ELEMENTARY SCHOOL
4315 UNDERWOOD STREET
7:30 P.M.

January 25, 2010
REGULAR SESSION

1. (This begins at 6:30 p.m.) RETIREMENT CEREMONY

LT. STEPHEN S. BACON, UPPD
30 YEARS SERVICE

2. CALL TO ORDER: Mayor Tabori at 7:40 p.m.

Present: Ms. Toscano, Mr. Carey, Ms. Mallino, Ms. McPherson, Ms. O'Connor, Ms. Bradley Chacón

Excused: Mr. Lucas

Absent: None

Deleted: None

Deleted: Mr. Lucas

3. PLEDGE OF ALLEGIANCE was led by Ms. Bradley Chacón

4. APPROVAL OF THE AGENDA

Moved by: Ms. Toscano
Yea: 6

Seconded by: Mr. Carey
Nay: 0 Abstain: 0

5. APPROVAL OF MINUTES: January 4, 2010

Corrections to the minutes

Item 9A, p. 4, last sentence of the motion and amended motion:

Change the wording from "...and to identify such line item(s) and the feasibility of such a donation to the Council at the January 25th Council meeting."

To "...and to recommend to the Council the feasibility of such a donation at the January 25th

Council meeting.”

Moved by:

Seconded by:

Yea:

Nay:

December 21, 2009 Meeting

Moved by:

Seconded by:

Yea:

Nay:

6. PUBLIC COMMENT

Mr. Alex Heitkemper, a resident of Ward 4, spoke about his concerns about public safety, particularly in the areas of home break-ins and car burglaries. He said that he had contacted Council Member Mr. Carey and Mayor Tabori via email and talked with Council Member Ms. McPherson about his concerns. He asked that public safety be given consideration during the upcoming budget cycle. Mr. Heitkemper requested that the Town take a more proactive role in reducing crime. His suggestions for ways to improve public safety include investing in camera surveillance security systems, adding an additional police officer to the force, increasing street lighting, providing a tax credit for residents who install security systems, and seeking federal grants to improve safety.

Mr. John MacLaren, a resident of 6507 41st Avenue in Ward 2, described his recent and very personal experience with an attempted home break-in. The night of the snowstorm he returned home and noticed two bicycles in his front yard. He found footprints on his property clearly indicating that two people were trying to enter his home while his wife and son were inside. He saw the two suspects and chased them, but was not able to catch them.

Mr. Roger Edsall, a resident of Oakridge Road in Ward 5, said that he has had multiple items stolen from his home and car on multiple occasions, and has been accosted while walking through Town. He recommended gating the community. He asked Chief Wynnyk if residents could receive timely notification, via email, phone, or text message, in the event of criminal activities.

Mr. Rob Stewart, a resident of Forest Hill Drive in Ward 7, described how he walked out of his home one evening with his son and discovered a person crouching down beside his car. The person ran when he saw Mr. Stewart and his son.

Mr. Robert Bourque, a resident of 6408 40th Avenue in Ward 2, said that he and his wife are trying to decide if they should leave the Town of University Park after ten years of residence. His house has been broken into and suffered a second attempted break-in. Mr. Bourque has taken extensive precautions, including following the recommendations of a security consultant. He spoke in favor of a neighborhood watch program and said that he would support such an effort.

Mr. Carey distributed the report from the November 2009 meeting of the Committee of Public Facilities and Service.

Mayor Tabori responded to the residents' comments on public safety and concerns about increased crime. Mayor Tabori said that he would work with Chief Wynnyk to review the recent crime statistics for trends and patterns that could be applied to improving public safety. He noted that gating the Town of University Park was considered in the 1990s. Creating a gated community in a town that was designed on an open landscape plan is very difficult to accomplish. Mayor Tabori and Chief Wynnyk will look closely at the other options, including cameras, lighting, and public facility improvements.

Nicole Lucier, a resident of 6512 40th Avenue, expressed support on adding lighting to the park. Mayor Tabori noted that there are two problems with adding lights to the park. The first problem is that Pepco actually owns the lights, not University Park, and Pepco has been extremely reluctant to release ownership to the municipalities. The second challenge is that the cost of installing light fixtures is tremendously prohibitive. The estimated cost to upgrade the Town's existing street light fixtures was \$170,000. Mr. Carey said that one of the planned initiatives of the Committee of Public Facilities and Service was street lighting.

Mr. Bourque thanked Pepco for finally fixing the lights in the alley. He noted the unfortunate result that once the street lighting was upgraded, six cars in the alley were broken into on Christmas Eve.

Mayor Tabori asked the residents with concerns over public safety to follow up with their neighbors and see what level of interest there would be in a Community Watch program. Mayor Tabori worked on a Community Watch initiative when he first joined the Town Council in 2003/2004 and was not able to spark community interest.

Chief Wynnyk replied to resident concerns about safety. He described ways that the police department was following up to mitigate the crime problem. University Park has received grants in the amounts of \$34,164 for police radios that operate on the new County frequencies and \$5,500 for traffic enforcement.

7. DEPARTMENT REPORTS

A. MAYOR'S REPORT- Mayor John Rogard Tabori

Mayor Tabori deferred his comments until the FY 2010 mid-year budget discussion later in the agenda.

B. REPORT ON POLICE DEPARTMENT ACTIVITIES- Chief Michael Wynnyk

Chief Wynnyk had no further comments, beyond the discussion provided during his response to the public comments.

C. REPORT OF THE TOWN TREASURER – Daniel R. Baden, C.P.A.

Treasurer Baden had nothing to report beyond what is discussed under agenda item 10B, FY 2010 Budget Six Month Update.

D. REPORT ON THE DEPARTMENT OF PUBLIC WORKS – Mickey Beall, Director

Mr. Beall reported that the tree inventory report of Town street trees would be provided to Council and Mayor Tabori at the February Council meeting.

The leaf collection season officially ends tomorrow. Residents will need to bag any leaves that need disposal from this point onward.

The December snowstorm expenses did not qualify for federal aid.

Mr. Beall described the process for reporting street light outages. There is a link on the Town web site www.upmd.org to the Pepco on-line outage entry system. Mr. Beall is pressing Pepco to finish numbering the eleven light poles in Town that do not have an identifying number.

The Public Works Department will inherit the old police radios, which will improve communications among Public Works staff as well as to Town Hall and to the police department. On a number of occasions, the Public Works crews have seen suspected criminal activity and notified the police department.

E. REPORT ON TOWN ATTORNEY – Suellen M. Ferguson, Esq.

Attorney Ferguson had nothing to report beyond what is discussed under agenda item 10C, Review of New Countywide Historic Preservation Plan.

8. CONTINUING BUSINESS

A. BELCREST PLAZA (If this item comes up, negotiating strategies will be discussed in executive session)

This agenda item was not discussed during the meeting.

B. LEGISLATIVE RESOLUTION 10-0-01 *Introduction*

Motion: To approve/disapprove Legislative Resolution 10-O-01: Authorizing council to establish by Resolution a speed monitoring system.

(This is up for adoption at the February 22, 2010 Council Meeting per introductory motion.)

Moved by:
Yea:

Seconded by:
Nay:

Abstain:

This agenda item was not discussed during the meeting.

9. CONSENT AGENDA

Motion: To approve the following consent agenda items.

Moved by: Ms. Mallino
Yea: 6

Seconded by: Ms. O'Connor
Nay: 0 Abstain: 0

A. PARKING WAIVER FOR RENTAL PROPERTY (3 vehicles)

(Speck, 6511 40th Avenue) Ward 2

B. PARKING WAIVER FOR RENTAL PROPERTY (3 vehicles)

(Hoobler, 6705 Forest Hill Drive) Ward 6

C. APPLICATION TO INSTALL A DRAINAGE SYSTEM

(Lucier/Shea, 6512 40th Avenue) Ward 2

Applicant will give Town 48 hours advance notice before installing the system so Town Engineer can inspect.

10. NEW BUSINESS

A. ZONING VARIANCE APPEAL V-1-10

(Floyd/Sondak, 6805 Pineway) Ward 5

Motion: To approve zoning variance appeal V-1-10 to validate existing conditions and support variance of 2.8% net lot coverage on Lot 21, part of Lots 20, 22, Block B, College Heights Subdivision at 6805 Pineway. This is subject to approval by the County and the Town needs to approve final drainage plans.

Moved by: Ms. Toscano
Yea: 6

Seconded by: Ms. Mallino
Nay: 0 Abstain: 0

B. FY 2010 BUDGET SIX MONTH UPDATE – Mayor Tabori and Treasurer Baden

Mayor Tabori introduced Mr. Baden, who provided a preliminary discussion of the report and distributed the budget line item descriptors. Mayor Tabori said that he would provide a detailed analysis of the budget report at the Council meeting in February.

Mr. Baden realized the Council members had not received the hard copy and electronic versions of the budget report. After mutual discussions, the budget update presentation was postponed until the February council meeting, to allow time for people to review the material. Ms. Mallino asked that a hard copy of the Treasurer's report be included in the packets.

Mr. Carey asked Mr. Baden how the budget surplus projects looked, now that the fiscal year is at the halfway point. Mr. Baden said that he estimates the surplus has declined from approximately \$132,000 to \$34,000. Mayor Tabori proposed that there be a budget adjustment by ordinance, to correct and update the budget based on the audit report, grant monies received, and budget categories that have had an overrun or underrun compared to the original budget.

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C. REVIEW OF NEW COUNTYWIDE HISTORIC PRESERVATION PLAN

Mayor Tabori told the Council that Town Hall is requesting authority to submit comments to the County on the proposed plan on behalf of the Town. Mayor Tabori and Attorney Ferguson will prepare the comments. Comments are due back to the County by February 2, 2010. Attorney Ferguson described and summarized the plan, which is several hundred pages long and can be viewed on the Parks & Planning web site. She said she is reviewing the plan in detail to ensure that there is nothing disadvantageous to the Town of University Park.

Motion: To approve the authorization of Mayor Tabori and Town Attorney Ferguson to submit comments on new countywide proposed Historic Preservation Plan with a courtesy copy to the Council members.

Moved by: Mr. Carey

Yea: 6

Seconded by: Ms. McPherson

Nay: 0

Abstain: 0

D. UPDATE AND DISCUSSION ON NORTHWESTERN HIGH SCHOOL MARCHING BANK UNIFORM SUBSIDY REQUEST

Mayor Tabori explained the analysis that he conducted with Mr. Baden on the budget, to determine the feasibility of supporting the Northwestern High School band uniform subsidy request. He noted that the projected budget surplus is \$34,000. He factored in the Council proposal to add a line item to the budget in the amount of \$2,000 to support the Stream Committee's work. In light of this analysis, Mayor Tabori proffered to the Council the recommendation that \$3,000 to \$6,000 would be a reasonable amount to donate to the band. Mayor Tabori strongly spoke on his concerns about running a municipal deficit. The Town of University Park is not at risk of running a deficit at this point. He reviewed the four stages of financial collapse that a municipality may experience, and noted that there are several municipalities in the surrounding areas that are experiencing great financial distress.

Ms. O'Connor said that the County is considering Northwestern High School as a magnet school for the performing arts. She spoke in favor of the energy and promise of the band, choir, dance,

and other performing arts programs in the school.

Ms. Mallino raised the concern that some of the Town's contributions to various organizations are made annually, and have been made for years, without question or without engagement or feedback from the receiving organization. She proposed reducing the donations to the local fire departments by \$1,000 each for this year and increasing the grant to Northwestern High School to \$9,000.

Mr. Carey raised concerns about the process and policy for this contribution, that there is no overarching policy which represents a considered, deliberate decision on how the Town of University Park will support the public schools generally, or support other non-governmental organizations which serve the Town's youth and other residents. Absent such a policy, it leads to ad hoc decisions about how we support schools, including which schools we support, and whether we support non-public schools and non-governmental organizations.

Mr. Carey said the Town should consider a full array of means for supporting public schools and organizations, noting that the contribution to University Park Elementary School was in the form of both financial support to the PTA and also in financial and logistical support to the PTA-sponsored Azalea Classic, a fund-raising event.

Mr. Carey said the Town should support these organizations only in the context of the Town budget, and - in that context - the projected Town surplus for the current fiscal year has shrunk by about \$98,000 in just 6 months, with the State Income Tax revenues and other significant revenues yet received. He noted that - while the quality of the schools and strength of the school system affect all residents in University Park, and he therefore advocates support to public schools - they are not directly a matter for the Council, rather within the purview of the School Board. Finally, he said, University Park should not support these schools in isolation, in ways which preclude support from other municipalities.

Deleted: considering how the Town of University Park will support the public schools generally, or support other non-government organizations. He noted that many residents send their children to private schools. ¶

Ms. Bradley Chacón said in an ideal world she would prefer to see a budget line item for supporting Northwestern High School as it is the designated public high school for U.P. residents. She also expressed concern about the amount of the donation given our reduced surplus.

Ms. McPherson said that she understands that the current economic times are tough, and understands Mr. Carey's concerns about process. She emphasized the importance of University Park as a Town and as a Council to support the young adults in the community who attend our neighborhood school. She observed that there does not seem to be a hesitation to attribute negative concerns to Northwestern High School. The grant to support the band uniform request is an opportunity to proactively support an excellent program in a positive way. She said that we as a community need to think about unifying and supporting our community. Ms. McPherson strongly stated her belief that the Council and the Town should support this proposal. She noted that this is a one-time request with a time dependency, as the band has ordered the uniforms to be able to qualify for financial support from the County.

Ms. Toscano supported Ms. McPherson's statements. She expressed her strong support in favor

of supporting the local community and this proposal.

Mr. Stewart, a resident of Forest Hill Drive, endorsed Mr. Carey's comments about processes and planning. He said that he appreciated Ms. Mallino's comments about how funds are allocated, and expressed concerns about the state of the budget and the declining surplus projections.

Mr. Heitkemper, a resident of Woodberry Street, said that he is president of the Lewisdale/University Park Boys and Girls Club. He was concerned that this grant would set a precedent for how University Park uses its money.

Mr. Bourque, a resident of 40th Avenue, said that he endorsed Mr. Heitkemper's points, expressed his appreciation for the skill and expertise of the band, and agreed with Mr. Carey's points about having a process and a plan. He said he would be very upset if money were taken away from the fire department, which provides a service to the Town.

Mr. and Mrs. Baugher, residents of Ward 3 and Mr. Townes, director of the Northwestern High School Marching Band, addressed the Council, Mayor, and attendees. Mrs. Baugher and her husband are officers in the band parents' organization. Mrs. Baugher reviewed the presentation from the previous Council meeting, and explained how the band's current uniforms are four years past their expected lifespan of eight years, and have been mended and patched past the point of repair. The band moved forward with purchasing 100 new band uniforms, the balance due on the bill being \$12,000 due in April. Parents and students have conducted diligent fundraising to amass \$25,000, and the County will contribute \$7,000, but the band is still short of the amount needed by April 1, 2010 by \$12,000.

Mayor Tabori conferred with Attorney Ferguson. Attorney Ferguson said a budget amendment would require a supermajority vote, which would be five votes on a seven member Council.

Ms. Bradley-Chacon asked if she could put forth 2 new motion proposals: one that would provide for a \$6,000 donation from the surplus and the second separate motion that would provide an additional \$3,000 from Undesignated reserves. Ms. Ferguson stated that the existing motion on the table for \$12,000 would have to be withdrawn first before a new motion could be considered.

Motion: To create a line item in the budget for Northwestern High School band uniforms with a \$6,000 ceiling.

Moved by: Ms. O'Connor Seconded by: Ms. McPherson

Amended Motion: To create a line item in the budget for Northwestern High School band uniforms with a \$12,000 ceiling.

Deleted:

Deleted: Moved by: Ms. Mallino . . . Seconded by: Ms. Bradley Chacón

Roll Call Vote: Mallino Yea

Lucas	Excused
McPherson	Yea
Carey	Nay
Toscano	Yea
O'Connor	Yea
Bradley Chacón	Nay

Yea: 4 Nay: 2 Abstain: 0

Substitute Motion: To create a line item in the budget for Northwestern High School band uniforms for \$12,000.

Deleted: Amended

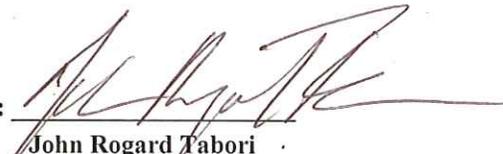
Moved by: Ms. Toscano Seconded by: Ms. Mallino

Roll Call Vote:	Mallino	Yea
	Lucas	Excused
	McPherson	Yea
	Carey	Nay
	Toscano	Yea
	O'Connor	Yea
	Bradley Chacón	Abstain

Yea: 4 Nay: 1 Abstain: 1

Motion failed for lack of a supermajority vote of 5 yeas.

11. ADJOURNMENT at 10:10 p.m.

Submitted by: 
John Rogard Tabori
Mayor