MEETING OF

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

February 22, 2010
REGULAR SESSION

1. CALL TO ORDER: Mayor Tabori

Present: Ms. Toscano, Mr. Carey, Ms. Mallino, Ms. McPherson, Ms. O'Connor, Mr. Lucas, Ms. Bradley Chacón
Excused: None
Absent: None

2. PLEDGE OF ALLEGIANCE was led by Ms. McPherson

3. APPROVAL OF THE AGENDA

Mr. Carey proposed to reverse the order of agenda items 8B and 8C. Mr. Lucas objected. He expressed concern that considering agenda item 8C first would constrain and cut off debate and discussion on agenda item 8B. Mr. Carey said that his proposal for switching the agenda items was to constructively assist the Council in considering this topic. Ms. Mallino noted that based on her position as the Chair of the Committee on Policy and Rules, it would be nearly impossible to discuss and conclude the issue with guidance before the FY 2011 budget is due.

Motion: To reverse the order of agenda items 8B and 8C.

Moved by: Mr. Carey **Seconded by:** Ms. Bradley Chacón

Roll Call Vote:

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

Yea: 3 **Nay:** 4 **Abstain:** 0

Motion: To approve the agenda, with agenda items 8B and 8C in the original order.

Moved by: Ms. McPherson **Seconded by:** Mr. Carey
Yea: 7 **Nay:** 0 **Abstain:** 0

4. APPROVAL OF MINUTES: *Amended January 25, 2010 Meeting*

Ms. Toscano and Mr. Carey discussed how to appropriately add or extend comments to the minutes after the meeting has concluded. Ms. Bradley Chacón expressed the hope that that the minutes be discussed in more detail before approval. She asked if the meetings could be recorded. The meetings are already recorded on a digital voice recorder, and the recordings are available from Town Hall. Ms. Mallino asked Mayor Tabori if there were ways to make the meeting minutes available for review sooner that the distribution of the Council meeting packets. Mr. Lucas said he objected to revisiting or changing statements made in a meeting after the fact.

Motion: To take up the review of the tabled meeting minutes from January 25, 2010.

Moved by: Ms. Bradley Chacón **Seconded by:** Ms. O'Connor
Yea: 7 **Nay:** 0 **Abstain:** 0

Motion: To approve the meeting minutes from January 25, 2010.

Moved by: Ms. O'Connor **Seconded by:** Mr. Carey
Yea: 6 **Nay:** 0 **Abstain:** 1 (Lucas)

February 1, 2010 Meeting

The Council and Mayor Tabori identified one change to the minutes:

p. 5, item 8A: Change the first sentence of the motion from "To approve the ***adoption*** of…" to "To approve the ***introduction*** of…"

Motion: To approve the meeting minutes from February 1, 2010 with the noted change to item 8A on page 5.

Moved by: Ms. Mallino **Seconded by:** Ms. McPherson

Yea: 7 **Nay:** 0 **Abstain:** 0

5. PUBLIC COMMENT

Mr. Lucas complimented Washington Suburban Sanitary Commission (WSSC) for prompt response to the water line break on Tennyson Street the previous week. A WSSC crew responded within 20 minutes of being notified by Town Hall to assess the problem, and returned the following morning to repair the broken water line.

6. DEPARTMENT REPORTS

A. MAYOR'S REPORT- Mayor John Rogard Tabori

Mayor Tabori spoke about the events of the snowstorms. He praised Pepco's responsiveness during the first snowstorm, which resulted in power outages in the Town on February 6th and 7th. Pepco's community contact person was very helpful to Town Hall in identifying and resolving power problems, including power outages affecting individual homeowners.

Mayor Tabori personally thanked the Public Works Department employees for their dedicated service during the extreme weather events. University Park was one of the few communities that was fully accessible to emergency vehicles throughout the snowstorms.

Mayor Tabori said that the Town of University Park will file for FEMA disaster reimbursement. University Park is collaborating with the Maryland Mayor's Association to try to find at least partial financial recompense for the extraordinary expenses that have been incurred. Mr. Carey asked if other costs, such as damages to Town trees, could be incorporated into the cost of the storm. Mayor Tabori said those costs will be included to the extent that we can estimate them. Mr. Beall said that he estimated the Town incurred in excess of $10,000 in tree removal costs. He said it was unlikely that he would be able to provide an estimate by the March 1 Council meeting. Mayor Tabori added that Town streets have been damaged by the snow removal efforts.

B. REPORT ON POLICE DEPARTMENT ACTIVITIES- Chief Michael Wynnyk

Chief Wynnyk distributed a handout of the January Crime Statistics report, which is included in these minutes as **Attachment 6B**.

Chief Wynnyk said that Officer Barreto suffered chest pains on Wednesday and has been hospitalized.

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

Mr. Beall echoed Mayor Tabori's positive comments on the assistance and support received from Pepco during this storm. He thanked the City of Hyattsville, which repositioned the

University Park dump truck out of the right of way so that Pepco could gain entry to the Wells Parkway area and restore power. A fire in the engine compartment of the truck disabled the University Park dump truck. Shankle Body greatly assisted the University Park Public Works department in repairing one dump truck and readying it for snow removal work, including hand-shoveling 4 tons of road salt from one truck to the next. Mr. Beall thanked Town Council for holding a special session, so that the Town was able to replace the disabled plow truck in time for the second snowstorm.

Mr. Beall expressed great appreciation and admiration for the dedicated efforts of the Public Works Department employees, including the multiple round-the-clock shifts and the mechanic magic worked to keep the Town equipment, including the trash packer, on the roads and moving snow. He noted that both Public Works employees and Chief Wynnyk had to use chain saws to cut away fallen tree limbs, and in some cases entire trees, that were blocking the roadways. Schumer Inc, the contract that is carrying out the WSSC water line replacement work, was contracted for a very reasonable cost to complete the work of clearing the intersections and roadways curb to curb.

Mayor Tabori added his appreciation and thanks to Riverdale Presbyterian Church, which opened its parking lot to the University Park Elementary School teachers once school reopened.

D. REPORT OF TOWN ATTORNEY – Suellen M. Ferguson, Esq.

Attorney Ferguson said that she had no additional topics to discuss, beyond the items covered elsewhere in the agenda.

7. CONTINUING BUSINESS

A. LEGISLATIVE RESOLUTION 10-0-01 Adoption

Ms. McPherson said a public hearing had been held on this topic. She asked Town Attorney Ms. Ferguson to speak on the legal issues around this question. Attorney Ferguson said there is uncertainty about where speed cameras may be located, as there is a State policy on this issue but there is now a process within Prince George's County to establish school zones and identify where cameras should be placed.

Mr. Carey asked how revenue from speed cameras would be allocated. Attorney Ferguson said that the Town would only receive income from cameras the Town placed. The Town may retain 10% of the revenue above expenses, and the money the Town receives must be used for public safety. The rest of the money goes to the State.

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

Moved by: Ms. McPherson **Seconded by:** Mr. Lucas

Roll Call Vote:	Mallino	Yea
	Lucas	Yea
	McPherson	Yea
	Carey	Yea
	Toscano	Yea
	O'Connor	Yea
	Bradley Chacón	Yea
Yea: 7	**Nay:** 0	**Abstain:** 0

B. LEGISLATIVE RESOLUTION 10-O-02: Amend FY 2010 Budget *Adoption*

Ms. Bradley Chacón simultaneously expressed her support and qualms about adopting the resolution.

Motion: To approve the adoption of Legislative Resolution 10-O-2 which would amend the FY2010 budget to include adjustments that reflect additional revenue and expenditures in the form of new line items.

Moved by: Ms. Mallino **Seconded by:** Mr. Lucas

Roll Call Vote:	Mallino	Yea
	Lucas	Yea
	McPherson	Yea
	Carey	Yea
	Toscano	Yea
	O'Connor	Yea
	Bradley Chacón	Abstain
Yea: 6	**Nay:** 0	**Abstain:** 1 (Bradley Chacón)

Town Attorney Ms. Ferguson clarified with Chief Wynnyk that the police grant is a reimbursement grant. The Town will have to expend funds to purchase the radios, before receiving the monies from the grant to reimburse the expense. The wording the budget amendment will need to be clarified to correct this fact at the March 1 Council meeting.

C. UPDATE ON BELCREST AND MOTION TO AUTHORIZE APPEAL OF THE M-NCPPC DECISION ON THE BELCREST PLAZA DEVELOPMENT PROJECT, AS WELL AS OTHER RELATED ISSUES.

Attorney Ferguson reviewed the history of the Town's position on the Belcrest Plaza Detailed Site Plan (DSP). See **Attachment 7C**.

Mayor Tabori added his observations to Attorney Ferguson's explanation of the issues. He

said the central issue is ensuring the right-of-way on Toledo Terrace is full width, to include two separate bike lanes, not bike lanes commingled with vehicle traffic. Without this provision, the street becomes very pedestrian and bicyclist unfriendly. The de facto outcome of the narrowed streets and sidewalks proposed DSP is to push the development envelope to the very edges of the property line. The design approach genuinely violates and negates the Transit District Overlay Zone (TDOZ) requirements.

Ms. O'Connor asked if expertise could be enlisted from the University of Maryland smart growth office. Mayor Tabori said he was actively working to engage that participation in the process. Ms. Mallino asked when this appeal would come before the District Council. Attorney Ferguson said that appeals are due to be submitted no later than March 8th.

Council members discussed how best to raise awareness of the issues and engagement among Town residents. The key issue that matters to District Council will be the visible presence of engaged citizens at the Council hearings. Mayor Tabori referred to the four letters the Town has already submitted about the Belcrest Plaza development, which are available on the Town web site at http://www.upmd.org

Mr. Beall interjected that he was appreciative and grateful for Town residents' efforts to move vehicles off the streets or to one side of the street to facilitate the snow clearing operations.

Motion: To approve an appeal of the M-NCPPC decision of February 4, 2010 to grant a DSP and a re-zoning of the Belcrest Plaza Project, said appeal to be developed by the Mayor and the Town Attorney.

Moved by: Ms. Toscano **Seconded by:** Ms. Mallino
Yea: 7 **Nay:** 0 **Abstain:** 0

8. NEW BUSINESS

A. INTER-MUNICIPAL STREAM COMMITTEE MOU

Town Attorney Ms. Ferguson asked who had drafted the document in Appendix 8A, titled "Inter Municipal Stream Committee Agreement: DRAFT: 2010-02-18" as she had not previously seen or reviewed the document. Mr. Carey said that he had prepared it. Town Attorney Ms. Ferguson explained that normally a resolution approves a Memorandum of Understanding (MOU), and the draft document was not in the proper format for either purpose. Mayor Tabori asked that this item be presented again at the March 15 Council meeting.

B. LUPBGC REQUEST FOR U.P. GRANT

Mr. Alex Heitkemper, President of the Lewisdale University Park Boys and Girls Club

(LUPBGC), addressed the Council and the Mayor. He provided a PowerPoint presentation, attached as Appendix 8B.

Ms. Bradley Chacón said she had a long list of questions. She asked what other types of fundraising the LUPBGC has engaged in. Mr. Heitkemper said that the group has worked extensively with local businesses. This is the first time the group has approached a municipality for funding. The club has a certificate of deposit that was initially in the amount of $5,000 as an undesignated reserve fund. The current value of the CD is $3,800.

Ms. McPherson asked how much money has been raised through the previous fundraising efforts. Mr. Heitkemper said amounts raised have ranged from approximately $400 from the most recent fundraiser at Three Brothers to as much as $800.

Ms. O'Connor asked if there was a way to give the LUPBGC money annually, instead of as a one-time lump sum. Mayor Tabori said there were several ways to do so. One way is to consider disbursing funds on a one-at-a-time basis; another way is to set up a true grants program, as is done by the City of College Park; a third alternative is to build the contribution into the budget as an on-going annual line item. Mayor Tabori said the Town cannot discriminate, so some criteria and guidelines must be applied for selecting applications on their merit. Mayor Tabori recommended the Council consider a grants program. Mayor Tabori added that he was persuaded on the point of the Northwestern High School band uniform funding because of the efforts to develop Northwestern High School into a magnet program for the arts. The support and engagement of the other municipalities will be critical for the overall success of a magnet program.

Ms. McPherson asked Mayor Tabori for clarification, as it seems that effectively the agenda had been switched and the discussion taking place was more appropriate for agenda item 8C. She expressed her concern that she was hearing the Mayor's views, and not the thoughts of the Council members. Mayor Tabori responded that agenda item 8B could not be approved today, as a budget amendment would be required. He has sought counsel from his wife, an attorney with expertise in the area of grants and funding, and considers it his responsibility to raise the Council's awareness of potential risks and exposures.

Ms. Toscano asked if the LUPBGC is part of the national Boys & Girls Club. Mr. Heitkemper said it was not; this group operates under the Prince George's County Boys and Girls Club umbrella. As the meeting time was running late, Ms. Mallino recommended that items 8B and 8C be considered as continuing business on the March 1 agenda.

Motion: To approve/disapprove the request from Lewisdale-University Park Boys and Girls Club for a grant of $12,000 from the Town.

Moved by:	**Seconded by:**	
Yea:	**Nay:**	**Abstain:**

This agenda item was not voted on during the meeting.

C. SUPPORT FOR SCHOOLS AND NON-GOVERNMENTAL ORGANIZATIONS SERVING UNIVERSITY PARK

Motion: To approve/disapprove a request that the Mayor, in consultation with the Council Committee on Policy and Rules, propose and recommend for Council approval prior to March 31, a policy and procedure to guide Town of University Park fiscal and other support for the activities of Public Schools and non-governmental organizations serving the youth and residents of University Park.

Moved by: **Seconded by:**
Yea: **Nay:** **Abstain:**

This agenda item was not discussed during the meeting.

9. ADJOURNMENT at 10:10 p.m.

Submitted by: _____
John Rogard Tabori
Mayor

APPENDIX 6B. REPORT ON POLICE DEPARTMENT ACTIVITIES

Police Information
Crime Statistics (January1st-31st) 2010

Ward 1

Breaking & Entering– On January 19, 2010 between the hours of 9:50 am and 3:50 pm, in the 4200 block of Sheridan St, a concerned citizen observed a suspicious person in the rear yard of a residence and contacted the UPPD. An officer arrived and found a rear window of the home had been damaged. Additional officers responding observed a subject wearing a black windbreaker jacket with a hood riding a BMX bicycle leaving the area. The suspect eluded apprehension after being chased towards Riverdale Park and north towards College Park. A laptop computer was recovered when the suspect dropped it behind the office building at Baltimore Ave. and East West Highway. The scene was processed for fingerprints. Investigation is on-going.

Ward 2

Breaking & Entering– On January15, 2010 between the hours of 8:30 am and 12:00 noon, in the 4000 block of Tennyson Rd. the homeowner arrived home and found the rear door had been damaged and property removed from his home. Suspect/s stole an I-pod nano, a 32 inch flat screen TV which was still in the packaging box, assorted coins of approx. $15.00 and some unidentified jewelry. The UPPD searched the area for suspect/s and witnesses and notified local jurisdictions of the incident. The scene was processed for fingerprints. Investigation is on-going.

Theft from Auto- On January 19, 2010 between midnight and 9:00am in the 6400 block of Queens Chapel Rd. suspect/s broke the driver's side window of a 2007 Chevy pick-up truck and stole a Tom-Tom GPS unit. No suspect/s was located. The investigation is on-going.

Ward 3

Theft - On January 5, 2010 between at 11:30pm in the 6900 block of Baltimore Ave. it was discovered that property was missing from the residence. It was reported that an Acer laptop computer and a projector were stolen, No suspect/s were located. Investigation is on-going.

Ward 4

Theft from Auto- On January 4, 2010 between midnight and 7:30am in the 4200 block of Woodberry St. suspect/s broke the driver's side rear vent window of a 1992 Nissan Sentra and stole a radio faceplate from a Pioneer car radio. No suspect/s was located. The investigation is on-going.

Identity Theft – On January 5, 2010 at 11:30 in the 4300 block of Van Buren St. it was reported to the UPPD that the victim had discovered unauthorized on-line purchases using several different credit cards in various states. It was discovered that the credit cards were not missing, but fraudulent purchases were being made using the card numbers. The case was referred to the PGPD Financial Crimes unit for follow-up.

Ward 5

Theft from Auto- On January 18, 2010 between midnight and 8:00am in the 6800 block of Baltimore Ave. suspect/s broke the driver's side window of a 2006 Honda Accord and stole an I-pod. No suspect/s was located. The investigation is on-going.

Ward 6

Ward 7

**Anyone with tips regarding crimes committed in University Park is encouraged to contact the UPPD. All information will be kept confidential.

APPENDIX 7C

UPDATE ON BELCREST AND MOTION TO AUTHORIZE APPEAL OF THE M-NCPPC DECISION ON THE BELCREST PLAZA DEVELOPMENT PROJECT, AS WELL AS OTHER RELATED ISSUES.

[Add Attorney Ferguson's handout on the DSP Issues for District Council – Belcrest Plaza]

DSP ISSUES FOR DISTRICT COUNCIL – BELCREST PLAZA

1. Right of way on Toledo Terrace to be full width to include two bike lanes
2. Resolution of utilities issue, so that PEPCO has a dedicated 15 foot wide PUE and the remaining utilities have a second easement
3. Insure that stormwater management guidelines requirement is fully enforceable
4. Object to departure that requests loading areas on Toledo Terrace
5. Support staff's original recommendation concerning a park area between buildings D&E
6. Include all 19 intersections of study area within zone, instead of just 6

APPENDIX 8A

Inter Municipal Stream Committee Agreement: DRAFT: 2010-02-18

[Add Mr. Carey's draft agreement here]

Inter Municipal Stream Committee Agreement: DRAFT:2010-02-18

Whereas, the stream known as Wells Run rises, flows, and enters into the Northeast Branch of the Anacostia River, all within the combined areas of the City of Hyattsville, Town of University Park, and Town of Riverdale Park in Prince Georges County, State of Maryland, and;

Whereas, the residents of all three municipalities highly value Wells Run and the qualities and amenities which the stream visits upon their communities, and;

Whereas, all three municipalities are experiencing negative effects from the velocity and volume of storm water runoff consequent to the loss of impervious surface, which left unmitigated will diminish the integrity of major roadways serving our communities and endanger public safety, and;

Whereas, the degradation of water quality in Wells Run is diminishing its safety and utility as a recreational stream;

Therefore, the City of Hyattsville, Town of Riverdale Park, and Town of University Park recognize their mutual interest in the protection and restoration of Wells Run, and agree to work together to protect Wells Run and restore it to healthy condition, specifically:

- To contribute expertise, perspective, and mutual support via membership and participation in the Inter Municipal Collaborative Committee on Wells Run, which is hereby established;

- To share knowledge of the stream and its environment, including photos of the stream, technical and scientific data, and analyses;

- To work collaboratively in building community support and soliciting support from the Federal government, State of Maryland, Prince Georges County, and other entities needed to restore and protect Wells Run;

- To jointly plan and pursue actions to ensure that Wells Run, from top to bottom, remains a valuable community resource.

APPENDIX 8B

LUPBGC REQUEST FOR U.P. GRANT

[Add Mr. Heitkemper's presentation here]

L.U.P.B.G.C. REQUEST FOR TOWN GRANT (February 22, 2010 agenda)

In my capacity as the President of the Lewisdale-University Park Boys and Girls Club, I would like to state our case for obtaining grant money from the Town.

Our Boys and Girls Club has approximately 200 children ages 5-18 participating in our year-round t-ball, soccer, basketball, baseball, and softball programs. Our participation group includes students from UPES, Lewisdale ES, Carol Highlands ES, Hyattsville MS, Roosevelt HS, Northwestern HS, as well as other parochial and private school in the area. We are the ***only outlet*** for organized sports available to UPES and Lewisdale ES students.

We have seen a tremendous boom in sheer numbers of kids participating in our club over the past five years. This is directly related to the number of young families living in UP right now. Our programs are important in building our sense of community. In addition to that, studies and experience shows programs like ours fight childhood obesity and help to keep kids from getting in trouble after school!

When I started with the club we struggled to get enough money for uniforms and equipment for our baseball and basketball teams. Just about every other club was outfitted better than us and several parents mentioned to me that we look like the "Bad News Bears" out there. We are always in need of new uniforms and equipment for all of our sports!

In the past, we were very lucky in the past to have a couple "select" families pick up the full costs for several of our teams. This is no longer the case. This challenge, combined with our outreach efforts to lower income students, has created some fiscal challenges for our club. Currently, the main way were able to pay for anything is by raising the fees on all of our sports programs, which obviously is putting pressure directly on UP families.

A $12,000 dollar grant to LUPBGC would allow all the items below to be possible immediately-

1) Reduced sports fees for the next 5-7 years
2) Insurance policy for our club to protect against lawsuits
3) New uniforms for 75% of our teams
4) The ability to continue to offer free play for families who can not afford to play
5) The ability to secure facility use during peak hours
6) The ability to expand and offer new activities (pre-k programs and tournaments)

As the president of this club I think it would not be fair to the kids and families in our club if I did not pursue a grant from the Town. We will have least 80 kids participating in spring soccer this year and 100 in baseball so the timing could not be more perfect for our kids!

Please let me know the process for making this an agenda item for some point in late February (before the 2010 budget is assigned). I will work with the officers of the club to come up with a presentation to the Town if necessary. I would challenge the Council to inform me how our local Boys and Girls Club, which directly supports so many youth in their Town and low income youth in the surrounding area, is not equally deserving of a town grant.

Thank you,

Alex Heitkemper
President, LUPBGC

www.lupsports.com