



**MEETING OF  
UNIVERSITY PARK MAYOR AND COMMON COUNCIL  
UNIVERSITY PARK ELEMENTARY SCHOOL  
4315 UNDERWOOD STREET  
7:30 PM**

**December 19, 2011  
REGULAR SESSION**

**1. CALL TO ORDER: Mayor Tabori at 7:35 pm**

**Present:** Mr. Brosch, Mr. Gekas, Ms. McPherson, Mr. Carey, Ms. Toscano, Mr. Cron,  
Ms. Bradley Chacón  
**Excused:** None  
**Absent:** None

**2. PLEDGE OF ALLEGIANCE** was led by Ms. Bradley Chacón

**3. APPROVAL OF THE AGENDA**

The Council agreed to consider permits before agenda item 9, Department Reports.

<b>Moved by:</b> Ms. McPherson	<b>Seconded by:</b> Mr. Carey
<b>Yea:</b> 7	<b>Nay:</b> 0 <b>Abstain:</b> 0

**4. APPROVAL OF MINUTES: *Special Session, November 28, 2011***

With corrections to item 5A and residents' names as noted in Ms. Toscano's copy of the minutes.

<b>Moved by:</b> Ms. Bradley Chacón	<b>Seconded by:</b> Ms. McPherson
<b>Yea:</b> 7	<b>Nay:</b> 0 <b>Abstain:</b> 0

**5. APPROVAL OF MINUTES: *December 5, 2011***

With corrections for the spelling of Ms. Verrill's name and the word "impulse".

<b>Moved by:</b> Ms. Toscano	<b>Seconded by:</b> Ms. McPherson
<b>Yea:</b> 7	<b>Nay:</b> 0 <b>Abstain:</b> 0

**6. APPROVAL OF MINUTES: *December 8, 2011***

**Moved by:** Mr. Gekas  
**Yea:** 7

**Seconded by:** Ms. Toscano  
**Nay:** 0                      **Abstain:** 0

**6A. APPROVAL OF MINUTES: *Special Session, December 12, 2011***

**Moved by:** Ms. Toscano  
**Yea:** 7

**Seconded by:** Mr. Gekas  
**Nay:** 0                      **Abstain:** 0

**7. PUBLIC COMMENT**

Ms. Karin Jackson, a Town resident of Van Buren Street, thanked the police department for their responsiveness to a recent burglary.

**8. TOWN AUDIT REPORT FOR FISCAL YEAR 2011**

**- Review of the Auditor's Report, presented by Frank DeFroda, and Mike Mood of Barbacane, Thornton & Company, LLP**

Mr. DeFroda and Mr. Mood presented the audit report. The report is substantially the same as the previous year. The auditors provided a clean audit opinion for this fiscal year. Mr. Mood reviewed the details of the report. He said the FY 2012 audit may require a single audit, which is a more extensive audit, in order to comply with the requirements for federal grants under the Department of Energy (DOE) STEP-UP program. Mayor Tabori said he was aware of this requirement.

**9. DEPARTMENT REPORTS**

**A. MAYOR'S REPORT ~ Mayor John Rogard Tabori**

Mayor Tabori nominated Mr. John Hicks, Mr. John McKinney, Ms. Sarah Mosely, Ms. Lindsay Hicks, Mr. Chris Aubry, and Ms. Jenny Glenn to the University Park Tree Committee, with Jenny Glenn to serve as Chairwoman and Mr. Len Carey as the liaison to the Council. Mayor Tabori said he had also invited Mr. Steve Cook to join the committee, but Mr. Cook had not confirmed his interest in doing so.

**Motion:** To approve Mr. John Hicks, Mr. John McKinney, Ms. Sarah Mosely, Ms. Lindsay Hicks, Mr. Chris Aubry, and Ms. Jenny Glenn to the University Park Tree Committee, with Jenny Glenn to serve as Chairwoman and Mr. Len Carey as the liaison to the Council.

**Moved by:** Mr. Carey  
**Yea:** 7

**Seconded by:** Ms. Toscano  
**Nay:** 0                      **Abstain:** 0

Ms. Bradley Chacón asked the Tree Committee members to look at tree maintenance, in particular areas where branches are in the power lines, to avoid a repeat of the recent electrical short-circuit that damaged ten houses in University Park. Mr. Brosch asked that the committee take up elevating tree limbs over the public sidewalks, to remove hazards to people. Mayor Tabori mentioned that the standard clearance would be seven feet.

Mayor Tabori said a second round of negotiations has taken place on the Cafritz development proposal. Mayor Tabori said he brought forward the two issues raised by Mr. Carey and Mr. Brosch. The site grading plan has not changed. A copy of the plan is available for review in Town Hall.

Mayor Tabori said additional meetings will take place to discuss the design and conditions for the development. The meetings start at 4pm or 5pm and last for two hours per session.

- 12/27/2011 – Meeting at University Park to discuss traffic
- 12/29/2011 – Meeting at College Park to discuss the CSX railroad crossing
- 1/3/2012 – Meeting at College Park to discuss the CSX railroad crossing
- 1/4/2012 – Meeting at College Park to discuss the MUTC zoning
- 1/5/2012 – Wrap-up

Attorney Ferguson said that Riverdale Park was meeting this evening to discuss alternative designs for the interior of the property.

Mayor Tabori praised the performance of both the Police Department and the Public Works Department for their exemplary services in recent weeks. Mayor Tabori added that the leaf collection process was the smoothest he has experienced in his terms as Mayor.

## **B. REPORT ON POLICE DEPARTMENT ACTIVITIES ~ Chief Wynnyk**

Chief Wynnyk provided the November crime report, which is attached at the end of these minutes as **Appendix 9B**.

Chief Wynnyk said the officers in the department have completed their weapons recertification training, and he thanked the city of Hyattsville for allowing the officers to use their training simulator. New body armor has arrived and been issued to the officers. The officers are also in training for using the new e-citation ticket writing system.

Chief Wynnyk discussed the events around yesterday's apprehension of four burglary suspects.

## **C. REPORT OF THE TOWN ATTORNEY ~ Suellen Ferguson, Esq.**

Attorney Ferguson reported that the new cable franchise discussions among the municipalities would conclude in January 2012. She said she expected the negotiations with Comcast to take up to two years.

**D. REPORT OF THE TOWN TREASURER ~ Dan Baden**

Mr. Baden reviewed the November audit report with the Council and Mayor Tabori.

**E. REPORT ON STEP-UP GRANT ACTIVITIES ~ Chuck Wilson**

Mr. Wilson had several items of significant progress to report to the Council and the Mayor.

1. General operations – the positive trend in community participation continues. 9% of the homes in University Park have been retrofitted with energy saving changes or have contractors preparing to make the improvements. Reaction to the Compost Cab has been very positive from the pilot households. The program looks like it will have a positive impact on the Town’s trash stream.
2. Spending plan – The Department of Energy (DOE) has approved using some of the program funds to address transportation issues. The DOE has separately approved using some of the funds to raise awareness of the program in neighboring jurisdictions, as well as placing signage / advertising. The loan loss reserve program looks like it will be put in place with Sandy Spring Bank. The solar panel project for University Park Elementary School is still a work in progress.
3. STEP-UP grant anniversary event – the first year of the program will be celebrated on Saturday, January 28<sup>th</sup>.

Mayor Tabori said he is following the loan loss program very carefully. If this program can be put in place, it would be the first of its kind to be established.

**10. PERMITS**

**A. APPLICATION TO REPAIR/REPLACE AN EXISTING BRICK RETAINING WALL WITH RAILING (Lippert, 6907 Forest Hill Drive) Ward 7**

**Motion:** To approve the repair and/or replacement of an existing 8-foot brick retaining wall topped with a 4-foot railing located on Lot: 11, Block: 42, at 6907 Forest Hill Drive

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

**B. APPLICATION TO REPLACE/REPAIR DAMAGED SECTIONS OF THE EXISTING FENCE (Jackson, 4213 Van Buren Street) Ward 4**

**Motion:** To approve replacing damaged sections of the existing 6-foot fence located on Lot: 4, Block: 30, Section: 7 at 4213 Van Buren Street

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

**C. APPLICATION TO REMOVE EXISTING CHAIN LINK FENCE AND REPAIR/OR REPLACE SECTION OF THE EXISTING FENCE (Wilson, 6602 Queens Chapel Road) Ward 4**

**Motion:** To approve removing the existing chain link fence in its entirety and repair/replace a 5'5'x40' damaged section of the existing wooden fence located on Lot: 2, Block: 23, Section: 6-B at 6602 Queens Chapel Road

**Moved by:** Mr. Carey  
**Yea:** 7

**Seconded by:** Ms. Bradley Chacón  
**Nay:** 0                      **Abstain:** 0

**11. CONTINUING BUSINESS**

*~ Original legislation sponsored by Councilmember Carey are listed first, Motions amending the final legislation are listed below in the order they were passed.*

**A. CHARTER AMENDMENT 11-CR-02 TO REPEAL AND RE-ENACT ARTICLE III, “MAYOR AND COMMON COUNCIL”, SECTION 301, “NUMBER, TERM OF OFFICE”, AND SECTION 304 “MEETING OF MAYOR AND COUNCIL, AND ARTICLE V, “REGISTRATION, NOMINATIONS AND ELECTIONS”, SECTION 504 “ELECTION” OF SAID CHARTER TO REMOVE TERM LIMITS FOR THE OFFICES OF MAYOR AND COUNCIL, AND TO CHANGE THE TERMS OF OFFICE SO THAT MAYOR AND COUNCIL ARE ALL ELECTED IN THE SAME YEAR WITH TWO YEAR TERMS BEGINNING JULY 1.**

**Motion:** To approve Charter Amendment 11-CR-02 to repeal and re-enact Article III, “Mayor and Common Council”, Section 301, “Number of Term of Office”, and Section 304 “Meetings of Mayor and Council”, and Article V, “Registration, Nomination, and Elections”, Section 504 “Elections” of said Charter to remove term limits for the office of Mayor.

**Moved by:** Mr. Carey

**Seconded by:** Mr. Gekas

<b>Roll Call Vote:</b>	Brosch	Nay
	Gekas	Aye
	McPherson	Nay
	Carey	Aye
	Toscano	Aye
	Cron	Nay
	Bradley Chacón	Nay

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

**Motion fails,** 3 Aye to 4 Nay.

Ms. Bradley Chacón said she would not support eliminating term limits. She offered a friendly amendment to add an additional term of office for the Mayor. Mr. Carey declined to accept this change as a friendly amendment. Mayor Tabori discussed what he has heard from members of the community and his professional experience with regard to term limits. He said that in essence, term limits have the effect of reducing the performance and accountability of the executive. He added that taxes tend to be higher in term-limited states, and that unemployment is higher as well. Term limits did not start at the state level until 1990. Mr. Carey said term limits restrict voter's choice. Ms. Bradley Chacón said term limits are necessary as the electorate is uninformed.

Mr. Gekas said that term limits make sense for Council members, but that the Town needs an experienced Mayor. Ms. McPherson said she agreed with Ms. Bradley Chacón. She agreed that University Park is a unique small town. The point she raised as a concern is the situation where a less-capable Mayor than Mayor Tabori becomes entrenched in the Mayor's office.

**Motion:** To approve Charter Amendment 11-CR-02 to repeal and re-enact Article III, "Mayor and Common Council", Section 301, "Number of Term of Office", and Section 304 "Meetings of Mayor and Council", and Article V, "Registration, Nomination, and Elections", Section 504 "Elections" of said Charter to provide for a limit of four two year terms for the office of Mayor.

**Moved by:** Ms. Bradley Chacón

**Seconded by:** Mr. Brosch

<b>Roll Call Vote:</b>	Brosch	Aye
	Gekas	Aye
	McPherson	Aye
	Carey	Aye
	Toscano	Nay
	Cron	Aye
	Bradley Chacón	Aye

**Yea:** 6      **Nay:** 1      **Abstain:** 0

**Motion passes,** 6 Aye to 1 Nay.

**Motion:** To approve Charter Amendment 11-CR-02 to repeal and re-enact Article III, "Mayor and Common Council", Section 301, "Number of Term of Office", and Section 304 "Meetings of Mayor and Council", and Article V, "Registration, Nomination, and Elections", Section 504 "Elections" of said Charter to remove term limits for the office of Council.

**Moved by:** Mr. Carey

**Motion died for lack of second.**

**Motion:** To approve Charter Amendment 11-CR-02 to repeal and re-enact Article III, “Mayor and Common Council”, Section 301, “Number of Term of Office”, and Section 304 “Meetings of Mayor and Council”, and Article V, “Registration, Nomination, and Elections”, Section 504 “Elections” of said Charter to change the terms of office so that Mayor and Council are all elected in the same year.

**Moved by:** Mr. Carey                      **Seconded by:** Ms. Toscano

Council withdrew consideration of the Motion to change all regular elections to fall on the same year.

**Motion:** To approve Charter Amendment 11-CR-02 to repeal and re-enact Article III, “Mayor and Common Council”, Section 301, “Number of Term of Office”, and Section 304 “Meetings of Mayor and Council”, and Article V, “Registration, Nomination, and Elections”, Section 504 “Elections” of said Charter to strike language changing the Terms of office so that Mayor and Council are all elected in the same year.

**Moved by:** Mr. Carey                      **Seconded by:** Mr. Cron

**Roll Call Vote:**

Brosch	Aye
Gekas	Aye
McPherson	Aye
Carey	Aye
Toscano	Nay
Cron	Aye
Bradley Chacón	Aye

**Yea:** 6                      **Nay:** 1                      **Abstain:** 0

**Motion passes, 6 Aye to 1 Nay.**

**Motion:** To approve Charter Amendment 11-CR-02 to repeal and re-enact Article III, “Mayor and Common Council”, Section 301, “Number of Term of Office”, and Section 304 “Meetings of Mayor and Council”, and Article V, “Registration, Nomination, and Elections”, Section 504 “Elections” of said Charter to provide for a limit of four two year terms for the office of Mayor, and to change the terms of office so that the Mayor and Council are all elected with two year terms beginning July 1.

**Moved by:** Mr. Carey                      **Seconded by:** Mr. Cron

<b>Roll Call Vote:</b>	Brosch	Aye
	Gekas	Aye
	McPherson	Aye

Carey Aye  
Toscano Nay  
Cron Aye  
Bradley Chacón Aye

**Yea: 6      Nay: 1      Abstain: 0**

**Motion passes, 6 Aye to 1 Nay.**

**Motion:** To approve authorizing the Town Attorney to reconcile the language of the Charter Amendment 11-CR-02.

**Moved by:** Mr. Carey  
**Yea:** 7

**Seconded by:** Ms. McPherson  
**Nay:** 0      **Abstain:** 0

Attorney Ferguson said Mayor Tabori has ten or fifteen days to sign the ordinance.

Mr. Ed Lee, a Town resident, spoke very, very forcefully about the inequity of staggered elections, asked that the Mayor's term be extended from two years to three years, and pointed out that staggered elections requires four wards to have to vote every year.

#### **B. ORDINANCE 11-O-06 COMPENSATION OF MAYOR AND COUNCIL**

**Motion:** To amend Ordinance 11-O-06 Article 1, Section 2-115 under A(2) "each Council Member shall receive as compensation \$2,500 per year, payable as a salary on a monthly basis".

**Moved by:** Mr. Carey

**Seconded by:** Mr. Gekas

**Motion is withdrawn**

**Motion:** To approve striking the line in Article 1, Section 2-115 under A(2) "each Council member shall receive as compensation \$2,500 per year, payable as a salary on a monthly basis".

**Moved by:** Mr. Carey  
**Yea:** 6

**Seconded by:** Mr. Gekas  
**Nay:** 1 (Toscano)      **Abstain:** 0

Mr. Gekas said he thought that a Council Member should not receive any compensation. He recommended paying all of the monies to the Mayor. Mr. Gekas said that in his view, it should be an honor to serve as a Council member. Mr. Cron seconded Mr. Gekas' view, as did Ms. Bradley Chacón. Ms. Toscano said that if there was no compensation for Council members, there should not be any compensation for the Mayor. She expressed concerns about how having an unpaid Council and a paid Mayor could have the effect of making serving on the Council less appealing. The goal should be to encourage people to serve equally.

**Motion:** To approve amending Ordinance 11-O-06 to enact Article 1, Section 2-115 “Compensation of Mayor and Council” to allow compensation to the Mayor in the amount of \$10,500, payable as salary on a monthly basis.

**Amended Motion:** To approve amending Ordinance 11-O-06 to enact Article 1, Section 2-115 “Compensation of Mayor and Council” to allow compensation to the Mayor in the amount of \$15,000 per year, payable as salary on a monthly basis.

**Moved by:** Mr. Carey  
**Yea:** 6

**Seconded by:** Mr. Gekas  
**Nay:** 1 (Toscano)      **Abstain:** 0

A proposal was made by Mr. Brosch to amend the level of compensation to \$20,000. Mr. Carey declined to accept this motion as a friendly amendment.

Mr. Brosch said that he had considered the issues carefully. He said that Mayor Tabori has to act as both the Mayor and the town manager. His view is that the Town is getting a good deal, because the Town would not be able to hire a manager for \$20,000. Ms. Bradley Chacón said she would not object to a higher level of compensation for the Mayor, to attract better candidates. Mr. Gekas spoke in favor of a professional manager, with the necessary combination of skills. Mr. Gekas proposed to amend the level of compensation for the Mayor to \$15,000 per year. Mr. Carey accepted this as a friendly amendment.

Attorney Ferguson read the final language of the legislative resolution, based on the previous two motions.

**Motion:** To approve amending Ordinance 11-O-06, Section 2-115 “Compensation of Mayor” (A) Mayor elected or appointed to a term commencing after May, 2012 shall receive as compensation \$15,000 per year payable as salary on a monthly basis. The Mayor may decline the compensation set by this paragraph.

**Moved by:** Mr. Cron

**Seconded by:** Ms. Bradley Chacón

<b>Roll Call Vote:</b>	Brosch	Aye
	Gekas	Aye
	McPherson	Aye
	Carey	Aye
	Toscano	Nay
	Cron	Aye
	Bradley Chacón	Aye

**Motion passes, 6 Aye to 1 Nay.**

Ms. Toscano reiterated that she was not in favor of the imbalance between a paid Mayor and

an unpaid Council, and viewed this as unfair to the Council and a burden to the Mayor.

**12. NEW BUSINESS**

**A. 2012 UNIVERSITY PARK PROPOSED COUNCIL MEETING SCHEDULE**

**Motion:** To approve the proposed 2012 University Park Council Meeting Schedule.

**Moved by:** Mr. Gekas  
**Yea:** 7

**Seconded by:** Ms. McPherson  
**Nay:** 0      **Abstain:** 0

**B. SPECIAL HOLIDAY COMPENSATION FOR TOWN EMPLOYEES**

**Motion:** To approve a special 2011 holiday compensation in the amount of \$300.00 net of deductions for each current, active employee as of December 1 of that year.

**Moved by:** Ms. McPherson  
**Yea:** 7

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

Mr. Gekas asked how many employees the Town had. Mr. Baden said there were 26 employees.

**13. ADJOURNMENT** at 10:00 p.m.

**Submitted by:** \_\_\_\_\_

**John Rogard Tabori**  
**Mayor**

## APPENDIX 9B. REPORT ON POLICE DEPARTMENT ACTIVITIES

Police Information  
Crime Report  
(November 1<sup>st</sup> -30<sup>th</sup>) 2011

### Ward 1

### Ward 2

### Ward 3

Stolen Auto – Between November 26, 2011 11:00am and November 27, 2011 12:00 pm in the 4400 block of Underwood St. a 2003 Dodge, Caravan was stolen from in front of the residence. The vehicle was recovered by the Metropolitan PD on November 28<sup>th</sup>, 2011 in N.E. Washington, D.C. No suspect/s was located. The investigation is on-going.

### Ward 4

Stolen Auto – Between November 27, 2011 5:00pm and November 28, 2011 8:00am in the 4200 block of VanBuren St. a 2001 Volvo was stolen from in front of the residence. The vehicle was recovered by the PGPD on December 2, 2011 at No suspect/s was located. The investigation is on-going.

### Ward 5

Theft- Between November 10, 2011 8:30am and November 11, 2011 11:30am in the 6900 block of Pineway, suspect/s stole the rear tag from a 2009 Dodge, Truck. No suspect/s was located. The investigation is on-going.

### Ward 6

### Ward 7

Breaking and Entering- On Tuesday November 29<sup>th</sup> at 12:30 pm in the 7000 block of 40<sup>th</sup> Ave. a witness observed several teenage males that were climbing through a window of a vacant home that is listed for sale. UPPD were notified and prior to arrival the suspects had exited the house and were leaving the area. The UPPD apprehended one suspect and placed him under arrest. A 14 year old juvenile male truant was arrested and charged. No items were taken and only the side window was damaged. Follow-up investigation is being conducted to identify the other suspects.

\*\*Anyone with tips regarding crimes committed in University Park is encouraged to contact the UPPD. All information will be kept confidential. Callers wishing to remain anonymous may call Crime Solvers at 1-866-411 TIPS (8477) OR text "PGPD plus your tip" to CRIMES (274637) on your cell phone OR go to <http://www.princegeorgescountymd.gov/police/> and submit a tip online.