



MEETING OF
UNIVERSITY PARK MAYOR AND COMMON COUNCIL
RIVERDALE PRESBYTERIAN CHURCH
6513 QUEENS CHAPEL ROAD

7:30 PM
July 21, 2014
MINUTES

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

Present: Mr. Thompson, Mr. Gekas, Mr. Hess, Mr. Cron, Mr. Alvarez

Absent:

Excused: Ms. Sorensen

2. **PLEDGE OF ALLEGIANCE** ~ was led by Mr. Cron

3. **APPROVAL OF THE AGENDA** as modified

*The Council will not be taking these items up at this time: 7A Legislative Resolution 14-O-08
Personnel Manual and 7D Police General Orders Manual.*

Add: 8A Motion: Scope of Work for UP Newsletter

Moved by: Mr. Cron

Yea: 5

Seconded by: Mr. Alvarez

Nay: 0

Abstain: 0

4. **PUBLIC COMMENT**

Arlene Christiansen - 44th Avenue

- Two UP residents attended the meeting regarding the Hyattsville Library on Saturday, July 19, 2014. The power point presentation given can be found on the Library website and the architects encouraged that residents should go to the website and express their comments. Other topics of discussion at the meeting were: TDDP and the possibility of building the recreation center at the same time. There will be two additional meetings, August and September.
- Ms. Christiansen thanked the Town for picking up the trash on the wooded property between 44th and Rt. 1.
- Strongly encouraged that the Town write into Code requiring permits for artificial turf.

5. **TAKE BACK OUR YARD (TBOY) PROGRAM COORDINATOR**

Mayor Carey introduced Sophie Jin, Coordinator for the Asian Tiger Mosquito Program (Take Back Our Yards).

Ms. Jin has visited sixty-one homes and has found mosquitoes breeding in approximately one-third of these homes; some of these have a significant amount of mosquitoes breeding. She has distributed fliers to 40 percent of the neighborhood, which instructs how to sign up for a home inspection as well as how to get rid of mosquitoes.

6. PERMITS

A. REQUEST FOR A SPECIAL EXCEPTION AND BUILDING PERMIT TO CONSTRUCT RETAINING WALL (Louis Pope, 6909 Oakridge Road) Ward 5

To consider the request for a Special Exception and Building Permit to construct a retaining wall on concrete driveway, for a property located on Lot 41, Block A at 6909 Oakridge Road, with the requisite findings to approve this Special Exception per Section 4-115 Sub-sections A-E of the Town Code. Council should consider the following conditions:

1. Provide certifications by a licensed Professional Engineer or registered Land Surveyor that positive drainage is entirely to the street and no drainage directed towards neighboring properties.
2. Provide certifications by a licensed Professional Engineer or registered Land Surveyor that that the retaining wall has been constructed entirely on your property and does not physically cross the property line onto the neighboring property.
3. Provide certifications by a licensed Professional Engineer or registered Land Surveyor that the retaining wall is “constructed of approved materials within the allowable stresses of acceptable engineering practices,” and “designed to resist the pressure of the retained material, including both dead and live load surcharges, to which they may be subjected, and to ensure stability against overturning, sliding, excessive foundation pressure, and water uplift” as required by Section 4-110 of Town Code.
4. Any further work must be brought to the Town through the permit process.

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;
- (d) will not interfere with or obstruct the visibility of motorists or cyclists; and
- (e) will not unduly impede the enforcement of any other applicable law. (Revised, effective December 12, 1989, February 28, 1998)

Motion: To deny the request for a Special Exception and Building Permit to construct an 11” retaining wall on concrete driveway, for a property located on Lot 41, Block A at 6909 Oakridge Road, with the requisite findings to approve this Special Exception per Section 4-115 Sub-sections A-E of the Town Code.

Moved by: Mr. Hess
Yea: 4

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

B. APPLICATION TO CONSTRUCT A DECK WITH STEPS (Mike Okumusoglu, 4401 Underwood Street) Ward 3

To consider the request for a Building Permit to construct a 17' x 12' deck with steps located on Lot 15 and part of 16, Block 12, Section Three at 4401 Underwood Street.

Moved by: Mr. Hess
Yea: 5

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

C. REQUEST FOR A SPECIAL EXCEPTION TO INSTALL NON-CONFORMING 6' FENCE (Prince George's County Board of Education, 4315 Underwood Street) Ward 4

To consider the request for a Building Permit with Special Exception for the installation of a non-conforming 6' fence located on Lot: 1-16: 31-40, Block: 22 at 4315 Underwood Street. Council should consider the requisite findings to approve this Special Exception per Section 4-115 Sub-sections A-E of the Town Code.

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- (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;
- (f) will not interfere with or obstruct the visibility of motorists or cyclists; and
- (g) will not unduly impede the enforcement of any other applicable law. (Revised, effective December 12, 1989, February 28, 1998)

Motion: To be tabled.

Moved by: Mr. Alvarez
Yea: 5

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

7. CONTINUING BUSINESS

A. LEGISLATIVE RESOLUTION 14-O-08 ADOPTING THE PERSONNEL MANUAL (2nd Reading)

The earliest date LR 14-O-08 may be considered for adoption is August 11, 2014

To adopt Legislative Resolution 14-O-08, approving the University Park Personnel Manual and to delete Section 2-111, "Employee probationary period", Section 2-112, "Injury While Working", and Section 2-113, "Employee Drug and Alcohol Testing", as these provisions will now be included in the Personnel Manual.

Moved by:
Yea:

Seconded by:
Nay: **Abstain:**

B. RESOLUTION 14-R-09 TO SUPPORT THE PRINCE GEORGE’S COUNTY MUNICIPAL COLLABORATION FY 2015 MEA EMPOWER LMI COMMUNITIES GRANT APPLICATION AND DHCD SUSTAINABLE COMMUNITIES-COMMUNITY LEGACY GRANT APPLICATION

To adopt Resolution 14-R-09 to support of the Prince George’s County Municipal Collaboration FY 2015 MEA Empower LMI Communities Grant application and DHCD Sustainable Communities-Community Legacy Grant application.

Moved by: Mr. Alvarez
Yea: 5

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

C. LEGISLATIVE RESOLUTION 14-R-10 ADOPTING A DISCRIMINATION AND HARASSMENT POLICY FOR THE TOWN OF UNIVERSITY PARK.

To adopt Legislative Resolution 14-R-10 approving the Discrimination and Harassment Policy as proposed.

Moved by: Mr. Hess
Yea: 5

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

D. POLICE GENERAL ORDERS MANUAL (GOM)

The Mayor and Council will discuss the Police General Orders Manual (GOM).

Pursuant to Section 2-205 of the Town Code, any amendments of the General Operating Rules and Regulations instituted by the Chief of Police pursuant to Section 2-207 of the Code shall be forwarded by the Chief to the Council for approval. If the Council does not take action within 30 days of receipt, the amendment is deemed approved. The Council may amend the General Operating Rules and Regulations by resolution.

The revised General Operating Manual will be introduced on July 21.

To accept the Police General Orders Manual (GOM) and refer it immediately to the Council Committee on Police, Traffic, and Public Safety for review and recommendation to the Council by August 11, 2014.

8. NEW BUSINESS

A. SCOPE OF WORK FOR THE EDITOR OF THE UNIVERSITY PARK NEWSLETTER

Motion: For the Council Committee on Policy, Rules and Municipal Structure to solicit public comments and address the scope of work, as drafted, for an Editor of the University Park Newsletter by September 30 and to recommend them to the Mayor.

Moved by: Mr. Gekas
Yea: 5

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

B. SCHEDULING ANTI-HARASSMENT TRAINING FOR ELECTED OFFICIALS

To schedule Anti-Harassment Training for Elected Officials on August 6 to be provided by the Local Government Insurance Trust.

Approved by consensus.

9. COUNCIL STANDING COMMITTEE APPOINTMENTS

(Established by Town Code and appointed by the Council, per Section 2-103)

The current committee appointments are listed in italics, new members are listed in bold.

To appoint the following Members and Chairs of Council Standing Committees per Town Code Chapter 2, Section 2-103:

Police, Traffic, and Public Safety:

Mr. Alvarez (Chair), Mr. Cron, Mr. Gekas, Mr. Thompson, Council Member Ward 4

Policy, Rules, and Municipal Structure:

Ms. Sorensen (Chair), Mr. Hess, Mr. Thompson, Council Member Ward 4

Public Facilities and Services:

Mr. Gekas (Chair), Mr. Cron, Mr. Thompson, Mr. Hess

Moved by: Mr. Gekas

Yea: 5

Seconded by: Mr. Hess

Nay: 0

Abstain: 0

10. SPECIAL COMMITTEES

(Unless otherwise indicated, established and appointed by the Council, per Section 2-103)

A. STREAM COMMITTEE RENEWAL AND APPOINT CHAIR AND COUNCIL LIAISON

To renew the Stream Committee for a two-year period and appoint **Mr. Dana Shea as Chair and Council Member James Gekas as Council Liaison.**

Moved by: Mr. Cron

Yea: 5

Seconded by: Mr. Hess

Nay: 0

Abstain: 0

B. UNIVERSITY PARK MEMBERS OF THE INTER-MUNICIPAL COMMITTEE ON WELLS RUN.

To appoint *Mayor Lenford Carey*, **Council Member James Gekas and Mr. Dana Shea** as University Park members to the Inter-municipal Committee on Wells Run.

Moved by: Mr. Alvarez

Yea: 5

Seconded by: Mr. Thompson

Nay: 0

Abstain: 0

C. DEVELOPMENT OVERVIEW COMMITTEE (DOC)

To appoint **Council Member Roy Alvarez as Chair**; and **Council Member Joe Thompson, Council Member Bradlee Hess, Mr. John Tabori (former Mayor), Ms. Arlene Christiansen, Ms. Sarah Starrett, Mr. Corey Tucker, Mr. Colin Phillips, and Mayor Lenford Carey (ex officio)** as members of the Development Overview Committee.

Moved by: Mr. Hess	Seconded by: Mr. Cron	
Yea: 5	Nay: 0	Abstain: 0

D. VETERANS MEMORIAL DESIGN ADVISORY COMMITTEE

To appoint **Ms. Michele Dudash Fenster** as a new member and, **Council Member Roy Alvarez** as Council Liaison of the Veterans Memorial Design Advisory Committee.

Moved by: Mr. Gekas	Seconded by: Mr. Thompson	
Yea: 5	Nay: 0	Abstain: 0

E. TREE COMMITTEE APPOINTMENTS

To approve the appointments of **Ms. Jo Williams, Ms. Beth Alvarez and Ms. Alice Leaderman** as new members of the Tree Committee. Council Member Roy Alvarez will continue as Council Liaison.

Moved by: Mr. Hess	Seconded by: Mr. Thompson	
Yea: 5	Nay: 0	Abstain: 0

F. Mayor pro tem

(Traditionally proposed by Mayor; elected by the Council, per Charter Section 307)

Per Section 307 of the Charter, to elect **Council Member Michael Cron** as the Mayor pro tem, authorized to perform the duties of the Mayor and have the authority of the Mayor for the period of the Mayor's absence, and to perform the duties and exercise the authority of the Mayor during an emergency when the Mayor is absent or otherwise unable to act.

Moved by: Mr. Alvarez	Seconded by: Mr. Hess	
Yea: 5	Nay: 0	Abstain: 0

11. APPROVAL OF MINUTES: June 16, 2014 as amended.

Moved by: Mr. Alvarez	Seconded by: Mr. Cron	
Yea: 3	Nay: 0	Abstain: 2 Hess Thompson

12. APPROVAL OF MINUTES: July 7, 2014

Moved by: Mr. Alvarez	Seconded by: Mr. Cron	
Yea: 4	Nay: 0	Abstain: 1 Gekas

13. APPROVAL OF SPECIAL SESSION MINUTES: July 11, 2014

Moved by: Mr. Cron	Seconded by: Mr. Alvarez	
Yea: 4	Nay: 0	Abstain: 1 Gekas

14. APPROVAL OF WORK SESSION MINUTES: July 16, 2014 as amended.

Moved by: Mr. Gekas
Yea: 5

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

15. DEPARTMENT AND COUNCIL REPORTS

A. MAYOR'S REPORT ~ *Mayor Len Carey*

- Ward 4, Special Election is scheduled for August 12, 2014. Town Clerk confirmed that there is one candidate. The write-in closes on August 7.
- Mayor Carey distributed a copy of the letter written to Elizabeth Hewlett regarding Chick-fil-A. Mayor Carey and Ms. Ferguson attended the hearing on July 17 and reported that the outcome was good, Chick-fil-A will not get the drive-thru, yet there is an appeal.
- Mayor Carey distributed a copy of the letter written to Jackie Brown, Committee Director, PZED in reference to CB-42-2014 concerning Single Family Neighborhood Stabilization Overlay Zones. Mr. Eric Olson informed Mayor Carey that two major changes were made to the Bill: 1) the distance between rentals is now 400' and 2) added economic hardship is a reason that a homeowner can get a waiver. Mr. Olson had the Bill held at Committee which means it will not get discharged but can be brought up again after September.

B. COUNCIL REPORTS

None

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

None

D. REPORT FROM THE TOWN CLERK ~ *Tracey Toscano*

- We had one candidate file for the Ward 4 election. The petition is approved. The Special Election is scheduled for August 12, 2014 from 8:00 a.m. to 8:00 p.m. at the Riverdale Presbyterian Church in Room 1.
- Ms. Toscano reminded Council to attend the MML Fall Conference and that the deadline to register is approaching. The conference will be held in Annapolis from September 11-13, 2014.
- The Battle of Bladensburg reenactment is scheduled for August 23. Volunteers are needed www.princegeorges1812.org

E. REPORT ON POLICE DEPARTMENT ACTIVITIES ~ *Chief Wynnyk*

Distributed crime report for May and June

- The July 4th parade was very successful.
- Officers were available for the flooding event.
- Two promotions: Lieutenant Wayne McCully was promoted to Captain and Corporal Rick Sease was promoted to Sergeant.
- Working with the Town attorney on the General Orders Manual also contributing to the Personnel Manual
- The winner for the school auction spent the day patrolling the Town with Chief Wynnyk.

- The Chief offered a ride along to the Council members who would be interested.
- Were fortunate to get in on the program called Mutual Aid Agreement with six municipalities in the area (Mt. Rainier, Bladensburg, Greenbelt, Edmonston, Laurel, Riverdale and Hyattsville). This allows the municipalities to share resources.

16. ADJOURNMENT by consent at 9:42 p.m.