



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

**August 15, 2011
REGULAR SESSION**

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

Present: Ms. Mallino, Mr. Carey, Mr. Cron, Ms. McPherson, Ms. Toscano, Ms. Bradley Chacón

Excused: Mr. Gekas

Absent: None

Town employees in attendance: Town Treasurer Dan Baden, Police Chief Michael Wynnyk, Town Attorney Suellen Ferguson

2. PLEDGE OF ALLEGIANCE was led by Mr. Cron

3. APPROVAL OF THE AGENDA

Moved by: Ms. McPherson

Yea: 6

Seconded by: Ms. Bradley Chacón

Nay: 0

Abstain: 0

4. APPROVAL OF MINUTES: *July 18, 2011 Meeting*

With minor corrections noted on the secretary's copy.

Moved by: Mr. Carey

Yea: 6

Seconded by: Ms. McPherson

Nay: 0

Abstain: 0

**** RECOGNITION AND APPRECIATION FOR MARGARET MALLINO ****

Ms. Mallino is resigning from Town Council after this evening's meeting. She is moving to Missoula, Montana to be closer to her family. Mayor Tabori expressed his deepest appreciation for Ms. Mallino's service to the Town of University Park, as well as the surrounding communities. He said she had spent 15 years of her time as a University Park resident as Mayor or as a Council member. Mr. Carey praised Ms. Mallino for her leadership on the Town Council. Attorney Ferguson said she appreciated Ms. Mallino's contributions and insight.

Former Mayor Brunner expressed his great regret that Ms. Mallino would not be with us to continue to share her wisdom. He praised her skill in leading the Town through a number of difficult decisions over the years. Town resident Ms. Chris Garcia thanked Ms. Mallino for providing an oral history of her experiences living in University Park.

Former Council member Mickey Lucas spoke in praise of Ms. Mallino's service. He said he greatly appreciated her ability to get Town residents to work together for the good of the community. Ms. Maxie Phillips requested a standing ovation for Ms. Mallino, gladly granted by all in attendance.

Mayor Tabori presented Ms. Mallino with a 75th Anniversary banner, to honor her outstanding service to the Town of University Park. Ms. Mallino thanked everyone for the kind words. She said she had been considering her move to Missoula for some time. She mentioned that she had introduced herself to the Missoula town council, which drew an appreciative chuckle from the crowd at the thought of how University Park's loss is Missoula's gain.

5. PUBLIC COMMENT (*Not related to Cafritz*)

A town resident attending the meeting asked the Mayor and Council members to speak more loudly, so that people in the back of the room could hear the discussion.

Ms. Bradley Chacón said Ward 7 residents have requested that the Rules and Public Policy committee consider how long PODS and similar storage structures can be kept on a homeowner's property. Mayor Tabori noted that the Town does have an ordinance addressing permit requirements for placing storage structures on public streets.

Ms. Verrill reported that she had attended Chief Wynnyk's traffic forum. In particular, she noted the benefits of placing structures in the street to slow down the traffic flow. She asked the Council to take up these traffic calming ideas, along with any other relevant suggestions. Mayor Tabori said that the Town was considering hiring a traffic engineer to conduct an integrated traffic management study.

6. PERMITS

A. APPLICATION TO REPLACE EXSISTING 3.5' WIRE FENCE WITH A 4' WOOD FENCE. (Mosser, 6306 Queens Chapel Road) Ward 3

Mayor Tabori provided background on this permit request. He said the contractor had begun installation of a 6 foot high fence. Subsequent to the Town's stop work order, the fence height was reduced to 4 feet. The contractor extended the fence line past the build line to nearly the front property line. Mayor Tabori noted that while Prince George's County does not require a permit for a 4 foot high fence, the Town requires a variance when the height exceeds 4 feet and materials are changed from the original materials. Ms. Mallino recommended denial of the permit and the variance until

discussion was held with the surrounding neighbors. Ms. Mosser said that his neighbor is a contractor and is the one who built the fence for him.

Motion: To approve replacing a 3.5' wire fence with a 4' wood fence on Lot 23, Block 17, Section 5A, at 6306 Queens Chapel Road in compliance with 4-5 of the Town Code.

Moved by: Ms. Mallino
Yea: 6

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

**B. APPLICATION TO INSTALL A NEW 8' X 12' STORAGE SHED.
(Sullivan, 6511 Queens Chapel Road) Ward 2**

Motion: To approve the installation of a new 8' x 12' storage shed on Lot 11, Block 9, Section Two at 6511 Queens Chapel Road.

Moved by: Mr. Cron
Yea: 6

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

**C. APPLICATION TO CONSTRUCT NEW SIDEWALK CONNECTING THE EXISTING WALKWAY TO DRIVEWAY, AND REPAIR EXSISTING WALKWAY, AND REPLACE AND WIDEN EXSISTING CONCRETE DRIVEWAY SECTION.
(Carey, Berkson, 4308 Van Buren Street) Ward 4**

Motion: To approve walkway repairs, the installation of new sidewalk and driveway widening and repairs on Lot 24, Block 24, Section 6-B.

Moved by: Mr. Cron
Yea: 5

Seconded by: Ms. McPherson
Nay: 0 **Abstain:** 1 (Mr. Carey)

7. CONSENT AGENDA

Motion: To approve the following consent agenda items.

Moved by: Ms. Toscano
Yea: 5

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

**A. APPLICATION TO REPLACE FRONT WALKWAY WITH PERMEABLE MATERIAL AND ADD A FLAGSTONE WALKWAY FROM THE FRONT DOOR TO THE DRIVEWAY.
(McDonald, 4309 Woodberry Street) Ward 4**

B. APPLICATION TO REPLACE STORM/TREE DAMAGED SECTION OF EXSISTING 6' FENCE WITH EXACT MATERIALS.

(Oleson, 6930 Pineway) Ward 5

8. DEPARTMENT REPORT

A. MAYOR'S REPORT- Mayor John Rogard Tabori

Mayor Tabori said he and Ms. Bradley Chacón discussed the impact of street widths in Ward 7 on the decision to approve or deny street parking permits. Mayor Tabori reported that some streets in the Town are 36 feet wide; while others are 22 feet wide. Mayor Tabori asked the Council's permission to extend the parking waiver for the Schaper property at 6701 Forest Hill Drive while the Council considered where or not to add additional parking restrictions on Town streets. The Council agreed unanimously with the Mayor's proposal.

Mayor Tabori said he has a complete listing of all zoning types in Prince George's County. This is germane to the Cafritz discussions as well as zoning proposals for surrounding properties.

Mayor Tabori said he had downloaded the traffic study requirements for Prince George's County. He noted that Prince George's County's standards for traffic studies are lower than any other jurisdiction he reviewed.

Mayor Tabori was pleased to announce that Mr. Jim Henson's daughter will attend the October 9th celebration to name the Town park area as "Henson Green". The ceremonies will start at 1 p.m.

B. REPORT ON POLICE DEPARTMENT ACTIVITIES - Chief Wynnyk

Chief Wynnyk provided the April crime report, which is attached at the end of these minutes as **Appendix 8B**.

Chief Wynnyk said that school starts next week. The Town has received a grant from the state for a school bus safety program. Chief Wynnyk said that University Park Police Officer Sunday is receiving an Officer of the Year award for his traffic safety contributions.

C. REPORT OF THE TOWN ATTORNEY - Suellen Ferguson

Attorney Ferguson said she had nothing additional to report.

D. REPORT OF TOWN TREASURER - Dan Baden

Mr. Baden reviewed the June 30, 2011 and July 31, 2011 financial reports. He said the annual Town audit will begin on September 6.

9. CONTINUING BUSINESS

A. UPDATE ON BELCREST PLAZA/LANDY PROJECT

Mayor Tabori said he had nothing new to report.

B. TOWN STREET REPAIR AND MAINTENANCE PLAN

Mayor Tabori said work has begun in Wards 2 and 6, with replacements for curbs, gutters, and sidewalks.

C. 9-PONDS UPDATE

Mayor Tabori said he will set a date for the Stream Committee to make a presentation on this subject.

D. UPDATE ON CAFRITZ PROPERTY

Mayor Tabori said he will work on creating a Cafritz blog on the Town web site. He cautioned the participants to maintain their civility in the discussion. He said he is preparing a summary of all of the comments and information he has received, which includes letters, Council meetings, and through other submissions.

A Town resident at 3806 Calverton Drive said he worked on economic development issues in North Carolina. He viewed the Cafritz proposal to transition the property from single-family homes to a mixed commercial site as a favorable development.

Ms. Lynn Desautel, a resident of Van Buren Street, said she was a strong supporter of smart growth. She expressed her concerns about mixed-use development in the wrong place. Her first concern was the impact on the community character, specifically in maintaining the safety of pedestrian traffic. She asked that the intersections be designed for the safety of pedestrians and bicycles. Her second concern was local economic development. She said it was not clear how the Whole Foods development may impact the development of the EYA Hyattsville Arts district. Finally, she asked that the development increase pedestrian access and add a circulator bus. She noted that single-family homes are more congruent with the surrounding community.

Mr. Mickey Lucas, a resident of Tennyson Road, said his family moved to University Park on Pearl Harbor Day. He said that the Cafritz property did not contribute traffic to the surrounding streets during the war years. He explained that Calvert Hills and Riverdale Park communities have blocked access to their neighborhoods from the site. He emphatically said he did not want the “Cafritz 500” traffic roaring through University Park. He said the property has always been zoned R55 and that opening the property [to mixed use commercial development] will completely change the nature of the University Park neighborhood. He added that the site has a significant water problem, as the proposed Cafritz development will exceed the run-off capacity of Wells Run.

Mr. Tee Thompson touched on the Queens Chapel Road closure discussions that took

place in University Park several years ago. He said closing Queens Chapel Road helped bring the community closer together. He is concerned that this new development will have a negative impact on the local environment. The Cafritz property is one of the few nearby places that acts as a sanctuary for migratory birds and serves as an oxygen processor for the surrounding area. He asked if there was a way to integrate the Cafritz property into the Hyattsville park system.

Ms. Catherine Donnelly raised concerns about the increase in traffic. She pointed out that the southern portion of University Park is already being damaged by the intensity of the traffic on US Route 1 and East-West Highway.

Mr. Bruce Burroughs raised concerns about what was shown in the Cafritz presentation. He noted that the property is physically located in Riverdale Park. He asked University Park to partner with Riverdale Park. He scoffed at the idea that the MARC train could serve as a commuter rail system. He said the proposed zoning change gives the Cafritz owners the greatest flexibility for monetizing the property.

Mr. Lucas said there is a Memorandum of Understanding on Wells Run between the towns of University Park, Riverdale Park, and Riverdale. He pointed out that the amount of development [in the surrounding area] will bring ever-increasing amounts of traffic to the area.

Ms. Erica Morarity, a resident of Sheridan Street, said she is resigned to the idea that the development will happen. She raised concerns about the lack of clarity and detail in the Cafritz plan.

Ms. Linda Verrill, a resident of Van Buren Street, said she was submitting a letter with 37 signatures to the Council. The letter expresses a strong desire for an alternate traffic route out of the Cafritz property over the railroad tracks, and a better storm water management plan. She asked that a copy of her letter be appended to the Council meeting minutes.

Mr. John Shoaf discussed the original plan for University Town Center, which was going to include a Safeway store. Why can't the Whole Foods be located in UTC? He has concerns about regional development projects that tend to negatively interact with each other. He noted that there is no current use for the ERCO building. Why not install the Whole Foods there? He said traffic is like a roof leak – plug it in one location, and it will emerge somewhere else. He said that the proposed plans have no real commitment to sustainability, and the scope of the development will have an impact on school enrollment and capacity.

Mr. John Brunner, a resident of Tennyson Road, asked about what the deliverable would be for the economic development study. Mr. Stuart Eisenberg said the scope of the study would look at market demand for the US Route 1 corridor. The study would look to answer the question of what this local market could bear in terms of capacity. Mr. Bruhner asked if the previous studies, especially the one for Hyattsville, looked at the residential property component. Mr. Eisenberg said that residential housing was not

included in that study.

Mr. Burroughs asked about the purpose of the study. Mayor Tabori said this study would be conducted before the zoning change.

Ms. Sara Sterret, a resident of Tennyson Road, said we didn't want our community to turn into Rockville Pike. Large amounts of parking and 4000 extra cars in traffic each day is not consistent with smart growth. There had to be a road outlet on the east side of the development. She disagreed with the large surface parking lots along US Route 1; she advocated for a development style consistent with what has been done in the EYA Hyattsville development. She added that high-rise apartment buildings are a net drain on the local tax base. She asked that the zoning for the property be split between Phase I and Phase II of the development, rather than the entire property being rezoned at once.

Mr. Colin Phillips, a resident of Woodberry Street, said dense development is a net positive if done correctly. He noted that if the access road problem is not solved at the beginning of the development, it would not be solved at all.

10. NEW BUSINESS

A. LEGISLATION RESOLUTION 11-O-05, AN AMENDMENT OF THE CHAPTER 12, PUBLIC ETHICS. *Introduction*

Motion: To introduce Ordinance 11-O-05, an amendment of the Chapter 12, Public Ethics, to come into compliance with State law with respect to conflicts of interest and financial disclosure, to provide an Ethics Commission procedure for advisory opinions and complaints, and to revise the enforcement section.

Moved by: Mr. Carey

Yea: 6

Seconded by: Mr. Cron

Nay: 0

Abstain: 0

B. SURPLUS PROPERTY, POLICE VEHICLE. *Introduction*

Motion: To approve the introduction to declare the 2002 Chevy Impala surplus and authorize the Police Chief to dispose of the vehicle by the best possible method.

Moved by: Ms. Toscano

Yea: 6

Seconded by: Mr. Cron

Nay: 0

Abstain: 0

C. TRANSFER OF FUNDS FOR OUR CONTRIBUTION FOR A JOINT MARKET STUDY FOR THE CAFRITZ PROPERTY WITH HYATTSVILLE, COLLEGE PARK AND RIVERDALE PARK. *Introduction*

Motion: To approve the introduction to transfer \$5000 from Unreserved Funds to

Government Studies to pay for the cost associated with a market study for the Cafritz property.

Moved by: Mr. Carey
Yea: 6

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

Ms. Mallino moved to table the motion, in order to give the Council time to consider the motion and vote at the September 12 Council meeting.

Motion: To table the motion to introduce the transfer of \$5000 from Unreserved Funds to Government Studies to pay for the cost associated with a market study for the Cafritz property.

Moved by: Ms. Mallino
Yea: 5

Seconded by: Ms. McPherson
Nay: 1 (Carey) **Abstain:** 0

A town resident asked how long the study would take; he wanted to know if the study could be completed within the Cafritz timeline. Mr. Eisenberg said the company would find a way to complete the study timely.

D. TRANSFER FUNDS FOR A NEW PHONE SYSTEM. *Introduction*

Motion: To approve the introduction to transfer \$2500 from Unreserved Funds to Small Equipment to cover the cost of the deductible associated with the insurance claim to replace the Town’s phone system, damaged due to a storm event.

Moved by: Ms. Mallino
Yea: 6

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

11. Adjourned at 10:10 p.m.

Submitted by: _____
John Rogard Tabori
Mayor

APPENDIX 8B. REPORT ON POLICE DEPARTMENT ACTIVITIES

Police Information Crime Statistics (July 1st-31st) 2011

Ward 1

Theft from Auto- Between July 17, 2011 10:00pm and July 18, 2011 9:30am in the 4400 block of Sheridan St. and broke a the door lock of a 2010 Ford, Econoline and stole a tool bag containing hand tools. No suspect was located. The investigation is on-going.

Ward 2

Theft from Auto- Between July 17, 2011 5:00pm and July 18, 2011 6:00am in the 6400 block of 40th Ave. suspects broke the driver side rear window of a 2006 Chevy, truck and stole a phone charger cord. No suspect/s was located. The investigation is on-going.

Ward 3

Ward 4

Breaking & Entering- On July 27, 2010 between 7:45pm and 9:00pm at the University Park Elementary School, suspects entered the building by an unknown means and stole 17 I-Mac computers. Officers had responded to the alarm call and search the building with K-9 dogs, but the thieves had already left the premises. Video footage was reviewed, the scene processed for fingerprints and the neighborhood canvassed for witnesses. Four suspects are being sought. The investigation is on-going.

Ward 5

Theft from Auto- Between July 3, 2011 6:30pm and July 4, 2011 2:00am in the 4300 block of Clagett Rd. suspects entered an unlocked 2010 Honda, CRV and stole a wallet containing cash. No suspect/s was located. The investigation is on-going.

Theft from Auto- Between July 3, 2011 5:00pm and July 4, 2011 7:00am in the 4100 block of Clagett Rd. suspects entered and unlocked 2008 Honda, Odyssey and stole a Garmin GPS unit and a cell phone. No suspect/s was located. The investigation is on-going

Theft from Auto- On July 4, 2011 2:00am and 4:00am in the 4300 block of Clagett Rd. suspects entered and unlocked 2008 Honda, Civic and stole two pair of sunglasses. No suspect/s was located. The investigation is on-going

Theft from Auto- On July 27, 2011 7:25pm and 10:50am in the 4400 block of Beechwood Rd. suspects broke the drivers side window of a 2005 VW, Jetta and stole a Apple I-Phone. No suspect was located. The investigation is on-going.

Ward 6

Theft from Auto- On July 27, 2011 11:30pm and midnight in the 4000 block of Beechwood Rd. suspects broke the passenger side window of a 1998 Nissan, 200S and stole a Coach purse containing cash and credit cards. No suspect was located. The investigation is on-going.

Ward 7

Theft from Auto- Between July 20, 2011 7:00pm and July 21, 2011 7:45am in the 6900 block of Wells Parkway suspects entered an unlocked 2011 Toyota, Camry and stole a brief case, wallet, notebook computer, a GPS unit and cash. No suspect/s was located. The investigation is on-going.

**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.