



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

**December 5, 2011
REGULAR SESSION**

1. CALL TO ORDER: Mayor Tabori 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 Mr. Carey

3. APPROVAL OF THE AGENDA

Moved by: Ms. Toscano
Yea: 7

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

4. APPROVAL OF MINUTES: *November 21, 2011 Meeting*

Moved by: Ms. Toscano
Yea: 7

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

5. PUBLIC COMMENT

None that wasn't related to the Cafritz property discussion.

6. PERMITS

**A. APPLICATION TO CONSTRUCT A WOOD DECK WITH STEPS & REPLACE
EXISTING DRIVEWAY & APRON (Daberkow, 6820 Pineway) Ward 5**

Motion: To approve constructing a wood deck with stairs 12' x 42' and replace existing 10' x 85' driveway & 22' x 42' apron located on Lots: 21 & 24 & 22-23, Block: E, at 6820 Pineway

Mr. Daberkow addressed the Council and the Mayor to explain his project.

Moved by: Ms. Toscano
Yea: 7

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

7. DEPARTMENT REPORTS

A. MAYOR'S REPORT- Mayor John Rogard Tabori

Mayor Tabori said that the issue with the Washington Suburban Sanitary Commission (WSSC) sewer pipes under the newly-paved portion of Beechwood Road has been resolved. WSSC will reline the pipes, instead of digging up the street to replace them.

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

Mr. Beall said WSSC will need to dig up and replace sewer lines on 44th Avenue. The sewer connections to the homes will also be replaced. Mr. Beall and a town resident discussed a broken Washington Gas Light (WGL) manhole cover. The resident said the cover had damaged another resident's car.

A town resident asked Mr. Beall to investigate a water infiltration problem on 6209 Pineway. Storm water is running under the new pavement and emerging at the location marked where a large red arrow has been painted on the pavement. Mr. Beall said this was the first he had heard of the problem, and promised to investigate.

A resident asked Mr. Beall what happens to the collected leaves. Mr. Beall said the leaves are first moved to the asphalt "leaf pad" next to the tennis court at the end of Wells Parkway. From there, the leaves are loaded into the packer truck and hauled to the City of College Park's public works department. College Park has the facilities to compost the leaves into mulch. Disposing the leaves at College Park is less expensive than trucking the leaves to the County disposal center. College Park then sells the mulch. A resident asked if a leaf pile and/or compost could be made available for Town residents in University Park at no cost. Mr. Carey asked Mr. Beall to bring the Council recommendations on how the request for mulch could be addressed.

Ms. Verrill asked questions about raked leaves being washed into the stream. Mr. Beall and Ms. Verrill discussed ways to encourage neighbors not to rake their leaves into the street gutter. Mr. Beall said that leaves that are raked into the gutters cause problems with ice, snow plowing, and can potentially clog the storm drains.

8. CONTINUING BUSINESS

A. CAFRITZ PROPERTY~ PUBLIC COMMENTS

Mr. Richard Scorza, a resident of Underwood Street, expressed his surprise that the Town would consider a “yes, but” position with respect to the Cafritz proposal. He asked the Town to consider voting “no” to the rezoning request. He said that the zoning application should be denied as there is no need for a development with this density. He pointed out that there is excess commercial and residential capacity at University Town Center that required a bank takeover. Mr. Scorza added that the project will remove a forest and install a heat island.

Mr. Jason Amster, a resident of Pineway, requested that the Town have privacy from the silent, solemn, black suit-clad presence of the seven-member Cafritz team during the community discussions. He asked questions about the status of the request for a continuance of the planning board hearing. The technical report from the County planning staff was received in less than the 14 days required by law. The staff report was released on 12/2; the hearing is scheduled for 12/15. He raised concerns about the traffic situation, the railroad cross-over bridge, and the staff report’s lack of meaningful consideration of the traffic impact.

Mr. Mickey Lucas endorsed the views expressed by the other Town residents. He raised the concern about the bridge over Wells Run at U.S. Route 1, at Wells Parkway. The bridge is greatly eroded and requires replacement. He has not heard any plans from the State Highway Administration to replace that bridge.

Ms. Randi Davis, a resident of Underwood Street, raised questions about the traffic service levels on U.S. Route 1 and expressed concerns about the Mixed-Use-Town-Center (MUTC) zoning proposal. Mayor Tabori explained the differences between the different possible types of zoning.

Ms. Arleen Christianson, a resident of 44th Avenue, noted that the hiker/biker trail is proposed as a roadway entering into Calvert Hills. She raised the alarming point that applications Town residents are filing to become a person of record at the planning board hearing are disappearing. Officially, only 10 residents are on record as having filed, and Ms. Christianson personally knows of numerous residents who have filed applications that have not been listed. Mayor Tabori said he had not been aware of this problem, and that people can register as a person of record on the day of the hearing. Ms. Christianson said that people feel disenfranchised because County Executive Rushern Baker is presenting the rezoning as a “done deal”.

Mr. Cron asked Mr. Reed, the lawyer representing the Cafritz property owners, who would design the property. He was curious about Riverdale Park’s extensive involvement in the

design. Mr. Reed said that Riverdale Park engaged a planner who provided guidance and suggestions on the aspects of the design.

Mayor Tabori, Town Attorney Ferguson, and Attorney Reed discussed the 14 day requirement for issuing a staff report in advance of the planning board hearing date. Mayor Tabori said the Town's intention is to ask for a continuance if that is a legal possibility in this situation.

Mayor Tabori reported on a meeting held earlier today with State Senator Paul Pinsky, Delegate Justin Ross, Mrs. Jane and Mr. Calvin Cafritz, County government representatives Ms. Lisa Jackson and Mr. Brad Frome, Ms. Sara Imhulse, College Park Council member Ms. Stephanie Stulich, and College Park Mayor Andrew Fellows. The core discussion point of the meeting was the railroad bridge, specifically the funding and an escrow account. No final resolution was reached in the discussion. The property owners said that would not bear the entire cost of the bridge and that public money would be required. The representatives for the County government said that without clear knowledge of the gap between the \$3 million dollars in funding offered by the property owners and the eventual total cost, the County government could not commit funds.

In light of this discussion, Mayor Tabori recommended that the final University Park Town Council vote be postponed until Friday December 9th at the latest, to give the interested parties time to digest the outcome of today's meeting and to possibly continue the discussion. Ms. McPherson said that nothing in today's meeting was a surprise or anything that was being heard for the first time. Mayor Tabori said a postponement of the Council vote would allow the negotiations to continue.

Attorney Ferguson clarified for the Council member and the Mayor that voting "no" to the zoning proposal would remove the Town of University Park from further participation in negotiations and conditions.

Mr. Gekas said he had met with Mr. Carey and Ms. Bradley Chacón to draw up additional language to add the Town's letter. Mayor Tabori discussed that proposed changes with the Council.

A resident asked if the cost of shutting down the CSX line was considered in the build-out costs. She noted that a railroad bridge in Pennsylvania on a railroad line much less busy than this one cost \$1,000,000 per night, and required three nights of shutdown.

The Council and Mayor Tabori discussed the differences between a position paper and a statement of conditions. Ms. Bradley Chacón recommended that the traffic studies and the

caps be on-going. Mayor Tabori and the Council members discussed where to move sentences between the conditions and the position paper.

Mr. Carey brought up the point of balancing density and site design. He proposed an absolute cap of 90,000 square feet of commercial / retail space until 1/1/2029, to be lifted only if a bridge is constructed and a trip cap is in place. The Mayor and the Council members discussed the pros and cons of absolute caps, and the tradeoffs between specifying a dollar amount to be invested in the bridge versus a percentage of the construction costs.

Mayor Tabori, Attorney Ferguson, and the Council members discussed a date and time for an additional meeting. The next Council meeting as a special session will be held at University Park Elementary School at 7:30pm on Thursday, December 8.

B. TOWN STREET REPAIR AND MAINTENANCE PLAN

This item was tabled to a future meeting.

C. STATEMENT OF POSITION ON CAFRITZ

Review edits and finalize Statement of Position on Cafritz

Motion: To approve/disapprove Statement of Position on Cafritz Property A-10018 Rezoning application to be submitted with Conditions and other documents

Moved by:

Seconded by:

Yea:

Nay:

Abstain:

D. 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.

****Re-scheduled for a final vote on December 19, 2011****

Motion: To approve/disapprove 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 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

Moved by:

Seconded by:

Yea:

Nay:

Abstain:

This item was tabled to a future meeting.

E. ORDINANCE 11-O-06 COMPENSATION OF MAYOR AND COUNCIL

****Re- scheduled for a final vote on December 19, 2011****

Motion: To approve/disapprove Ordinance 11-O-06 to enact Article 1, Section 2-115 “Compensation of Mayor and Council” of Chapter 2 of the Code of Ordinances to allow for compensation of Town officials elected in or after May, 2012.

Moved by:

Seconded by:

Yea:

Nay:

Abstain:

This item was tabled to a future meeting.

9. NEW BUSINESS

None.

10. ADJOURNMENT at 10 p.m.

Submitted by: _____

**John Rogard Tabori
Mayor**