



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

**November 21, 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

Town Employees in attendance: Chief Wynnyk, Attorney Ferguson, Treasurer Baden

2. PLEDGE OF ALLEGIANCE was led by Mr. Brosch

3. APPROVAL OF THE AGENDA

Moved by: Ms. Toscano
Yea: 7

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

4. APPROVAL OF MINUTES: *November 7, 2011 Meeting*

Moved by: Ms. McPherson
Yea: 7

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

5. PUBLIC COMMENT

Mr. Ed Lee, a resident of Ward 6, asked Mayor Tabori when the Town will conduct a traffic survey. Mayor Tabori said a survey was difficult to carry out while the school is on winter break. He said the Town would carry out the survey in January, if there is no snow.

Ms. Linda Verrill, a resident of Ward 4, raised concerns about leaves being raked directly into the roadway and the curbs and gutters, despite multiple notices and requests not to do so. She pointed out that the leaves will be washed into the storm drains, clogging the drains and the streams. Mayor Tabori said he places notes in the Town newsletter on this topic. Ms. Verrill said that nearby communities place placards and signs beside the road, and suggested this might be effective.

Ms. Bradley Chacón said someone illegally dumped 13 tires on a neighbor's yard. A police report has been filed.

Ms. Arleen Christiansen, a resident of 44th Avenue, said her section of the street is running short of parking spaces. She also said there was a very noisy party held on U.S. Route 1 recently, and the responding officer was unable to take action to quiet the party because the University Park noise ordinance does not specify a decibel level limit.

Ms. Melody Lawrence, a Town resident, noted that much of the leaf blowing into the street seems to take place by the landscapers hired by Town residents.

6. DEPARTMENT REPORTS

A. MAYOR'S REPORT- Mayor John Rogard Tabori

Mayor Tabori reported unhappily that Washington Suburban Sanitary Commission (WSSC) is going to have to dig up a recently-paved section of Beechwood Street on the western side of Town due to tree root infiltration into the sewer line.

Mayor Tabori asked that a meeting be scheduled for the Tree Committee before the end of the calendar year. He asked Council members to consider recommending new members. Mr. Steve Cook, a Town resident, said he would be interested in serving.

Mayor Tabori said the Town has a surplus of just under \$90,000 from the 2011 fiscal year.

B. REPORT ON POLICE DEPARTMENT ACTIVITIES – Chief Wynnyk

Chief Wynnyk provided the October crime report, which is attached at the end of these minutes as **Appendix 6B**.

Chief Wynnyk said the department received a grant and has purchased the e-Ticks system. This device is an electronic scanner for driver's licenses and automates filling in the ticket forms for the officer. A school bus safety grant has been received in the amount of \$8,000 and the money is being used for officer overtime to patrol for speeders.

The new patrol car has been received and outfitted for duty. A bicycle that was seized as part of stolen property has never been claimed, so the bike has been outfitted for a bicycle patrol officer. The license plate reader system is driven through Town once a day; there have been a few stolen cars identified.

The department will participate in the "Shop with a cop" program in partnership with the Hyattsville police department. This program allows children in need to have the chance to buy toys for the holidays.

C. REPORT OF THE TOWN ATTORNEY – Suellen Ferguson, Esq.

Attorney Ferguson had no additional items to report, beyond what was discussed elsewhere in the meeting.

D. REPORT OF THE TOWN TREASURER – Dan Baden

Mr. Baden said the Town audit report would be presented to the Council and the Mayor at the December 7 meeting. He reviewed the October financial statement. Mayor Tabori said that a bill for 44% of the street repair work has been received.

7. CONTINUING BUSINESS

**A. THE MARYLAND MUNICIPAL PUBLIC WORKS ASSOCIATION
PUBLIC WORKS MUTUAL AID AGREEMENT - Adoption**

Motion: To approve the Mutual Aid Agreement with Maryland Municipal Public Works Association to insure that all municipalities that assist during an emergency can receive MEMA and FEMA reimbursement if available, to adopt in substantially the form attached. *Adoption*

Moved by: Mr. Carey
Yea: 7

Seconded by: Ms. Toscano
Nay: 0

Abstain: 0

**B. POLICY, RULES & MUNICIPAL STRUCTURE COMMITTEE REPORT AND
RECOMMENDATION TO COUNCIL (*Committee findings on proposed Charter
Amendment 11-CR-02 and Ordinance 11-O-06*)**

Ms. Toscano, Chair of the Committee, made her report. She said the Committee voted as a body to recommend adoption of Charter Amendment 11-CR-02 and Ordinance 11-O-06. The report from the Committee will be available for public review on Tuesday, November 22. Mr. Carey said he would recommend that the Council take up the issue as four separate motions. Mr. Carey, Attorney Ferguson, and Ms. Bradley Chacón discussed the timeline and procedures for voting. Attorney Ferguson said the Council has given sufficient public notice on the legislation. She recommended that the form of the final vote be put in final form in writing before the public. Mayor Tabori recommended that the Council vote in principle on December 5 and take a final vote on December 19.

A Town resident, Ms. Melody Lawrence, was concerned about the process and why the Council and Mayor feel the need to make these changes. She said she was strongly opposed to this vote without a Town-wide election. Mayor Tabori and Ms. Bradley Chacón discussed the concerns with Ms. Lawrence.

C. CHARTER AMENDMENT 11-CR-02 TO REPEAL AND RE-ENACT ARTICLE III, “MAYOR AND COMMON COUNCIL”, SECTION 301, “NUMBER, TERM OF OFFICE”, AND SECTION 301 “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.

****Currently scheduled for a vote on December 5, 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:

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

****Currently scheduled for a vote on December 5, 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:

E. UPDATE AND COUNCIL DISCUSSION ON CAFRITZ PROPERTY/WHOLE FOODS

Mayor Tabori provided an update on the Cafritz meetings he has been attending. He said a general agreement is emerging among the surrounding municipalities. The most important items are

- Traffic
- A traffic bridge across the CSX tracks to tie into Techway
- Storm water management

Mayor Tabori noted that the current traffic study is inadequate. No mid-day traffic studies have been conducted, which is important for understanding the impact of specialty grocery stores. He said that Dr. Muktari's analysis is that the fully built-out development will contribute 25,000 to 30,000 additional car trips per day by 2040.

Mayor Tabori emphasized that the traffic bridge across the CSX tracks is absolutely critical to provide relief to the U.S. Route 1 chokepoint.

Storm water management is equally important. The work being done upstream at 9-Pond will not benefit Riverdale Park if the Cafritz property discharges its water into Wells Run.

There are ancillary issues more specifically of concern to University Park.

- The intersection at U.S. Route 1 and Van Buren Street cannot become the east-west conduit for traffic into and out of Cafritz.
- A traffic demand management plan must be implemented. The cost of the necessary traffic study may range from \$20,000 to \$100,000. By 2020 the development will be functionally complete. The traffic study needs to encompass intersections, University Park cut-through traffic, and a post-development assessment.

Attorney Ferguson explained how the covenant process applies restrictions to a property that remain in place, even if the property ownership changes.

Mayor Tabori said that the Council may wish to send their input to the Maryland-National Capital Parks and Planning Commission (M-NCPPC) via a letter. He asked the Council for guidance. Mr. Carey referred to the Council's draft position statement. The Council and the Mayor discussed the details of the position statement. Mayor Tabori said the Town's effective position was either support with conditions for a Mixed-Use Town Center (MUTC) zoning or support with conditions for a Mixed-Use Infill (MUI) zoning. Riverdale Park will object strongly if University Park takes the MUI zoning position. The non-negotiable position for University Park is the traffic bridge over the CSX tracks.

Attorney Ferguson explained that a desired condition on the detailed site plan (DSP) is that the MUTC plan would be open to public comment and review, which is a different process than is normally followed for an MUTC zoning. An MUTC zoning is normally within the oversight of the municipality, in this case Riverdale Park.

Ms. Stephanie Stulich, a College Park Council member, said College Park would take up consideration of the Cafritz property zoning request the following night. College Park is also evaluating the differences and implications of MUTC and MUI.

Town residents weighed in with their views. Several residents noted that an additional option is to continue the present zoning for the property, which is R55 single-family homes. Other residents were in favor of the development.

Mayor Tabori summarized the three critical discussion points in terms of

- Which zoning choice, between R55, MUTC, and MUI
- During which construction phase does the traffic bridge have to be installed
- When do the traffic studies need to take place

F. 9-PONDS UPDATE

This item was tabled to a future meeting.

G. UPDATE ON BELCREST PLAZA/LANDY PROJECT

This item was tabled to a future meeting.

H. TOWN STREET REPAIR AND MAINTENANCE PLAN

This item was tabled to a future meeting.

8. NEW BUSINESS

A. ROUTE 1 RIDE – *Route 1 Bus Ride request for support*

This item was tabled to a future meeting.

9. ADJOURNMENT at 10 p.m.

Submitted by: _____

**John Rogard Tabori
Mayor**

APPENDIX 6B. REPORT ON POLICE DEPARTMENT ACTIVITIES

Police Information
Crime Report
(October 1st -31st) 2011

Ward 1

Ward 2

Ward 3

Ward 4

Ward 5

Theft – Between October 10, and October 12, 2011 in the 6800 block of Pineway suspect/s stole a Black and silver Diamondback mountain bike and a yellow GMC touring bike that were locked on the rear deck of the residence. No suspect/s was located. The investigation is on-going.

Ward 6

Theft- On October 8, 2011 between 10:00pm and 2:00am in the 6700 block of 40th Ave. the resident advised that an Apple laptop computer was stolen during a party hosted by the victim. No suspect/s was located. The investigation is on-going.

Ward 7

**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.