



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

**February 6, 2012  
REGULAR SESSION**

**1. CALL TO ORDER: Mayor Tabori at 7:33 pm**

**Present:** Mr. Brosch, Mr. Gekas, Ms. McPherson, Mr. Carey, Mr. Cron, Ms. Bradley Chacón

**Excused:** None

**Absent:** None

**2. PLEDGE OF ALLEGIANCE** was led by Ms. McPherson

**3. APPROVAL OF THE AGENDA**

Mr. Brosch asked to have a discussion about the Cafritz offer to reimburse the Town for attorney's fees related to the rezoning application. Mr. Brosch and Mayor Tabori agreed to discuss this topic as part of the Mayor's Report.

**Moved by:** Ms. McPherson

**Yea:** 6

**Seconded by:** Mr. Cron

**Nay:** 0

**Abstain:** 0

**4. APPROVAL OF MINUTES: *January 9, 2012***

Mayor Tabori, Ms. Bradley Chacón, and several other Council members discussed the wording of Agenda Item 8B, paragraph 3, on page 3 of the minutes. They questioned the "... (M-NCPPC) would enforce them ..." statement. Mayor Tabori said he would review the audio recording.

The Council approved the minutes with the request that Mayor Tabori review the audio recording and correct the statement in question on Agenda Item 8B, paragraph 3, on page 3 of the minutes to conform to the recording.

**Moved by:** Mr. Carey

**Yea:** 6

**Seconded by:** Mr. Gekas

**Nay:** 0

**Abstain:** 0

**5. APPROVAL OF MINUTES: *January 23, 2012***

Approved with the minor corrections as noted on the secretary's copy.

**Moved by:** Mr. Gekas

**Seconded by:** Mr. Carey

**Yea: 6**

**Nay: 0**

**Abstain: 0**

## **6. PUBLIC COMMENT**

Mr. Amster, a Town resident, commended Mayor Tabori for his leadership in guiding the Town through a difficult discussion and complicated process around the Cafritz development proposal. He requested that the details of the discussions held during the Executive Session of the Town Council held on January 23, 2012 be fully disclosed. Mr. Amster stated that the topic under discussion in that meeting was not a personnel matter, but an issue that affected representation in Ward 5. Mr. Amster continued and raised the point of when the election would be held for Council seat vacancy in Ward 5. He noted that the election was controlled by the Town Charter, section 307(b), and asked for specific details about when the previous Ward 5 Council member submitted her resignation.

Mr. Amster further commented on the hiring of Attorney Davis R. Podolsky to represent the Town. Citing a likelihood that the Cafritz zoning issue would be appealed to the District Court, he suggested there be a clear delineation of the attorney's responsibilities and retainer arrangements.

Mayor Tabori said he would address each of Mr. Amster's questions, in reverse order.

Mayor Tabori said that Attorney Podolsky was retained only through the matter before District Council. If the matter goes further, Attorney Ferguson would be able to represent University Park.

Mayor Tabori said that Council member Ms. Toscano resigned on January 23, 2012. He would propose the Special Election be held on March 20, 2012.

Mayor Tabori explained that the law is well-settled on the point of the executive session covering a personnel matter. The members of the Council are considered personnel, under the scope of the law. Mayor Tabori added that the Council did seek the legal opinion of Town Attorney Ferguson during the session. Mr. Amster said he did not see why this matter was being kept secret. Mayor Tabori said there were matters of privacy that also deserve consideration. Ms. Bradley Chacón reiterated Mayor Tabori's points to Mr. Amster.

Ms. Verrill, a Town resident, spoke on the issue of Ms. Toscano's resignation from the Council. She expressed her disappointment that people have tried to use this personal circumstance to affect the Cafritz negotiations.

## **7. PERMITS**

### **A. APPLICATION TO RENOVATE EXISTING SCREENED PORCH (Myers, 4325 Clagett Road) Ward 5**

**Motion:** To approve renovation of existing screened porch, adding doorway and steps located on Lot: 1, Block: 25 at 4325 Clagett Road

**Moved by:** Mr. Carey

**Seconded by:** Mr. Gekas

**Yea: 6**

**Nay: 0**

**Abstain: 0**

**B. APPLICATION TO CONSTRUCT THE INTER-COUNTY BROADBAND NETWORK (ICBN) FIBER OPTIC CABLE TO PROVIDE HIGH-QUALITY, COST-EFFECTIVE INTERNET SERVICES TO UNIVERSITY PARK ELEMENTARY SCHOOL**

Mr. Victor Allen, a Prince George’s County engineer, addressed the Council and the Mayor to explain the proposed construction work and review the construction drawings. He said the work would take approximately 2 weeks once it was started. Mayor Tabori said Mr. Sidhu, the Town Engineer, would return from vacation at the end of February / beginning of March. Mayor Tabori asked that Mr. Allen review the plans with Mr. Sidhu. The University Park Public Works Director, Mr. Beall, raised Mr. Allen’s awareness of several historically important trees along the right-of-way to the school, including two Elm trees. Mayor Tabori asked that the Town Arborist, Mr. John Anna, be included in the review of the engineering plans.

**Motion:** To approve the request to construct the Inter-County Broadband Network (ICBN) fiber optic cable to provide internet service to University Park Elementary School, taking note of historic trees that may be affected, in consultation with the Town Engineer and the Town Arborist.

**Moved by:** Mr. Carey

**Seconded by:** Ms. McPherson

**Yea: 6**

**Nay: 0**

**Abstain: 0**

**C. APPLICATION TO WAIVE PERMIT FEES RELATED TO THE CONSTRUCT THE INTER-COUNTY BROADBAND NETWORK (ICBN) FIBER OPTIC CABLE TO PROVIDE HIGH-QUALITY, COST-EFFECTIVE INTERNET SERVICES TO UNIVERSITY PARK ELEMENTARY SCHOOL**

**Motion:** To waive the University Park construction permit fee for constructing the Inter-County Broadband Network (ICBN) fiber optic cable to provide internet service to University Park Elementary School.

**Moved by:** Mr. Carey

**Seconded by:** Ms. Bradley Chacón

**Yea: 6**

**Nay: 0**

**Abstain: 0**

**8. DEPARTMENT REPORTS**

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

Ms. McPherson raised the concern that a home on Tennyson Road and 40<sup>th</sup> Avenue was constructing a garage without any permits. Mayor Tabori said the Town has issued a stop work order. He added that the homeowner obtained a County permit, but the plans do not match the construction in progress. Town Hall is researching the matter.

Ms. Bradley Chacón asked the Mayor to include a discussion of the grant process in the next Council meeting agenda.

Mr. Carey asked for an update or briefing on the status of the ethics information. Mayor Tabori said the Ethics Committee has not held a meeting yet. Mr. Carey noted that there is no current Chair of this Committee who has been appointed by the Mayor.

Mr. Carey also asked Mayor Tabori for a discussion sometime in the next three months on the overcrowding situation at University Park Elementary School. He asked that the UPES principal be included.

Mayor Tabori had an update on the status of the Belcrest Plaza development. The developer has submitted an update to the original site plan, as the Georgian Plaza proposal with the extremely tall buildings was never approved by the planning board. The developer will resubmit the proposal, and Mayor Tabori said University Park did not have objections to the redesigned proposal.

Mr. Carey asked for a meeting on administrative procedures in the next three months. Mayor Tabori noted that this subject might be a topic for the Rules Committee.

Mayor Tabori reviewed the schedule for the Cafritz zoning request. He said the Planning Board will place a resolution on the consent agenda either this Thursday or next Thursday; the District Council will meet on April 16<sup>th</sup>. Mayor Tabori and the Council members discussed the various timelines for the process. Mayor Tabori noted that there are still some corrections that he would like to see made to the negotiated conditions as reflected in the Planning Board recommendations.

Ms. Bradley Chacón asked about legal fees related to the Cafritz proposal. Mayor Tabori said the Town Treasurer, Mr. Baden, has estimated that there will be an additional \$20,000 necessary to cover legal matters. This amount includes both the Cafritz negotiations and the cable franchise fee negotiations. Mayor Tabori said he estimated that the total legal fees for the Cafritz proposal would be between \$20,000 and \$25,000. Mr. Brosch raised concerns about the legal fee reimbursement agreement with the Cafritz property owners. He expressed concerns and reservations about accepting a payment for legal fees from Cafritz; he was concerned that this creates at least the appearance of a conflict of interest.

Mr. Brosch recommended that the Town not accept any monies from the Cafritz property owner. Mayor Tabori said he understood Mr. Brosch's concerns. Mayor Tabori raised the point that the reimbursement could be considered a form of a filing fee. He pointed out that under Mr. Brosch's approach, the Town would not be able to request fee recovery when any outside party imposed costs on the Town. Mayor Tabori pointed out that Town taxpayers

pay for the Town Attorney. The monies being requested from the Cafritz property owners is to offset costs that the Town would not have otherwise budgeted. None of the monies go to the Mayor or to the Council members. Mr. Gekas asked if Attorney Podolsky's fees would be included in the amount requested from the Cafritz property owners. Mayor Tabori said that it would be. Mayor Tabori further added that the reimbursement request was capped at \$25,000.

**B. REPORT OF THE TOWN TREASURER ~ Dan Baden  
Mid-Year Financial Report**

Mr. Baden reviewed the six-month analysis report on the budget and identified the proposed budget transfers.

**Motion:** To introduce transfers as presented by the Town Treasurer, to make the necessary adjustments per the fiscal year six month analysis, and to transfer the funds to the appropriate budget items.

**Moved by:** Mr. Carey

**Yea:** 6

**Seconded by:** Mr. Cron

**Nay:** 0

**Abstain:** 0

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

Mr. Beall discussed landfill fees. The amount of trash the Town tips at the landfill has declined from 1100 tons four years ago to 780 tons or less this year.

Mr. Beall had an update on the status of the new trash packer the Public Works department is preparing to purchase. The truck is the exact height of the garage door at the Public Works facility. Mr. Beall is working with Mr. Hall to determine a solution to this problem.

Mr. Beall reported that he has made an arrangement with the City of College Park to let the College Park Public Works Department deliver mulch to University Park residents at the College Park municipal rate. He said he is developing the form Town residents will use to submit to request a delivery and make payment. Once he receives the completed form and payment, he will notify College Park to make the delivery.

**D. COMMITTEE MEETING REPORT ON PUBLIC FACILITIES AND SERVICES  
HELD ON JANUARY 31, 2012**

Mr. Carey briefly reviewed the report of the Committee meeting.

**9. CONTINUING BUSINESS**

**A. RECREATIONAL TRAILS PROGRAM (RTP) AND THE MEMORANDUM OF**

**UNDERSTANDING (MOU) AWARD IN THE AMOUNT OF \$20,000 FOR THE RESTORATION OF APPROXIMATELY 3,750 FEET OF TRAILS IN TOWN**

**Motion:** To approve receipt of the \$20,000 grant award from Maryland State Highway Administration for a Recreational Trails Program grant and the Memorandum of Understanding subject to approval by the Town Attorney

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

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

**B. APPOINTMENT OF DAVID R PODOLSKY FOR THE PURPOSE OF THE CAFRITZ DEVELOPMENT PROJECT ZONING MATTERS**

**Motion:** To approve the recommendation by Mayor Tabori to hire David H. Podolsky for the purpose of the Cafritz development project Zoning matters

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

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

**C. RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF UNIVERSITY PARK, MARYLAND, TO AUTHORIZE A JOINT NEGOTIATION, TOGETHER WITH PRINCE GEORGE'S COUNTY AND OTHER MUNICIPALITIES, TO NEGOTIATE THE RENEWAL OF THE COMCAST FRANCHISE**

**Motion:** To approve Resolution 12-R-01 of the Mayor and Common Council of the Town of University Park, Maryland, to authorize a joint negotiation, together with Prince George's County and other municipalities, to negotiate the renewal of the Comcast Franchise

**Moved by:** Ms. McPherson  
**Yea:** 6

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

**10. NEW BUSINESS**

**A. SPECIAL ELECTION WARD 5**

**Motion:** To approve procedures and dates for Ward 5 Council Member Special Election. The Special Election is proposed to be set for March 20, 2012 and standard polling times will be used.

**Moved by:** Mr. Carey

**Seconded by:** Mr. Cron

**Yea: 6**

**Nay: 0**

**Abstain: 0**

**B. LONGEVITY AWARD PROGRAM**

Mayor Tabori will add an agenda item to discuss a longevity award program for the Public Works Department to a future agenda.

**C. MAYOR PRO TEM**

Mayor Tabori discussed with Council that he would be unavailable on February 9<sup>th</sup> and February 10<sup>th</sup>. Ms McPherson will act as Mayor Pro Tem during that time.

**11. ADJOURNMENT** at 10:10 pm

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

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