



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

**May 15, 2013  
MINUTES**

**Note: In the absence of both a recording secretary and a device to record the session, Ms. Christiansen took minutes of this special session. Given that the Town had not yet received a waiver of conflict of interest from the Town of Riverdale Park, there was no attorney available to produce the final letter and conditions to be submitted to the Planning Board. Ms. Christiansen sent a copy of all motions to Ms. Sorensen who incorporated them into the document which was then sent to the Mayor.**

**1. CALL TO ORDER: Mayor Tabori**

**Present:** Brosch  
Gekas  
Christiansen  
Sorensen  
Alvarez

**Absent:** None

**Excused:** Carey  
Cron

**2. APPROVAL OF THE AGENDA**

**Ms. Sorensen explained that at the time she actually called for the special session, she understood it was a meeting to strengthen the language regarding the conditions 25a, 25b, 25c, and 25d. She did not understand that it was to reconsider the motion for disapproval of the Preliminary Plan for the Cafritz Development approved by the Town Council at their regularly scheduled meeting on Monday, May 13, 2013.**

**Ms. Sorensen suggested that item 3 be separated into two item to reconsider the motion approved on May 13, 2013 to be new item 3 followed by the strengthening of the language of the comments and conditions as item 4. On the basis of new information that was received on May 14 and 15, the Council was asked to reconsider the motion to disapprove.**

**Moved by:** Mr. Alvarez  
**Yea:** 5

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

**3.CONFLICT OF INTEREST WAIVER IN CONNECTION WITH ATTORNEY REPRESENTATION OF THE TOWN OF RIVERDALE PARK**

**A. Motion:** To approve a waiver of the conflict of interest in connection with the representation of the Town of Riverdale Park by Fred Sussman, who is a member of the same firm, Council, Baradael, Kosmerl & Nolan, as Suellen Ferguson, our Town of University Park Attorney, regarding the Cafritz Property preliminary plan and detailed site plan processes. This waiver is contingent on the Town of Riverdale Park also granting a waiver of the conflict.

**Moved by:** Mr. Alvarez

**Seconded by:** Mr. Brosch

**Yea:** 5

**Nay:** 0

**Abstain:**

A friendly amendment to the original motion was offered by Ms. Sorensen and accepted to insert the words, "Town of University Park" prior to the word attorney in reference to Suellen Ferguson.

\*If the Town grants this conflict of interest waiver the firm will set up a "Chinese wall" within the firm so that Suellen and Fred will not communicate regarding the Cafritz project as long as a conflict exists between the interests of the Town of Riverdale Park and the Town of University Park, or until authorized by the Town.

**4.ON THE BASIS OF NEW INFORMATION COUNCIL WILL RECONSIDER THE COUNCIL POSITION ON THE PRELIMINARY PLAN OF SUBDIVISION 4-13002 -CAFTRITZ PROPERTY**

**A. Motion:** To affirm the council's decision of May 13, 2013 to recommend disapproval of 4 - 13002, Preliminary Plan for the Cafritz property

**Moved by:** Ms. Sorensen

**Seconded by:** Mr. Gekas

**Yea:** 5

**Nay:** 0

**Abstain:** 0

**5. ON THE BASIS OF NEW INFORMATION COUNCIL WILL MODIFY AND STRENGTHEN LANGUAGE ON CONDITION NO. 25 (a)(b)(c)(d) FOR THE PRELIMINARY PLAN OF SUBDIVISION 4-13002 CAFTRITZ PROPERTY.**

The mayor read the beginning of his letter of May 15, 2013 to the Council proposing alternate language in the conditions of 25a, 25b, 25c, and 25d. (letter attached) At the conclusion of his comments in the letter regarding conditions 25a, Ms. Sorensen suggested that he pause and allow the Council to consider any language changes for that condition before moving on to the next part of the letter or condition 25b.

25a

The Council discussion regarding new information, a letter dated May 15, 2013 from the University of Maryland (attached), led to the approval of the following motion for the language regarding condition 25a.

**A. Motion:** At the time of the Town Council of University Park’s review on May15, 2013, the council noted its concerns regarding 25a. The alignment of the eastern side of the bridge is not yet determined. (See Exhibit 1, Map of 4 Options) There is also a 13 foot discrepancy noted in pages 5 - 6, and 79 of the Planning Staff Report. Moreover, it is not clear which bridge alignment Dr. Mokthari is referring to in his report.

**Moved by:** Ms. Sorensen      **Seconded by:** Ms. Christiansen  
**Yea:** 5      **Nay:** 0      **Abstain:** 0

**B.** It was suggested by the mayor and accepted by the Council that we come back to 25b after taking action on 25c and 25d.

Following discussion on 25c regarding the letter received May 15, 2013 and an additional clarifying email from CSX to Mr. Gekas, the following motion was approved:

**Motion:** The Council notes that it received an additional clarifying letter on May 15, 2013 and additional clarifying email from CSX on May 14, 2013. The Council notes that the letter from UMD is replete with conditions and as a result the council has concerns about the ability of the Applicant to meet the requirements of Condition 26a. The Council also expresses its concern that with respect to the requirement that the UMD letter “identify the land or right-of-way acquisition cost,” the May 7, 2013 UMD letter is based only upon an estimate of the land impact at “approximately 3.2 acres” and acknowledges that the land acquisition costs, which UMD estimates to be “as high as \$1,000,000 per acre” is “non-binding,” and “based upon dated appraisals.”

**Moved by:** Ms. Sorensen      **Seconded by:** Ms. Christiansen  
**Yea:** 4      **Nay:** 1      **Abstain:** 0

**C.** Following discussion regarding the adequacy of the cost estimate and the implication that the University has yet to survey the affected land, receive appraisals, and enter into an agreement, the following motion was approved:

25d: has not been met. While estimates of the cost of design, permitting, and construction have been received via a letter dated May 6, 2013, the land to be acquired has not been identified and there has been no appraisal of the land since 2008.

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

**D.** Additional language suggested by Mayor Tabori was discussed for 25b resulting in the approval of the following motion:

Condition 25b has not been met. The funding mechanism for the bridge has not been established as of the time of the Town of University Park Council’s review and was not established at the time of the writing of the Planning Staff report. While the applicant has petitioned for and as of May 14, 2013 received County Council approval for a special

taxing district, that does not necessarily establish a funding mechanism sufficient to cover the costs associated with the bridge. If that mechanism is used we have no basis to ascertain or verify that the funding stream is sufficient to cover all associated costs including acquisition of land, costs of capital, design, engineering, and construction. In addition, none of the requirements to “establish a system of financial assurances, performance bonds or other security to ensure completion of construction and establish a timetable for construction” which must be met prior to approval of the Preliminary Plan, have been met.

**Moved by:** Ms. Sorensen  
**Yea:** 5

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

Mr. Alvarez noted the absence of the word “not” in the comments regarding Condition 5. A brief discussion, the language was corrected to read:

“5. Condition 5 has not been met. The Historic Preservation Commission did not complete the review required in Condition 5 of A-10018. The bridge crossing had not been located in sufficient time to allow for their review of the impact of the bridge on the adjacent National Register historic districts.”

Mayor Tabori suggested that the Council add a condition in the event the Planning Board approves the Preliminary Plan which led to approval of the following motion:

**1. Motion:** Prior to the issuance of the first building permit, the Historic Preservation Commission will review the bridge for its impact on the adjacent National Register historic districts.

**Moved by:** Mr. Alvarez  
**Yea:** 5

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

Ms. Sorensen noted that the Council overlooked a condition that it planned to approve on May 13, 2013 which led to approval of the following motion:

**2. Motion:** To support the acceleration of the bridge construction as recommended by Dr. Mokthari in the Preliminary Plan staff report.

**Moved by:** Ms. Sorensen  
**Yea:** 5

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

Ms. Christiansen pointed out the staff recommendation in the report for memorializing the TMP and shared a suggestion offered by the M-NCPPC staff resulting in the following two motions:

**3. Motion:** At the time of DSP, the town of University Park shall be allowed to review the TMP to ensure that University Park’s version of the TMP is part of the condition.

**Moved by:** Mr. Alvarez  
**Yea:** 5

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

**4. Motion:** To support the M-NCPPC staff recommendation in paragraph 29 on page 103 of the Planning Staff Report: “Prior to approval of final plat, that the Applicant enter into a covenant or transportation management agreement for approval by the three municipalities of College Park, Riverdale Park and University Park to be recorded and run with the land with respect to the TMP requirements, the shuttle bus requirements and the circulator bus requirements.”

**Moved by:** Mr. Alvarez  
**Yea:** 5

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

Corrected condition (police substation)

**5. Motion:** To correct the language on p. 4 of the letter and conditions to the Planning Board to include the words “...on the property for the Town of Riverdale Park. Failing to do so, compensation will be provided to the Town of University Park’s Police Department.”

**Moved by:** Ms. Christiansen  
**Yea:** 5

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

**6. LETTER TO THE PLANNING BOARD ON CAFRITZ 4-13002**

The Council did not deem it necessary to take any further action on the letter to the Planning Board. The mayor will submit and read the letter to the Planning Board at the hearing on May 16, 2013.

**7. REVIEW THE FINAL DRAFT OF THE TRAFFIC MANAGEMENT PLAN (TMP)**

**A. Motion:** To approve a final draft of the Traffic Management Plan Program.

**Moved by:** Mr. Alvarez  
**Yea:** 5

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

**8. ADJOURNMENT**

Attachments:

1. Letter to Planning Board from the Town of University Park with language approved by the Town Council on May 13, 2013.
2. Letter to Planning Board from the Town of University Park approved by the Town Council on May 15, 2013.
3. Letter to Town Council from Mayor Tabori of May 15, 2013