



**MEETING OF  
UNIVERSITY PARK MAYOR AND COMMON COUNCIL**

**UNIVERSITY PARK ELEMENTARY SCHOOL  
4315 UNDERWOOD STREET**

**7:30 PM  
November 3, 2014  
MINUTES**

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

**Present:** Mr. Thompson, Mr. Gekas, Mr. Hess, Ms. Verrill, Ms. Sorensen, Mr. Cron,  
Mr. Alvarez  
**Absent:** None  
**Excused:** None

**2. PLEDGE OF ALLEGIANCE** was led by Mr. Thompson.

**3. APPROVAL OF THE AGENDA** as modified.

**Moved by:** Mr. Cron                      **Seconded by:** Mr. Hess  
**Yea:** 7                                          **Nay:** 0                      **Abstain:** 0

**4. PUBLIC COMMENT**

**5. CONSENT AGENDA**

**A. LITTLE FREE LIBRARY**

Recommendation approved by the Director of Public Works Re; the “Little Free Library.”

**Motion:** To approve the following consent agenda item.

**Moved by:** Mr. Cron                      **Seconded by:** Mr. Gekas  
**Yea:** 7                                          **Nay:** 0                      **Abstain:** 0

To accept the proposal of the University Park Civic Association and permit the installation of a second Little Free Library on public land and:

- That the Council approve the site recommended by the Director of Public Works; at Wells Parkway at the west side of the creek near the Beechwood Road pedestrian bridge, such site to be specifically located by the Town, and;
- That the Council request that the University Park Civic Association pay for the creation of such a Little Free Library, and coordinate its stocking with appropriate books and continuing operation, and;

- That the Council request that the Town maintain the Little Free Library structure itself where the need for such maintenance is indicated by the University Park Civic Association, and;
- That this arrangement may be ended or altered at the convenience of the Town at any time, and;
- That the existing agreement between the Town and the University Park Civic Association be amended to include the second location, appended with signatures.

## 6. CONTINUING BUSINESS

### A. LEGISLATIVE RESOLUTION 14-0-10 PROHIBIT PARKING ON VAN BUREN STREET (2<sup>nd</sup> Reading)

**Motion:** To approve the adoption of LR 14-O-10: to prohibit parking on the south side of Van Buren Street within 100 Feet of the intersection with U.S. Route 1.

**Moved by:** Mr. Hess

**Yea:** 7

**Seconded by:** Mr. Alvarez

**Nay:** 0

**Abstain:** 0

### B. TRANSFER FUNDS TO COVER ENGINEERING COSTS RELATED TO A PROPOSED STORM DRAIN IN WELLS RUN (2<sup>nd</sup> Reading)

**Motion:** To approve a budget transfer of \$10,000 from *Undesignated Reserves* to the *Engineering* line item to cover engineering costs related to a technical evaluation of a proposed storm water drain entering Wells Run.

\* Budget transfers require 5 votes.

**Moved by:** Mr. Thompson

**Yea:** 7

**Seconded by:** Mr. Alvarez

**Nay:** 0

**Abstain:** 0

### C. TO CONVEY A COUNTER OFFER RECEIVED FROM PRINCE GEORGE'S COUNTY PUBLIC SCHOOLS RE: REPLACEMENT OF A 6 FOOT FENCE

*Previously the following motion was adopted;*

**Motion:** To approve the request for a Building Permit with Special Exception due to safety considerations for the installation of a non-conforming vinyl-coated 6' fence located on Lot: 1-16: 31-40, Block: 22 at 4315 Underwood Street. Findings that Section 4-115 have been met to approve this Special Exception per Section 4-115 Sub-sections A-E of the Town Code. Approval subject to the following conditions: (1) the Town will contribute \$1500 towards completion of this fence; (2) the fence to be removed entirely when the temporary structures are removed; (3) it is permissible for the galvanized steel posts to remain and to be used for the vinyl-coated steel fence. To secure these conditions an MOU would be established between the Town and Prince Georges County Public Schools.

*This motion was conveyed to Prince George’s County Public Schools (PGCPS) via its Counsel. The Town has received a counter offer from PGCPS that the Town pay \$3000 toward the completion of the fence, PGCPS would agree to the completion of the fence, and PGCPS would agree to the remainder of the Town’s conditions contained in the motion.*

**Motion:** To stand.

**Moved by:** Mr. Hess  
**Yea:** 7

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

**7. NEW BUSINESS**

**A. PERMIT REQUEST FROM WASHINGTON GAS LIGHT COMPANY TO INSTALL REPLACEMENT GAS LINES**

**Motion:** To approve the request for a Special Utility Permit for Washington Gas Light Company to enter University Park right-of-way to install 35 replacement gas lines to residential properties as itemized on the Permit and with the conditions as proposed.

**Moved by:** Mr. Thompson  
**Yea:** 7

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

**B. CAFRITZ PROPERTY AT RIVERDALE PARK \*\*  
RE: SA-130001/01 AND DSP-13009/03  
See Explanatory Note below.**

**Motion:** To adopt the recommendations from the Development Overview Committee on the Secondary Amendment SA-130001/01 amending the design standards for freestanding signs, and the DSP-13009/03 on freestanding signage, to authorize the Mayor and Town Attorney to draft and submit a letter to the Planning Board stating the Town’s position, and to authorize the Mayor to testify at the hearing on November 6, 2014. The Town position will include proposing additional conditions or amended conditions to include the following concepts: etc.

Secondary Amendment SA-130001/01

The Town is concerned about the broad nature of the proposed secondary amendment and recommends that it be amended to limit freestanding signs and signage in Riverdale Park Station in the following ways:

1. Freestanding signs shall only be allowed in the parcels along Baltimore Avenue.
2. The total number of signs in the parcels along Baltimore Avenue shall be limited to one commercially-oriented sign per parcel abutting Baltimore Avenue (for a total of three potential signs); non-commercial community entrance feature signs should not be limited in the same way.
3. The allowed freestanding signs shall be limited to twelve feet in height above ground.

4. Only externally-lit freestanding signs shall be allowed, with standards similar to those in Standards 5 and 9 for lighting, on Page 11 of the existing Cafritz Property Design Standard Guidelines.
5. Each freestanding sign panel shall not exceed fifty square feet in area.
6. Pole-mounted freestanding signs shall remain prohibited throughout the zone.
7. All freestanding signs in the parcels along Baltimore Avenue shall be monument signs and have a similar set of materials, scale, and character to those presented in DSP 13009-03, so as to present a cohesive whole.

**Moved by:** Mr. Alvarez

**Yea:** 4

Mr. Cron

Mr. Hess

Mr. Thompson

Ms. Verrill

**Seconded by:** Mr. Hess

**Nay:** 3

Mr. Alvarez

Mr. Gekas

Ms. Sorensen

**Abstain:** 0

#### Detailed Site Plan 13009/03

To support the installation of three freestanding signs, one a commercial sign in Parcel B on the north side of Van Buren Street at the intersection with Route 1, the second a community identification sign in Parcel C on the south side of Van Buren at this intersection, and the third a commercial sign in Parcel C on the north side of Underwood at its intersection with Route 1. The two commercial and one directional signs approved in the DSP shall be consistent with the dimensions, elevation, placement, and entryway renderings contained in the document labeled Planning Department, Cafritz Property, Parcels B and C, dated October 24, 2014, which is part of the staff recommended approval. The brick color to be used should be off-white with a matte surface.

The Town fully expects the site and signs to be well-maintained as provided through the original Detailed Site Plan and Secondary Amendment process.

The Town's position generally supports the position recommended by the Town of Riverdale Park's MUTC Committee. The Town of University Park generally supports the Town of Riverdale Park's position on this matter.

**Moved by:** Mr. Alvarez

**Yea:** 7

**Seconded by:** Mr. Hess

**Nay:** 0

**Abstain:** 0

#### **\*\*EXPLANATORY NOTE**

Due to some confusion during the vote at the meeting, the Council was requested to clarify their vote by email on November 4, 2014 with respect only to the Secondary Amendment issue of the total number of commercial freestanding signs to be allowed on the property. The vote with respect to the Secondary Amendment reflects this clarification. The Council's Secondary Amendment position does not approve a third commercial sign, but allows the developer to apply for one, with notice and opportunity for the Council to comment.

**8. APPROVAL OF MINUTES: *October 20, 2014*** as amended.

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

**Seconded by:** Mr. Thompson  
**Nay:** 0                      **Abstain:** 1 (Gekas)

**9. APPROVAL OF EXECUTIVE SESSION MINUTES: *October 20, 2014***

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

**Seconded by:** Ms. Sorensen  
**Nay:** 0                      **Abstain:** 1 (Gekas)

**10. DEPARTMENT AND COUNCIL REPORTS**

**A. MAYOR’S REPORT ~ *Mayor Len Carey***

- Pepco will be trimming trees throughout University Park. Details and scheduling are being requested from Pepco.
- Veterans Day Observance; Sunday, November 9 at 2 pm.

**B. COUNCIL REPORTS**

**Mr. Thompson - Ward 1**

- There will be a listening session to discuss local development issues on Wednesday, November 12 at 7:00 p.m. at the University Park Church of Brethren.

**11. COUNCIL WORK SESSION**

- A.** The Council will enter a Work Session by 8:30 p.m. to discuss the report of the Council Committee on Policy, Rules, and Municipal Structure re: the University Park Town Newsletter.

**Motion:** To close out the Legislative Session and enter a Work Session to discuss the report of the Council Committee on Policy, Rules and Municipal Structure in regards to the University Park Town Newsletter.

**Moved by:** Mr. Thompson  
**Yea:** 7

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

The Committee report is available on the Town Website at <http://www.upmd.org/docs/11-749-1412283547.pdf>.

Mayor Carey began with a brief overview of role of the Town Newsletter. “The University Park Newsletter is an official newsletter published by the Town of University Park. Established purpose of the newsletter per the Charter is to provide information to the citizens of the Town relating to governmental activities of the Town to provide official notices as required by Charter or Ordinance. The Mayor and Council are the publishers of the Newsletter. The Council is empowered per the Charter to enact ordinances in regards to the Newsletter, though it has not. The word ‘Newsletter’ appears only once in the Town Ordinances in Section 2-110, dealing with disposal of surplus Town property. The Mayor per Section 401-A, of the Town Charter is the Chief Executive Officer and the head of the Administrative Branch of the Town Government, in that capacity acts as the publisher’s agent. The Editor works within that structure and within that minimal guidance,

receiving further guidance from the Mayor in the role of the publisher's agent.”

## Questions/Issues

### 1. Is it necessary to have the editor(s) under contract?

*Newsletter Committees recommendation:* A written agreement with the Newsletter Editor should be required.

- A contract protects the Editor as well as the Town. Without a contract, everything is up in the air.
- Would like to see a contract drawn for Scope of Work and expectations.

### 2. Is it necessary that this contract be put “out to bid?”

*Newsletter Committees recommendation:* Deferred to making a specific recommendation. Whatever decision the Council decides to make with respect to whether it will bid out the Editor, it should also use the same practice with respect to the printer.

- Mayor Carey stated that per the Ordinances in the Town, anything above \$10,000 is supposed to go out to bid.
- If the editor was offered a fixed contract for \$9, 999 per year, would it have to go out for bidding?
- Should be put out to bid even if under \$10,000.
- Going out to bid might be seen as fair, however does not think that the bid should be for the lowest price.
- The current editor should be given a contract and if the expectations are not met, then make a change at that time.
- The current editor can go through the same process of bidding.
- It is important to follow best practices in contracting in order to set an example for the Town.
- With the current editor, go from a verbal contract to a three year written contract and then let it go out to bid.
- The committee chair stated that some residents commented that it was a waste of time putting out an RFP for other editors.

### 3. How will we choose an editor?

*Newsletter Committees recommendation:* To choose an editor through an RFP process, tying into the professional services part of the Charter and using a process where the Mayor brings back recommendations with respect to a lead candidate and two to three other candidates to bring back for discussion with the Council. Approval of the contract with the Newsletter Editor would be a proposal by the Mayor with approval of the Council. The recommendation from the Committee was that there would be a residency preference.

- Mayor Carey clarified that he was very willing to stratify that as well to provide a

separate list of Town residents from those that were not Town residents.

- Mayor Carey stated that there was a proposal to revise the Town Ordinance, which would include the Editor of the Town Newsletter into the Town Code.
- Would like to establish permanent processes that work on a going forward basis.

**4. What is the work of the editors to be described in the Scope of Work?**

*Newsletter Committees recommendation: See the Committee Report, marked in red, for details of the Scope of Work. Some of the significant changes were:*

- *In collaboration with the content author sources the editor complies, clarifies, edits for length and performs copy editing so as to convey the substance intended by content authors sources;*
  - *Requiring that the Editor meet periodically with the Mayor, the Town Council and the Newsletter Review Board;*
  - *The Editor will also be involved in making recommendations related to the Town selection of the designated printer;*
  - *The Newsletter be assembled and provided to the Town's designated printer as a print ready PDF.*
- It is important to find a home for all of the above, if not included in the Scope of Work, they need to show up somewhere.

**5. Is University Park residency helpful or necessary to do this work?**

- a. Helpful--more likely to be done well if the editor lives within University Park?
- b. Necessary--cannot be done well unless the editor lives within University Park?

*Newsletter Committees recommendation: There is a preference for town residence and that the editor be a town resident unless there is no qualified town resident who applies. A separate recommendation was made that the resident should have lived in the town for one year and that the town may determine that the new editor might need to be engaged if the current editor moves away from the town.*

- Is it legal to require they be a town resident?
- Mayor Carey said that close familiarity with what goes on in the town should be a benefit.
- Concerned that someone from outside the town might be more qualified and not able to take the position.

Mayor Carey suggested continuing Council discussion re: the newsletter editor in Council Work Session on November 17, 2014, and scheduling a special Public Comment period before.

**12. ADJOURNMENT** by consent at 10:00 p.m.

Submitted by: \_\_\_\_\_  
Lenford C. Carey, Mayor