



**MEETING OF  
UNIVERSITY PARK MAYOR AND COMMON COUNCIL  
RIVERDALE PRESBYTERIAN CHURCH IN CUSTIS HALL  
6513 QUEENS CHAPEL ROAD**

**1:00 PM**

**January 18, 2014  
SPECIAL SESSION  
MINUTES**

**1. CALL TO ORDER: Mayor Tabori at 1:10 p.m.**

**Present:** Mr. Brosch, Mr. Gekas, Ms. Christiansen, Mr. Carey, Mr. Cron,  
Mr. Alvarez  
**Absent:** None  
**Excused:** Ms. Sorensen

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

**3. INTRODUCTIONS AND OPENING REMARKS ~ Mayor Tabori**

Mayor Tabori welcomed everyone and explained that the Community Conversation was scheduled to discuss the possibility of purchasing the Riverdale Presbyterian Church in order to use it as a community center and some Town Hall functions as well.

**A. PUBLIC FACILITIES AND SERVICES COMMITTEE  
RECOMMENDATIONS TO THE TOWN COUNCIL - Len Carey, Chair,  
David Brosch, Jim Gekas and Michael Cron**

Mr. Carey stated that the Committee reviewed an array of options and after many meetings, building evaluations and consultations, the Committee recommended to the Council that the Town purchase the property with a lease-back of the Church building to the Church for 5 to 10 years and to retain and continue to use the current Town Hall for UP police and public works along with their vehicles. It was also recommended to raze the annex and to build an 8,000 square foot community building for town administrative offices, council chambers, civic use, and an elder care village office, before and after care, continuing education classrooms for a rental fee. The estimated cost of mitigating and razing the Church building when the Church is done with it is less than \$500,000.

**B. FINANCING THE PROJECT - Mayor John Tabori**

Mayor Tabori gave a power-point presentation of approximate cost estimates for the Committee's recommendations if the Church is purchased by the Town. These estimates can be found on the Town website. Mayor Tabori stated that he was reluctant to discuss the cost of the property since it was still in negotiation. It is estimated that the operating costs of the Church will be \$150,000 to \$200,000 a year.

If the Church is not purchased, the Town will have spent approximately \$70,000 on this effort which will come out of the current years operating budget and will not impact future taxes.

Mr. Carey stated that he was informed that as of January 22, 2014 the Church will be listed for sale and the asking price will be 2.3 million dollars.

**C. REFERENDUM, PROPER PROCEDURES, LEGAL REQUIREMENTS AND THE TIME LINE FOR THIS PROCESS - *Suellen Ferguson, Town Attorney***

Ms. Ferguson explained that if this property is purchased from the Church, it will be done by an ordinance and which is required by State law. Under Town procedures and the charter, Section 311D, a referendum process is allowed when an ordinance is adopted.

Not all municipalities make a provision for this kind of referendum, but the Town does. It is the only referendum process that you have for Town actions other than charter amendments. Doing a public referendum for this question in and of itself without the Council taking an action, is not allowable under your code as it's written now. The only way this becomes a question that the public gets to vote on is if this Council adopts an ordinance. It would have to adopt an ordinance to acquire the property. It does not have to adopt an ordinance, not to acquire it.

If in fact the Council voted to acquire the property, then that decision can be taken to referendum if it's done within twenty days after the date of adoption. The law requires that to go to referendum a question must be presented to the public and 20% of the registered voters in the Town must sign a petition to then require that the matter go to referendum election. That number is measured as of the date of the action that's taken by the Council. So whatever date they vote on that's the voter role that the Town would acquire from the County to show who is a registered voter at that time and then 20% of those persons would have to file a petition.

The Town has options in terms of whether or not it aids the process for doing the referendum. At the State election level, the State is required to offer assistance to residents wanting to go to referendum. At the Town level, we are not required to do so but have in the past, when we have gone to referendum. There was one prior time that the Town worked with the petitioners to present the question in a fair way and to vet the petition form before it goes out on the street. That helps to avoid anyone having legal problems about whether the question was validly presented to folks when they signed the petition that they wanted the matter to go to referendum.

If a petition with 20% of the registered voters is submitted to the Town within the twenty day period following the adoption of the ordinance, then a referendum election would be held. The timing of that would be up to the Council and in situations like this that we are talking about, obviously the Council would want to set it as soon as possible. That is the only referendum option that is available under Town law at this time. So a failure of the Council to take an action is not a matter that by itself is subject to a public vote.

Mr. Carey asked Ms. Ferguson to explain whether there are any difficulties with Use and Occupancy in terms of a lease back.

Ms. Ferguson stated that this is a totally separate legal issue that exists in this case. Most people in University Park do not deal with zoning issues very often because all of the properties in the Town are zoned R55. The R55 Zone is otherwise known as the single family home zone. There are certain other uses that are allowed in a R55 Zone. What a zone does is it defines, among other things, what uses can be made of the property in that zone. So in a R55 zone, you might be able to have an in-home office, such as a doctor's office, but you cannot have a grocery store. You can have a school, but you can't have another kind of commercial business other than maybe an in-home business. Those restrictions apply to the property that this building sits on.

Each property of this type is supposed to have a Use and Occupancy Permit from the County. The Town has no governance or say so over issuance of Use and Occupancy Permits. To date, we have not been provided with a Use and Occupancy Permit from the Church. We do not know whether they have one or do not have one. When a new owner takes a property, someone may have a Use and Occupancy Permit that requires that they do certain things and make certain improvements and after that they don't have to.

A new Use and Occupancy Permit triggers a number of additional, maybe safety requirements such as a sprinkler system, new parking regulations, new building construction regulations, because as time goes on over the decades, the idea of what is safe for the public has changed. That is reflected in the zoning and building laws. A new owner of this property, whether it be the Town or someone else, would be required to bring this building to code, depending on what use you were going to make of it. The issue is that, in determining whether the Town is able to purchase all or part of this property and then take on improvements for it, we have to be able to have an understanding with the County as to what the Town would be required to do.

#### 4. PUBLIC COMMENT

Q. At a previous meeting, I got the impression that the cost would be the same for each household in University Park and not based on assessment.

A. The Council requested calculating figures based on assessment. (*Tabori*)

Q. Will the taxes be calculated by home or assessment?

A. The Council is debating this. (*Tabori*)

Q. Due to re-assessment, a resident asked that a projected increase be included in the estimates for those who have not yet been re-assessed.

A. The full assessment database is available and will be used to calculate fairly detailed breakdowns for everybody. (*Tabori*)

Sarah Kozel, 4208 Underwood Street

Q. Is there a necessity for this purchase?

A. The necessity lies largely in community use. Town Hall is currently limited and not ADA compliant, not enough room in the current conference room for committee meetings. (*Carey*)

Joe Shultz, 4014 Tennyson Road

Q. Would like more information on the new building options other than just how big they are?

A. The Committee only requested an estimated cost of building a community building, one being 4,000 square feet and 8,000 square feet. (*Carey*)  
At this time there is no design or full program; the numbers were put together to give the Town a sense of what a building of those two sizes would cost. (*Ahmann*)

Linda Verrill, 4202 Van Buren Street

Q. When the Town votes on this, is it to move forward with the purchase or also on a particular option? And if not, when does that factor in and how?

A. The first ordinance would be to acquire the property. The financing would also be done through an ordinance because it will involve a bond of some kind. (*Ferguson*)  
The fundamental question is to buy or not to buy the property. Yet in the process the Council would like to put forth a proposal about what could be done with the property and to hear what the community would like to be done. (*Carey*)

Anna Mae Kobbe, 4312 Woodbury Street

Considers the Church as the Town community center and hopes that all of the civic organizations will be able to continue meeting in an accessible place in town.

Mike Kemper, 4312 Tuckerman Street

Concerned about the increased taxes and suggests that the Town wait a few months to see if the asking price goes down.

Bruce Burrows, 4400 East West Highway

The Town needs to take the initiative in keeping those residents updated who do not spend time on the internet and are unable to attend Town meetings. All residents need more realistic values in order to get a full understanding of what their burden will be.

Mary Gathercole, 4016 Tennyson Road

Q. What would be the worst case scenario that could be put in place of the Church?

A. R55 is a specific zoning category; it is defined very carefully in the County zoning code. A school, church and single family homes can be allowed. (*Ferguson*)

Jarrett Lee, 6900 Oakridge

Q. Any estimates for building income, whether that be church rental or if it be turned into single family homes, what is the change in tax income from that as well as any other rentals?

A. If six single family homes were built for \$500,000 that would bring in about \$15,000 to \$25,000 to the Town. If the Church would lease back, there would be no change in the taxes that the Town would accrue. (*Tabori*)

Q. Are there estimates on the lease cost that the Church would pay?

A. It is part of the negotiation. (*Tabori*)

Catherine Donnelly, 4222 Sheridan Street

Q. Does the Town have any control of the appearance of the houses if it goes in that direction?

A. A builder would have to work through the County zoning law and the Town can weigh in on the process and fully state what they want to happen. (*Ferguson*)

Bridget Warren, 4312 Van Buren Street

A good developer will want to work with the community to make neighbors at ease. Propose that the Town do a more careful analysis, especially the operating costs. Survey the residents to see what sort of need there is in the community. The additional tax burden is concerning.

Fred Werth, Pineway

If the decision is made to build on the property, it should be designed to be energy efficient.

Shayne Hinter, 6803 Wells Parkway

Q. There seems to be a certain amount of deficiency in the structure which would prevent it from getting the Use and Occupancy permit. What are the repairs that code would require?

A. A code and zoning study was done and there are a number of issues. There are deficiencies in terms of ADA compliance, ceiling height on floors, elevator needed, and several more. These can be found in the report which is on the website.

Dana Shea, 6512 40<sup>th</sup>

The concern is all of the things that follow from the decision of purchasing the Church. There is not a sense of what the cost of the building might be as a long term cost if purchased.

Q. What sources of grants or other aid on the County, State or Federal level have been investigated that could assist in generating a community center or a new Town Hall.

A. The Town can receive over a two- or three-year period up to \$500,000 in a bond bill, which does not have to be paid back. (*Tabori*)

The Council is trying to set some of the frame work so that the community can start to look at the impact of various pricing structures and cost structures. (*Tabori*)

Tiegh Thompson, 6506 41<sup>st</sup> Avenue

Concerned of the increased taxes and not being able to stay in University Park for this reason.

David Caskey, 6800 Pineway

Q. Does the Council know of any other municipality or civic entity that has purchased a house of worship and leased it back?

A. Not anywhere local, but this is a fairly common occurrence nationally. (*Ahmann*)

John Brunner, 4110 Tennyson Road

Park and planning is purchasing the Beth Torah Congregation on Adelphi Road and will merge this with the PG Community Center. This may offer some opportunities and provide options for the Town.

Q. What happens to the Church, sanctuary and offices when the lease is up?

A. Possibly raze the building or find other uses for the Church. (*Carey*)

Dennis Giblin, 6508 41<sup>st</sup> Avenue

Q. Interested in the Church and State separation if a lease is provided to the Church at a very low rate. Is this proper for Town government to be doing?

- A. There is nothing wrong with the Town renting to a Church; that is not establishment or support of religion, it's having a tenant. The rental that will be negotiated will be all part of a package that makes this affordable to the Town and fair. (*Ferguson*)
- Q. Is the intention to actually take the vote on this on January 27, 2014, to introduce the ordinance and vote on it?
- A. The original plan was to do that, but the plan has changed. The earliest that we would be voting is on February 3 but more likely February 10. (*Tabori*)

Marty Caulk, 6400 Baltimore Avenue

Reconsider the 2009 plan to renovate the current Town Hall.

Bridget Warren, 4312 Van Buren Street

Consider making a portion of the purchase and simply add to park land and continue the greenway through the Town.

Mary Plath, 4327 Van Buren

- Q. Will the cost of this purchase be apportioned on a by-house basis or will it be apportioned based on the assessment of each house?
- A. Originally it was based on we all share equally, yet the Council asked that figures be calculated on the assessment of each house. (*Tabori*)

**5. ADJOURNMENT** by consent at 3:25 p.m.