



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

RIVERDALE PRESBYTERIAN CHURCH
6513 QUEENS CHAPEL ROAD

7:30 PM

**July 7, 2014
MINUTES**

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

Present: Mr. Thompson, Mr. Hess, Mr. Cron, Mr. Alvarez

Absent: None

Excused: Mr. Gekas, Ms. Sorensen

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

3. APPROVAL OF THE AGENDA

Add item 9C - Scheduling a Special Session for Council Bill No. 42-2014.

Moved by: Mr. Cron

Seconded by: Mr. Alvarez

Yea: 4

Nay: 0

Abstain: 0

4. PUBLIC COMMENT

- **Mr. Brosch, 4313 Tuckerman Street** - Due to the time constraint at the previous meeting, Mr. Brosch, Ward 1, was not able to give a final farewell as his term ended. He asked for a few minutes to tell a story of a neighbor, Mr. John Carey, who helped a neighbor remove a tree from his yard at no charge. Mr. Brosch also recited a short poem by Garrison Keillor, called *Sometimes*. He recommended that there be some sort of public recognition for those who help their fellow neighbors.

5. PRESENTATION

Mr. Larry Taub, Esq. - O'Malley, Miles, Nylan & Gilmore, and Mr. Mark Regulinski - Skidmore, Owings, Merrill, along with the Project Engineer and the landscape architect presented an update on the Cafritz development project.

The following are the two changes to the project:

Gateway Park (the landscape buffer along Baltimore Avenue facing University Park). The area will now be a sculptured formal bio-retention garden with steel cat-walks which will allow the water to flow through and plants to grow underneath.

CSX Bridge (Crossing). A trellis platform has been incorporated into the design of the

bridge in order to keep the bridge as low as possible.

Questions:

- **Mr. Cron** - How elevated will the walkway be? *About eighteen inches.*
Will that not be a liability issue if there are no railings? *Code says it has to be thirty inches before you need a guardrail. The plants will be thirty inches tall and there will be a visible curb.*
- **Mr. Thompson** - Are there still going to be the sitting areas and the bike lanes on the bridge? *Yes there are bike lanes and sidewalks.*
The original plan was to have a raised park where the trellis will be. *Unfortunately, the budget would not allow for a park.*
- **Mr. Cron** - What materials will be used? *Precast concrete.*
- **Mr. Alvarez** - Explain the entrance at Van Buren. *A pedestrian island that is handicap accessible will be added to break up the travel distance between the development and University Park. A barrier island will be placed on Baltimore Avenue to prevent traffic from crossing directly from University Park to the development.*
- **Mr. Thompson** - Is there any projected difference in the safety of the different alignments for pedestrians, within the Gateway Park? *The hedges will be three feet high and there will be a line of lights along the walkway as well as the street lights on Baltimore Avenue.*
- **Mayor Carey** - What is the status of the intersection at Van Buren and Baltimore Avenue with the Highway Administration? *Van Buren and Woodberry intersections were approved as an amendment to the temporary access permit. There is an outstanding issue related to the storm water, which needs to be resolved before receiving the permanent access permit. Any prognosis as to when that may be? Expecting comments on July 14.*
Will all of the trees currently standing be saved? *Additional trees will be removed as the project continues. The only trees that will be saved are the ones that were flagged.*
What is the time frame of when the trees will be removed? *Sometime between now and Thanksgiving, Gateway Park will be cleared, graded and planted.*
- **Mickey Beall** - What is the Storm Water issue? *The water retention design at Wells Run that was approved by the County was not approved by the State.*
Mr. Beall encouraged the Council to contact the project manager, Mr. Bailey, for the State of Maryland to discuss the damaged storm water structures on Tuckerman and Wells Parkway along Rt. 1 due to the re-pavement of Rt. 1.
- **Jayson Amster (Pineway)** - Did the storm water drainage have anything to do with the flooding that went on in Riverdale Park during this last rainstorm? *No.*
Who will maintain the gardens? *Riverdale Park Station Commercial Association.*
Has the grading permit been granted? *Yes.*
When was that granted? *Early April.*
- **Mr. Cron** - As far as the maintenance is concerned, will that be the responsibility of the tenants? *Yes.*
- **Ms. Ferguson** - With the change in the landscaping plan, was this done at a staff level? *Yes, this has been approved.*

6. PERMITS

A. VARIANCE REQUEST APPLICATION TO CONSTRUCT RETAINING WALL (Louis Pope, 6909 Oakridge Road) Ward 5

Motion: To approve the request for a special exception to construct a retaining wall on concrete driveway; the Town requires that the retaining wall be certified by a professional Engineer or Registered Land Surveyor, that positive drainage is to the street and that no drainage is directed towards neighboring properties. In addition, any further work must be brought to the Town through the permit process; property located on Lot 41, Block A at 6909 Oakridge Road; with the requisite findings to approve this Special Exception per Section 4-115 Sub-sections A-E of the Town Code.

Moved by:

Seconded by:

Yea:

Nay:

Abstain:

Motion: Motion tabled.

Moved by: Mr. Hess

Seconded by: Mr. Thompson

Yea: 4

Nay: 0

Abstain: 0

**B. VARIANCE REQUEST APPLICATION TO CONSTRUCT RETAINING WALL
(Mike Okumusglu, 4401 Underwood Street) Ward 3**

Motion: To approve the request for a special exception to construct a 2'x 8' retaining wall on the front corner of the property located on Lot 15, p/o 16 Block 12, Section Three at 4401 Underwood Street; with the requisite findings to approve this Special Exception per Section 4-115 Sub-sections A-E of the Town Code.

Moved by:

Seconded by:

Yea:

Nay:

Abstain:

Motion: Motion tabled until precise measurements and pictures of the retaining wall are presented.

Moved by: Mr. Cron

Seconded by: Mr. Alvarez

Yea: 4

Nay: 0

Abstain: 0

7. CONSENT AGENDA

Motion: To approve the following consent agenda items.

Moved by: Mr. Cron

Seconded by: Mr. Hess

Yea: 4

Nay: 0

Abstain: 0

**A. APPLICATION TO REPLACE 4' FENCE
(David Kunz, 4416 Underwood Street) Ward 3**

Request to replace sections of an existing 4' fence located on Lot: 23, Block 14, Section 3 at 4416 Underwood Street.

B. APPLICATION TO REPLACE DAMAGED RETAINING WALL

(Edward Starr and Pauline Mendola, 6704 Queens Chapel Road) Ward 4

Request to replace damaged retaining wall in driveway located on Lot 4, Block 24, Section 6-A at 6704 Queens Chapel Road.

C. APPLICATION TO CONSTRUCT A SHED AND REPLACE EXISTING GATES

(Sarah Winfield and Corey Tucker, 6506 40th Avenue) Ward 2

Request to construct an 8' x 12' x 9.3' shed and replace 2 existing gates located on Lot 4, Block 21, Section 5A at 6506 40th Avenue.

Motion: To reconsider the Consent Agenda, to allow consent to just two of the three and isolate the third one for a separate vote.

Moved by: Mr. Hess

Yea: 4

Seconded by: Mr. Thompson

Nay: 0

Abstain: 0

Motion: To remove C and approve A and B on the Consent Agenda.

Moved by: Mr. Thompson

Yea: 4

Seconded by: Mr. Hess

Nay: 0

Abstain: 0

A. APPLICATION TO CONSTRUCT A SHED AND REPLACE EXISTING GATES

(Sarah Winfield and Corey Tucker, 6506 40th Avenue) Ward 2

Motion: To approve a permit to construct an 8' x 12' x 9.3' shed and replace 2 existing gates located on Lot 4, Block 21, Section 5A at 6506 40th Avenue.

Moved by: Mr. Thompson

Yea: 4

Seconded by: Mr. Cron

Nay: 0

Abstain: 0

8. CONTINUING BUSINESS

A. SCHEDULE A SPECIAL WORK SESSION TO DISCUSS THE PERSONNEL MANUAL

Motion: To schedule a Special Work Session of the Council on July 16, 2014 to discuss the Personnel Manual.

Moved by: Mr. Thompson

Yea: 4

Seconded by: Mr. Hess

Nay: 0

Abstain: 0

B. POLICE GENERAL ORDERS MANUAL (GOM)

The Mayor and Council will discuss the Police General Orders Manual (GOM).

Pursuant to Section 2-205 of the Town Code, any amendments of the General Operating Rules and Regulations instituted by the Chief of Police pursuant to Section 2-207 of the Code shall be forwarded by the Chief to the Council for approval. If the Council does not take action within 30 days of receipt, the amendment is deemed approved. The Council may amend the General Operating Rules and Regulations by resolution.

The revised General Operating Rules and Regulations will be introduced on July 21.

**C. LEGISLATIVE RESOLUTION 14-O-08 ADOPTING THE PERSONNEL MANUAL
(2nd Reading)**

Council will schedule a Special Work Session in July to consider the personnel manual and job descriptions. (See agenda item 8A)

Motion: To adopt Legislative Resolution 14-O-08, approving the University Park Personnel Manual and to delete Section 2-111, “Employee probationary period”, Section 2-112, “Injury While Working”, and Section 2-113, “Employee Drug and Alcohol Testing”, as these provisions will now be included in the Personnel Manual.

Moved by:

Seconded by:

Yea:

Nay:

Abstain:

9. NEW BUSINESS

A. PUBLIC WORKS DEPARTMENT BID WAIVER FOR A USED TRUCK

Request by Mickey Beall, Director of Public Works

Motion: To approve waiving the formal bid process and to authorize the purchase of a 2002 Ford F350 XLT Crew Cab for the Public Works Department fleet for a total cost not to exceed \$ 22,000.

Moved by: Mr. Cron

Seconded by: Mr. Alvarez

Yea: 4

Nay: 0

Abstain: 0

B. CHICK-FIL-A DSP-99044/07 AT PRINCE GEORGE’S PLAZA

Motion: To authorize the Mayor and Town Attorney to draft a letter on the matter of the DSP-99004/07 Prince George’s Plaza, Chick-Fil-A for the Planning Board hearing on July 17, 2014, and authorize the Mayor to testify at the hearing on behalf of the Town. This is specifically to oppose the variance for the drive thru and to coordinate with Hyattsville to the best of our ability.

Moved by: Mr. Hess

Seconded by: Mr. Cron

Yea: 4

Nay: 0

Abstain: 0

C. SCHEDULE A SPECIAL SESSION OF THE COUNCIL IN THE MATTER OF COUNCIL BILL 42-2014 FOR THE PURPOSE OF DEFINING AND AUTHORIZING A SINGLE FAMILY NEIGHBORHOOD STABILIZATION OVERLAY ZONE.

Motion: To schedule a special session for Friday, July 11, 2014 at 7:00 p.m. at Town Hall to discuss Council Bill 42-2014.

Moved by: Mr. Hess

Seconded by: Mr. Thompson

Yea: 4

Nay: 0

Abstain: 0

D. GREEN PURCHASING POLICY

Motion: To approve a Sustainable Purchasing Policy for University Park as proposed.

Moved by: Mr. Cron

Yea: 4

Seconded by: Mr. Thompson

Nay: 0

Abstain: 0

E. GREEN TEAM COMMITTEE APPOINTMENTS

Sustainable Maryland Certification Program

Motion: To approve the appointments of Sarah N. Moseley and Ross J. Salawitch as Co-chairs of the Green Team Committee, and approve the appointments of David Brosch, Beth Domingo, Carson Lee as members of the Green Team Committee and Tracey Toscano as staff liaison and Council Member Joe Thompson as Council liaison as members of the Green Team Committee.

Moved by: Mr. Cron

Yea: 4

Seconded by: Mr. Thompson

Nay: 0

Abstain: 0

10. APPROVAL OF MINUTES: *June 16, 2014*

Moved by:

Seconded by:

Yea:

Nay:

Abstain:

11. DEPARTMENT AND COUNCIL REPORTS

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

- The July 4th parade was successful with County Council Member Eric Olson carrying the American flag and John Shoaf of Sheridan Street carrying the State flag.
- There will be a Special Election for Ward 4 on Tuesday, August 12, 2014 from 8:00 a.m. to 8:00 p.m. at Riverdale Presbyterian Church
- Funeral arrangements for former County Executive Wayne Curry are on Wednesday, July 9 and Thursday, July 10.
- The following documents were distributed to the Council: The Charter of the Town and the Handbook for Maryland Municipal Officials.
- Will resurrect the Council Rules of Order, which were discussed approximately two years ago. Mayor Carey will propose on July 21 that the Council follow these rules of procedure and schedule a time in January to tweak them.
- Committee appointments will be proposed to Council on July 21.
- On August 11, Code Enforcement Officer Paula Martino will attend the Council meeting to discuss rental and exterior maintenance efforts in Town.
- After a conference call with Prince George's County Public Schools, Mayor Carey is waiting to hear back from them regarding replacing the 6' silver fence to a black fence. Others from the Town on the conference call were Council Members Roy Alvarez and

James Gekas, and Town Attorney Suellen Ferguson.

B. COUNCIL REPORTS

- **Mr. Alvarez** - Suggests meeting in another room the next time a meeting is held at Riverdale Presbyterian Church since the room is noisy.

C. REPORT ON THE DEPARTMENT OF PUBLIC WORKS ~ *Michael Beall*

- Commended public works employee, Victor Blumenzor, for working overtime on July 3 to remove a large tree from Queens Chapel Road in preparation of the July 4 parade.
- Mr. Cron announced that Connie Visnic hired local kids to mow the school field for the July 4 festivities, because the PGCPS had not mowed it.
- Road construction should be completed this week.
- Met with a PEPCO arborist who is willing to remove, at no charge, privately owned trees of concern along East West Highway.
- Distributed a Tonnage Diversion Rate Analysis.

12. ADJOURNMENT by consent at 9:55 p.m.