

Town of Riverdale park
Monday, January 10, 2012
Special Legislative Meeting Minutes

Attendance

Vernon S. Archer	Mayor
CM Jonathan Ebbeler	Ward 1
CM Thompson	Ward 2
CM David Lingua	Ward 3
CM Raymond Rivas	Ward 5 (8 :07PM)
CM Alejandro Silva	Ward 6

Town Administrator – Sara Imhulse

Town Attorney – Fred Sussman

The Special Legislative Meeting for the Town of Riverdale Park began at 8:00p.m.

Approval of Agenda

CM Thompson motioned to approve the agenda.

CM Ebbeler Second.

Motion passes 4-0

Public Comments on Non-Agenda Item

1. Consideration and action regarding Agreement to Support Zoning Classification, Declaration of Covenants, Conditions and Restriction, and Letter to Prince George's County Planning Board for Cafritz Project.

CM Ebbeler moved to replace the documents with the documents before the Council.

CM Lingua Second

CM Ebbeler moved to execute the Covenants, Conditions and Restrictions agreements substantially similar to the draft and also to sign and deliver the agreement to support the Zoning Restrictions and Conditions criteria essentially similar to the attached documents and to direct the Mayor to vigorously defend the intents and purposes of the letter before the Planning Board.

CM Thompson Second

Motion passes 4-0

Discussion: Mr. Sussman verified the points from yesterday's meeting:

1. Agreement to Support Zoning Classification
 - a. Explanatory Statement - The Town is requesting and recommending approval of the Zoning reclassification. (at the end)
 - b. Paragraph 4 – The Town agrees to request the change of boundaries of the district in accordance with a particular provision in the PG County Zoning Code.
 - c. Paragraph 5 – The Town is making a commitment to provide reasonable cooperation to the developers with the respect to the obligation to construct and extension to Maryland Avenue and to make all reasonable efforts to obtain funding in addition to the developers contribution to construct the CSX crossing.
2. Declaration of Covenants
 - a. Inserted Exhibit number and blank spaces

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- b. Altered the language of the trip cap to impose restrictions and limitations on the developer.
- c. Paragraph 26 – The developer agreed to prevent any use of occupancy until the Maryland Avenue extension has been completed and open for travel. (Correction: used or occupied)

CM Rivas expressed his concern that the Town will have to submit a request for the re-zoning classification. Mr. Sussman restated that the request is subject to all of the Conditions and Restrictions the Town has laid out in their attached documents. Everything is tied to the developer signing off on the agreement and Conditions documents. CM Rivas asked whose burden it will be if the project gets stopped or is not completed. Mr. Sussman explained that it would be the developer's risk.

CM Ebbeler asked that the joining in with the request to recommend approval and the rezoning of MUNTZ doesn't turn the Town into the applicant? Mr. Sussman responded that the application is still be made and filed by the applicant. CM Thompson added that there is no more commitment to this process than there was months ago.

CM Thompson amended the motion to make the approval letter subject to full execution of the Covenants and Conditions Agreements.

CM Lingua Second

Motion passes 5-0

Michael Herman, 4716 Oliver Street – Thanks to the hard work of Mayor, Council and Mr. Sussman we now have an infinitely better set of documents. All of his concerns have been addressed (The Maryland Avenue extension and allowing the CSX Bridge using the TIFS as well as getting the developer to come up with half of the funding for this project.)

Delvin Fanning, 4809 Ravenswood Road – Tim Davis, Civil Engineer for Cafritz project, was supposed to come to a workshop on acid sulfate and soils in November. Mr. Fanning has not heard back from Mr. Davis about the soil samples yet. Mr. Fanning would like to see a soil expert in place to access the acid drainage and corrosion hazards for both concrete and metals.

Joe Kelly, 4522 Tuckerman Street – Would like the Council to know that he will not think any less of them who vote 'NO'.

Adjournment

CM Ebbeler moved to adjourn 8:45pm

CM Thompson Second.

Motion passes 5-0

Typed from DVD 01-10-12.