

Town of Riverdale park  
Monday, January 9, 2012  
Special Legislative Meeting Minutes

**Attendance**

Vernon S. Archer	Mayor
CM Jonathan Ebbeler	Ward 1(8 :40pm)
CM Thompson	Ward 2
CM David Lingua	Ward 3
CM Raymond Rivas	Ward 5 (8:30pm – 9 :30pm)
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 8:10p.m.

**Approval of Agenda**

CM Thompson motioned to approve the agenda.  
CM Silva Second.  
Motion passes 3-0

**Public Comments on Non-Agenda Item**

**1. Approval of agreement and declaration of covenants with Cafritz.**

CM Thompson moved to approve the agreement and declaration of covenants with Cafritz.  
CM Lingua Second (for purposes of discussion)  
Motion passes 0-0

Discussion: CM Lingua was hoping that more of his colleagues would be present to vote on this. Mayor Archer stated that CM Rivas is on the way and that he is not sure about CM Ebbeler. CM Thompson stated the history of the Cafritz Project. There have been intense negotiations with the Cafritz Team as well as other municipalities about phasing and the end product of this project. Mr. Sussman explained the following three documents:

- a. **Cafritz Property Consensus Conditions (1/9/12)** – These are the Town’s recommendations to the Planning Board. We have not heard from the Cafritz Team or all of the Municipalities that are concerned with this document. Since have not received any response from the Cafritz Team nor any negative comments from the Municipalities we are assuming that these consensus conditions are agreeable. There have been some changes made stemming from meetings held over the weekend. The towns and cities will ask the planning board to impose upon the grant of any reclassification of the Calvert track to the MUTC zone. The Town Attorney would like to see the Mayor and Council either incorporate these conditions into the letter of approval for the Cafritz Project or use this document as an attachment to the letter.
- b. **Declaration of Covenants, Conditions and Restrictions** – We took the conditions from the Consensus Conditions and converted them into ‘conditions language’, language which is more appropriate between the Town and the developer as opposed to the relationship between the developer and the County Planning agencies. Note in paragraphs 2, 3, 4, 5 & 6 are some additional conditions that were not included in the Consensus Conditions. There

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are additional provisions dealing with residential density provisions, multi-family dwelling property management, storm water management and transportation traffic study at the Town Center to be undertaken by the developer. Upon approval of Council the Declaration of Covenants will be executed prior to Planning Board approval.

- c. **Agreement to Support Zoning Classification** – In exchange for the developer; entering into the Declaration of Covenants, agreeing to reimburse the Town for various services and future stages of the project, agreeing to submit a zoning text amendment relating to the designer review process as it applies to the MUTC's district the Town would agree to recommend to the District Council, subject to the conditions, the letter to this agreement as an exhibit. Note in paragraph #1 in the Declaration of Covenants – The developer agrees not to encumber, enter a contract of sale or convey the property or any part of the property unless there is delivered to the Town a joiner to the Declaration.

There are three issues:

**\*The Construction of the CSX Crossing over the railroad track and the extension of Maryland Ave from the site to where it is currently approved.** The developer has the obligation to contribute up to \$5M toward constructing the crossing. There will be a gap financing of the balance which will come from other sources, to be determined. The developer asked that the Town cooperate with the developer to work out any type of necessary public financing commitment. There are numerous financing possibilities. The developer is also looking for the Town to not be a road block in trying to extend Maryland Ave.

**\*The developer would like the Town to recommend support for the reclassification and add the word "request" reclassification.** They ask this because to Council seems divided in support of this project and this will ensure that they put in the request for reclassification.

There may be some revisions to this tomorrow.

CM Thomson moved to amend the approval the agreement and declaration of covenants with Cafritz recognizing that there may be revisions tomorrow.

CM Lingua Second

Motion passes 5-0

Mayor Archer stated that he anticipated helping to find funding for this project. CM Thompson thinks that these statements clarify the positions they agree to during the meetings. CM Lingua states that the funding for these projects would be a challenge for the developer tackle alone. CM Thompson asked if this would reset any timelines in the MUNSI process. Mr. Sussman is not sure. There are a lot of gray areas in the MUNSI law. CM Thompson asked if the request of this change of support and recommendation in any way change the Council's commitment or negotiating position or is it just closing the loop hole in this process. Mr. Sussman stated that it's just closing the loop hole on this process. There are five (5) exhibits to the Consensus Conditions. We are still waiting from the developer's engineers two other exhibits, the Site Plan dealing with Channelization and the concept description dealing with the Maryland Avenue Extension. CM Thompson added that they still need to provide the tables associates with the maps.

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Joe Kelly, 4522 Tuckerman Street, wants to clarify that the Town Council request a change of zoning from R55 to MUTC? CM Ebbeler responded that yes, only the Council can request this and that it is a preemptive measure. Mr. Kelly stated that this development does not exactly fit the guidelines of MUTC zoning. Is the Council leaving themselves open for some type of backlash for requesting guidelines to be ignored, modified or changed? CM Ebbeler responded yes and no. This matter may be decided by a District Court. CM Thompson stated that this is not to request rezoning but to start the process to investigate rezoning. Mr. Kelly thinks that \$10M is a low cost for this bridge. \$5M is far too low of an estimate. Mayor Archer stated that \$5M is a cap and that the agreement is half up to \$5M. There have been estimates furnished that excludes land acquisition costs.

Dwight Holmes, 4716 Riverdale Road, stated that TIFFS cannot take away from school funding. He asked if the property taxes were included in the TIF Fund. Mayor Archer responded that there is no plan in place for a TIF. If a TIF went forward both Riverdale Park and the County Executive Office has suggested that we are interested in a TIF as a mechanism to fund the gap to finish the bridge. This has been roughly discussed with the County. There are some projected property tax revenue fields that are provided. The numbers haven't been certified but are reasonable estimates. Riverdale Park will receive approx 40% and the County approx 60% (approx. \$200K per yr). CM Ebbeler added that the tax table assumes an annual 2% in taxes that may or may not be true. Mr. Sussman added that a special tax will be levied against that land to make up the difference. Mr. Holmes suggests that the Council build in a 'claw back' so that the Town and taxpayers are covered. CM Thompson stated that this has been discussed at various meetings. Mayor Archer added that a performance bond will be required when construction begins.

Jim Coleman, 4911 Somerset Street, asked if there was a shuttle bus incorporated in this project. He did not see any mention of the purple line and MARC train. Mayor Archer stated that there is a Transportation Management Plan that outlines how the Council anticipates managing and encouraging mass transportation. The Transportation Management District would help to develop a more robust use of multiple types of transportation in the long run. Mr. Coleman stated that it has been difficult to follow all that is going on with this project. Going forward, he would like to see more communication with the residents about this project.

Peggy Lint, 4802 Somerset Street, had three questions 1. If the Cafritz property is sold tomorrow what would happen to the project? Mayor Archer answered that the Consensus Conditions state that the recommendation will go to the Planning Board and if the rezoning goes through than it stays with the land. 2. Will new building projects in the County not be required to pay property taxes in the next 25 years? Mayor and Council all agreed that that is not true. The legislation has not been passed. 3. Any investigation regarding the ground and water possibly contaminated? CM Ebbeler stated that he is not a soil expert but that would be the developer's issue and not the Town's.

Stuart Eisenburg, 4904 40<sup>th</sup> Place (Hyattsville CDC), asked that Item 6C in the Consensus Conditions there is an agreement on the traffic study. Will these numbers change some of the measurements provided by the traffic study? Will the outcome have a binding effect on M-

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NCPPC? CM Lingua referred him to Item #12, 17 and #24 of the Covenant, Conditions and Restrictions. CM Thompson added that the trip cap was a standard thing to do (traffic cap as well). Mr. Eisenberg also validated that the moneys for the bridge are on the low side because the blueprints have not been completed. Once they are between 25% - 90% complete Council will see the true budget for this project.

Joe Kelly, 4522 Tuckerman Street, PG-418-12 does not have anything to do with this property. He cautions Council that they should worry about this and the reduction of taxes over a certain amount of time. CM Lingua responded that if the County were to forego taxes for that amount of time the County would face bankruptcy. It is not set up this way.

Louis King, 4504 Queensbury Rd, asked for a summary of what is going on with the other municipalities about the Cafritz project. Mayor Archer responded that University Park is meeting tonight to take an action on the Consensus Conditions document. He is not sure what action they are taking. College Park will act tomorrow on this same document.

Alex Hirtle, 4816 Madison Street, works for PG County Council and is coordinator for the Route 1 Ride Bus project. They have worked with WMATA and all of the municipalities and the County about this project. Free rides are offered to the staff and students of Maryland University. He is asking that in planning the transportation to the Whole Foods and this project that they work with Mr. Olson's office. He doesn't want to lessen the effectiveness of the Route 1 Ride Bus project. He thanked the Mayor and Council for attending all of the meetings involved with this project. Mayor Archer stated that they are trying to work with the existing public transportation.

CM Thompson moved to postpone to an indefinite time.  
CM Ebbeler Second  
Motion passes 4-0

## **2. Letter to Planning Board for A-10018, Cafritz Project.**

### **Adjournment**

CM Ebbeler moved to adjourn 10:03pm  
CM Thompson Second.  
Motion passes 4-0

Typed from DVD 01-09-12.