



**MEETING OF
UNIVERSITY PARK MAYOR AND COMMON COUNCIL
UNIVERSITY PARK ELEMENTARY SCHOOL
4315 UNDERWOOD STREET**

6:30 PM

**Council discussion on Cafritz item 8B will begin at
7:30 PM**

**January 9, 2012
REGULAR SESSION**

1. CALL TO ORDER: Mayor Tabori at 6:30 pm

Present: Mr. Brosch, Mr. Gekas, Ms. McPherson, Mr. Carey, Ms. Toscano (who arrived at the meeting at 7:30 pm), Mr. Cron, Ms. Bradley Chacón

Excused: None

Absent: None

Note: The meeting was suspended from 7 pm to 7:34 pm due to a fire alarm in the building

2. PLEDGE OF ALLEGIANCE

3. APPROVAL OF THE AGENDA

Moved by: Ms. McPherson

Yea: 7

Seconded by: Mr. Carey

Nay: 0

Abstain: 0

4. APPROVAL OF MINUTES: *December 19, 2011*

Moved by: Ms. McPherson

Yea: 7

Seconded by: Mr. Carey

Nay: 0

Abstain: 0

5. PUBLIC COMMENT

6. PERMITS

A. APPLICATION TO RAZE AND REMOVE STAND-ALONE ONE CAR GARAGE (Mollan, 4326 Woodberry Street) Ward 4

Motion: To approve/disapprove razing and removing the stand-alone one car garage, *pending receipt of all county permits* located on Lot: 29, Block: 25, Section: 6A at 4326 Woodberry Street

Moved by: Mr Carey
Yea: 7

Seconded by: Susan McPherson
Nay: 0 **Abstain:** 0

7. DEPARTMENT REPORTS

A. MAYOR’S REPORT ~ Mayor John Rogard Tabori

B. REPORT ON THE DEPARTMENT OF PUBLIC WORKS ~ Mickey Beall, Director

8. CONTINUING BUSINESS

A. AMENDED CHARTER RESOLUTION 11-CR-02 TO PROVIDE THAT ALL OFFICIALS TAKE OFFICE AT THE LAST REGULAR MEETING IN JUNE AND TO CHANGE THE TERM LIMITS FOR MAYOR FROM THREE CONSECUTIVE TWO-YEAR TERMS TO FOUR CONSECUTIVE TWO-YEAR TERMS.

Motion: To approve Amended Charter Resolution 11-CR-02 to repeal and re-enact Article III, “Mayor and Common Council”, Section 301, “Number of Term of Office”, and Section 304 “Meetings of Mayor and Council” of said Charter to provide that all elected officials take office at the last regular meeting in June and to change the term limits for the Mayor from three consecutive two-year terms to four consecutive two-year terms.

Moved by: Mr. Carey

Seconded by: Ms. Bradley Chacón

Roll Call Vote:	Brosch	Aye
	Gekas	Aye
	McPherson	Aye
	Carey	Aye
	Toscano	Aye
	Cron	Aye
	Bradley Chacón	Aye

Yea: 7 Nay: 0 Abstain: 0

Motion passes, 7 Aye to 0 Nay

Mayor Tabori said he will sign the charter resolution and it will be posted tomorrow. Attorney Ferguson said the resolution must be posted for 40 days before it can become law.

B. COUNCIL TO DISCUSS AND FINALIZE CONDITIONS AND LETTER TO BE SUBMITTED TO THE PRINCE GEORGE'S COUNTY PLANNING BOARD ON OR BEFORE JANUARY 12, 2012 FOR CAFRITZ DEVELOPMENT PROJECT A-10018

Mayor Tabori provided a PowerPoint presentation on the Cafritz Rezoning Application – Conditions, Covenants, and Agreements.

A Town resident asked about height restrictions on the buildings. Mayor Tabori said the height limit was six stories, due to the physical limitations of the stick-built construction materials.

There was general discussion about who enforces the Covenants and how enforcement is applied. Attorney Ferguson said Covenants are the ultimate protection for the Town. The Covenants are enforceable through the time line and triggers written in the Preliminary Plan that Cafritz has agreed to. Covenants are binding, this contract transfers with the property and gives the Town legal standing to ensure the developer complies with the contract. Attorney Ferguson said the Maryland – National Capital Parks and Planning Commission (M-NCPPC) would conduct oversight of the Conditions. Mayor Tabori also discussed the issues around storm water management, and noted that typically the storm water management planning and county decision-making is not accessible or visible to the public. A benefit of this covenant agreement is that it will somewhat open up the storm water management part of the process to public view.

A Town resident asked a question about access roads. He observed that a significant portion of the commercial and some of the residential construction would be completed before any new road access is created. Mayor Tabori explained that the current incentives dovetail with the developer's desire to realize the full economic potential of the site. A resident asked how the access road trigger point was reached, and Mayor Tabori described the process.

At Mr. Brosch's request, Attorney Reed explained how the \$5 million for building the CSX bridge would be obtained. Mr. Gekas why there was a \$5 million cap on the funding coming from the developers. He wondered why the developer would not fund the entire amount, and why public funds had to be used to develop a bridge that directly benefits the developer. Mayor Tabori explained that Tax Incremental Funding (TIF) is not a direct burden on the taxpayer. The tax funds generated from the new development on the property are used to pay for improvements to the property. Taxpayers outside the development area do not have to contribute funds to the improvements. At a future date, when the improvements are in place, the future tax revenue streams are used according to the budget priorities of the municipality (in this instance, Riverdale Park). Attorney Ferguson also discussed the TIF

funding noting the TIF would be used to pay off the construction bond.

The Council and the Mayor continued the discussion of the covenants. Mr. Gekas asked for a change to page 8, section 21, CSX crossing item c, to add a paragraph that also required a letter from CSX allowing a crossing over their right-of-way.

Mayor Tabori explained that as a result of the planning board and the District Council approving the property as a Mixed Use Town Center (MUTC) zone, University Park could not force the site to revert to R-55 zone if the CSX crossing were not put in place. However, by covenant, the developer will not be allowed to complete the development, if a CSX crossing is not in place.

Ms. Warren raised the point that the Maryland Board of Public Works, which has oversight of University of Maryland property, would have to approve the CSX bridge crossing over or onto their property.

Mr. Gekas returned to the point of the \$5 million funding for the bridge. He strongly expressed his view that the developer should bear the complete cost of the bridge. Ms. Bradley Chacón said she did not initially agree with a \$5 million cap or a 50 –50 split of the costs. Mr. Carey noted that all three municipalities negotiated this point. He said he was not opposed to some level of TIF funding.

A Town resident raised the point about the lack of time for the public to review the proposed declaration of covenants, conditions, and restrictions. She said the Mayor of Hyattsville has not had time to review the traffic implications of [specialty] grocery stores. Finally, she said the property does not meet the requirements of an MUTC. Mayor Tabori addressed the last point, by noting that Ms. Susan Lareuse, M-NCCPC planner, said the old CDZ zoning of the site is closely equivalent to the MUTC zoning.

Mr. Brosch addressed questions about item 9 on page 4 of the proposed declaration of covenants, conditions, and restrictions. He expressed concern about the 20% level for the traffic load. Ms. Toscano spoke in favor of the process that developed this declaration. Mayor Tabori discussed the background around the 20% level and the downstream requirements for the traffic studies, which will potentially generate more stringent conditions on the development.

Mr. Cron asked what the positions of the other municipalities were. Mayor Tabori said that Riverdale Park had voted for approval with conditions. Mayor Tabori said the proposal being considered by University Park was conditional approval. College Park City Council member Ms. Stulich said she would vote to oppose approval at tomorrow night's College Park Council meeting. Her concern is the density of the development, that the density is too high and not appropriate for the Route 1 corridor communities.

Motion: To approve and support Zoning Map Amendment Application No. 10018 on condition that the Applicant agree to and sign before the Planning Board hearing an Agreement to support zoning reclassification and a Declaration of Covenants and Restrictions, and that Applicant

agree to Consensus Conditions, all in substantially the form as attached. The Mayor is hereby authorized to send a letter to the Planning Board presenting the Town's position and to appear before the Planning Board for the same purpose."

Moved by: Ms. Toscano

Seconded by: Mr. Carey

Roll Call Vote:	Brosch	Nay
	Gekas	Nay
	McPherson	Aye
	Carey	Aye
	Toscano	Aye
	Cron	Nay
	Bradley Chacón	Aye

Yea: 4 **Nay:** 3 **Abstain:** 0

Motion passes, 4 Aye to 3 Nay

9. NEW BUSINESS

10. ADJOURNMENT at 10:10 pm

Submitted by: _____
John Rogard Tabori
Mayor