

Town of Riverdale park
Tuesday, September 6, 2011
Regular Legislative Meeting Minutes

Attendance

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| Vernon S. Archer | Mayor |
| CM Jonathan Ebbeler | Ward 1 |
| CM Alan Thompson | Ward 2 |
| CM David Lingua | Ward 3 |
| CM Christopher Henry | Ward 4 |
| CM Raymond Rivas | Ward 5 (8 :25pm) |
| CM Alejandro Silva | Ward 6 |

Police Department – Capt. Patrick Timmons, Acting Police Chief
Town Administrator – Ms. Sara Imhulse
Public Works Department – Mr. Leonard Addison
Fire Department – President Steve Lamphier

The Legislative Meeting for the Town of Riverdale Park began at 8:00 p.m. The Pledge of Allegiance was recited, followed by a moment of reflection directed by Mayor Archer.

Approval of Agenda

CM Thompson motioned to approve the agenda.
CM Lingua Second.
Motion passes 5-0

Discussion: CM Lingua moved to strike Items #11 & 12. CM Thompson would like to replace Item #10 with Resolution 2011-R-23 a resolution to temporarily resolve an ambiguity of Section 622 of the Town Charter. CM Ebbeler would like to change Item #20 from an ordinance to Resolution 2011-R-24 regarding the interest rates in purchasing property. Mayor Archer would like to move the Mayor and Ward reports to the end of the agenda. CM Thompson would like to have President Lamphier’s report moved up on the agenda.

Presentation to introduce newly promoted Town of Riverdale Park police officers.

Mayor Archer and Captain Timmons presented Sgt. Emerick, Sgt. German Garcia, Corp. Walter Bustamante, Corp. Jeffery Prawdzik, Corp. Joseph Sommerville and Private First Class Job Blanco with certificates for their promotions as he thanked them for their service.

Mayor’s Report

- September Work Session – Members of the State Highway will be present to discuss issues along Route 1 and Route 410.
- Coat Drive – Mayor Archer would like residents to think about contributing gently used coats and/or funds to the coat drive.
- Hiker/Biker Trail – All paperwork has been completed. Title issues are solved. There are some minor MOU issues that lagged.

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- Public Comments – The Redeemed Christian Church of God and The River of Life Program sent letters to the Mayor and Council about their programs and event on Sept 10th and 24th at 10am - 4pm where they will serve the community with groceries.
- Petition from the citizens supporting re-zoning and responsible development of the Cafritz property to add a Whole Foods.
- There will be an Executive Session tomorrow evening at 7:30pm.

This concludes the Mayor's Report

Treasurer's Report

As of August 31, 2011: Revenue = \$538,769.02, Expenses = \$672,550.37.

CM Thompson moved to approve the treasurer's report subject to audit.

CM Ebbeler Second

Motion passes 6-0

Discussion: In the packets are June Reports from CBM. The Town is no longer using CBM's services and is now compiling the reports in house. Administrator Imhulse advises the Mayor and Council to provide any feedback on the new reports or any questions or clarifications.

This concludes the Treasurer's Report

Town Administrator's Report

- Riverdale Park Day – Saturday, October 1st from noon – 5pm at Riverside Neighborhood Park. Vendor applications are still be accepted. Parking at the school or Taylor Rd. is suggested. Accepting volunteers as well. Thanks to CM Rivas.
- Audit – Scheduled to begin September.
- Administrator Imhulse has been appointed to be on the MML Convention Planning Committee.
- ICMA Conference – Sept 18th thru Sept 21st. Administrator Imhulse will be attending.
- There will be a public forum on the permitting and developmental review process in the County Thursday, Sept 15th 7pm - 8:30pm at the College Park City Hall.
- Tonight is the last night that Capt. Timmons will be with us. Thanks for all of your work.

This concludes the Town Administrator's Report

Police Department Report

- Capt. Timmons submitted his report previously.

Code Enforcement Issues

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This concludes the Police Department Report

Public Works Report

- CM Lingua asked for the man hours spent on the storm. The total was 108 hours, not including Mr. Addison's time.

This concludes the Public Works Report

Fire Department Report

- The only thing new that came up is the Emergency Response Plan that he would love to be involved in.
- Chief Lamphier will submit a written report tomorrow.
- CM Lingua asked about a non-registered vehicle parked on 48th & Tully Street that belongs to a member of the Fire Department. He suggested that the person either get the vehicle registered or find another place for it to be parked at. Chief Lamphier suggests that the Town take any action it needs to make regarding this car.

This concludes the Fire Department Report

Ward and Committee Reports

Ward 1, CM Ebbeler, Economic Development Committee

- Economic Development Committee met in July.
- The Cuevas Family was displaced due to a DUI accident that happened where a car crashed into their house.
- DSP Application for the Mennonite Church on East West Hwy. This is solely located in Hyattsville, so the Town does not need to comment.
- CEO Ferguson and CM Thompson advised CM Ebbeler that a church which opened up just south of the Calvert House Inn is operating without the proper permit.

This concludes Ward 1, CM Ebbeler's Report

Ward 2, CM Thompson, Finance Chairman Committee

- Finance Committee Meeting on September 13th @ 7:30pm
- Emily Fanning called CM Thompson right before Hurricane Irene was to arrive about a tree. Public works took care of the tree issue. CM Thompson thanks Ms. Fanning for identifying a potential problem and Public Works for taking care of the tree quickly.

This concludes Ward 2, CM Thompson's Report

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Ward 3, CM Lingua, Public Safety Committee

- One of CM Lingua's neighbors was really impressed at the great job Public Works Department did during the natural disasters.
- Public Safety Committee Mtg. – September 28th @7:30pm. Will be discussing the Emergency Response Plan.
- Thanked Capt. Timmons for his services to the Town of Riverdale Park.
- Central Kenilworth Ave. Revitalization Committee Mtg on Thursday, Sept 8th @ 7pm.

This concludes Ward 3, CM Lingua's Report

Ward 4, CM Henry, Public Works Committee

- Thanked Capt Timmons for his service and dedication to the Town of Riverdale Park.
- Thanks to Officer Stewart and Officer Hayes for responding to a recent incident.
- Thanked Director Addison for his outstanding services to our community especially during the storm.
- Thanked the Mayor and Council for their continued support.
- DPW meeting on October 14th @ 9:30am

This concludes Ward 4, CM Henry's Report

Ward 5, CM Rivas, Community Affairs Committee

- Riverdale Park Day – October 1 at Riverside Neighborhood Park from noon – 5pm. Vendor's applications still being accepted and volunteers are still needed. Anyone interested can contact CM Rivas directly at (301) 625-9435 or call into the Town Hall at (301) 927-6381.
- CM Rivas would like to see more participation from Council Members at the Town Events.
- Thanked Shante Stokes for being involved with the kids from Ward 5.
- Thanked Capt Timmons for the support and always returning his calls.
- CM Thompson added that the other Council Members on the Community Affairs Committee are CM Henry and CM Silva.

This concludes Ward 5, CM Rivas Report

Ward 6, CM Silva, Legislative Committee

- CM Silva doesn't have a report for his Ward tonight.

This concludes Ward 6, CM Silva's Report

Public Comments

Legislative Action

1. Action to approve nomination for Police Chief, David Morris.

CM Lingua moved to accept the nomination for Police Chief, David Morris.

CM Henry Second

Motion passes 6-0

Discussion: Mr. Morris addressed Mayor, Council, and audience with a little background about himself. He invited PG County Chief McGaw to speak on behalf of his nomination. Chief McGaw gladly endorsed Mr. Morris' position as the Chief of Police for Riverdale Park. Deputy Chief Kevin Davis, who worked under Mr. Morris, also spoke very highly of him. Deputy Chief Craig Howard came forward to give a little history on Mr. Morris' career and management style. Sgt. Renee Plum also spoke of Mr. Morris being a role model and a good man. Administrator Imhulse thanked acting Chief Timmons for filling the vacancy for so long.

2. To approve minutes for July 5, 2011 regular legislative meeting.

CM Henry moved to approve minutes for July 5, 2011 regular legislative meeting.

CM Thompson Second

Motion passes 6-0

Discussion: CM Ebbeler – page 3/Ward1/Second Bullet change Hill Circle to Rittenhouse/Natoli Place.

3. To approve a letter to Zoning Hearing Examiner regarding Tires R Us, 6323 Kenilworth Avenue. (Ward 4)

CM Henry moved to approve a letter to Zoning Hearing Examiner regarding Tires R Us, 6323 Kenilworth Avenue.

CM Ebbeler Second

Motion passes 5-1 (CM Lingua opposed)

Discussion: Administrator Imhulse explained that the wrong letter was submitted into the packets for the Mayor and Council. There was actually a letter of opposition that was intended for this Item. Mayor suspended this Item until copies were furnished to Council. CM Henry read the opposition letter into record. Martin Achew, Owner of Tires R Us, stated that because of concerns from Mayor and Council he has directed the engineers that are working on the site plan to make the changes needed to make Tires R Us more appealing by adding trees and shrubs as well as some other minor changes including the sidewalk. He also stated that he has obtained a contract with a tire removal and scrap metal company so that these things can be removed from the property and that the business can run in an organized and professional manner. CM Henry stated that he has had to call Code Enforcement on this business for

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signage issues and trash debris in the past. He would like to see more involvement by the owner before he can advise the Council to approve a letter of approval. Mr. Achew explained that the signage was damaged by a truck driven by a lost driver seeking directions. The insurance prolonged a proper resolution but he has since made arrangements for the signage to be repaired. CM Ebbeler pointed out that he has concerns that now, during an approval process, Mr. Achew is making promises of repairs and better upkeep of the business. Code Enforcement Officer Ferguson stated that the violations were for trash and debris. Administrator Imhulse added that many of the issues are violations of zoning codes that are given by the County. There may be other violations that the Town is not aware of but Officer Ferguson has a good understanding of the issues facing this business. Mr. Achew pointed out that there was one written violation where a trash bag was out the day before a trash service day. He put the bag in his car and the violation was cancelled. Officer Ferguson stated that he has been compliant when violations are pointed out to him. CM Ebbeler does not feel comfortable approving this letter approval to the zoning board for this business. Mayor Archer doesn't see if possible to expand this business when the business can't seem to contain the cars and parts inside of the business as it is. Mr. Achew would like to reduce the tire portion of the business and replace it by more mechanic work. Currently the inventory of tires is huge and that's why tires are seen on the outside of the business. CM Ebbeler asked if there was a staff report from M-NCPPC? Administrator Imhulse had the staff report and said there were no issues in the report. CM Ebbeler asked what the project increase in revenue is. Mr. Achew had no dollar amount to offer. CM Ebbeler asked, what is the maximum amount of fines this business could acquire if the work on this permit is not completed? Officer Ferguson stated that the operational permit would be revoked if the work is not completed in the time frame given when the permit is issued. CM Lingua would like to see the plans for this project on paper.

CM Ebbeler moved to amend the letter to remove "...and urges you to strike and ... and urges you not to improve the implication."

CM Henry Second.

Motion passes 5-1 (CM Lingua opposed)

Discussion: CM Ebbeler thinks it is important to communicate that the Council has serious concerns and reservations.

CM Lingua moved to strike point #1

CM Ebbeler Second

Motion passes 6-0

Discussion: CM Lingua advised that the Council be furnished with a written plan.

4. Resolution 2011-R-20 to establish the Riverdale Park Emergency Response Plan.

CM Ebbeler moved to introduce Resolution 2011-R-20 to establish the Riverdale Park Emergency Response Plan.

CM Lingua Second

Motion passes 6-0

Discussion: CM Ebbeler read Resolution 2011-R-20 into record and stated that he was encouraged to pursue this Resolution from concerned residents who would like to see an emergency response plan for Riverdale Park in place. CM Thompson asked if an ERP would be presented to Council. CM Thompson proposed an amendment that the established plan would be brought before Council before approval before implementation. CM Ebbeler Second. CM Henry suggested that 'hurricanes' be added into the Riverdale Park Emergency Response Plan.

5. To approve a letter to Prince George's County Council regarding councilmanic redistricting.

CM Thompson moved to approve a letter to Prince George's County Council regarding councilmanic redistricting.

CM Henry Second

Motion passes 6-0

Discussion: CM Thompson stated that this is a simple letter to preserve a much improved redistricting plan.

6. Variance request for 4801 Nicholson Street (Ward 3).

CM Lingua moved to support with conditions a variance request for 4801 Nicholson Street.

CM Henry Second

Motion passes 6-0

Discussion: CM Lingua stated that this started as a request to replace a fence to the property but has involved into other issues including a sidewalk addition by the Town and improvement of a shed by the owner. The owner has two dogs and would like to replace the fence for the purpose of adequately enclosing the yard. CM Thompson asked why names were scratched out on the list of whom to be informed of this variance. No one had an answer.

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7. Building permit request (fence) at 5908 Riverside Drive, Riverdale, MD (Ward3).

CM Lingua moved to approve building permit request (fence) at 5908 Riverside Drive, Riverdale, MD.

CM Thompson Second

Motion passes 6-0

Discussion: The owners were working in good faith to have a fence that was in compliance with the Town's criteria. There are portions (approx 40%) of the fence that go above 3 ft.

8. To approve street closure on 46th Street between Sheridan and Tuckerman on September 17, 2011, from 12-5pm for a block party (Ward 1).

CM Ebbeler moved to approve street closure on 46th Street between Sheridan and Tuckerman on September 17, 2011, from 12-5pm for a block party.

CM Henry Second

Motion passes 6-0

Discussion: Mr. Addison asked that the Department of Public Works obtain a contact number.

9. To approve street closure on 43rd Street between MD 410 and Queensbury Road on September 10, 2011, from 11am-6pm for a block party (Ward 1)

CM Ebbeler moved to approve street closure on 43rd Street between MD 410 and Queensbury Road on September 10, 2011, from 11am-6pm for a block party.

CM Thompson Second

Motion passes 6-0

Discussion: CM Ebbeler will forward the contact information to Mr. Addison.

10. Resolution 2011-R-23 a resolution to temporarily resolve an ambiguity of Section 622 of the Town Charter.

CM Thompson read Resolution 2011-R-23 into record.

CM Lingua Second

Motion passes 5-1 (CM Rivas opposed)

Discussion: CM Thompson stated that this Resolution clears up Section 622 of the Town Charter by outlining items that may exceed the \$10K threshold as well as allow the Town to operate as it currently has been. CM Ebbeler asked if CM Thompson would accept a friendly amendment in the last sentence with the first 'furthermore', "that with prior written or oral approval of the Mayor or Chairman of the Committee with oversight of the given budget item." be added. CM Henry asked the reasoning behind changing the contract limit from \$5K to \$10K. CM Thompson responded that the change took place on advisement of Administrator Imhulse due to things like car repair bills for the Police Department. Mayor and Council agree that the maximum amount should be changed to \$20K.

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CM Ebbeler moved to amend Resolution 2011-R-23 to include the following language following the last line of the first furthermore “following the approval of the Mayor and Chair of the Committee with oversight of the given budget item”.

CM Thompson Second
Motion passes 6-0

Discussion: Administrator Imhulse stated that the Resolution correlates with what the Town is currently doing and the amendment would alter that. CM Thompson asked how many contracts would need Committee approval. Administrator Imhulse answered that contracts for Riverdale Park Day, such as Pony Express, as well as Timberline Fence Contract are usually signed by her. Other items that could be affected are grants applications, negotiations for better pricing on things for the Police Department, and contracts with the Town engineer.

11. To approve a letter to M-NCPPC regarding maintenance at Riverside Neighborhood Park.

Removed from the agenda.

Discussion:

12. To approve a letter to SHA regarding MTA’s request

Removed from the agenda.

13. To approve request for speed humps at 4700 block of Sheridan Street (Ward 2)

CM Thompson moved to approve request for speed humps at 4700 block of Sheridan Street.
CM Henry Second
Motion passes 6-0

Discussion: There are many children living on this street and speeding has been a problem. CM Henry asked the opinion of Mr. Addison. Mr. Addison understands the need for them but feels they are more acceptable on secondary streets, not primary streets. The 4700 block of Sheridan Street is a secondary street. Chief Lamphier added that a speed hump adds 3 – 10 seconds to response time. There is also a huge wear and tear factor on heavy equipment. He gathered this information from reports from fellow firefighters on speed humps.

14. To approve request for speed humps at 4800 block of Sheridan Street (Ward 2)

CM Thompson moved to approve request for speed humps at 4800 block of Sheridan Street.
CM Ebbeler Second
Motion passes 6-0

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Discussion: There will be a total of two speed bumps on these two blocks.

15. To approve request for speed humps at 6400 block of Lafayette Street (Ward 2)

CM Thompson moved to approve request for speed humps at 6400 block of Lafayette Street.

CM Henry Second

Motion 0-0 (no vote)

Discussion: CM Thompson was approached by this request when he first came onto the Council from the traffic study. There has been a monitoring system set up and speeds measured. On August 13, 2010 a study was done where dozens of people exceeding 60mph (in a 25mph zone). Many things were tried to deter the speeding but there are still enormous number of speeders on this street. CM Thompson is open to a modest speed bump be installed on this street. Mayor Archer added that sometime the flow of traffic may take precedence over an occasional speeder. If speed humps are adopted on this street that we are opening the Town to have speed bumps on all streets. He stressed to the Council to seriously think about this Item. CM Lingua thinks there are other ways to approach deterring the speeding on that street. CM Thompson restated that other options have been enforced in this area to no avail including stop signs. He suggested that the speed bumps be installed at the stop signs to stop people from blowing through them. This Item has been previously talked about in Committee meeting with traffic enforcement. Acting Chief Timmons added that any things have been tried over the years; stop signs, a monitoring system. CM Henry would like to hear other suggestions like cobblestone or rumble strips to deter people from using this street. Mr. Addison stated that during the winter months the plows will tear the rumble strips up and/or damage the snow removal equipment. They would have to be reinstalled annually. Speed bumps can also be torn up by snow removal equipment.

CM Thompson moved to amend the request to have rumble strips or similar traffic calming devices in front of the stop sign on either sides of 6400 block of Lafayette Street.

CM Henry Second

Motion passes 6-0

Discussion: CM Ebbeler asked if the rumble strips will be cobblestone. Mr. Addison will use the strips like they have at the airport that will give a terrible noise as you enter the intersection. Speed humps cost more than rumble strips.

16. Resolution 2011-R-21 to seek Art and Entertainment District Designation from MSAC.

CM Ebbeler moved to approve Resolution 2011-R-21 to seek Art and Entertainment District Designation from MSAC.

CM Henry Second

Motion 0-0 (Referred to Committee)

Discussion: CM Ebbeler read Resolution 2011-R-21 into record. Mayor Archer is concerned because he doesn't know what is entailed in the application process or how much staff and

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public input will be required. CM Ebbeler will refer this item to the Economic Development Committee for further discussion.

CM Thompson moved to refer this item to the Economic Development Committee for further discussion.

CM Ebbeler Second
Motion passes 6-0

17. Introduction of Resolution 2011-OR-04, an ordinance concerning alarm systems and fees.

CM Thompson introduced of Resolution 2011-OR-04, an ordinance concerning alarm systems and fees.

Discussion: CM Thompson read Resolution 2011-OR-04 into record.

18. Introduction of Resolution 2011-OR-05, an ordinance concerning a new ethics ordinance.

CM Thompson moved to Introduction of Resolution 2011-OR-05, an ordinance concerning a new ethics ordinance.

Discussion: CM Thompson summarized Resolution 2011-OR-05 for the record

19. Resolution 2011-R-22 regarding Jakubiak & Associates, Inc. and the creation of a RFP for a planning consultant.

CM Ebbeler moved to approve Resolution 2011-R-22 regarding Jakubiak & Associates, Inc. and the creation of a RFP for a planning consultant.

CM Henry Second
Motion passes 5-0 (Mr. Rivas was not present)

Discussion: CM Ebbeler pointed out that this disqualified Jakubiak & Associates, Inc. but they are welcome to respond to the RFP. There is a need to look for different qualifications for this project due to the enormity of it all. All of Jakubiak & Associates, Inc documents are public record and will be transferred to whichever firm receives the new contract if not Jakubiak & Associates, Inc.

CM Thompson moved to amend the Resolution to strike the second 'whereas' and to strike the initial paragraph after the 'therefore' all the way through the 'furthermore be it resolved'.

CM Lingua Second
Motion passes 6-0

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20. Introduction of Resolution 2011-R-24 regarding purchase of the property known as Jey's Auto

CM Ebbeler moved to Resolution 2011-R-24 regarding purchase of the property known as Jey's Auto.

CM Thompson Second

Motion passes 6-0

Discussion: Mayor Archer would like to see the Town purchase the property on the corner of Rt. 1 to possibly re-sale it later. CM Lingua offered a friendly amendment to strike "therefore be it resolved immediately" to be replaced by "with due diligence". CM Ebbeler and CM Thompson both agreed.

New Business

- CM Henry would like committees and their members posted on the website for reference.

Unfinished Business

Adjournment

CM Lingua moved to adjourn 12:15 a.m.

CM Ebbeler Second.

Motion passes 6-0

Typed from DVD 09-06-11