

TOWN OF RIVERDALE PARK
MONDAY, MAY 3, 2010
REGULAR LEGISLATIVE MEETING MINUTES

Attendance

| | |
|-----------------------|--------|
| Vernon S. Archer | Mayor |
| CM Alice Ewen | Ward 1 |
| CM Alan Thompson | Ward 2 |
| CM David Lingua | Ward 3 |
| CM Christopher Henry | Ward 4 |
| CM Keelah Allen-Smith | Ward 6 |

Town Administrator- Ms. Sara Imhulse
Police Department – Chief Teresa Chambers
Director of Public Works – Leonard Addison
Fire Department – President 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 asked to strike Legislative Item #4 - To approve Ordinance 2010-OR-04 concerning changes to Chapter 25 Dance Hall.

Mayor's Report

- Mayor Archer announces that Delegate Tawanna Gaines is in the audience tonight.
- FY10 Budget – Despite the significant financial woes we will increase our reserves by \$200K. Thanks to the Police Chief, Town Administrator and Director of Public who worked tirelessly to pinch pennies and stretch their budgets.
- Thanked participants of the Northeast Branch Clean-up on April 17th.
- Arts Festival – This event was put together very well. The Mayor wished that there were more participants.
- Kid's Town Hall Meeting – Saturday, June 5th @10am. We are targeting older elementary, junior high and high school kids. This will give them an opportunity to get a better understanding of how local government works. They will also be given a tour of Public Works and Town Hall.
- Stake Holder's Meeting scheduled in October. Ms. Imhulse and the Mayor are working with neighbors in Hyattsville, business owners, property owners, service providers and Park and Planning to get some positive motion going along Route 1.
- New Community space/center on 51st Ave.- We are currently in the process of getting the two lots that the boys and girls club are on assessed. Mayor Archer is hoping that Park and Planning will purchase the property and restore it so that it can be useful to the Town of Riverdale Park.

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Discussion: CM Lingua asked if the goal of selling the Boys and Girls Club lots is to put the revenues toward a larger facility. Mayor Archer responded “yes”. CM Henry commended Mayor Archer on his efforts of getting the budget together for review. How were you able to come up with the \$200K surplus? Mayor Archer responded that there were several items involved; grant funding for the police department, speed cameras, public works is monitoring contracts and better rates on utilities. Ms. Imhulse reminded the Council that the \$200K transfer to reserves was budgeted in the FY10 budget. Other items that contributed are the fact that gas and oil prices are cheaper than budgeted.

This concludes the Mayor’s Report

Treasurer’s Report

As of April 30, 2010: Revenue = \$4,200,341.00, Expenses = \$3,480,256.00.

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

CM Ewen Second

Motion passes 5-0

This concludes the Treasurer’s Report

Town Administrator’s Report

- Census Update – The 2010 Census has stopped receiving paper forms. There are two ways to still be counted; call 1-866-872-6868 (English) 1-866-928-2010 (Spanish) and representative from the Census Bureau will go from house to house. If you have any questions please feel free to contact Ms. Imhulse personally.
- Thanked Arts Council, especially Emily and Jeffrey, who have worked tirelessly to put together the Arts Fest.
- There is a new item in the Budget Excel Sheets under Revenue - Grants. Questions can be directed to Ms. Imhulse.
- As a reminder, the July Legislative meeting falls on a holiday.
- Ms. Imhulse was able to lower the gas supply rates for all the Town accounts.

Discussion: CM Lingua asked if the 45% reduction of the supply rate is accurate on the budget. Ms. Imhulse clarified that the rate had been reduced from \$1.12 per unit to \$0.69 per unit.

This concludes the Town Administrator’s Report

Police Department Report

- Code Enforcement has been out tagging properties for things like grass being too high.
- National Police Week – Recognizes police officers who have died in the line of duty. On May 15th at the West Lawn of the Capital there will an official ceremony.

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www.lawmemorial.org will have a live stream of the candlelight vigil held on May 13th. Someone from Riverdale Park Police Department will be in attendance and each event.

- 20th Anniversary for Capt. Timmons is coming up. This is a very momentous anniversary for the Town of Riverdale Park.

Code Enforcement Issues

This concludes the Police Department Report

Public Works Report

- Mr. Addison wishes every mother a Happy Mother's Day! Hope it's a great day for all of you.
- Memorial Day falls on a Monday. There will NOT be a collection day that Monday. The following collection day will be on Thursday.
- Thanked everyone that participated on the Earth Day and Spring Cleaning celebration. It was a nice day. All participants had a good time. The Dept of Public Works collected a considerable amount of yard waste (5.73 tons) and bulk trash (13.92 tons), metal (2 tons), tires (50 tons). This goes a long way of keeping our town clean.
- Redressing of Town Center – We have ordered banners. Mr. Addison asked that residents take a look at them and give the Dept of Public Works your opinion. Plants and Flowering pots have been added as well.
- Rain Gardens – Working with the Center of Water Protection Group to turn some of our park areas into rain gardens. This project will help manage water by filtering pollutants out of the water and divert water flow on your property.
- 5324 Taylor Road (70% completion plans) – There will be a meeting soon to get a better understanding of what is involved in the construction.

Discussion: CM Henry would like to be involved in the Taylor Road project. CM Thompson asked who takes care of the East-West Highway's grass. Mr. Addison replied that the state takes care of the grass there. The frequency changed due to their budget. Last year they serviced the area only four times. Mr. Addison will try to obtain a schedule from the State. CM Ewen is concerned about repairs to part of the CSX track. Ms. Imhulse has been in contact with them. CM Ewen would like crosswalks at the Lafayette and Queensbury corner over the train tracks. Pedestrian traffic is directed to the North Side where there is a sidewalk. The South Side, where CM Ewen is referring to, does not have sidewalk. Mr. Addison will check into it.

This concludes the Public Works Report

Fire Department Report

- A total of 436 runs in the month of April. 237 were ambulance calls.
- April 16th – House fire at 5417 Powatan.

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- The Fire Department participated in the Art Fair.

Discussion: CM Lingua asked that since half of the calls that come in are ambulance calls, how was the ambulance billing been going? President Lamphier responded that the ambulance billing has improved. CM Lingua pointed out that the fire department is currently covering parts of areas #44, #13, #28 as well. This seems like a substantial area for only one ambulance. Pres. Lamphier responded that this is a twelve year old battle and that the department is different now and is happy to cover all these areas. CM Lingua and Mayor Archer commended the efforts of the fire department.

This concludes the Fire Department Report

Ward and Committee Reports

Ward 1, CM Ewen, Economic Development Committee

- CM Ewen was able to stop by the Arts Fest and was impressed. She appreciates all the efforts of the volunteers and residents put into it.
- CM Ewen attended the open house of the Riverdale Park Elementary School. The school has a great staff there. The tenure of the teachers there is remarkable. The student/teacher ratio is excellent and the test scores are great.
- Looking forward to working with Ms. Imhulse on the design of the bike trail.
- CM Ewen supports the decals for vendor's project.
- Thanked everyone for their kind and funny remarks during her foot injury.

This concludes Ward 1, CM Ewen's Report

Ward 2, CM Thompson, Finance Chairman Committee

- Attended a Purple Line meeting about the location of the Riverdale Park Purple Line Station. It will be located between Hague Drive and Rivertech Court. The staff is working to figure out the best place to locate it to make it convenient to Town's people and the worker's at M-Square.
- Participated in the Riverside Park clean-up. It looked much better. Thanked Anacostia Watershed Society for coordinating that.
- Enjoyed the Arts Fest and its food and music.
- Joins the Mayor in thanking all of the Town's staff for their attention to the budget.
- Council received the high level draft of the budget from the Mayor on Friday. We will be setting budget hearings under New Business. CM Thompson looks forward to digging into the budget.

This concludes Ward 2, CM Thompson's Report

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Ward 3, CM Lingua, Public Safety Committee

- Cm Lingua appreciated all of the residents that came out on the Clean-Up day at Riverside Neighborhood Park. Hopefully with the help of M-NPPC we will be able to address the issues of the park. A fair amount of the trash comes from weekend activities at the park.
- CM Lingua is looking forward to having decals displayed to legitimate vendors that frequent Riverside Neighborhood Park. There have been quite a few vendors that show up on the heavy populated weekends.
- CM Lingua is concerned about residents and participants drinking in public at the Riverside Park as well. He hopes that the M-NPPC will be able to address this activity.
- Operation Care – Each M-NCPPC officer has been assigned to a beat. They will help ensure park safety. Resident's should be specific when calling in suspicious behavior at the park. Police will need a description of the person as well as a location.
- Central Kenilworth Avenue Steering Committee – The committee will have a standing Board by this summer. CM Lingua encourages residents to get involved. The next meeting will be held on May 5th at the East Pines Civic Association (5819 East Pine Drive).
- 5003 Riverdale Road is vacant.
- Thanked CM Rivas, Emily and Jeffrey for the Arts Fest. It was a really fun event! Good food, good music and good crafts.

This concludes Ward 3, CM Lingua's Report

Ward 4, CM Henry, Public Works Committee

- Kudos to the Code Enforcement Team for tagging homes so quickly.
- Encouraged residents to go to the National Police Week activities.
- Kudos to the Police Department and residents for the reduction of crime report.
- CM Henry is working with CM Rivas on a new initiative with the children of Riverdale Park. There are lots of bicycles that need repair. They need repair kits, etc.
- Congratulations to Captain Timmons for 20 years of service!
- CM Henry wishes all mothers a Happy Mother's Day.
- Public Works Meeting will be on June 11th.

This concludes Ward 4, CM Henry's Report

Ward 5, CM Rivas, Community Affairs Committee

This concludes Ward 5, CM Rivas Report

Ward 6, CM Allen-Smith, Legislative Committee

- There were Code concerns on Kenilworth Ave. and Jefferson St. that was directed to CM Allen-Smith by residents has been addressed. Residents may contact the Code Department directly at 240-898-2500 or code@riverdaleparkmd.gov.

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- CM Allen-Smith is asking drivers to be aware of children playing or walking to and from school. Please make sure children are being safe and wearing helmets when riding their bikes.

This concludes Ward 6, CM Allen-Smith's Report

Public Comments

- Jim Coleman (4911 Somerset Road) applauds CM Lingua about pointing out illegal concessions at the Riverdale Neighborhood Park. The Farmer's Market had 800 participants on April 29th. That is a very high number of participation. Thanked Mr. Addison on the upkeep of the Town Center. Public Works was able to stripe the parking lot with a week's notice and they also finished a paving job left unfinished by WSSC. An application needs to be processed for a \$37K grant that can help promote the Farmer's Market.
- A resident stated that there will be an increase in sexual crimes and alcoholics roaming through our neighborhoods if the Council approves Dance Hall Ordinance 2010-OR-04.

Legislative Action

1. To approve minutes for regular legislative meeting held on April 5, 2010.

CM Henry moved to accept the minutes.
CM Thompson Second
Motion passes 5-0

Discussion: Page 4/Ward 3 Report/Bullet 3 – change to Riverside Neighborhood Park.

2. To approve minutes for special legislative meeting held on March 29, 2010.

CM Thompson moved to accept the minutes.
CM Allen-Smith Second
Motion passes 5-0

3. To approve Ordinance 2010-OR-03 concerning changes to Chapter 68 Weeds.

CM Henry moved to approve Ordinance 2010-OR-03 concerning changes to Chapter 68 Weeds.
CM Thompson Second

Discussion: This amendment will change the height of grass allowable from 6 inches to 7 inches and change the violation fine from \$100 to \$250 per offence.

CM Ewen moved to change the height of grass from 6-8 inches to 7 inches.
CM Thompson Second.
Motion passes 4-1 (CM Lingua is in opposition)

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CM Henry moved to change the penalty on line 56 to \$250.

CM Allen-Smith Second

Discussion: CM Ewen wanted to clarify that the citation is in addition to fees for the actual Town's expenses of mowing. CM Henry confirmed the clarification. Mr. Addison estimated the Town's expenses would be \$200/per hour plus a 15% administrative cost. CM Henry stated that having a \$250 fine on top of these other expenses would be a deterrent for violators. CM Lingua thinks that the \$250 fine on top of the \$200/per hour and 15% Admin fee from the Town is too steep. Mr. Addison stated that sending his workers into a tall grass job is an endangerment to health and well being. Many workers have challenges of poison ivy, snakes, exhaustion, etc when trying to cut grass that is 12 inches or higher. CM Allen-Smith justified changing the penalty to \$250 by comparing the Ordinance to the rules of College Park which can easily add up to more frequent fines. CM Thompson believes that the \$100 fine is a deterrent and would be more than happy to revisit this motion in a few months. CM Henry respectfully disagrees with CM Thompson. CM Henry stated that \$100 seems like a slap on the wrist but a \$250 would be more effective. CM Allen-Smith stated that the Code office can reduce or void a fine due to extenuating circumstances. Mr. Addison also stated that the Code Enforcement often times will work with the residents when a fine is issued. Mayor Archer is concerned at the level of change to this Ordinance that was just introduced. He also stated that Code Enforcement will be less likely to issue a \$250 fine than a \$100 fine. CM Henry withdrew the Motion.

CM Thompson moved to amend Line 59 – For any subsequent offense (ADD) within the calendar year ...

CM Henry Second

Motion passes 5-0

CM Lingua moved to amend Lines 40-42 ...and that if the owner fails to do so ... maybe a lien against the property to be stricken.

Discussion: CM Thompson stated that this language was suggested by the Town Attorney and that it might be better to strike Lines 33-34 which is the redundant information. CM Lingua withdrew the Motion.

CM Lingua moved to strike Line 43-47.

CM Thompson Second

Discussion: CM Lingua stated the language is repetitive and confusing. Ms. Imhulse stated that the consequence of striking those lines is that we may lose the right to enter the property as well as we may lose the right to bill the resident directly (Line 46) as opposed to going through the lien process. CM Lingua withdrew the Motion.

Original Motion Discussion (cont.) - Adrian **Lefkowitz** (4804 Madison Street, Ward 3) stated that 7 inches is too low. She suggested that we enforce the law at 10 inches. This may mean the difference of mowing her lawn once a week versus twice a week. More mowing is harmful

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to the environment. She would like to see that law enforced at 10 inches. David Duffey (4719 Queensbury Road) stated that if the grass is cut too low it could cause a brush fire.

CM Thompson moved to take a 10 min recess so that Ms. Imhulse can locate and print the proper legislation being voted on.

CM Ewen Second

Mayor and Council resume meeting.

CM Thompson moved to postpone indefinitely the standing legislation.

CM Allen-Smith Second

Motion passes 5-0

Discussion: The legislation was not appropriately published and advertised after its introduction. The bill can be re-introduced later in the same meeting.

5. To approve building permit application for Litton building driveway.

CM Henry moved to approve building permit application for Litton building driveway with conditions that construction must be complete by June 15th.

CM Thompson Second

Motion passes 5-0

Discussion: Ms. Imhulse has contacted the applicant and the applicant asked if the item be removed if it will not be approve so that they can testify on its behalf. The Staff suggests approval if the necessary improvements happen within six weeks of approval.

6. To approve carnival permit application for Saint Bernard's Church on Memorial Day Weekend, May 29th – 31st from 10:00am until 9:30pm to raise funds to meet financial needs for the church. (Ward 4)

CM Henry moved to approve carnival permit application for Saint Bernard's Church on Memorial Day Weekend, May 29th – 31st from 10:00am until 9:30pm to raise funds to meet financial needs for the church.

CM Thompson Second

Motion passes 5-0

Discussion: Ms. Imhulse stated that the application is in compliance. Marty Umman (President of Riverdale Heights and Riverdale Hills/Crestwood Association) stated that the carnival was too loud last year. Last year the event lasted 2 days. This year it will last for 3 days. She suggests that the community representative go and talk to the church and have the Town limit the noise from the event. CM Henry recalled that this event was loud last year but they have had no complaints in previous years. Teresa Luna (former Parish Council Member) commented that the police department came out and measured the noise. The church has also met with residents since last year's event to discuss the volume of noise. She also stated that the speakers were in the same location as year's past. Mayor Archer suggested that there be testing before the event and that the Riverdale Police Department be invited during the testing.

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CM Henry suggested that the church provide a point of contact just in case someone needed to be contacted about the noise. CM Thompson read 58-11.4 "This section shall not apply to activities or events conducted, sponsored or permitted by the Town of Riverdale Park." – There are no noise limitations unless Council puts them in as a condition of the permit.

CM Thompson moved that permit be amended to require that the sound levels measured off of the property of St. Bernard's Church be within the residential standards of the Town Code regardless of whether such location is in or outside of the Town of Riverdale Park.

CM Ewen Second

Motion passes 5-0

Discussion: Teresa Luna (former Parish Council Member) argued that the standards should be set for commercial standards since the church is a considered a commercial property. CM Ewen explained that the neighboring residents should not be disturbed by the noise from the event therefore the standards are set for them. Teresa invited Mayor and Council to attend the event and measure with their own ears the sound levels of the event. CM Ewen advised that calibrated instruments be used for this event.

New Business

- CM Henry would like to reintroduce the Ordinance 2010-R-04 at the next special legislative meeting.
- CM Thompson moved to change the July 5th Legislative Meeting to July 6th.
- June 21st Special Legislative Meeting is slated for FY10 budget reconciliation.
- Constant Yield Hearing will be held on May 24th @ 7:30pm.
- Special Legislative Meeting will be held on May 24th @ 8pm.
- Budget Meetings on May 12th @7:30pm, May 17th @7:30pm and May 19th @ 7:30pm.
- CM Thompson received a request from a resident, Olympia Gray, to block off 48th Street between Summerset and Tuckerman Streets on May 29th from 2pm – 8pm. Solomon Commissions and Mario Lopez signed the petition to do so.

CM Thompson moved to block off 48th Avenue between Summerset Road and Tuckerman Streets on May 29th from 2pm – 8pm.

CM Ewen Second

Motion passes 5-0

- Permit Parking requested on Madison Street to help deal with overflow from Riverside Park.

Unfinished Business

Adjournment

CM Thompson moved to adjourn 11:45pm

CM Lingua Second.

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Typed from tape 05-03-10.