



Town of Riverdale Park
July 1, 2019
8:00 p.m.

Legislative Session
AGENDA

Call to Order

Pledge of Allegiance

Approval of Agenda

Mayor's Report

Town Manager's Report

- **Finance Report**

Correspondence Summary

Fire Department Report

Council Committee & Ward Reports

Public Comments on Non-Agenda Items and Consent Agenda Items

Consent Agenda

Motion to approve consent agenda items:

1. Minutes: May 20, 2019 Special Legislative Meeting; May 20, 2019 Work Session; June 3, 2019 Legislative Meeting

Legislative Action Items

1. Motion to support a variance request for 4606 Queensbury Road for variances of 5 feet front yard depth and 9.9 percent net lot area conditioned on a Town building permit requirement regarding drainage system design (Ward 1)
2. Motion to approve the proposed amendments to DSP-13009-15 (Riverdale Park Station)
3. Motion to establish Rivertech Court speed limit at 20MPH
4. Motion to adopt Resolution 2019 R-04 in support of Main Street Maryland Affiliate Program application
5. Motion to authorize a letter to County Executive Alsobrooks (et al) requesting County support of two (2) Town priority projects for the Maryland State Highway Administration -sidewalks along East West Highway and a pedestrian bridge on Riverdale Road

New Business

1. RFP – Municipal Center Project (CIP 18GG01): RFP for Backup Generators
2. Small Cell Design Guidelines – Proposed Legislation
3. Charter Amendment for “Piggybacking” Contracts

Unfinished Business

Adjournment

All members of the public in attendance are honorary members of the Council, and as such may comment on all items under discussion (subject to the same Rules of Order that apply to elected Council Members). If you have questions or comments, please stand at the microphone to be recognized.



Town of Riverdale Park, Maryland

Town Administration

TO: Mayor and Council
FROM: John N. Lestitian, Town Manager
CC: Jessica Barnes, Director of Administrative Services / Town Clerk
DATE: June 28, 2019
RE: Variance Request for 4606 Queensbury Road (Ward 1)

Action Requested: Staff seek a Motion to support a variance request for 4606 Queensbury Road for variances of five (5) feet front-yard depth and 9.9 percent net lot area conditioned on a Town building permit requirement regarding drainage system design.

Background: The Town received notice from the Prince George's County Board of Zoning Appeals that Bruce Wernek requested permission to extend the driveway and build a detached garage at 4606 Queensbury Road. Variances of 5 feet front yard depth and 9.9 percent net lot area are requested.

The Mayor and Council discussed a variance request with the applicant at the May 20th and June 17th Work Sessions. Based on those discussions, support for the variance will require a condition be added to the Town's building permit for this project. The condition will stipulate specific drainage system design features as established in the Motion.

Attached, please find the Notice of Hearing, Application for a Variance, pictures and site plan.

(USE BLACK INK ONLY)

**PLEASE READ ALL INSTRUCTIONS
BEFORE FILLING OUT APPLICATION**

**TO: BOARD OF ZONING APPEALS FOR PRINCE
GEORGE'S COUNTY, MARYLAND**
County Administration Building, Room 2173 - 9 2019
14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
(301) 952-3220

BOARD OF APPEALS

Filing Fee Paid: \$ 200.00
CK/M.O. # 4780
By: Bruce Wernek
4606 Queensbury Rd
Riverdale 20737
Sign Posting Fee Paid: \$ 30.00
CK/M.O. # 4781
By: SAME
APPEAL NO. V-36-19
(OFFICE USE ONLY)

**APPLICATION FOR A VARIANCE
FROM STRICT APPLICATION OF THE ZONING ORDINANCE**

(If variance is being applied for due to receipt of a Violation Notice, a copy of the notice is required.)

Owner(s) of Property Wernek S Bruce Living Trust
(AS SHOWN ON DEDICATION)
Address of Owner(s) 4606 Queensbury Rd
City Riverdale State MD Zip Code 20737
Telephone Number (home) 301-779-6273 (cell) _____ (work) _____
E-mail address: bruce.wernek@verizon.net

Attorney/engineer/contractor name, address and telephone number (applicant if different from above): (circle one)
1 nathan zook | Stolitzkus Structures LLC | Atglen, PA 19310
610 93-7700 | 5075 Lower Valley Rd

For assistance in completing questions below, see corresponding paragraphs on *Instructions to Applicants*, which is designed to help you fill out this form. SUBMITTED SITE PLANS/PLATS MUST BE DRAWN TO SCALE BY A CERTIFIED ENGINEER, SURVEYOR OR ARCHITECT (WITH OFFICIAL SEAL OR STATE OF MARYLAND REGISTRATION NUMBER SHOWN ON THE SITE PLAN/PLAT) AND MUST SHOW ALL STRUCTURES (TO INCLUDE ALL DIMENSIONS AND NUMBER OF STORIES) AS WELL AS OFF-STREET PARKING AND ANY PROPOSED CONSTRUCTION ON THE PROPERTY. THE PLAN MUST NOTE THE SCALE, THE LOT SIZE, THE LEGAL DESCRIPTION AND A NORTH ARROW.

Location of Property involved: a) Street Address 4606 Queensbury Rd
City Riverdale, MD 20737
b) Lot(s) 14 Block 34 Parcel 0000
Subdivision Name 1750
c) Association Name(s) & Address(es) (Homeowners/Citizens/Civic and/or Community):
N/A

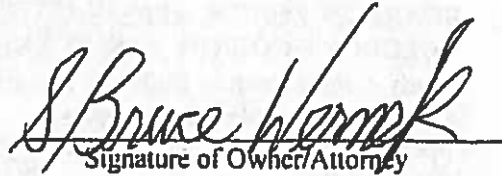
d) Municipality (Incorporated City/Town) Name Riverdale

What will be/has been constructed on the property? (Variance(s) Required) Construction of
detached 20'x32' garage on property will exceed 30% lot
coverage. Total lot coverage with new garage will be 40%
per James Stepowany in the M-NCPPC Permit Review Section.

Do you need the services of a foreign language interpreter at your hearing? (Additional \$30 fee required)

Yes _____ No ☒

Foreign Language: _____


Signature of Owner/Attorney


Printed Name

IMPORTANT: Failure to provide complete and accurate information on this application may delay or jeopardize consideration of the request. Applications on which all required information is not furnished will be returned for completion before processing. Filing fees must be made payable to Prince George's County and sign posting fees must be made payable to M-NCPPC. Approval of a variance is not a guarantee that further review will not be necessary by other governmental authorities. For further information regarding Board of Zoning Appeals policies and procedures, see Sections 27-229 through 27-234 of the County Zoning Ordinance and/or the Board's website at <http://pgccouncil.us/>.

FOR COUNTY USE ONLY

Property Zone: R-55 Overlay Zone: _____

Has the property in question ever been subject to previous Board, County Council or Zoning Hearing Examiner action? 12/2/13 If so, give Case No.(s)/Decision Date(s) _____

Is the property subject to any action by the Planning Board? HAWP HISTORIC AREA
WORK PERMIT

If so, what type of action? _____

Variance(s) requested: Lot Cov., F.T.d

FOR A LIST OF ALL NAMES AND MAILING ADDRESSES OF ADJOINING PROPERTY OWNERS AND OTHER PARTIES, PLEASE SEE THE PERSONS OF RECORD LIST



A



B

EXH. # (A-F)
V-36-19



C



D

57-41
11/10/10
11/10/10



E



F

S Bruce Wernek Living Trust - 4606 Queensbury Rd Variance Application Pictures



4606 Queensbury Rd



Location of Garage (replaces shed) ~40' beyond end of existing driveway



4602 Queensbury Rd



4608 Queensbury Rd

7722-2019-RG Wernek Detached Garage

From: Stepowany, James <James.Stepowany@ppd.mncppc.org>

To: bruce.wernek@verizon.net <bruce.wernek@verizon.net>

Date: Thu, Mar 7, 2019 9:00 am

Mr. Wernek,

Permit 7722-2019-RG for a detached garage at 4606 Queensbury Road has been placed on HOLD for the following reasons:

Permit Reviewer: Jamie Stepowany
Telephone Number: (301) 636-2015
Email: james.stepowany@ppd.mncppc.org

7722-2019-RG
March 7, 2019
Wernek Detached Garage

The following comments were generated from permit review. Any questions or concerns regarding the following should be directed to the reviewer at the phone number provided above. *Further comments may be generated when the appropriate information has been submitted.*

Historic Planning – HOLD – The site is a historic site, PG: 68-004-76, please obtain a Historic Area Work Permit (HAWP). For information about obtaining the HAWP, contact Tyler Smith at 301-952-5902.

The property is zoned R-55 and per Section 27-442(c) Table II of the Prince George's County Zoning Ordinance, the property is limited to 30 percent lot coverage. That's any portion of the property covered with buildings that has a roof and driveways. The property is 10,059 square feet, 30 percent is 3017.7 square feet. The house is 1,674 square feet, the existing and proposed driveway is 1,710 square feet and the detached garage is 640 square feet for a total of 4,024 square feet or 40 percent. A variance from the Prince George's County Board of Appeals must be obtained for lot coverage. For information about obtaining the variance, contact the Board of Appeals at 301-952-3220.

Upload the HAWP and approved variance for further review. Do not accept a new task until both approvals have been obtained.

03-07-19 -- Comments emailed to Stanley Wernek at bruce.wernek@verizon.net JS

If you have any questions, please don't hesitate to contact me.

Jamie Stepowany
M-NCPPC
Development Review Division
Permit Review Section

LOT COVERAGE WORKSHEET

NET LOT SIZE 10,059 SQUARE FEET

30 % LOT COVERAGE ALLOWED 3017. SQUARE FEET

<u>STRUCTURE/PARKING</u>	<u>MEASUREMENTS</u>	<u>SQUARE FOOTAGE</u>
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HOUSE

1674.

GARAGE/CARPORT

640.

DRIVEWAY

1704.36

PORCH/SUNROOM

SHED(S)

ADDITION(S)

OTHER:

TOTAL LOT COVERAGE

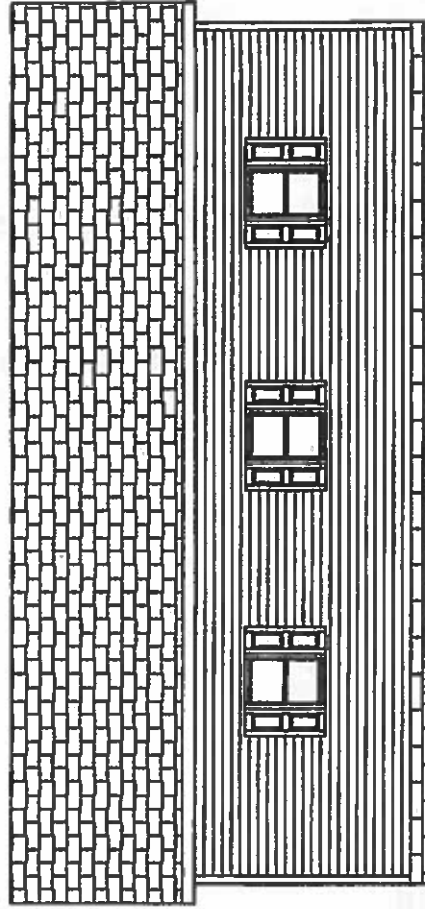
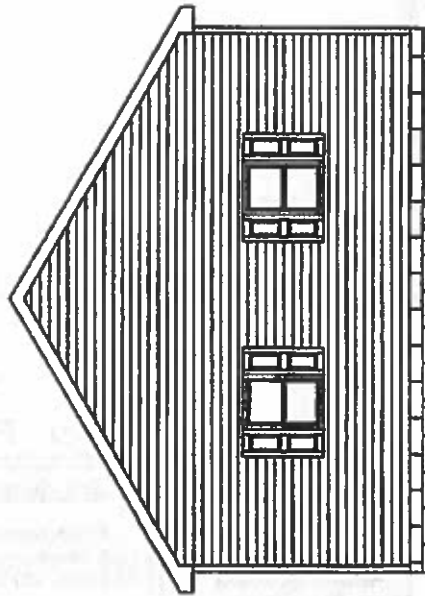
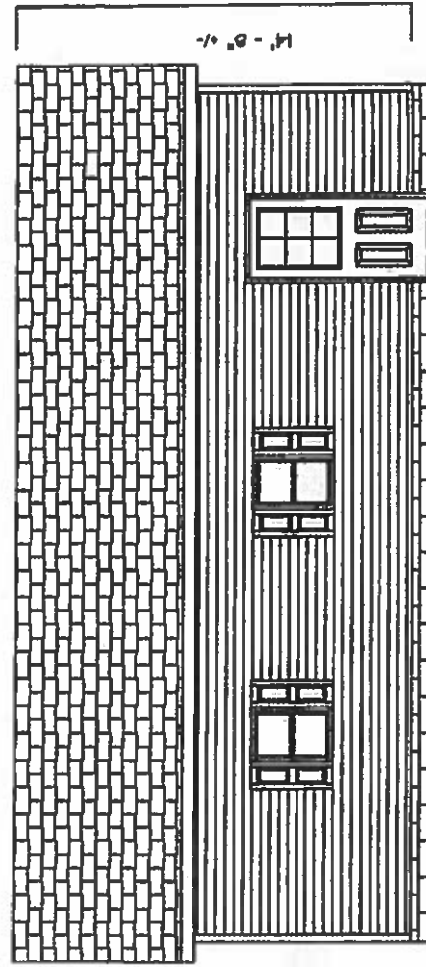
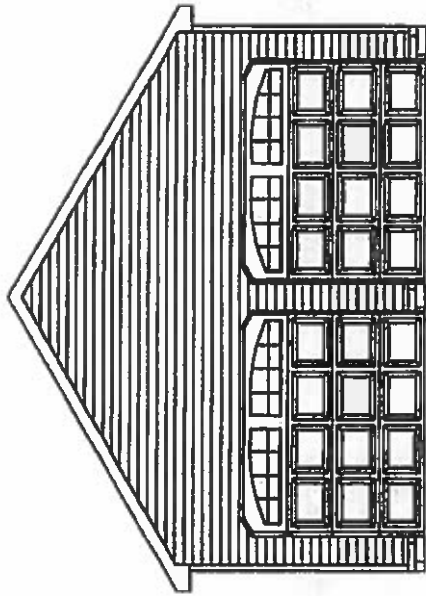
3994

TOTAL % NET LOT COVERAGE

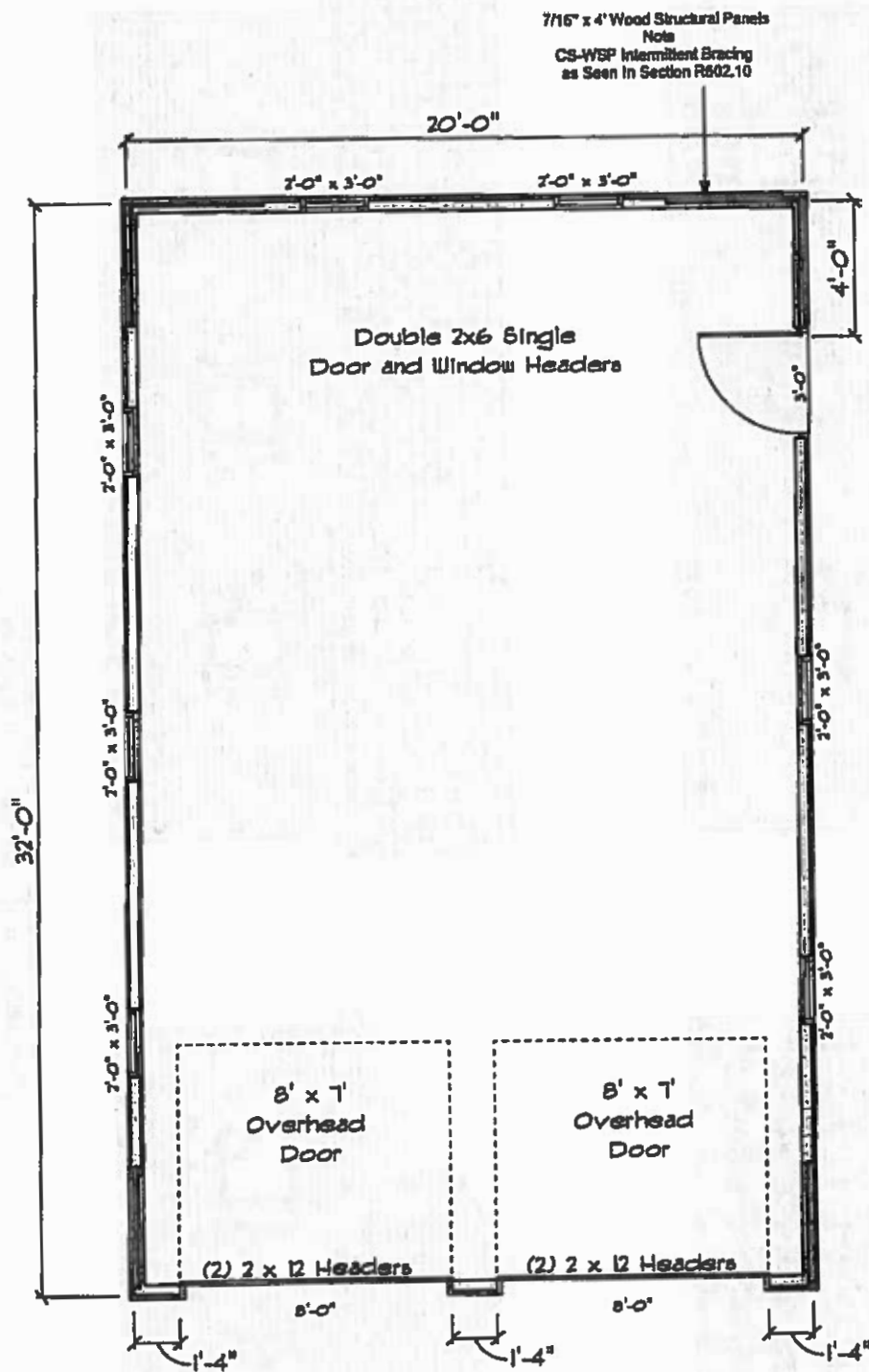
39.9 %

TOTAL % OVER NET LOT COVERAGE

9.9 % (S.F.)



Construction Notes: Snow Load: 48 psf Wind Load: 115 mph Working: Severe Finish: Moderate to Heavy Design: 50% to 100% Final / Landscaping: Final / Final	Job Name: Bruce Wernick 4608 Queensbury Rd Riverdale, MD 20737	Dimensions: 20X32
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Floor Plan

Construction Notes:

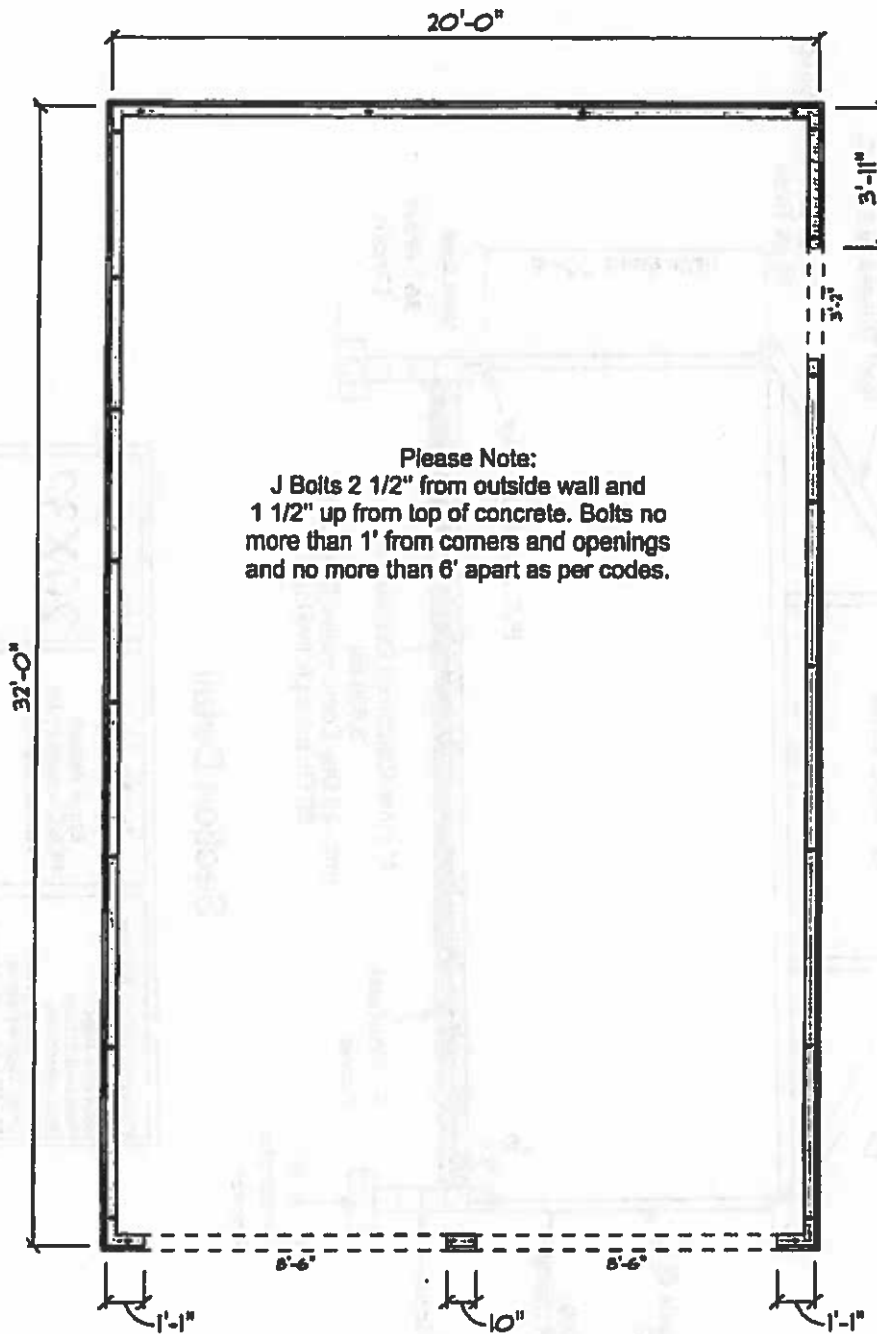
Snow Load: 40 psf
Wind Load: 115 mph
Weathering: Severe
Termites: Moderate to Heavy
Decay: Slight to Moderate
Flood Hazard: see Local Flood Map

Job Name:

Bruce Wamek
4606 Queensbury Rd
Riverdale, MD 20737

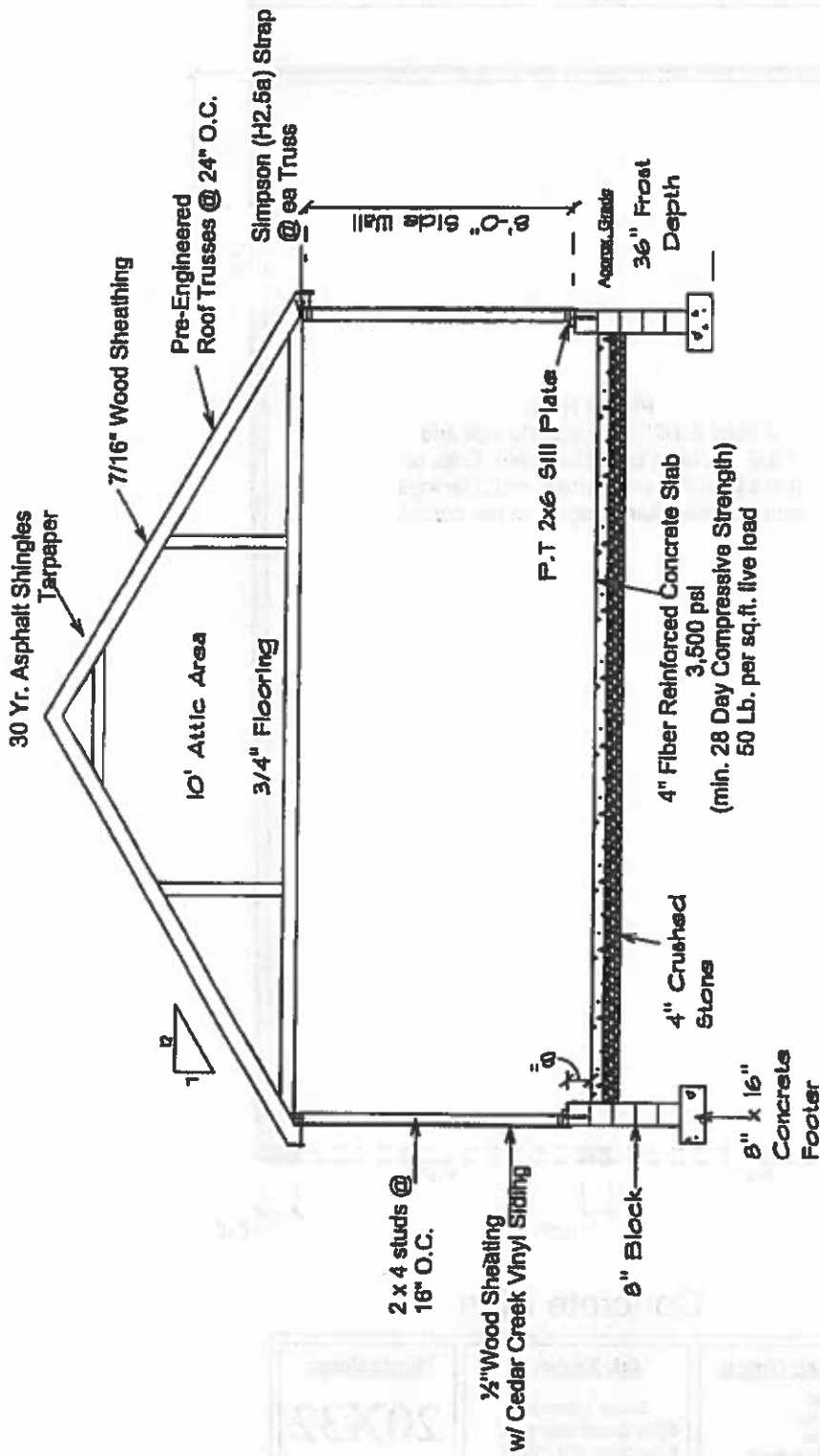
Dimensions:

20X32



Concrete Plan

<u>Construction Notes:</u>	<u>Job Name:</u>	<u>Dimensions:</u>
Snow Load: 40 psf Wind Load: 115 mph Weathering: Severe Termites: Moderate to Heavy Decay: Slight to Moderate Flood Hazard: see Local Flood Map	Bruce Wernick 4806 Queensbury Rd Riverdale, MD 20737	20X32



Section Detail

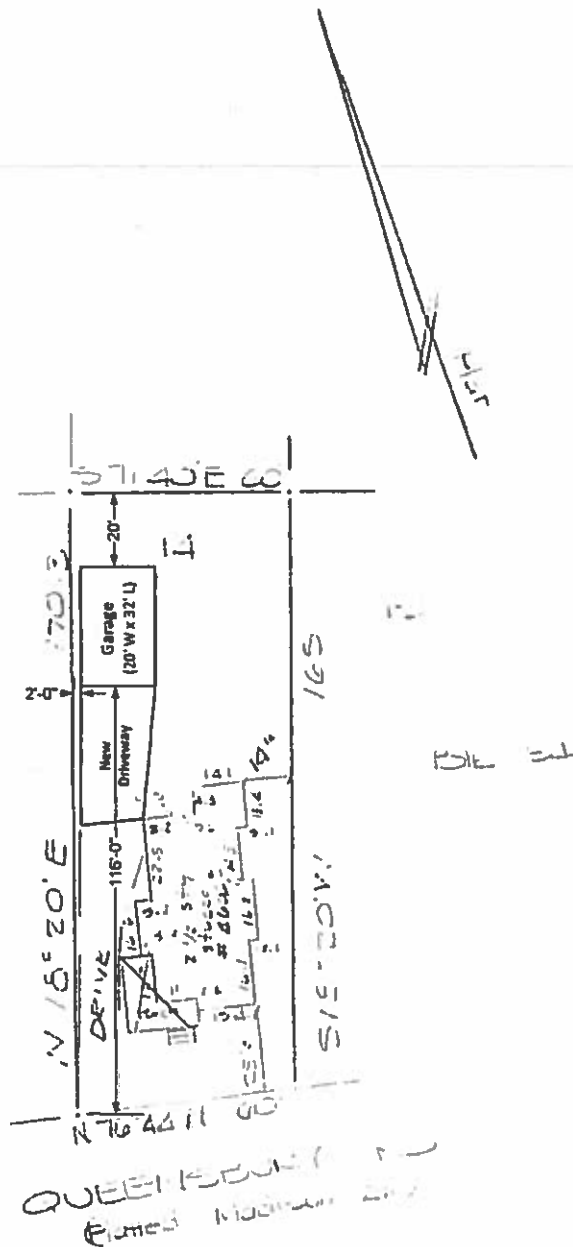
Construction Notes: Snow Load: 40 psf Wind Load: 115 mph Weathering: Severe Terrain: Moderate to Heavy Decay: Slight to Moderate Flood Hazard: see Local Flood Map	Job Name: Bruce Wernick 4806 Queensbury Rd Riverdale, MD 20737	Dimensions: 20X32
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This survey is made for House Location purposes only and is not to be used for determining property lines or for location or placing additional improvements. The existence of property corner markers is not guaranteed by this survey.

APR 11 2018

Revised

Job No. PG 450 S

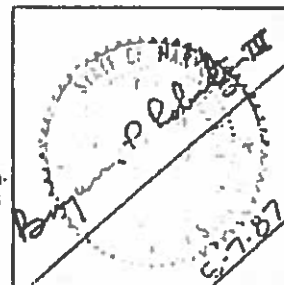


QUEENSBURY RD
Plotted November 2017

The plan is shown as not within
Zone 100. The plan is not for
the purpose of a map.

This is to certify that to the best of my
knowledge and belief the improvements in-
dicated hereon are located as shown. This
is not a property line survey.

Note: no title research furnished
to or done by this company.



RECORDED IN PG 450 S

House Location
Lot 13, Old 31, Sect 1
RIVERDALE PARK
Prince Georges Co MD
For: Lumbardi
Scale: 1" = 40'

RDA
REAL ESTATE DEVELOPMENT TECHNOLOGY ASSOCIATES INC
ENGINEERS • LAND PLANNERS • LAND SURVEYORS
15207A MARLBORO PIKE • FORD OFFICE BUILDING
UPPER MARLBORO, MARYLAND 20772
PHONE (301) 627-3100



Town of Riverdale Park, Maryland

Office of Development Services

TO: John Lestitian, Town Manager

FROM: Kevin Simpson, Development Services Director

CC: Staff Leadership Team

DATE: June 28, 2019

RE: Motion to approve the proposed amendments to DSP-13009-15 (Riverdale Park Station)

Action Requested:

Staff is seeking a motion from the Mayor and Council to approve the proposed amendments to DSP-13009-15 (Riverdale Park Station).

Background:

During the June 17th Work Session, representatives from Calvert Tract, LLC conducted a presentation before the Mayor and Council on proposed amendments to DSP 13009-15 for the Riverdale Park Station Development. In summary, these amendments include:

1. Increase the height of two multi-family residential buildings (buildings 7 and 8) to seven (7) stories (originally projected to be 3 – 6 stories); and
2. Allow walls for the buildings to have windows occupying less than 40 percent of the wall area; and
3. Allow the addition of a trolley car on a parcel near one of the buildings (building 7).

These proposed amendments were reviewed by the Town's MUTC Local Design Review Committee on June 5, 2019 and it was advised that this matter be presented to the Mayor and Council for additional input and consideration.

Representatives on behalf of Calvert Tract, LLC will be present at the July 1 Legislative Meeting to address any comments or questions from the Mayor and Council.

Attachment:

Calvert Tract, LLC Presentation to Mayor Council for Amendments to DSP-13009-15

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www.RiverdaleParkMD.gov

Telephone - 301.927.6381



Town of Riverdale Park, Maryland

Police Department

To: John N. Lestitian, Town Manager

Cc: Staff Leadership Team

From: Chief David Morris

Date: June 28, 2019

Re: Establishment of Maximum Speed Limits on Rivertech Court (University of Maryland Discovery Zone/College Park Academy School Zone)

Action Requested: Staff requests that the Mayor and Council authorize establishment of a maximum speed limit of twenty (20) miles per hour (MPH) on Rivertech Court, a county roadway abutting the College Park Academy, and extending from Lafayette St. to River Rd.

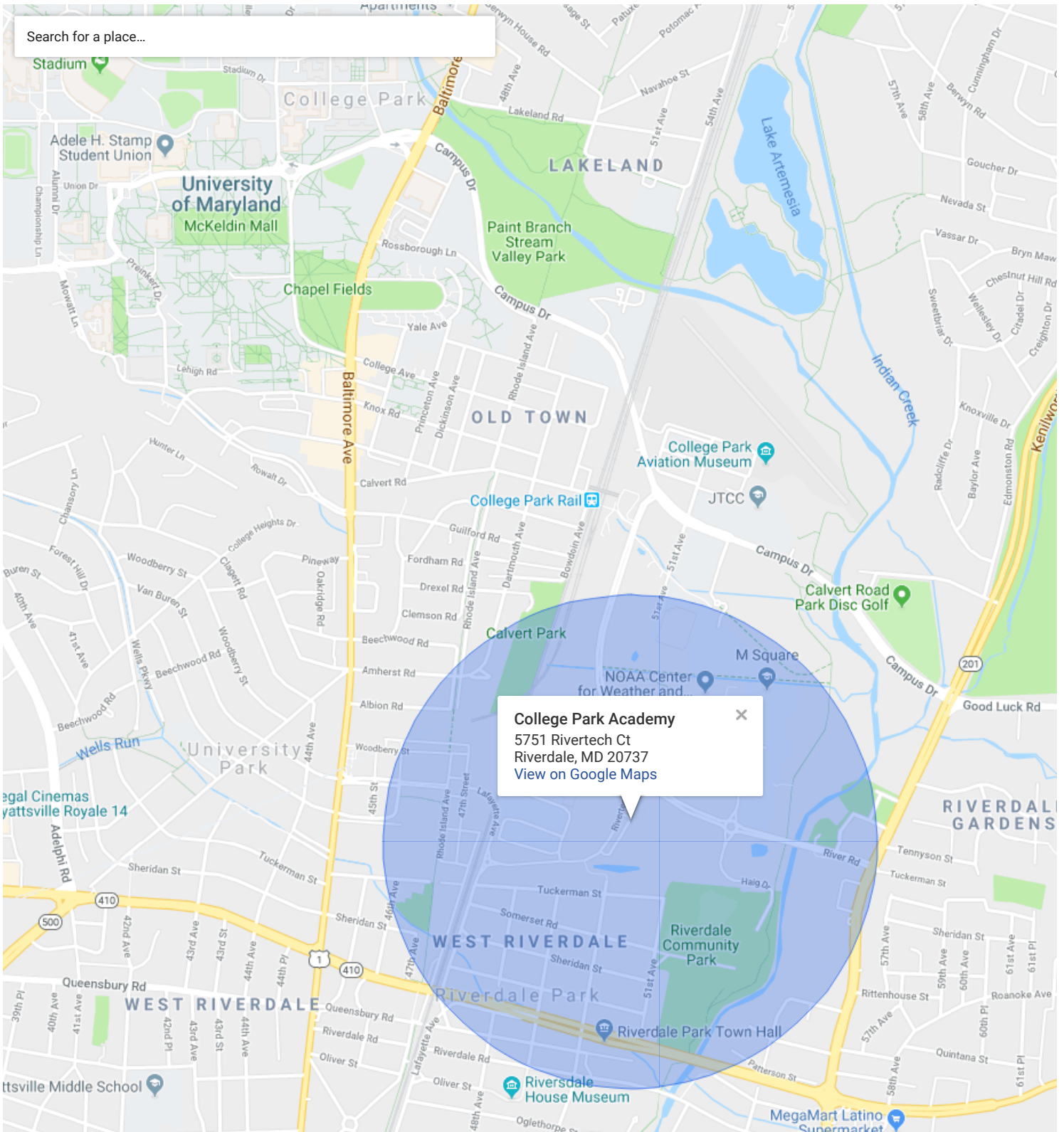
Background: In 2017, College Park Academy located at 5751 Rivertech Court, Riverdale Park, MD opened as a charter school for K-12. Traffic increased noticeably and staff received numerous, ongoing, complaints from school staff and parents regarding speeding vehicles. With the opening of the bridge from Riverdale Park Station, traffic volume increased significantly.

In January 2019, addressing traffic safety matters expressed by College Park Academy staff and parents representing nearly 650 students, the Town amended Chapter 64-20, Safe Speed for Students - School Zone Speed Monitoring Systems, adding the University of Maryland Discovery District/College Park Academy School zone as an area designated for speed monitoring systems to monitor and enforce speed limit restrictions.

Maryland's Transportation Article, § 21-803.1. School Zones, stipulates that a municipality may establish a school zone within a one-half mile radius of any school, and establish maximum speed limits in the school zone, provided that

1. the highway that is located within the corporate limits of the municipality; and
2. the highway, is **not** under State jurisdiction; and
3. the highway is under the Town's jurisdiction, to include;
 - a. County-owned highways that are subject to traffic control jurisdiction of the municipality. §21-803.1(a)(1)(i), (2)(ii) and (2)(iii)), as amended from time-to-time.

Recommendation(s): Staff recommends establishing a maximum speed limit of 20MPH on Rivertech Court. This approach aligns with currently established speed limits on the roadways abutting Riverdale Elementary School. Reducing speed limits within this area will improve and enhance pedestrian, bicyclist, and driver safety to promote a safer community.





Town of Riverdale Park, Maryland

Office of Development Services

TO: John Lestitian, Town Manager

FROM: Kevin Simpson, Development Services Director

DATE: June 28, 2019

RE: Resolution 2019-R-04 in support of Main Street Maryland Affiliate Program application

Action Requested:

Staff seek a motion from the Mayor and Council to adopt Resolution 2019-R-04 in support of the Town's submission of an application with the Maryland Department of Housing and Community Development (DHCD) for the Main Street Maryland Affiliate Program.

Background:

Maryland DHCD established the Maryland Main Street Affiliate Program to assist smaller communities that are not yet ready for the Main Street Program. The affiliate program provides framework and guidance that will assist the community's effort to improve the Town Center. The program offers both resources and technical support. The affiliate program will be the first step in a multiple-year effort to become a full-fledged Main Street Maryland community.

The Town's participation in the Main Street Affiliate Program is part of the 2019 Staff Calendar Year Goals. Furthermore, this program will assist the Town in revitalizing the Town Center by tapping into new resources from DHCD and other State agencies, while using tested principles established by the National Main Street Center. The Maryland Main Street program is comprised of the following five areas:

1. **Design** - Enhancing the physical appearance of the commercial district by rehabilitating historic buildings, encouraging supportive new construction, developing sensitive design management systems, and long-term planning;
2. **Organization** - Building consensus and cooperation among the many groups and individuals who have a role in the revitalization process;
3. **Promotion** - Marketing the traditional commercial district's assets to customers, potential investors, new businesses, local citizens and visitors;
4. **Economic Restructuring** - Strengthening the district's existing economic base while finding ways to expand it to meet new opportunities and challenges from outlying development;

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Telephone - 301.927.6381

5. Clean, Safe, and Green - Enhancing the perception of a neighborhood through the principles of Smart Growth and sustainability.

For the Town to participate in the affiliate program, an application must be completed along with a local government resolution to support this endeavor.

Staff will be available at the July 1 Legislative Meeting to address any comments or questions from the Mayor and Council.

*Attachment:
Resolution 2019-R-04*

COUNCIL OF THE TOWN OF RIVERDALE PARK, MARYLAND
Resolution 2019-R-04

Introduced by:

Date Introduced: July 1, 2019

Date Adopted: July 1, 2019

Date Effective: July 1, 2019

FOR THE PURPOSE OF supporting The Town of Riverdale Park's application regarding the Main Street Maryland Affiliate Program with the Department of Housing and Community Development (the "Department") of the State of Maryland, and to support the local administration of the Main Street Maryland Affiliate Program in the Town Center of Riverdale Park, Maryland.

WHEREAS, The Town Riverdale Park recognizes that there is a significant need for continued reinvestment and revitalization of the Town Center; and,

WHEREAS, The Town of Riverdale Park has made a commitment to improve the economy, appearance, and image of the Town Center; and,

WHEREAS, The Town of Riverdale Park's Office of Development Services, has been designated to seek a comprehensive revitalization strategy, based on the Department's Main Street Maryland program which utilizes the National Main Street Center's Four-Point Approach®, and Maryland's Fifth-Point, Clean, Safe and Green, to strengthen the economic potential of the historic downtown and neighborhood business district.

NOW, THEREFORE BE IT RESOLVED THAT, The Town of Riverdale Park hereby endorses and supports the Town of Riverdale Park's Office of Development Services in administering the local Main Street Maryland Affiliate Program for the Town; and

BE IT FURTHER RESOLVED THAT, the chief elected official be, and is hereby requested to endorse this Resolution, thereby indicating approval thereof; and,

BE IT FURTHER RESOLVED THAT, the Town Manager or his designee is hereby authorized to execute the application and reporting documents and take actions necessary to carry out the intent of this resolution, except such actions that require Mayor and Town Council approval; and,

BE IT FURTHER RESOLVED THAT, copies of this Resolution be sent to the Department of Housing and Community Development of the State of Maryland Main Street Maryland Program.

BY ORDER: I hereby certify that this Resolution is true and correct and duly adopted by the Mayor and Town Council of Riverdale Park, Maryland.

ATTEST:

**COUNCIL OF THE TOWN OF
RIVERDALE PARK**

Jessica Barnes, Town Clerk

Alan K. Thompson, Mayor



Town of Riverdale Park, Maryland

Town Administration

TO: Mayor and Council

FROM: John N. Lestitian, Town Manager

DATE: June 28, 2019

RE: Town priorities: Maryland State Highway Administration potential projects

Action Requested: Staff seek approval of a Motion authorizing the Town Manager to send a letter to County Executive Alsobrooks (et al) requesting County support for two (2) potential Maryland State Highway Administration projects.

Background: There is a need for pedestrian sidewalks along East West Highway and for a pedestrian bridge on Riverdale Road. Current conditions at both locations present safety concerns for Town residents. The Town continues to focus on pedestrian, bicyclist and driver safety. The completion of these potential projects will assist the Town in creating a more walkable and safer community.

Staff will be present to respond to questions or concerns.



Town of Riverdale Park, Maryland

Department of Public Works

TO: John N. Lestitian, Town Manager

FROM: Ivy A. Lewis, Director of Public Projects and Services, DPW

DATE: June 28, 2019

RE: Municipal Center Project (CIP 18GG01): RFP for Backup Generators

Action Requested: No formal action is requested at the July 1, 2019 Legislative Session. Staff are requesting that the Council schedule a Special Legislative Session sometime between July 24th and August 2nd to select the preferred bidder and authorize the Town Manager to sign an agreement with a contractor to install backup generators at the Municipal Center buildings (Town Hall, Police Department and Department of Public Works).

Background: On June 26th, Staff released a Request for Proposals from qualified contractors to select, furnish and install natural gas-powered generators to supply backup electrical power for all major systems in the Town Municipal Center Buildings. Proposals are due July 19th. In order to keep the project moving, staff seek an executed agreement by August 2nd. The project will take three (3) months from the issuance of a notice to proceed.

The Riverdale Park Municipal Center must remain open and functional at all times to ensure continuity of services to the community during a power outage as well as provide emergency shelter in the Town Hall building to residents who as a result of an emergency or natural disaster such as floods, fires, etc. need immediate, temporary shelter. During a power outage all three buildings must operate continuously until power is restored.

Currently, the generator for the Police Department building is a rented, temporary, and trailer-mounted diesel generator that replaced a gas generator that is no longer operable. The Department of Public Works has a working generator considered more suitable for residential use. The Town Hall building does not have a backup generator, nor any infrastructure related to the operation of a generator.

A backup generator is needed at each building to enable all departments within the buildings to operate normally regardless of the power source and for the duration of an outage. Generators are needed that start automatically in the event of power failure, be supplied by natural gas and receive routine maintenance through a service agreement.

Staff will be available to answer questions at the Council meeting.



Town of Riverdale Park, Maryland

Office of Development Services

TO: John Lestitian, Town Manager

FROM: Kevin Simpson, Development Services Director

CC: Staff Leadership Team

DATE: June 28, 2019

RE: Small Cells Design Guidelines – Proposed Legislation

Action Requested:

No action is requested at this time. Staff is informing the Mayor and Council on the proposed legislation, Draft Ordinance 2019-OR-XX, for design guidelines concerning wireless communication facilities.

Background:

At the April 1st Legislative Session, the Mayor and Council adopted Ordinance 2019-OR-03, which established general standards and regulations for the placement of wireless communication facilities within the Town's public rights-of-way. The proposed draft ordinance serves as a companion to the previous ordinance adopted in April by providing specific guidelines to the location and design of wireless communication facilities. The goals of this draft ordinance include:

1. Provide standards, technical criteria and details for small wireless telecommunications facilities in the Town's Rights-of-way to be uniformly applied to all applicants and owners of small wireless telecommunications facilities or support structures for such facilities;
2. Enhance the ability of wireless telecommunications carriers to deploy small wireless technology in the Town quickly, effectively, and efficiently so that residents, businesses, and visitors benefit from extensive and robust wireless service availability;
3. Preserve the character of the Town's neighborhoods and corridors, by limiting visual blight;
4. Ensure that small wireless telecommunications facilities and support structures conform with all applicable health and safety regulations and will blend into their environment to the greatest extent possible; and
5. Comply with, and not conflict with or preempt, all applicable state and federal laws.

Staff plans to present the proposed legislation to the Mayor and Council around September for introduction in order to seek further consideration and input.

Staff will be available at the July 1 Legislative Meeting to address any comments or questions from the Mayor and Council.

Attachments:

1. *Draft Ordinance 19-OR-XX: Wireless Telecommunications Design Guidelines*

COUNCIL OF THE TOWN OF RIVERDALE PARK

Ordinance No. 2019-XX

Introduced By:

Date Introduced:

Amendments Adopted:

Date Adopted:

Date Effective:

AN ORDINANCE concerning

WIRELESS TELECOMMUNICATIONS FACILITIES DESIGN GUIDELINES

FOR the purpose of providing certain design guidelines relating to the location of small wireless telecommunications towers, antennas, and other structures within the Town's public rights-of-way, consistent with federal and state law; and generally related to the wireless telecommunication facilities and wireless infrastructure providers in The Town of Riverdale Park.

BY adding
Chapter 72, Wireless Telecommunications Facilities Design Guidelines
Sections 72-1 through 71-12, inclusive

WHEREAS, the Mayor and Council have determined that it is in the public interest to provide design guidelines for the installation of wireless telecommunications facilities in the Town's rights-of-way that is consistent with federal and State law; Now therefore,

SECTION 1. BE IT ENACTED, BY THE COUNCIL OF THE TOWN OF RIVERDALE PARK that Chapter 72, "Wireless Telecommunications Facilities Design Guidelines", consisting of Sections 72-1 through 72-12, inclusive, be and it is hereby added to the Code of the Town of Riverdale Park to follow immediately after Chapter 71 of the Code and to read as follows:

CHAPTER 72, WIRELESS TELECOMMUNICATIONS FACILITIES

DESIGN GUIDELINES

SECTION 72-1. PURPOSE.

THE PURPOSE OF THESE GUIDELINES IS TO ESTABLISH GENERAL PROCEDURES AND STANDARDS, CONSISTENT WITH ALL APPLICABLE FEDERAL AND STATE LAWS, FOR THE SITING, CONSTRUCTION, INSTALLATION, COLLOCATION, MODIFICATION, RELOCATION, OPERATION AND REMOVAL OF SMALL WIRELESS TELECOMMUNICATIONS FACILITIES (“FACILITIES”) WITHIN THE TOWN OF RIVERDALE PARK’S (“TOWN”) RIGHTS-OF-WAY. THE GOALS OF THESE GUIDELINES ARE TO:

- A. PROVIDE STANDARDS, TECHNICAL CRITERIA AND DETAILS FOR SMALL WIRELESS TELECOMMUNICATIONS FACILITIES IN THE TOWN’S RIGHTS-OF-WAY TO BE UNIFORMLY APPLIED TO ALL APPLICANTS AND OWNERS OF SMALL WIRELESS TELECOMMUNICATIONS FACILITIES OR SUPPORT STRUCTURES FOR SUCH FACILITIES;
- B. ENHANCE THE ABILITY OF WIRELESS TELECOMMUNICATIONS CARRIERS TO DEPLOY SMALL WIRELESS TECHNOLOGY IN THE TOWN QUICKLY, EFFECTIVELY AND EFFICIENTLY SO THAT RESIDENTS, BUSINESSES AND VISITORS BENEFIT FROM EXTENSIVE AND ROBUST WIRELESS SERVICE AVAILABILITY;
- C. PRESERVE THE CHARACTER OF THE TOWN’S NEIGHBORHOODS AND CORRIDORS, BY LIMITING VISUAL BLIGHT;
- D. ENSURE THAT SMALL WIRELESS TELECOMMUNICATIONS FACILITIES AND SUPPORT STRUCTURES CONFORM WITH ALL APPLICABLE HEALTH AND SAFETY REGULATIONS AND WILL BLEND INTO THEIR ENVIRONMENT TO THE GREATEST EXTENT POSSIBLE; AND
- E. COMPLY WITH, AND NOT CONFLICT WITH OR PREEMPT, ALL APPLICABLE STATE AND FEDERAL LAWS.

SECTION 72-2. DEFINITIONS.

DEFINITIONS FOR THESE GUIDELINES ARE THOSE AS DEFINED IN CHAPTER 71 OF THE TOWN CODE.

SECTION 72-3. REQUIREMENT TO COMPLY.

PLACEMENT, MODIFICATION, OPERATION, RELOCATION AND REMOVAL OF SMALL WIRELESS TELECOMMUNICATIONS AND WIRELESS SUPPORT STRUCTURES SHALL COMPLY WITH CHAPTER 71 OF THE CODE OF THE TOWN OF RIVERDALE PARK AND ALL OTHER APPLICABLE TOWN, COUNTY, STATE AND FEDERAL LAWS. ALL

PERMITS MUST BE IN COMPLIANCE AT THE TIME OF PERMIT APPROVAL AND AS MAY BE AMENDED FROM TIME TO TIME, AS NECESSARY.

SECTION 72-4. CONCEALMENT OF FACILITIES AND RELATED EQUIPMENT.

A. CONCEALMENT PREFERENCE. IT IS THE TOWN'S PREFERENCE THAT ALL FACILITIES, SUPPORT STRUCTURES AND RELATED EQUIPMENT INCORPORATE SPECIFIC CONCEALMENT ELEMENTS TO MINIMIZE VISUAL IMPACTS, SUCH AS:

1. INTEGRATED POLES. THE USE OF "SMART POLES," OR THOSE OF A SIMILAR TYPE, CAN BE DEPLOYED TO SUPPLEMENT OR REPLACE EXISTING LIGHT, STREET OR OTHER MUNICIPAL POLES TO CONFORM TO EXISTING INFRASTRUCTURE OR TO PROVIDE ADDED AESTHETIC VALUE. THESE POLES ARE INTENDED TO BLEND INTO THE ENVIRONMENT AND INTEGRATE THE TELECOMMUNICATIONS EQUIPMENT INTERNALLY.
2. STREET/DIRECTIONAL SIGNS. THE USE OF STREET AND/OR DIRECTIONAL SIGNS, WHERE PRACTICAL, TO CONCEAL CERTAIN EQUIPMENT, CAN BE DEPLOYED TO SUPPLEMENT OR REPLACE EXISTING STREET OR DIRECTIONAL SIGNS TO CONFORM TO EXISTING INFRASTRUCTURE OR TO PROVIDE ADDED AESTHETIC VALUE.
3. EQUIPMENT ENCLOSURES. EQUIPMENT ENCLOSURES, INCLUDING ELECTRIC METERS, SHALL BE AS SMALL AS POSSIBLE. GROUND-MOUNTED EQUIPMENT CONCEALMENT SHALL INCLUDE, BUT NOT BE LIMITED TO, LANDSCAPING, STRATEGIC PLACEMENT IN LESS OBTRUSIVE LOCATIONS AND PLACEMENT WITHIN EXISTING OR REPLACEMENT STREET FURNITURE OR OTHER DECORATIVE ELEMENTS.
4. LANDSCAPING. LANDSCAPE SCREENING SHALL BE PROVIDED AND MAINTAINED AROUND GROUND MOUNTED EQUIPMENT ENCLOSURES. THE PLANTING QUANTITY AND SIZE SHOULD BE SUCH THAT 100% SCREENING IS ACHIEVED WITHIN TWO YEARS AFTER INSTALLATION. THE TOWN MAY GRANT AN EXEMPTION FROM THIS LANDSCAPING REQUIREMENT BASED ON THE CHARACTERISTICS OF THE SPECIFIC LOCATION FOR THE EQUIPMENT ENCLOSURE. TREE "TOPPING" OR THE IMPROPER PRUNING OF TREES IS PROHIBITED. ANY PROPOSED PRUNING OR REMOVAL OF TREES, SHRUBS OR OTHER LANDSCAPING ALREADY EXISTING IN THE RIGHT-OF-WAY MUST BE NOTED IN THE APPLICATION AND MUST BE APPROVED BY THE TOWN.

WHEN UNDERGROUND VAULTS ARE PROPOSED, THEY SHALL BE LOCATED TO MINIMIZE DISRUPTION TO THE PLACEMENT OF STREET TREES. ADEQUATE PLANTING DEPTH SHALL BE PROVIDED BETWEEN THE TOP OF THE VAULT AND THE FINISHED GRADE TO ALLOW PLANTS TO GROW IN A HEALTHY CONDITION.

SECTION 72-5. LOCATIONS OF FACILITIES AND RELATED EQUIPMENT.

A. COLLOCATION PREFERENCE. IT IS THE TOWN'S PREFERENCE THAT WHENEVER AN APPLICANT PROPOSES TO PLACE A NEW WIRELESS SUPPORT STRUCTURE WITH A SMALL WIRELESS TELECOMMUNICATIONS FACILITY WITHIN 250 FEET FROM AN EXISTING WIRELESS SUPPORT STRUCTURE, THAT THE WIRELESS INFRASTRUCTURE PROVIDER EITHER COLLOCATE WITH THE EXISTING FACILITY OR DEMONSTRATE THAT A COLLOCATION IS EITHER NOT TECHNICALLY FEASIBLE OR SPACE ON THE EXISTING FACILITY IS NOT POTENTIALLY AVAILABLE.

B. MOST PREFERABLE LOCATIONS. THE FOLLOWING LOCATIONS ARE PREFERRED WHEN NOT ADJACENT TO A PARK, RESIDENTIAL AREA OR HISTORIC DISTRICT.

1. INDUSTRIAL AREAS; AND
2. COMMERCIAL AREAS ADJACENT TO HIGHWAYS.

C. LEAST PREFERABLE LOCATIONS.

1. RESIDENTIAL AREAS;
2. PARKS; AND
3. HISTORIC DISTRICTS.

D. ORDER OF PREFERENCE FOR WIRELESS SUPPORT STRUCTURES.

THE FOLLOWING LIST INDICATES THE ORDER OF PREFERENCE FOR WIRELESS SUPPORT STRUCTURES FOR SMALL WIRELESS TELECOMMUNICATIONS FACILITIES.

1. EXISTING UTILITY POLES. IT IS THE TOWN'S PREFERENCE THAT FACILITIES BE INSTALLED ON EXISTING UTILITY POLES OR EXISTING LINES BETWEEN EXISTING POLES.
2. NON-ORNAMENTAL SERVICE POLES. IF THE WIRELESS INFRASTRUCTURE PROVIDER DOES NOT HAVE THE RIGHT TO USE

EXISTING UTILITY POLES OR LINES, THE TOWN PREFERS NON-ORNAMENTAL SERVICE POLES AS THE NEXT OPTION.

3. NEW POLES. IF THE FIRST TWO ALTERNATIVES HAVE PROVEN TO BE NON-VIABLE OPTIONS, THE TOWN PREFERS THE INSTALLATION OF A NEW POLE.
4. ORNAMENTAL MUNICIPAL POLES. THE USE OF ORNAMENTAL MUNICIPAL STREET LIGHTS AND SIGN POLES AS WIRELESS SUPPORT STRUCTURES IS DISCOURAGED. THESE SHOULD ONLY BE PROPOSED IF THE THREE ALTERNATIVES LISTED ABOVE ARE UNAVAILABLE OR WHEN REQUESTED BY THE TOWN BASED ON THE PROPOSED LOCATION IF THE WIRELESS INFRASTRUCTURE PROVIDER DEMONSTRATES THAT EXEMPLARY DESIGN CAN BE ACHIEVED THROUGH INSTALLATION OF AN ORNAMENTAL POLE WITH INTEGRATED ANTENNAS THAT ARE CONCEALED, TO CONFORM TO EXISTING INFRASTRUCTURE.

SECTION 72-6. CONSIDERATION OF ALTERNATE LOCATIONS.

- A. THE TOWN RESERVES THE RIGHT TO PROPOSE AN ALTERNATE WIRELESS SUPPORT STRUCTURE AND/OR LOCATION TO THE ONE PROPOSED IN THE APPLICATION, AS FOLLOWS:
 1. THE PROPOSED ALTERNATE LOCATION FOR A NEW SUPPORT STRUCTURE MAY BE WITHIN 100 FEET OF THE PROPOSED LOCATION OR WITHIN A DISTANCE THAT IS EQUIVALENT TO THE WIDTH OF THE RIGHT OF WAY IN OR ON WHICH THE NEW WIRELESS SUPPORT STRUCTURE IS PROPOSED, WHICHEVER IS GREATER; AND
 2. IF AN APPLICATION PROPOSES TO INSTALL FACILITIES THAT CONFLICT WITH SPACE DESIGNATED FOR FUTURE PUBLIC IMPROVEMENTS WHICH ARE DOCUMENTED IN AN APPROVED PLAN IN PLACE AT THE TIME OF THE APPLICATION THE APPLICATION MAY BE DENIED OR AN ALTERNATE LOCATION PROPOSED, UNLESS THE WIRELESS INFRASTRUCTURE PROVIDER AND/OR WIRELESS SERVICE PROVIDER AGREE TO RELOCATE OR REINSTALL THE WIRELESS SUPPORT STRUCTURE IN A MANNER WHICH IS CONSISTENT WITH THE APPROVED PLAN AT THE TIME THE PUBLIC IMPROVEMENTS ARE INSTALLED.

SECTION 72-7. PLACEMENT OF FACILITIES AND RELATED EQUIPMENT.

- A. GENERALLY, THE WIRELESS INFRASTRUCTURE PROVIDER SHALL CONSTRUCT AND MAINTAIN FACILITIES, SUPPORT STRUCTURES AND RELATED EQUIPMENT IN A MANNER THAT DOES NOT:

1. OBSTRUCT, IMPEDE OR HINDER PUBLIC TRAVEL OR SAFETY ON RIGHTS-OF-WAY;
2. OBSTRUCT THE LEGAL USE OF RIGHTS-OF-WAY BY OTHER UTILITY PROVIDERS;
3. VIOLATE NONDISCRIMINATORY APPLICABLE CODES;
4. VIOLATE OR CONFLICT WITH THE CODE OF THE TOWN OF CAPITOL HEIGHTS, OR OTHER APPLICABLE LAWS; AND
5. VIOLATE THE FEDERAL AMERICANS WITH DISABILITIES ACT OR COMPARABLE MARYLAND LAW.

B. THE TOWN DESIRES TO IMPROVE AESTHETICS AROUND TOWN AND TO PROMOTE CLEANLY ORGANIZED AND STREAMLINED FACILITIES USING THE LEAST INTRUSIVE MEANS TO PROVIDE WIRELESS SERVICES TO THE COMMUNITY, AS FOLLOWS:

1. GENERALLY, FACILITIES SHALL MATCH AND BE CONSISTENT WITH THE MATERIALS AND FINISH OF THE MUNICIPAL POLES IN THE SURROUNDING AREA ADJACENT TO THEIR LOCATION; AND
2. IN THE ABSENCE OF ADJACENT MUNICIPAL POLES, SUPPORT STRUCTURES SHALL, AT A MINIMUM, MATCH THE MATERIALS AND FINISH OF ADJACENT UTILITY POLES.

C. ANTENNAS ON EXISTING OR REPLACED UTILITY POLES. ANTENNAS ASSOCIATED WITH COLLOCATION ON EXISTING OR REPLACEMENT POLES MUST BE IN COMPLIANCE WITH ALL APPLICATION LAWS AND THESE GUIDELINES.

D. SERVICE LINES. ALL SERVICE LINES MUST BE UNDERGROUNDED WHENEVER PRACTICAL TO AVOID ADDITIONAL OVERHEAD LINES. FOR HOLLOW POLES, UNDERGROUNDED CABLES AND WIRES MUST TRANSITION DIRECTLY INTO THE POLE BASE WITHOUT ANY EXTERNAL JUNCTION BOX. ON WOOD POLES, ALL ABOVE-GROUND WIRES, CABLES AND CONNECTIONS SHALL BE ENCASED IN THE SMALLEST SECTION OR SMALLEST DIAMETER PVC CHANNEL, CONDUIT, U-GUARD, OR SHROUD FEASIBLE, WITH A MAXIMUM DIMENSION OF 4" DIAMETER. SUCH CONDUIT SHALL BE FINISHED IN ZINC, ALUMINUM OR STAINLESS STEEL, OR COLORED TO MATCH THOSE METAL FINISHES.

E. SPOOLED OR COILED CABLES. TO REDUCE CLUTTER AND DETER VANDALISM, EXCESS FIBER OPTIC OR COAXIAL CABLES SHALL NOT BE

SPOOLED, COILED OR OTHERWISE STORED ON THE POLE EXCEPT WITHIN THE APPROVED ENCLOSURE OR CABINET.

F. GROUND MOUNTED EQUIPMENT. ANY PROPOSED GROUND MOUNTED EQUIPMENT SHOULD BE PLACED AS FOLLOWS:

1. IN A MANNER TO MINIMIZE ANY OBSTRUCTION, IMPEDIMENT, OR HINDRANCE TO THE PUBLIC TRAVEL OR SAFETY ON THE RIGHTS-OF WAY;
2. TO MAXIMIZE THE LINE OF SIGHT REQUIRED TO ADD TO SAFE TRAVEL OF VEHICULAR AND PEDESTRIAN TRAFFIC AND MAXIMIZE THAT LINE OF SIGHT AT STREET CORNERS AND INTERSECTIONS AND MINIMIZE HAZARDS AT THOSE LOCATIONS; AND
3. THE TOWN MAY DENY A REQUEST THAT NEGATIVELY IMPACTS VEHICULAR AND/OR PEDESTRIAN SAFETY.

G. POLE MOUNTED EQUIPMENT.

POLE MOUNTED EQUIPMENT MUST BE INSTALLED AS FOLLOWS:

1. EQUIPMENT MUST BE INSTALLED AS FLUSH TO THE POLE AS POSSIBLE;
2. EQUIPMENT ATTACHED TO METAL POLES MUST USE STAINLESS STEEL BANDING STRAPS, IN A COLOR TO MATCH THE COLOR OF THE POLE;
3. EQUIPMENT ATTACHED TO WOOD POLES MAY BE BOLTED TO THE POLE (THROUGH BOLTING OR LAG BOLTS ARE PROHIBITED) OR INSTALLED USING STAINLESS STEEL BANDING STRAPS;
4. ALL EQUIPMENT SHALL BE LOCATED AS CLOSE TOGETHER AS TECHNICALLY POSSIBLE AND IF POSSIBLE, ON THE SAME SIDE OF THE POLE;
5. ALL EQUIPMENT OTHER THAN THE ANTENNA(S), ELECTRIC METER AND DISCONNECT SWITCH MUST BE CONCEALED WITHIN AN EQUIPMENT CABINET, WHICH MAY NOT EXTEND MORE THAN 24 INCHES FROM THE FACE OF THE POLE; AND
6. EQUIPMENT CABINETS SHOULD BE MOUNTED AS FLUSH TO THE POLE AS POSSIBLE, AND MUST BE NON-REFLECTIVE, COLORED TO MATCH THE EXISTING POLE, IF ATTACHED TO A METAL POLE, AND IN THE COLOR OF BRUSHED ALUMINUM IF ATTACHED TO A WOOD POLE.

- H. ELECTRIC METER. THE TOWN STRONGLY ENCOURAGES THE USE OF FLAT-RATE ELECTRIC SERVICE WHEN IT WOULD ELIMINATE THE NEED FOR A METER. WHEN A METER IS NECESSARY, METERS SHALL BE THE SMALLEST AND LEAST INTRUSIVE ELECTRIC METER AVAILABLE, AND IF PERMITTED BY THE ELECTRIC SERVICE PROVIDER, SHALL BE PAINTED TO MATCH THE METAL POLE, OR IN THE COLOR OF BRUSHED ALUMINUM IF ATTACHED TO A WOOD POLE.
- I. TELEPHONE/FIBER OPTIC UTILITIES. CABINETS FOR TELEPHONE AND/OR FIBER OPTIC UTILITIES MAY NOT EXTEND MORE THAN 24 INCHES FROM THE FACE OF THE POLE, AND MUST BE PAINTED, WRAPPED OR OTHERWISE COLORED TO MATCH THE POLE. MICROWAVE OR OTHER WIRELESS BACKHAUL IS DISCOURAGED WHEN IT WOULD INVOLVE A SEPARATE AND UNCONCEALED ANTENNA.

SECTION 72-8. UNDERGROUND EQUIPMENT VAULTS.

UNDERGROUNDED EQUIPMENT VAULTS. EQUIPMENT IN AN ENVIRONMENTALLY CONTROLLED UNDERGROUND VAULT MAY BE REQUIRED IN SOME AREAS WHERE TECHNOLOGICALLY FEASIBLE AND APPROPRIATE FOR THE LOCATION.

SECTION 72-9. NEW WIRELESS TELECOMMUNICATIONS SUPPORT STRUCTURES.

- A. SPACING. THE TOWN STRONGLY DISCOURAGES MORE THAN ONE (1) NEW WIRELESS TELECOMMUNICATIONS SUPPORT STRUCTURE PER BLOCK AND WILL NOT APPROVE MORE THAN ONE PER 250 FEET ON EACH SIDE OF THE STREET TO MINIMIZE THE HAZARD OF POLES ADJACENT TO ROADWAYS AND TO MINIMIZE VISUAL CLUTTER AND DISTRACTIONS TO VEHICULAR TRAFFIC.
 - 1. ALIGNMENT WITH OTHER POLES. THE CENTERLINE OF ANY NEW WIRELESS TELECOMMUNICATIONS SUPPORT STRUCTURE MUST BE ALIGNED, AS MUCH AS POSSIBLE, WITH THE CENTERLINES OF EXISTING POLES ON THE SAME STREET SEGMENT, BUT ONLY IF THE NEW STRUCTURE'S HEIGHT DOES NOT CONFLICT WITH OVERHEAD UTILITY LINES AND FACILITIES;
 - 2. GENERAL RESTRICTIONS ON NEW WOOD POLES. IN ALL LOCATIONS, THE TOWN RESERVES THE RIGHT TO REQUIRE A METAL POLE RATHER THAN A WOOD POLE BASED ON THE BUILD AND/OR NATURAL ENVIRONMENTAL CHARACTER OF THE PROPOSED LOCATION.
 - 3. WOOD POLE FOOTINGS AND FOUNDATIONS. ALL NEW WOOD POLES MUST BE DIRECT BURIED TO A DEPTH DETERMINED, STAMPED,

SEALED AND SIGNED BY A PROFESSIONAL ENGINEER LICENSED AND REGISTERED BY THE STATE OF MARYLAND, AND SUBJECT TO THE TOWN'S REVIEW AND APPROVAL;

4. METAL POLE MATERIAL. ALL METAL POLES MUST BE CONSTRUCTED FROM HOT-DIP GALVANIZED STEEL OR OTHER CORROSION-RESISTANT MATERIALS APPROVED BY THE TOWN AND FINISHED IN ACCORDANCE WITH THESE GUIDELINES TO AVOID RUST STAINS ON ADJACENT SIDEWALKS, BUILDINGS OR OTHER IMPROVEMENTS;
5. METAL POLE FINISH. METAL POLES MUST BE PAINTED BLACK. THE APPLICANT MAY SELECT A PAINT OR POWDER COAT SYSTEM IN COMPLIANCE WITH ATSM STANDARDS; AND
6. LIGHTING, PLANTERS, FLAGS, BANNERS, DIRECTIONAL SIGN BRACKETS. THE TOWN MAY REQUIRE THE APPLICANT TO INSTALL FUNCTIONAL STREETLIGHTS AND/OR BRACKETS TO HOLD HANGING FLOWER PLANTERS, FLAGS AND/OR BANNERS AND DIRECTIONAL SIGN BRACKETS WHEN TECHNICALLY FEASIBLE AND THE TOWN DETERMINES THAT SUCH ADDITIONS WILL ENHANCE THE OVERALL APPEARANCE AND USEFULNESS OF THE PROPOSED FACILITY. THE TOWN MAY UTILIZE THE BRACKETS, FLAGS AND BANNERS.

B. EXEMPTIONS.

1. AN EXEMPTION MAY BE GRANTED IF THE APPLICANT CAN DEMONSTRATE THAT THIS RESTRICTION HAS THE EFFECT OF PREVENTING WIRELESS SERVICE TO THIS LOCATION; AND
2. IF MULTIPLE REQUESTS ARE RECEIVED TO INSTALL TWO (2) OR MORE POLES THAT WOULD VIOLATE THE SPACING REQUIREMENT OR TO COLLOCATE TWO (2) OR MORE SMALL WIRELESS TELECOMMUNICATIONS FACILITIES ON THE SAME SUPPORT STRUCTURE, PRIORITY WILL BE GIVEN TO THE FIRST REQUEST RECEIVED THAT MEETS THESE GUIDELINES.

SECTION 72-10. TOWN-OWNED WIRELESS TELECOMMUNICATIONS SUPPORT STRUCTURES.

- A. REQUIRED LOAD ANALYSIS. INSTALLATIONS ON ALL TOWN-OWNED POLES SHALL HAVE AN INDUSTRY STANDARD POLE LOAD ANALYSIS COMPLETED, SEALED AND SIGNED BY A PROFESSIONAL ENGINEER LICENSED AND REGISTERED IN THE STATE OF MARYLAND AND SUBMITTED TO THE TOWN WITH EACH PERMIT APPLICATION INDICATING THAT THE TOWN-OWNED

POLE TO WHICH THE SMALL WIRELESS TELECOMMUNICATIONS FACILITY WILL BE ATTACHED WILL SAFELY SUPPORT THE LOAD; AND

- B. INSTALLATIONS ON SIGN POLES. INSTALLATIONS ON SIGN POLES MAY ONLY OCCUR IF THE SIGN POLE IS FIFTEEN (15) FEET OR TALLER, UNLESS THE WIRELESS INFRASTRUCTURE PROVIDER CAN DEMONSTRATE THAT THE FACILITIES CAN BE INTEGRATED IN A MANNER WHICH COMPLIMENTS OR ENHANCES THE AREA IN WHICH THE SIGN POLE IS TO BE INSTALLED.

SECTION 72-11. UNDERGROUNDING REQUIREMENTS.

THE TOWN MAY DENY PERMIT APPLICATIONS, OR REQUIRE AN ALTERNATE LOCATION, TO INSTALL STRUCTURES AND FACILITIES IN THE RIGHT-OF-WAY OR UTILITY EASEMENTS WHERE UTILITIES HAVE BEEN REQUIRED TO BE INSTALLED UNDERGROUND. THE APPLICANT MAY REQUEST A WAIVER IF THE WIRELESS SERVICE PROVIDER IS UNABLE TO ACHIEVE ITS SERVICE OBJECTIVE USING A LOCATION IN THE RIGHT-OF-WAY WHERE UTILITIES ARE NOT UNDERGROUND OR IN A UTILITY EASEMENT THE WIRELESS SERVICE PROVIDER HAS THE RIGHT TO ACCESS, OR IN OR ON OTHER SUITABLE LOCATIONS OR STRUCTURES MADE AVAILABLE BY THE TOWN.

SECTION 72-12. GENERAL PROVISIONS.

- A. TREE MAINTENANCE. THE WIRELESS INFRASTRUCTURE OR SERVICE PROVIDER, ITS CONTRACTORS, AND AGENTS SHALL OBTAIN WRITTEN PERMISSION AND NOTIFY THE TOWN, AS FOLLOWS:
 - 1. FROM THE TOWN BEFORE TRIMMING TREES IN THE RIGHT-OF-WAY; AND
 - 2. FROM THE PROPERTY OWNER WHEN ON PRIVATE PROPERTY.
- B. GRAFFITI ABATEMENT. AS SOON AS PRACTICAL, BUT NOT LATER THAN FOURTEEN (14) CALENDAR DAYS FROM THE DATE OF NOTICE, THE PROVIDER SHALL REMOVE ALL GRAFFITI ON ANY OF ITS FACILITIES, EQUIPMENT OR STRUCTURES. THE TOWN MAY AGREE TO AN EXTENSION OF TIME IF THE PROVIDER DEMONSTRATES THE NEED TO ORDER REPLACEMENT EQUIPMENT.
- C. MINOR TECHNICAL EXCEPTIONS. THE TOWN RECOGNIZES THAT IN SOME CIRCUMSTANCES STRICT COMPLIANCE WITH THESE GUIDELINES MAY RESULT IN UNDESIRABLE AESTHETIC OUTCOMES AND THAT MINOR DEVIATIONS SHOULD BE GRANTED WHEN THE NEED FOR SUCH DEVIATIONS ARISES FROM CIRCUMSTANCES OUTSIDE OF THE APPLICANT'S CONTROL.
- D. WAIVERS. IN THE EVENT THAT ANY APPLICANT ASSERTS THAT STRICT COMPLIANCE WITH ANY PROVISIONS IN THESE GUIDELINES, AS APPLIED TO

A SPECIFIC PROPOSED FACILITY, WOULD EFFECTIVELY PROHIBIT THE ESTABLISHMENT OF WIRELESS SERVICE TO A LOCATION, THE TOWN MAY GRANT A LIMITED EXEMPTION FROM STRICT COMPLIANCE.

SECTION 2. AND BE IT FURTHER ENACTED THAT If any section, subsection, provision, sentence, clause, phrase or word of this Ordinance is for any reason held to be illegal or otherwise invalid by any court of competent jurisdiction, such invalidity shall be severable, and shall not affect or impair any remaining section, subsection, provision, sentence, clause, phrase or word included within this Ordinance, it being the intent of the Town that the remainder of the Ordinance shall be and shall remain in full force and effect, valid and enforceable.

SECTION 3. AND BE IT FURTHER ENACTED that this Ordinance shall take effect twenty calendar days after passage by the Council.

ATTEST:

COUNCIL OF THE TOWN OF
RIVERDALE PARK

Jessica E. Barnes, Town Clerk

Alan K. Thompson, Mayor

EXPLANATION:

CAPITALS indicate matter added to existing law.



Town of Riverdale Park, Maryland

Town Administration

TO: Mayor and Council

FROM: John N. Lestitian, Town Manager

CC: Paul Smith, Director of Finance and Employee Services

DATE: June 28, 2019

RE: Charter Amendment: Article VI Finance, Section 623 Competitive Bidding

Action Requested: No formal action is requested at this time. Staff seek an opportunity to continue the discussion with the Mayor and Council in reference to a proposed Charter amendment. The amendment as drafted will address “piggybacking” contracts from other government entities and purchasing cooperatives or alliances that bid procurements on a volume basis for state or local governments.

Background: In the normal course of business, local governments may, in order to enjoy the lowest possible cost, need to piggyback an existing contract that a different government entity or purchasing cooperative/alliance competitively bid. Examples include municipalities and counties piggybacking on a state contract for the acquisition of vehicles, and local governments piggybacking a county contract for the acquisition of road salt. It is important that municipalities have this option.

A review of the Town Charter found that the current language has no provision for piggybacking a contract and restricts any suspension of the Town’s competitive bidding to situations involving an emergency or exigent circumstance. Specifically, Article VI, Section 623: Competitive Bids reads in part that “the Council may suspend these requirements for competitive bidding for purchases and contracts in excess of the stated amount by four (4) affirmative votes when, because of emergency or exigent circumstances, and in the opinion of the Council, such suspension is reasonably necessary for public policy, health, safety, or well-being.”

Staff have reviewed the language with the Town Attorney, Mr. Fred Sussman. The desire to piggyback a contract competitively bid by a different government entity or purchasing cooperative/alliance is usually related to cost-savings and not an emergency or situation involving exigent circumstance. A draft Charter amendment is attached for review and consideration.

Attachments: Draft Charter Amendment – Article VI, Section 623

**TOWN OF RIVERDALE PARK
FAIR SUMMARY OF
CHARTER AMENDMENT RESOLUTION NO. 2019-CR- ____
PROCUREMENT AND PIGGYBACKING**

This is to give notice the Riverdale Park Town Council has introduced and intends to take action on Charter Amendment Resolution No. 2019-CR-____.

Charter Amendment Resolution No. 2019-CR-____ would amend Section 623 of the Charter of the Town of Riverdale Park, to allow the Town to make purchases of certain supplies, materials, equipment, construction of public improvements, or contractual service from a person who is supplying the same supplies, materials, equipment, construction or services to another governmental entity, under, certain conditions and circumstances, without complying with certain Town sealed and competitive bidding requirements; and generally relate to procurement requirements for purchases by the Town of Riverdale Park .

Charter Amendment Resolution No. 2019-CR-____ is available for inspection by the public at Town Hall during normal business hours, 8:30 a.m. to 4:30 p.m., Monday through Friday.

RIVERDALE PARK TOWN COUNCIL

By: JESSICA BARNES, TOWN CLERK

Publication Date: _____, 2019

COUNCIL OF THE TOWN OF RIVERDALE PARK

CHARTER AMENDMENT RESOLUTION NO. 2019-CR-____

Introduced By:

Date Introduced:

Date Adopted: _____, 2019

Date Effective: _____, 2019

A RESOLUTION concerning

CHARTER AMENDMENT – PROCUREMENT AND PIGGYBACKING

FOR the purpose of amending the Charter of the Town of Riverdale Park to allow the Town to make purchases of certain supplies, materials, equipment, construction of public improvements, or contractual service from a person who is supplying the same supplies, materials, equipment, construction or services to another governmental entity, under, certain conditions and circumstances, without complying with certain Town sealed and competitive bidding requirements; and generally relating to procurement requirements for purchases by the Town of Riverdale Park.

BY repealing and reenacting, with amendments
Charter of the Town of Riverdale Park
ARTICLE VI: Finance
Section 623

Key:

CAPITAL LETTERS indicate matter added to existing law.

SECTION 1: BE IT RESOLVED BY THE COUNCIL OF THE TOWN OF RIVERDALE PARK that Section 623 of the Charter of the Town of Riverdale Park, ARTICLE VI: Finance, is repealed and re-enacted, with amendments, to read as follows:

ARTICLE VI

Finance

§ 623: Competitive Bids

All expenditures for supplies, materials, equipment, construction of public improvements, or contractual service involving more than twenty thousand dollars (\$ 20,000) shall be made on written contract. The town manager shall advertise for sealed bids for all such contracts by means including but not limited to publishing notice thereof twice in a newspaper of general circulation in the town. The town manager shall present the sealed bids to the council for approval and advise the council on the bids. Such written contracts shall be awarded by the council to the bidder who offers the lowest or best bid, quality of goods and work, time of delivery or completion, and responsibility of bidders being considered. All such written contracts shall be approved by the council before becoming effective. The town may reject all bids and re-advertise. The council may suspend these requirements for competitive bidding for purchases and contracts in excess of the stated amount by four (4) affirmative votes when, because of emergency or exigent circumstances, and in the opinion of the council, such suspension is reasonably necessary for public policy, health, safety, or well-being. PURCHASES OR CONTRACTS FOR SUPPLIES, MATERIALS, EQUIPMENT, CONSTRUCTION OF PUBLIC IMPROVEMENTS OR CONTRACTUAL SERVICES ARE EXEMPT FROM THE SEALED AND COMPETITIVE BIDDING REQUIREMENTS OF THIS SECTION WHERE SUCH SUPPLIES, MATERIALS, EQUIPMENT, CONSTRUCTION OR SERVICES ARE PURCHASED OR ACQUIRED FROM A PERSON WHO IS SUPPLYING THE SAME SUPPLIES, MATERIALS, EQUIPMENT, CONSTRUCTION OR SERVICES TO ANOTHER GOVERNMENTAL ENTITY, IF THE TOTAL PRICE OR PRICE PER UNIT, AS APPLICABLE, TO BE PAID BY THE TOWN IS NOT MORE THAN THE TOTAL PRICE OR PRICE PER UNIT TO BE PAID BY THE OTHER GOVERNMENTAL ENTITY AND IF THE PRICE TO BE PAID BY THE OTHER GOVERNMENTAL ENTITY HAS BEEN ESTABLISHED BY A COMPETITIVE BIDDING PROCESS CONDUCTED BY THE OTHER GOVERNMENTAL ENTITY OR BY A PURCHASING COOPERATIVE OR ALLIANCE THAT BIDS PROCUREMENTS ON A VOLUME BASIS FOR STATE AND LOCAL GOVERNMENTS. The town at any time in its discretion may employ its own forces for the construction or reconstruction of public improvements without advertising or re-advertising for or receiving bids. All written contracts may be protected by such bonds, penalties, and conditions as the council may require.

SECTION 2: AND BE IT FURTHER RESOLVED that the amendments to the Charter adopted by this Resolution shall become effective upon the fiftieth (50th) day after passage of this Resolution, unless a proper petition for referendum meeting the requirements of § 4-304 of the Local Government Article of the Annotated Code of Maryland shall be presented or mailed to the Council in accordance with such § 4-304 of the Local Government Article of the Annotated Code of Maryland on or before the fortieth (40th) day after passage of this Resolution. A complete and exact copy of this Resolution shall be posted at the Town Hall of Town of Riverdale Park (the "Town") or other main municipal building or public place for a period of at least forty (40) days following its adoption, and the title to this Resolution, being a fair summary of the amendments to the Charter adopted hereby, shall be published in a newspaper of general circulation in the Town

not less than four (4) times, at weekly intervals, within a period of forty (40) days starting immediately after the date of adoption of this Resolution.

SECTION 3: AND BE IT FURTHER RESOLVED that the Town Manager shall send or cause to be sent to the Department of Legislative Services of the State of Maryland in accordance with the provisions of §§ 4-308 and 4-109 of the Local Government Article of the Annotated Code of Maryland, the following documents or information concerning the Charter amendments: (1) the complete text of this Resolution; (2) the date of the referendum election, if any, held with respect thereto; (3) the number of votes cast for or against this Resolution by the Council or in a referendum; and (4) the effective date of the Charter amendments.

SECTION 4: AND BE IT FURTHER RESOLVED that the Town Manager is hereby authorized and directed to carry out or cause to be carried out the provisions of Sections 2 and 3 hereof; and as evidence of compliance herewith, the Town Manager shall cause to be maintained in the records of the Town an appropriate certificate of publication in the newspaper in which the fair summary of the Charter amendments shall have been published or other evidence of publication; provided that, the failure to so maintain the same shall not invalidate the effectiveness of the Charter amendments provided for in this Resolution.

The above amendments to the Charter of the Town of Riverdale Park were adopted by the foregoing Resolution which was passed at a _____ meeting of the Town Council on _____, 2019, ____ members of the Town Council voting in the affirmative, ____ members of the Town Council voting in the negative, ____ members of the Town Council abstaining and ____ members of the Town Council absent, and the said Resolution becomes effective on the ____ day of _____, 2019 if a petition for referendum has not been filed in the time prescribed by law.

ADOPTED this _____ day of _____, 2019.

ATTEST:

COUNCIL OF THE TOWN OF
RIVERDALE PARK

Jessica Barnes, Town Clerk

Alan K. Thompson, Mayor

**TOWN OF RIVERDALE PARK
NOTICE OF ADOPTION OF
CHARTER AMENDMENT RESOLUTION NO. 2019-CR-__
PROCUREMENT AND PIGGYBACKING**

This is to give notice that on _____, 2019, the Riverdale Park Town Council adopted Charter Amendment Resolution No. 2019-CR-__ (“the Resolution”). The title to the Resolution is as follows:

A RESOLUTION concerning

CHARTER AMENDMENT – PROCUREMENT AND PIGGYBACKING

FOR the purpose of amending the Charter of the Town of Riverdale Park to allow the Town to make purchases of certain supplies, materials, equipment, construction of public improvements, or contractual service from a person who is supplying the same supplies, materials, equipment, construction or services to another governmental entity, under, certain conditions and circumstances, without complying with certain Town sealed and competitive bidding requirements; and generally relating to procurement requirements for purchases by the Town of Riverdale Park.

BY repealing and reenacting, with amendments
Charter of the Town of Riverdale Park
ARTICLE VI: Finance
Section 623

Charter Amendment Resolution No. 2019-CR-__ is available for inspection by the public at Town Hall during normal business hours, 8:30 a.m. to 4:30 p.m., Monday through Friday. The amendment to the Charter will become effective on _____, 2019, subject to the provisions of the Local Government Article of the Annotated Code of Maryland regarding the right of the qualified voters of the Town to petition the proposed amendment to referendum.

RIVERDALE PARK TOWN COUNCIL

By: JESSICA BARNES, TOWN CLERK

Publication Dates: _____, _____, _____,
and _____, 2019