



**Town of Riverdale Park
Legislative Meeting
February 4, 2019
8:00 p.m.**

AGENDA

Call to Order

Pledge of Allegiance

Approval of Agenda

Presentations

- Black History Month Proclamation
- Prince George's African American Museum & Cultural Center Presentation: Monica Montgomery, Executive Director
- FY2019 Estimated Actuals
- Field of Dreams Design Concepts: Marita Roos, Neighborhood Design Center

Correspondence Summary

Mayor's Report

- Notice of Closed Meeting

Town Manager's Report and Finance Report

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. Request for Special Exception for a 6-foot cedar backyard fence at 4502 Tuckerman Street (Ward 1)
2. Road closures for Mardi Gras Run to be held on March 2, 2019
3. Amendment to the 2019 Mayor and Council calendar to include May 13th as the date for the new administration's orientation
4. Minutes: January 7, 2019 Legislative Meeting, June 25, 2018 Work Session, and April 30, 2018 Work Session

Legislative Action Items:

1. Council Member Excused Absences from Regular Council Meetings
2. Motion regarding the Town Manager's Contract
3. Motion to adopt Ordinance 2019-OR-01 regarding the 2019 Election
4. Motion to adopt Resolution 2019-R-02 regarding appointment and compensation of Election Judges for the May 6, 2019 Town election
5. Motion to adopt Resolution 2019-R-03 regarding appointments to Board of Election Appeals for the May 6, 2019 Town election

Unfinished Business

New Business

1. Revisions to Chapter 42- Licenses

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

Office of Finance Services

TO: John N. Lestitian, Town Manager
Paul Smith, Director of Finance and Employee Services

FROM: Gentry Jones, Finance Program Specialist

DATE: February 1, 2019

RE: Budget Development: FY2019 Estimated Actuals

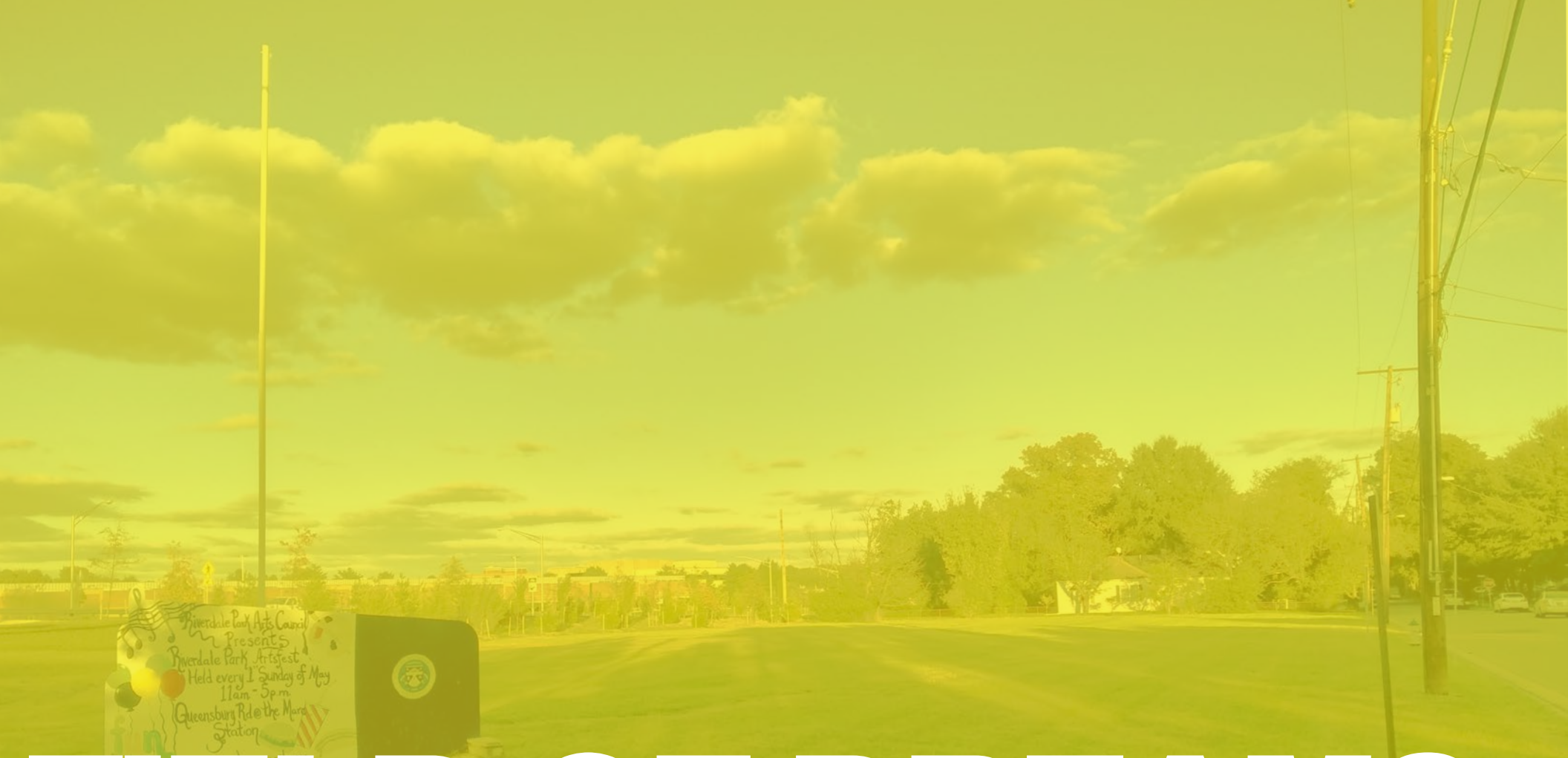
Action Requested: No formal action is requested at the February 4th Legislative Session. Staff seek an opportunity to provide a high-level information update to and to receive input from the Mayor and Council and the public on the FY2019 Estimated Actuals.

Background: Budget development involves multiple steps. One foundational step at this stage in the budget process, is to review and develop estimated actuals for the current budget year (FY2019). The analysis looks at the projections of both revenue and expenditures that were made in March 2018. Further, staff compares those projections to the current position and estimates the actual revenue and expenditures as of June 30, 2019.

A detailed presentation will be provided at the meeting and staff will be available to respond to questions or concerns.

c. Leadership Team
file

c. Leadership Team



FIELD OF DREAMS RENEWED

the
Neighborhood
DesignCenter

4701 Tuckerman St
Riverdale Park, MD 20737
Project #: 3417
January 2019



ndc

FIELD OF DREAMS REIMAGINED

TABLE OF CONTENTS

3

BACKGROUND & PROCESS

4

CONCLUSIONS

5

WHO USES THE FIELD OF DREAMS

6

SURVEY RESULTS

8

WORKSHOP RESULTS

12

CONCEPT DESIGNS

16

NEXT STEPS



BACKGROUND & OBJECTIVES

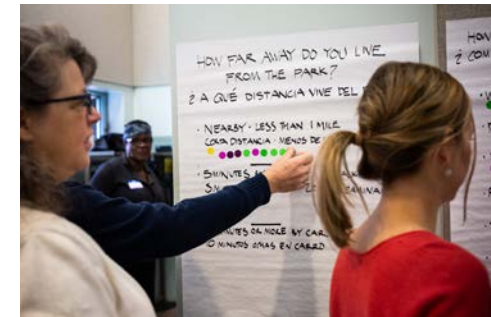
NDC was invited by the Town of Riverdale Park to facilitate a visioning process for an unused grassy space, popularly known as the “Field of Dreams.” Once a ballfield and play area, the park edge has been impacted by a new traffic circle and a recent mixed use development built on the nearby Whole Foods site. The town is hoping to activate the space while remaining sensitive to neighbors’ needs for a simple, quiet place.



ENGAGEMENT PROCESS

An online survey in English and Spanish was distributed by Riverdale Park staff to set a baseline of expectations for NDC staff ahead of the workshop.

Twenty community members participated in the morning activities, led by NDC staff members Rachel McNamara and Marita Roos. Nearly everyone lived within walking distance of the park. The morning’s icebreaker, “Postcards from the Future,” gave people a chance to freely dream their vision for the future park in a message to a loved one – often enhanced with a colorful and highly personal design. The rest of the morning was spent choosing from a set of images to identify the park character and a set of priorities for the landscape.



CONCLUSIONS

NDC gathered input from Riverdale Park residents via the online survey and a variety of activities during a Saturday morning workshop. Based on those responses, NDC has consolidated this summary of the wide-range of opinions, feelings and ideas expressed by the participants.

overarching features

- Natural and peaceful
- A focus on open space with trees and shade
- NO organized sports
- A flexible space, with seating elements and playable features, but no formal playground - in general, responses were mixed in terms of a playground
- An emphasis on natural materials

A few residents were interested in pick-up sports or other active recreation. Since there are nearby parks and green spaces that already have sports programming, NDC recommends focusing this park space on passive programming and highlighting nature. Some residents were interested in expanded cultural event opportunities, such as music performances, plays, or educational events. These should be considered carefully and again, with the other green spaces available for programming in mind.



- Walkers are the primary users, so good paths are a priority.
- Several residents suggested a community garden.
- People felt strongly about lighting. Generally, artful, subtle lights that are conscious of light pollution and/or are motion-detected would be received best.
- Dog walkers were welcome, but features and signage to support good stewardship were also requested.
- Some respondents were interested in educational signage on local history and natural features. More research and consensus-building on the topic is recommended.



WHO USES THE FIELD OF DREAMS

HOW DO THEY GET TO THE PARK?

From the Survey
(multiple choice)



From the Workshop



WHAT ABOUT THE NAME? 'Field of Dreams' is how the park is locally known, rather than an official designation. With a visioning process underway, the team solicited suggestions on a new name. Not many alternatives were suggested at the workshop and a few commenters requested to keep it the same. "Peace Park" or using Nature or Sustainability as a theme were suggested.

From the survey, 18 respondents wanted to keep it the same, 16 people wanted to name it after a local figure or historical aspect (1 person specified to NOT name it after a person), 7 suggested something to do with local nature or animals, and 3 people suggested ERCO as a theme.

HOW CLOSE DO THEY LIVE TO THE PARK?

From the Survey



The remainder live within a 20 minute walk

From the Workshop



WHERE DO THEY LIVE?

From the Survey



From the Workshop

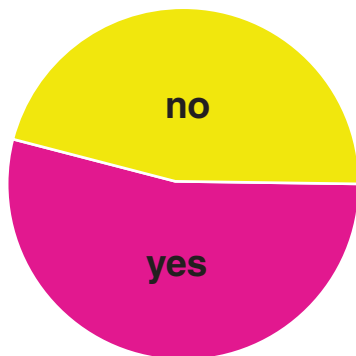




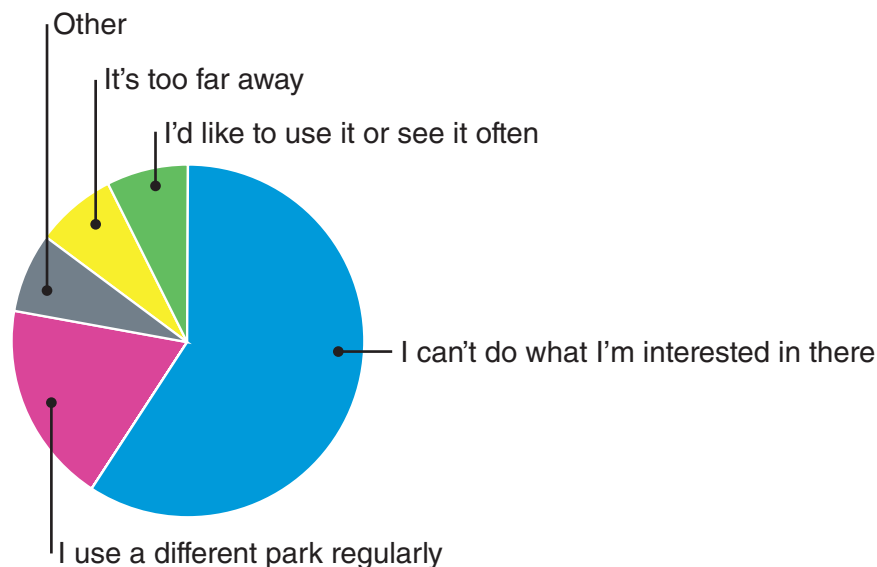
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SURVEY RESULTS

DO YOU USE THE PARK NOW?



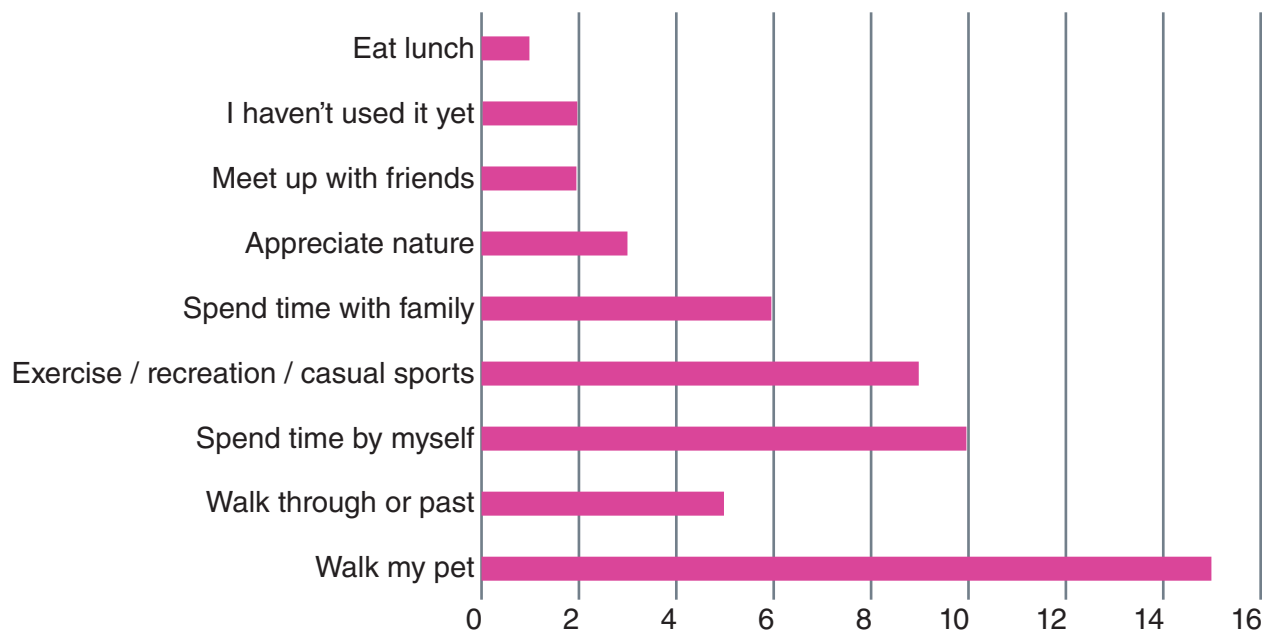
IF YOU DON'T USE THE PARK, WHY NOT?



HOW OFTEN DO YOU USE THE PARK?

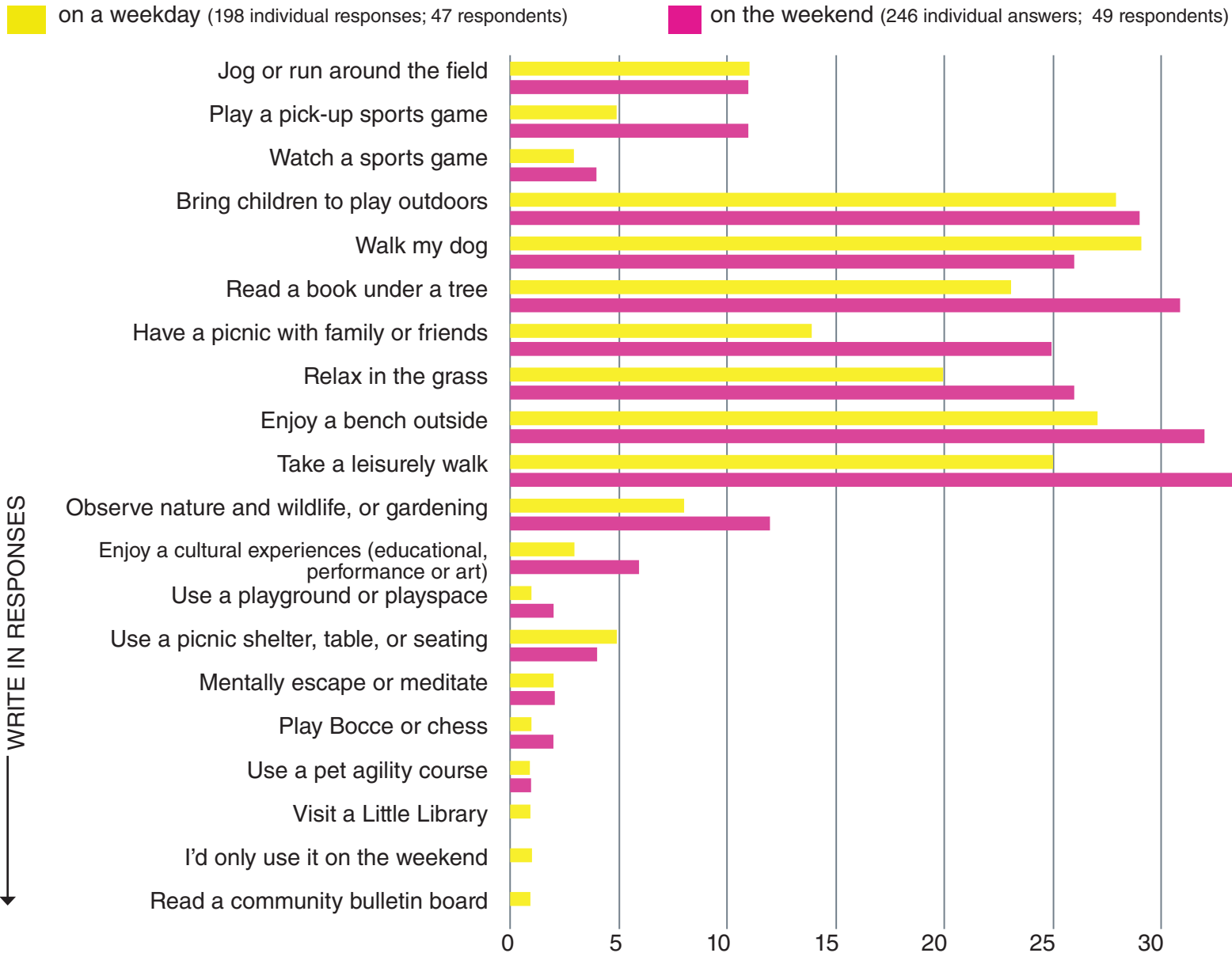


WHAT DO YOU DO AT THE PARK NOW?



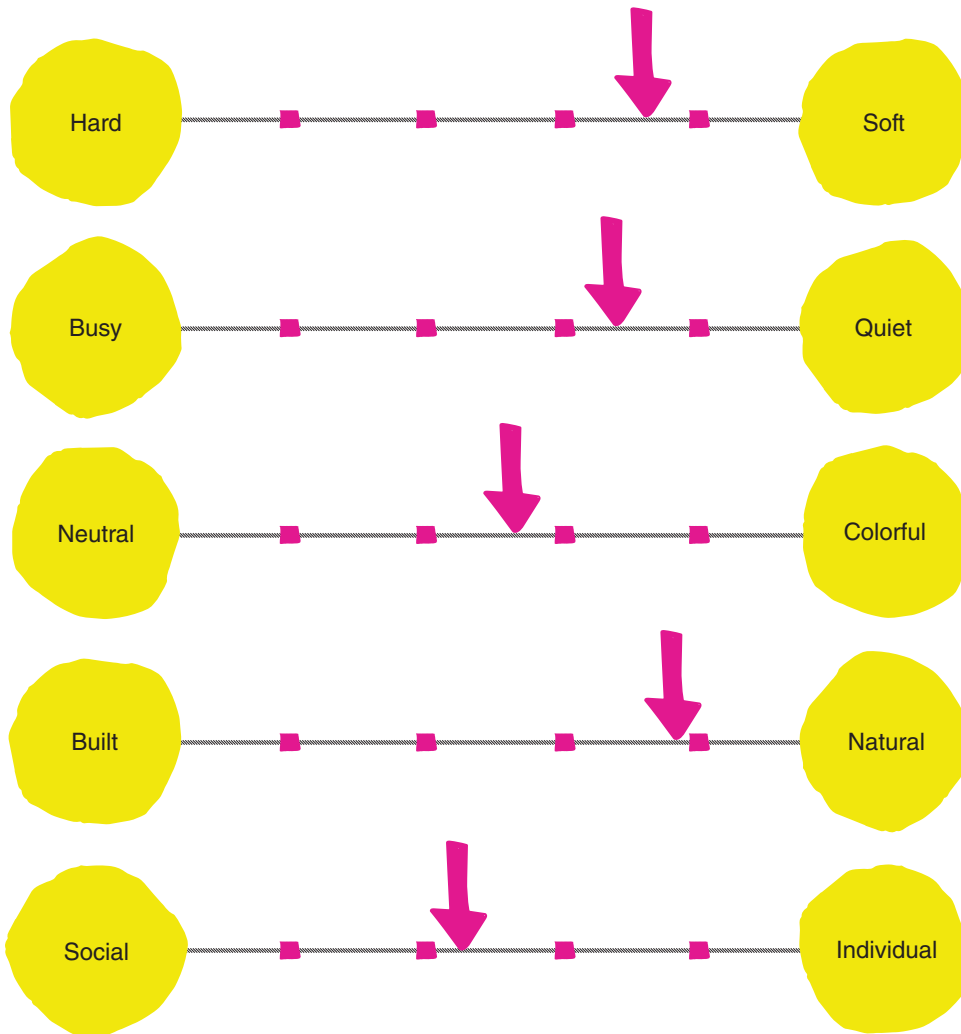


WHAT WOULD YOU LIKE TO DO AT THE PARK?



WORKSHOP ACTIVITIES

Sense of Place Sliders



* group rankings were calculated by assigning a numerical value to each participant's vote, of which the average was found.

Priority Rankings

- 1) Plantings and trees
- 3) Paths
- 4) Colorful elements /
Open, grassy space
- 5) Seating
- 6) Bike racks /
Picnic space
- 8) Play space
- 9) Lighting
- 10) Lined sports fields

* group rankings were found by calculating the median of all votes given. If a participant didn't provide a 1-10 ranking, their votes were converted to these numbers, as possible.

Keywords from Comments and Postcards

** Peaceful **

Top Concerns:

- Native Trees & plants
- Peaceful, Calm, and Quiet
- Pavilion
- Benches/ seating
- Safety
- Well Maintained

Mentioned:

(organized into topics)

- Community destination / community asset / center of social life / third-place
- Multi-generational / kids & dogs / Different interests mixing
- Oasis / engaging / escape
- "comfortable, sociable, accessible space"
- "green, healthy, walkable space"
- Trees / plants / oaks / native plants / seasonal plants
- Local wildlife / pollinators / bees & birds / monarch butterflies
- Veggie garden / community garden
- Local art / artist / mural / sculpture / trade & art demonstration center
- Art playground / covered playground / play & fly kites / innovative nature play space / hillside slide
- Walk / Exercise equipment / Tai chi / Bocce
- Cook-out

lots of shade

Repeated:

- Diverse (in reference to users)
- Shade
- Playground / play space
- Gardens
- Water feature
- Barrier to the roads
- Standing water an issue

Bees & birds abound!!



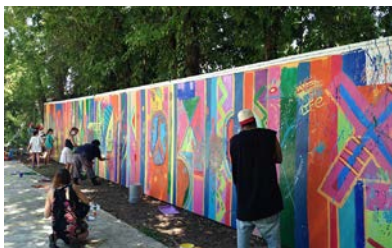


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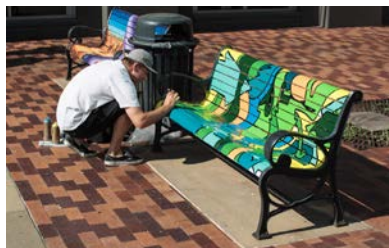
Mood Board Results

What we liked: planting • picnics • benches • bike space • flex space for fitness

+++++



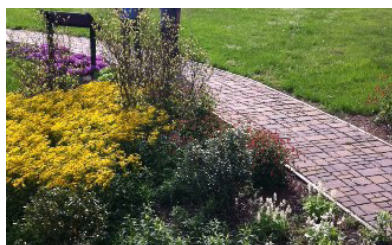
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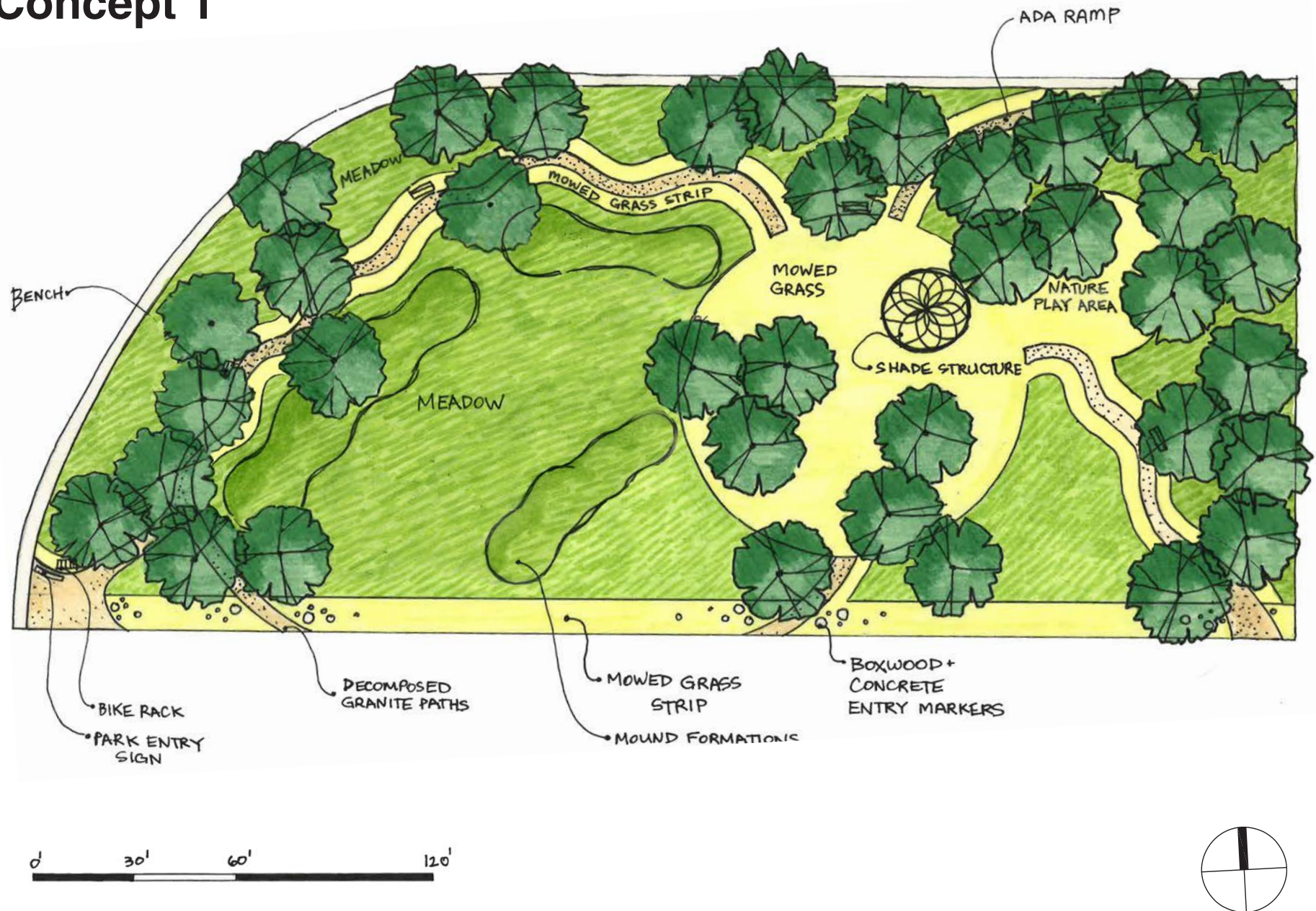
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What we didn't like: play equipment • large groups • dogs off-leash • organized sports



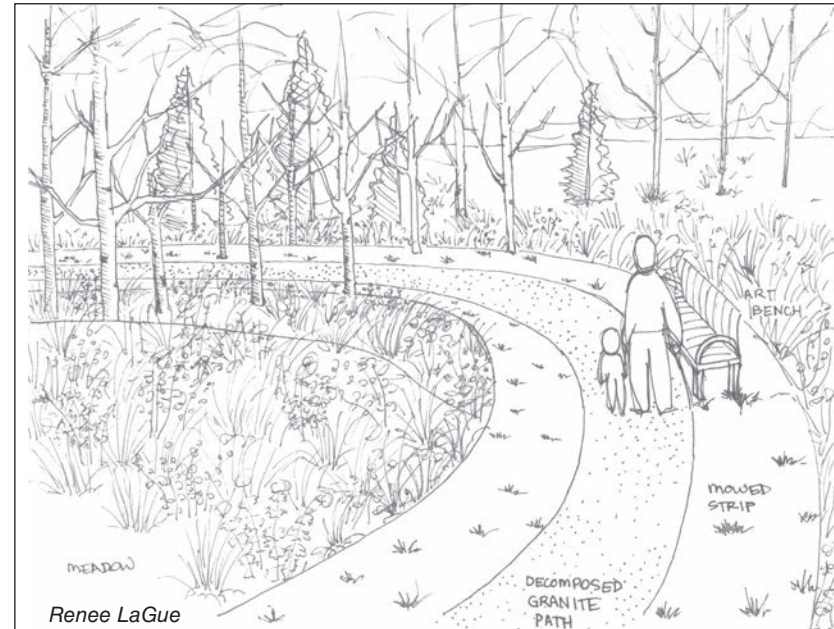
CONCEPT DESIGNS

Concept 1



Concept 1: Lazy Meadow

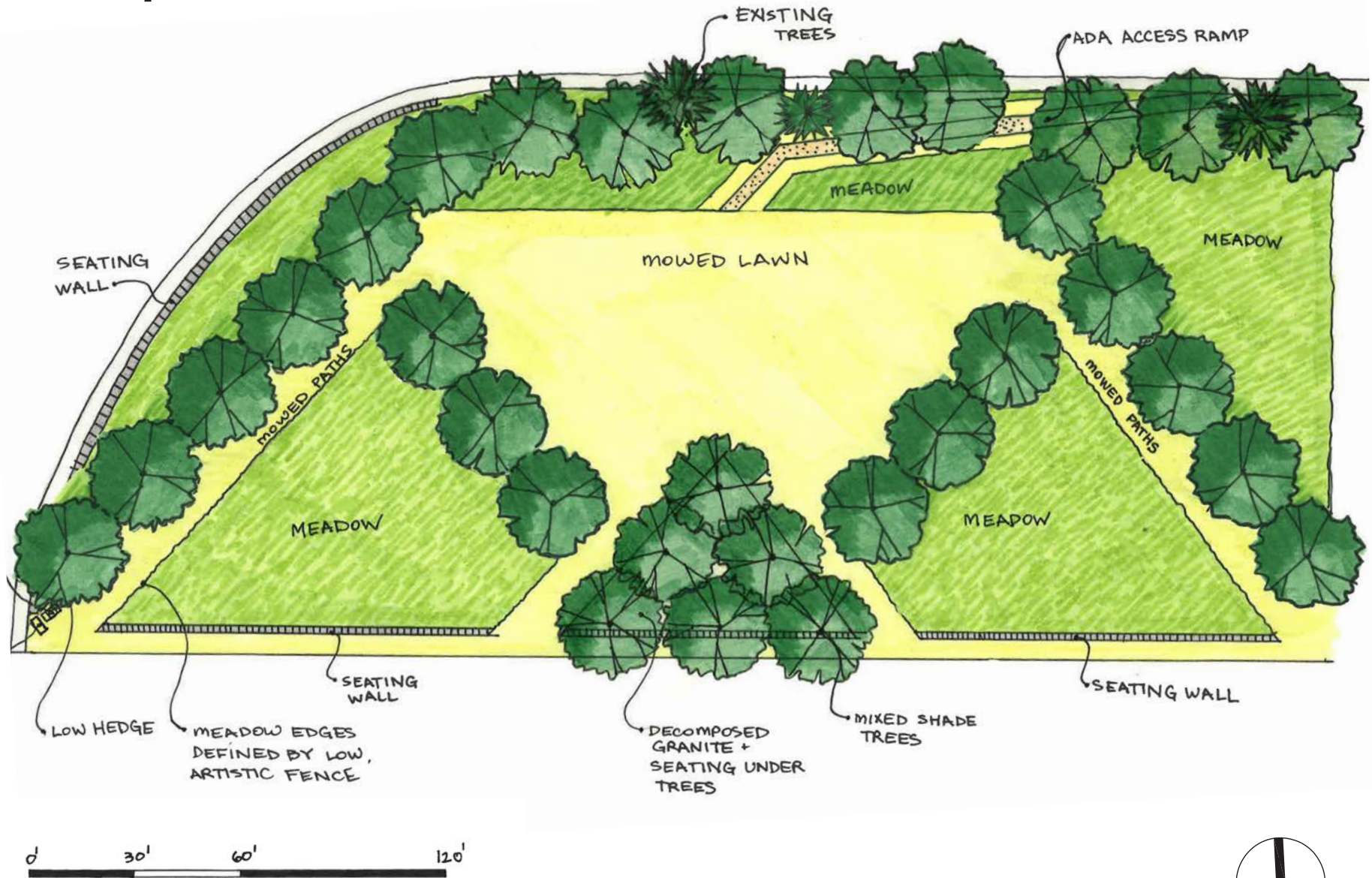
This plan pulls people into the park from several entrances along Tuckerman Street and one accessible entrance from Rivertech Court. The entrances and paths are packed gravel fines (decomposed granite), accessible by strollers and wheelchairs and bordered by mown grass. A large circular area of mown turf to one side is bordered by stands of trees and houses a circular shade structure. A nature play area – space for simple elements to climb on and jump from – is near the shade structure so adults can sit comfortably while watching children. The rest of the park is designed as native pollinator habitat with meadow perennials and grasses on slightly rolling ground (mound formations). Benches are placed throughout the park for quiet sitting or conversation.



- Curvilinear paths wind through meadows
- Circular mown area for casual fitness (yoga, Zumba, tai chi)
- Shade structure centerpiece for comfortable seating and people watching
- Children's play area with natural play pieces

CONCEPT PLANS

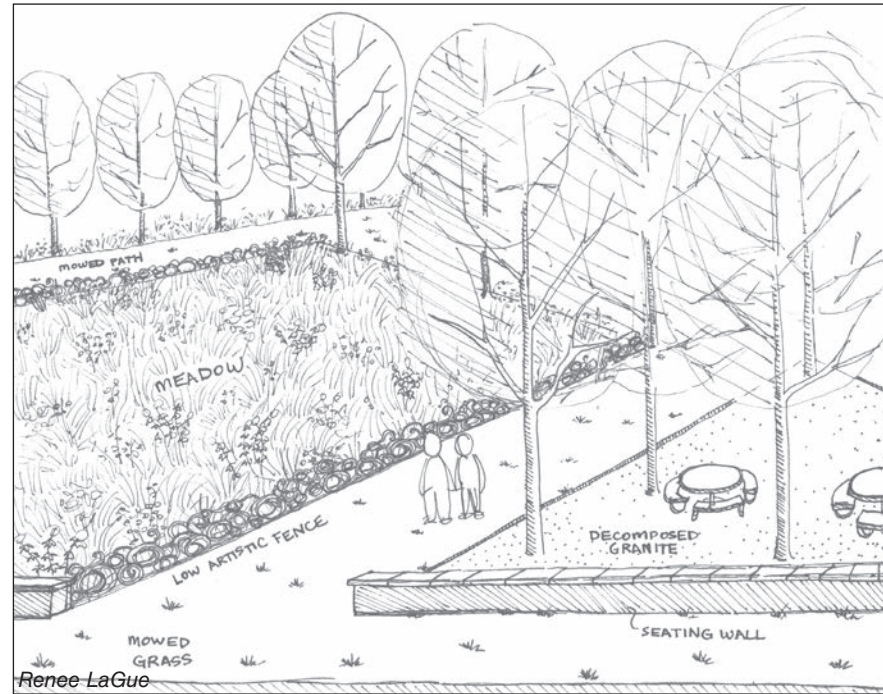
Concept 2



Concept 2: Canopy Stroll

This plan brings people into the park from several entrances along Tuckerman Street and one accessible entrance from Rivertech Court. The walkways are broad and straight, lined with trees that border tightly defined meadow areas. The walks and meadow areas are separated by low artist fences or seating walls, depending if seating is desired. The central area is designed as two adjacent triangular spaces. The tree-canopied seating area at the Tuckerman Street side of the park is planned for café size tables or groups of conversational seating. This space opens to a triangular mowed lawn that can be used for casual fitness or informal play – its shape intentionally does not lend itself to organized sports.

- Wide straight tree-lined paths border confined meadow areas
- Entry plaza with conversation seating or café tables
- Angular mown area for casual fitness (yoga, Zumba, tai chi) and informal play





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NEXT STEPS

The Town of Riverdale Park and NDC will meet to review all the materials presented to date, and decide if there is a preferred concept. From the discussion, NDC will develop a final concept, which may combine elements of both designs.

Stay tuned for exciting developments!





Town of Riverdale Park, Maryland

Office of Development Services

TO: John Lestitian, Town Manager

FROM: Jessica Barnes, Town Clerk

CC: Staff Leadership Team

DATE: January 24, 2019

RE: Fence Permit Request at 4502 Tuckerman Street (Ward 1)

Action Requested:

Staff seeks input from the Mayor and Council regarding the permit request for fence installation at the above referenced property, pursuant to Chapter 66 of the Town Code.

Background:

The Town received a building permit application from Mary Germano to construct a 6-foot, cedar fence in the rear yard of the above property. The applicant obtained a Prince George's County permit for the proposed work.

Please note the attached materials concerning the work.

Attachments:

Pictures of 4502 Tuckerman Street

Riverdale Park Building Permit Application

Approved Prince George's County Building Permit Application

Site Plan





Town of Riverdale Park
 Office of Development Services
 5008 Queensbury Road
 Riverdale Park, MD 20737
 (301) 927-6381



PAID
 Chk # 3136
 12/19/18
 923

County Permit Number: _____

Town Permit Number: _____

Permit Application

Type of Permit: ☐ Building ☒ Fence ☐ Dumpster / Storage Container ☐ Dumpster ☐ Other

Contact/Applicant: Josh Simpson 410-969-4444
 (Name) (Phone Number)

Property Information: 4502 Tuckerman St
 (Building Number) (Street Name) (Apartment/Suite)

Property Owner Information:

Mary Germano _____
 (Name) (Phone Number)
4502 Tuckerman St
 (Building Number) (Street Name) (Apartment/Suite)
Riverdale MD 20737
 (City) (State) (Zip Code)

Contractor Information:

Fence & Deck Connection 8057 Veterans Hwy, Millersville, MD 21108
 (Company Name and Mailing Address)
Josh Simpson 410-969-4444 / 443-763-8262
 (Contact Person Name and Phone Number)

Description of Work to be Completed:

6' H wood (cedar) w/ 4' w gate

Estimated Cost of the Project: \$3,500

Pod/Storage Container and Dumpster:

Location of requested container: ☐ On Street ☐ Rear Yard ☐ Side Yard ☐ Front Yard

Other: _____

Director of Public Works: ☐ Approved ☐ Not Approved

I affirm under the penalty of perjury that the information contained in this application is true and correct to the best of my knowledge, information and belief.

[Signature]
 Signature

12/19/18
 Date

(Please see reverse side for additional information)

PRINCE GEORGE'S COUNTY

P E R M I T

ISSUANCE DATE : Dec-19-2018

EXPIRATION DATE :

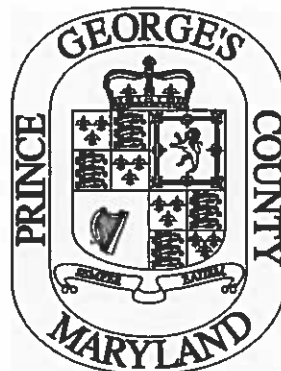
DEPARTMENT OF PERMITTING, INSPECTIONS AND ENFORCEMENT PERMITTING CENTER

9400 PEPPERCORN PLACE, 1st FLOOR, LARGO, MD 20774 (301) 883-5900

PROPERTY OWNER

Mary Germano
4502 Tuckerman ST
Riverdale, MD 20737

(410) 969-4444



CONTRACTOR

Fence & Deck Connection
8057 Veterans HWY
Millersville, MD 21108
LICENSE NUMBER: 45780

(410) 969-4444

OCCUPANT

ARCHITECT

TYPE OF PERMIT :

DPIE RW

WORK DESCRIPTION :

6'ft high fence

EXISTING USE :

SFD

USE (MNCPPC ZONING) :

FENCE

SUBDIVISION :

RIVERDALE PARK

OWNERSHIP :

HEIGHT FT : 6

LIBER : 40110

WIDTH FT :

168

FOLIO : 500

DEPTH FT : 168

ED/ACCT NO. : 19 / 2135291

NO STORIES :

OCCUPANCY LOAD :

SITE CERTIFICATE :

LOT : 75

DWELL UNITS :

STRUCTURE CERT :

BLOCK : 1

PARKING SP : 0

SEWER :

WSSC

TAX MAP : 042

LIVE LOAD :

WATER :

WSSC

SCD :

USE GROUP :

HEATING :

ELECTRICITY :

CENTRAL A/C :

SPEC EXCEPT :

TYPE CONST :

PARCEL :

ELEVATOR :

ESCALATOR :

BASEMENT :

BOILER NUMBER :

CBCA : N

HISTORICAL : N

SIGN NUMBER :

Conditions

Must comply with Sec. 27-420. Fences and walls. Please note: Except for fences less than four (4) feet in height, fences not requiring a permit, and fences on land assessed as agricultural uses, all structural support (vertical posts and horizontal rails) shall face the interior of the subject lot.

As outlined in County Code Subtitle 4-111 no work shall be performed during the hours of 9:00 p.m. to 7:00 a.m., unless work is performed pursuant to Section 4-120 of this Subtitle. Only the Licensed Contractor or Homeowner, named on the Permit as contractor, is permitted to perform the scope of work on the permit at the address specified.

YOU MUST COMPLY WITH MUNICIPAL, HOMEOWNER/CIVIC ASSOCIATION AND LOCAL COVENANTS. A FINE MAY BE IMPOSED IF CONSTRUCTION IS BEGUN WITHOUT REQUIRED APPROVALS.

THIS PERMIT IS VOID SIX (6) MONTHS FROM DATE ISSUED IF CONSTRUCTION HAS NOT STARTED, HAS BEEN

SUSPENDED OR DISCONTINUED UNLESS OTHERWISE INDICATED

INSPECTION AREA :

INSPECTION APPROVALS

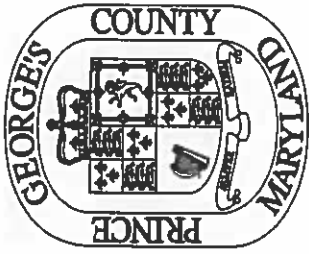
Melinda Bolling

BUILDING INSPECTOR	HEALTH	ELECTRICAL	PLUMBING	FIRE MARSHAL
APPROVED :				

PRINCE GEORGE'S COUNTY

DEPARTMENT OF PERMITTING, INSPECTIONS AND ENFORCEMENT PERMITTING CENTER

9400 PEPPER CORN PLACE, 1st FLOOR, LARGO, MD 20774 (301) 883-5900



YOU MUST COMPLY WITH MUNICIPAL, HOMEOWNER/CIVIC ASSOCIATION AND LOCAL COVENANTS. A FINE MAY BE IMPOSED IF CONSTRUCTION IS BEGUN WITHOUT REQUIRED APPROVALS.

PERMIT APPLICATION FILING
FEES ARE NON-REFUNDABLE

Date: 12/19/2018

ACTIVITY: Building Permit Application
WORK DESCRIPTION: Install 168LF of 6'H fence w/ (1) 4"W gate
USE TYPE: SFD
EXISTING USE: SFD
PROPOSED USE: SFD

PERMIT APPLICATION

Case Number: 60386-2018-00

LOT: 75
BLOCK: 1
PARCEL:

SITE INFORMATION

SITE ADDRESS: 4502 TUCKERMAN ST 20737
PROJECT NAME: RIVERDALE PARK
SUBDIVISION: RIVERDALE PARK
EST. CONSTRUCTION COST: \$3,500.00
ELECTION DISTRICT: 19
PROPERTY TAX ACCOUNT #: 2135291

OWNER

Mary Germano
4502 Tuckerman ST MD 20737
Riverdale

OCCUPANT

Fence & Deck Connection
8057 Veterans HWY
Millersville

CONTRACTOR

The Maryland-National Capital
Park and Planning Commission

ARCHITECT

FOR OFFICE USE ONLY

Reviewer	Date	APPROVED	Reviewer	Date
M-NCPPC				12-19-18
Site / Road Eng.	12/19/2018			
Structural Eng.				60386-2018-RW
Electrical Eng.				OK for 6' ft high fence

I hereby certify that I have permission of the property owner to submit this application on his/her behalf and that the information is complete and correct.

APPLICANT

Josh Simpson

Fence & Deck Connection

(410) 969 - 4444

NAME

COMPANY

PHONE

SIGNATURE

CONSUMER INFORMATION NOTES:

1. This plan is a benefit to a consumer insofar as it is required by a lender or a title insurance company or its agent in connection with contemplated transfer, financing or re-financing.
2. This plan is not to be relied upon for the establishment or location of fences, garages, buildings, or other existing or future improvements.
3. This plan does not provide for the accurate identification of property boundary lines, but such identification may not be required for the transfer of title or securing financing or re-financing.
4. Building line and/or Flood Zone information is taken from available sources and is subject to interpretation of originator.
5. No Title Report furnished.

Notes:

1. Setback distances as shown to the principal structure from property lines are approximate. The level of accuracy for this drawing should be taken to be no greater than plus or minus 2 feet.
2. Fences, if shown, have been located by approximate methods.
3. No property corners confirmed.

C.B. CALVERT ESTATE

S 86°01'13" E 43.12'

OPEN DITCH SPILLWAY

LOT 75
7,800 S.F.

FRAME SHED

CONCRETE PATIO

1 STORY BRICK & FRAME
#4502

CONCRETE PORCH

WALK

CONCRETE WALK

CONC. D/W

N 86°01'13" W 60.00'

TUCKERMAN STREET
MONROE AVENUE PER PLAT
(50' R/W)

LOT 75

The Maryland-National Capital
Park and Planning Commission

APPROVED

PERMIT #

OK for 6' ft high fence



MG
JAC

LOCATION DRAWING
LOT 75, BLOCK ONE
RIVERDALE PARK

PRINCE GEORGE'S COUNTY, MARYLAND

SURVEYOR'S CERTIFICATE

REFERENCES

PLAT BK. 3
PLAT NO. 11
LIBER 11152
FOLIO 499



SNIDER & ASSOCIATES
LAND SURVEYORS

20270 Goldenrod Lane, Suite 110
Germantown, Maryland 20878
301/948-5100 Fax 301/948-1286

DATE OF LOCATIONS

SCALE: 1" = 20'

WALL CHECK:

DRAWN BY: K.D.E.

"THE INFORMATION SHOWN HEREON HAS BEEN BASED UPON THE RESULTS OF A FIELD INSPECTION PURSUANT TO THE DEED OR PLAT OF RECORD. EXISTING STRUCTURES SHOWN HAVE BEEN FIELD LOCATED BASED UPON MEASUREMENTS FROM PROPERTY MARKERS FOUND OR FROM EVIDENCE OF LINES OF APPARENT OCCUPATION."

MARYLAND PROPERTY LINE SURVEYOR REG. NO. 587



Town of Riverdale Park, Maryland

Town Administration

TO: John N. Lestitian, Town Manager

FROM: Jessica Barnes, Town Clerk

Cc: Leadership Team

DATE: January 25, 2019

RE: Mardi Gras 5K Event at Riverdale Park Station

Background: The Commercial Development section of Riverdale Park Station, represented by Cushman & Wakefield, has applied for a Special Event Permit from Prince George's County for a Mardi Gras 5K Race to be held on March 2, 2019, at 9:00 a.m. The event is described as a 5K Race with a shorter Walk option and a 1K Kids Fun Run. The proposed route includes Town, County, and private roadways.

Attached, please find the route for the event and a copy of the application submitted to Prince George's County. Riverdale Park Police Department has been coordinating with Prince George's County Police Department regarding possible road closures and event staffing.

Representatives from Cushman & Wakefield will be available to discuss the event and respond to any questions.

Attachments:

Prince George's County Special Event Application
Mardi Gars 5K Route

Special Events Application - Application # PSSECG 104-2018

Applicant Information

First Name: Elise **Last Name:** Taylor
Email: elise.taylor@cushwake.com **Business Phone Number:** 3012562482 **Cell Phone Number:** 3019550730

Organization Information

Company Name: Riverdale Park Station **Street Address:** 4595 Van Buren St. Suite 230
City: Riverdale Park **State:** Maryland **Zip Code:** 207370000

Second Point of Contact Information

Is there a Second Point of Contact?
No

Event Information

Name of Event: Mardi Gras 5K Race **Is this your first time hosting this event?**
Yes
Name & Address of venue where event will be held: Riverdale Park Station
- Bear Square - 6621
Baltimore Ave.
Riverdale Park, MD
20737
Date of Event: 03/02/2019 **Time of Event:** 09:00 AM **Number of Attendees:** 150

Event Category

Athletic or Recreation Parade/March

Will food be provided or sold at your event?
No

Will alcohol be allowed, provided and/or sold at your event?
Yes

Insurance

Do you have a certificate of insurance?
Yes
Policy Amount
2,000,000

Temporary Structures

Will the event require temporary structures? (e.g., tents, stages) No
Will the event include inflatables? No

Additional Information Required

Please provide a brief description of your event and any online links available for the event.

This will be a 5K Race with a shorter Walk option, as well as a 1K Kids Fun Run. It's Mardi Gras themed and will be held and sponsored by Riverdale Park Station. We'd like to host a 5K for active families in the surrounding community.

RunSignUp.com will be used for race registration and timing. The race is not yet live and registerable on the website but can be provided upon activation

Have you consulted with any agencies so far? (if yes, please list the agency name and contact information)

We have contracted Overland Timing, LLC to conduct the timing and registration details. They will handle registration through RunSignUp and will ensure every runner receives a timing device and is registered correctly.

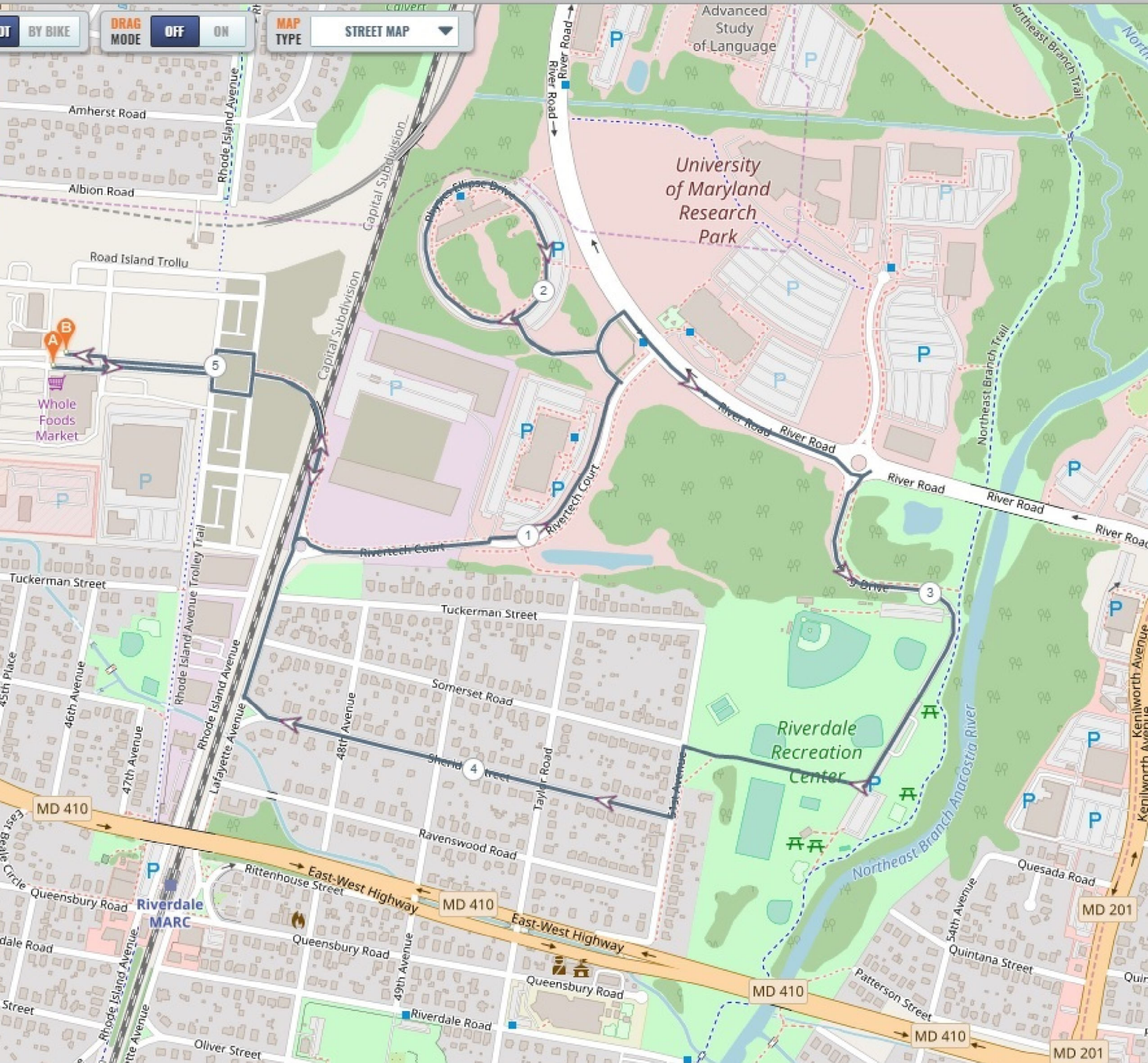
Do you have any final comments?

This will likely be a small event, since this is the first year. Please let us know what plans and documents are needed to pull this event off. We have several race route options that would require police assistance on the roads surrounding River Rd. in the UMD Discovery Park area.

How To

Search plotaroute.com

Go PREMIUM





Town of Riverdale Park, Maryland

Town Administration

TO: John N. Lestitian, Town Manager

FROM: Jessica Barnes, Town Clerk

Cc: Leadership Team

DATE: January 22, 2019

RE: Amendment to 2019 Mayor and Council Calendar

Action Requested:

Staff request that the Mayor and Council amend the adopted 2019 Mayor and Council Calendar to include a date for orientation of the new administration.

Background:

Town elections are scheduled for Monday, May 6, 2019 and the swearing-in of the new administration will be held on June 3, 2019.

Staff have confirmed that Town Attorney Fred Sussman is available on May 13, 2019 at 6:15 p.m. to provide an orientation for the newly elected Mayor and Council.

Town of Riverdale Park
Legislative Meeting Minutes
January 7, 2019
8:00 p.m.

In Attendance

Mayor Alan K. Thompson
CM Aaron Faulx, Ward 2
CM David Lingua, Ward 3
CM Christopher Henry, Ward 4 (left at 10:00 p.m.)
CM Collen Richardson, Ward 5 (left at 9:30 p.m.)

John N. Lestitian, Town Manager
David Morris, Police Chief
Jessica Barnes, Town Clerk
Paul Smith, Director of Finance and Employee Services
Gentry Jones, Finance Program Specialist

Call to Order

Mayor Thompson called the Legislative Meeting to order at 8:03 p.m.

Pledge of Allegiance

The Pledge of Allegiance was recited followed by a moment of reflection.

Approval of Agenda

CM Faulx made a motion to approve the agenda as amended. The motion was seconded by CM Lingua. Vote: 4-0-1 (favorable, Mayor Thompson abstained)

Discussion:

New Business Item 1 was removed from the agenda.

Mayor Thompson requested that the presentations (except for the Competitive Negotiated Sale presentation) be move to after the legislative action items. All reports were moved until after the presentations.

Presentations

Competitive Negotiated Sale – 4603 East West Highway

Town Manager Lestitian introduced Karl Granzow of Werrlein Properties to discuss their proposal for 4603 East West Highway. Mr. Granzow discussed their plans for ingress/egress from the property.

CM Lingua asked what the square footage of the lot was and Mr. Granzow replied that the property was actually 1.5 lots. Town Manager Lestitian clarified that the square footage was 13,851. Mr. Granzow discussed the SHA easement and CM Lingua asked how that would impact the placement of the house.

Town Manager Lestitian stated that if there was general consensus among the Council, staff would work towards a development agreement for Mayor and Council approval. There were no objections.

Riverdale Park – 21st Century Policing

Chief of Police David Morris thanked Lt. Robert Turner, Lt. Andrew Powell and Sgt. Vitchock for their work in preparing the presentation. Chief Morris outlined the six pillars identified by the President's Task Force on 21st Century Policing and how the Police Department was following the guidelines established by the Task Force.

Community and Economic Development Programs and Initiatives

Town Manager Lestitian gave an update on the progress of the Community and Economic Development Programs and Initiatives.

CM Lingua asked if staff would like to see funding increase over next 3 to 5 years. Town Manager Lestitian stated that staff planned to continue at the same funding level.

FY2020 Budget Assumptions

Finance Programs Specialist Gentry Jones gave an overview of the eight building blocks used to develop a balanced budget.

CM Henry asked if the funds in the Capital Improvement Plan had been used as planned. Town Manager Lestitian gave an overview of CIP projects.

CM Henry asked what impact the property reassessments would have on the Budget. Town Manager Lestitian stated that staff expected that assessments would increase and that commercial property owners may file appeals. Town Manager Lestitian stated that staff would be conservative when preparing the proposed FY2020 budget.

CM Henry asked if increasing the size of the Police Department had been considered as the Town continues to grow. Town Manager Lestitian discussed the budgetary challenges that were projected and the need to seek alternative ways to address the Town's needs.

Correspondence Summary

The Correspondence Summary was included in the meeting materials.

Mayor's Report

Mayor Alan K. Thompson reported:

- Overview of Closed Meeting on December 17th: two topics covered, business retention for a business in Town and a personnel matter (Town Manager oncontract revisions and evaluation)
- Thank you to all who planned the holiday events
- Two restaurants in Town Center are expected to open in the next few weeks
- Will be attending the Maryland Mayors Conference at the end of January
- Closed Meeting to discuss the Town Manager's evaluation and contract will be held on Tuesday, January 15th at 7:00 p.m.

Town Manager Report

Town Manager John N. Lestitian reported:

- Defined Benefit Plan Board of Trustees meeting will be held on January 11th at 10 a.m.
- Community Meeting is scheduled for Saturday, January 19th at 10:30 a.m. to discuss traffic and pedestrian safety in Town
- Town Hall and Department of Public Works will be closed on Monday, January 21st

Finance Report

As of December 31, 2018, subject to audit:

Expenses: \$480,593

Revenue: \$149,435

CM Lingua made a motion to adopt the Finance Report subject to audit. The motion was seconded by CM Henry. Vote: 4-0-1 (favorable, Mayor Thompson abstained)

Fire Department Report

The Fire Department report was included in the meeting materials.

Council Committee & Ward Reports

CM Aaron Faulx, Ward 2

CM Aaron Faulx reported:

- Expects to receive more information about proposals for the Field of Dreams soon
- Idea for a Pocket Park on 48th Avenue and Ravenswood Road- seeking input from residents
- Overview of discussions with Principal Riley of Riverdale Elementary regarding a summer program for students
- Discussion regarding a mural project under the East West Highway overpass

CM David Lingua, Ward 3

CM David Lingua reported:

- CKAR CDC meeting will be held on January 8th- overview of agenda
- Discussion regarding poor performance from Bates after the holidays- recurring issues with spillage
- Continuing issues with commercial property in Ward 3, the Shoemaker Property. Received reports of unpleasant interactions with employees and employees not respecting speed limits and stop signs.

Public Comments on Non-Agenda Items and Consent Agenda Items

Resident Sheila Smith of 5001 Riverdale Road reported that she was unable to hear the Town Manager speak when watching a Council meeting from home.

Consent Agenda

Motion to approve consent agenda items:

1. Minutes from November 5, 2018 Legislative Meeting
2. Minutes from November 26, 2018 Public Hearing
3. Minutes from November 26, 2018 Special Legislative Meeting
4. Minutes from November 26, 2018 Work Session
5. Minutes from December 3, 2018 Legislative Meeting

CM Faulx made a motion to approve the Consent Agenda. CM Lingua seconded the motion. Vote: 4-0-1 (favorable, Mayor Thompson abstained)

Legislative Action Items:

1. Motion to approve Resolution 2019-R-01 regarding Town's Vision and Commitment to Transportation

CM Lingua made a motion to approve Resolution 2019-R-01 regarding the Town's Vision and Commitment to Transportation. The motion was seconded by CM Henry. Vote: 4-0-1 (favorable, Mayor Thompson abstained)

2. Motion to transfer an amount not-to-exceed \$140,000 from General Fund Reserve to Defined Contribution Plan

CM Lingua made a motion to transfer an amount not-to-exceed \$140,000 from General Fund Reserve to Defined Contribution Plan. The motion was seconded by CM Faulx. Vote: 4-0-1 (favorable, Mayor Thompson abstained)

Discussion:

Town Manager Lestitian gave an overview of the request.

3. Motion to amend the 2019 Mayor and Council calendar to include the establishment of a date for the new administration's orientation

CM Faulx made a motion to amend the 2019 Mayor and Council calendar to include the establishment of a date for the new administration's orientation. The motion was seconded and then ultimately withdrawn by CM Faulx.

Discussion:

CM Lingua suggested having the orientation in May prior to the Mayor and Council's swearing-in which was scheduled for June. The date of May 13, 2019 was suggested. Town Manager Lestitian stated that he would check to see if Town Attorney Fred Sussman was available on that date.

Unfinished Business

There was no unfinished business.

New Business

- ~~1. Request for Special Exception for a 6-foot cedar backyard fence at 4502 Tuckerman Street (Ward 1)~~
2. Proposed process for evaluating

CM Lingua made a motion to adopt the evaluation process for the Town Manager, as distributed at the meeting. The motion was seconded by CM Faulx. Vote: 4-0 (favorable)

Adjournment

CM Faulx made a motion to adjourn the meeting at 10:44 p.m. The motion was seconded by CM Lingua. Vote: 2-0-1 (favorable, Mayor Thompson abstained)

Town of Riverdale Park
Work Session Minutes
June 25, 2018
8:00 p.m.

In Attendance

Alan K. Thompson, Mayor
CM Marsha Dixon, Ward 1
CM David Lingua, Ward 3
CM Alejandro Silva, Ward 6

John N. Lestitian, Town Manager
Leonard Addison, Public Works Director
Patrick Timmons, Lieutenant Colonel, Riverdale Park Police Department
Paul Smith, Finance and Employee Services Director
Jessica Barnes, Town Clerk
Kevin Simpson, Development Services Director

Call to Order

Mayor Thompson called the work session to order at 8:05 p.m.

Mayor's Report

Mayor Alan Thompson reported:

- MUTC meeting will be held on June 27th at 7:30 p.m.
- 20-year anniversary of Farmer's Market
- Reminder for everyone to vote in primary tomorrow
- Attended the opening of bridge last Friday

Public Comments

There were no public comments.

Presentations

Recognition of Public Works Director Leonard Addison and Lieutenant Colonel Patrick Timmons
Mayor Thompson presented Director Addison and Lieutenant Colonel Timmons with certificates of appreciation and gifts in honor of their retirement.

Proclamation recognizing the 10-year Anniversary of Sister City

Mayor Thompson read a proclamation recognizing the 10-year anniversary of the Town's Sister City relationship with Ipala, Guatemala in English and in Spanish.

2018 Calendar Year Staff Team Goals: Midyear Update

Town Manager Lestitian gave a mid-year update on the Staff Team's goals for calendar year 2018.

Town Manager's Report

Town Manager John N. Lestitian reported:

- Community Walk will be held on Wednesday at 6:00 p.m.
- Town Hall and Department of Public Works will be closed on July 4th
- Movie Night will be held on July 14th

- National Night Out will be held on August 7th 6-8 pm
- Neighborhood Specialists have obtained ICC certification
- Update on Riverdale Elementary School Playground
- Summer Youth Employment Program has started
- Best wishes to Director Addison and Lieutenant Colonel Timmons

Council Committee & Ward Reports

CM Marsha Dixon, Ward 1

CM Marsha Dixon thanked Director Addison and Lieutenant Colonel Timmons for always being present and for their service to the Town. CM Dixon also reminded everyone to vote in the primary election.

CM David Lingua, Ward 3

CM David Lingua stated that he was appreciative of the professionalism and excellence brought to the Department of Public Work and Police Department by Director Addison and Lieutenant Colonel Timmons. CM Lingua extended best wishes on their retirement.

CM Alejandro Silva, Ward 6

CM Alejandro Silva thanked Lieutenant Colonel Timmons and Director Addison for their excellent service to the Town.

Discussion Items

1. Fence Permit Application: 6308 47th Avenue; wooden backyard fence exceeding 4 feet in height

CM Dixon gave an overview of the fence permit request and suggested that it be placed on the consent agenda for the July Legislative meeting.

There were no objections from the Council so Mayor Thompson stated that Discussion Item 1 would be placed on consent agenda for the July Legislative Meeting.

2. Riverdale Park Station Revenue Projections

Town Manager Lestitian presented the updated real property tax projections for Riverdale Park Station and gave an overview of the TIF agreement. Town Manager Lestitian stated that the delay in revenue was proportionate to the project's construction delays. Town Manager Lestitian suggested that further discussion was needed regarding the amount of the defeasance.

Bob Smith of 5001 Riverdale Road complimented Town Manager Lestitian and staff on their pragmatic approach to the issue.

3. Project updates: Rivertech Court acceptance; stormwater projects

Director Addison gave an update on the acceptance of Rivertech Court and the Longfellow Street Stormwater Management Project. He stated that additional work was needed before that Town would accept Rivertech Court. He also gave an overview of the Longfellow Street project and next steps.

Director Addison stated that he had not seen the issue regarding a storm drain along Lafayette Avenue near Leroy Petry Honor Village but he would contact the County to confirm that the drain was built as permitted.

4. Process for awarding Town grants

Town Manager Lestitian stated that Discussion Item 4 was on the agenda as a follow-up to the Council's June 4th discussion regarding the Town's grant award process.

CM Dixon asked about the criteria for scoring grant applications and stated that she maintained her position that staff could award the grants as long as the Council was comfortable with the review process.

CM Lingua stated that the Council's approval or disapproval also happened as part of the budget process as money was allocated for grants at that time.

Sheila Smith of 5001 Riverdale Road stated that she thought that final approval should come from the Council.

Bob Smith of 5001 Riverdale Road stated that fiscal responsibility was an important role of the elected officials and he did not think that it should be delegated to staff at this time.

Director Simpson discussed the potential delay in awarding grants due to the Council's meeting schedule especially during summer recess.

Town Manager Lestitian discussed the Council's oversight with regarding to Town expenditures and the desire of staff to find balance.

5. Diversity and Inclusion Policy Statement

Town Manager Lestitian read the proposed Diversity and Inclusion Policy Statement and discussed how it was created. Town Manager Lestitian stated that staff were seeking feedback from the Council and public.

CM Lingua stated that he was still reviewing the statement and may have additional input.

6. Minutes

Mayor Thompson requested that the Council make staff aware of any changes or corrections needed to the minutes.

Unfinished Business

There was no unfinished business.

New Business

- CM Lingua asked if there were any updates from William Wirt Middle School. Town Manager Lestitian stated that a stakeholders meeting was planned for June 27th and the Town's representative would be Lt. Turner.

Adjournment

The meeting was adjourned at 10:15 p.m.

Town of Riverdale Park
Work Session Minutes
April 30, 2018
8:00 p.m.

In Attendance

Mayor Alan K. Thompson
CM Marsha Dixon, Ward 1
CM Aaron Faulx, Ward 2
CM David Lingua, Ward 3
CM Alejandro Silva, Ward 6

John N. Lestitian, Town Manager
David Morris, Chief of Police
Patrick Timmons, Lieutenant Colonel, Riverdale Park Police Department
Andrew Powell, Lieutenant, Riverdale Park Police Department
Robert Turner, Lieutenant, Riverdale Park Police Department
Jessica Barnes, Town Clerk
Kevin Simpson, Development Services Director

Call to Order

Mayor Thompson called the work session to order at 8:13 p.m.

Mayor's Report

Mayor Alan Thompson deferred his report to the May 7th Legislative Meeting.

Presentation

Riverdale Park Police Department Year in Review: Chief David Morris

Chief Davis Morris gave an overview of the major projects of the Riverdale Park Police Department.

Discussion Items

1. Charter Amendment Resolution 2018-CR-01 regarding voter registration and elections

Public Comments

Mayor Thompson gave an overview of the ground rules for public comments.

CM Dixon yielded her comments until after the public comments.

Jennifer Maddis of Ward 1 spoke in favor of the Charter Amendment. She stated that she had recently moved from Takoma Park and a similar process had been in place for many years. She also stated that she supported same day voter registration.

Bob Smith of 5001 Riverdale Road stated that all budget public hearings were very well done and he would like to have his questions about the legislation answered.

Juan Carlos Rodriguez of 4807 Rittenhouse Street stated that he loved living in the community and it was safe and clean. He stated that he would like to have the right to vote.

Roberto Rodriguez, 15-years-old, stated that he wanted to be a veterinarian and also wanted the opportunity to vote.

Emerita Rodriguez stated that she had lived in Riverdale Park for 4 years and wanted to be sure that her voice was heard regarding the right to vote.

Roxana Reyes stated that she had lived in Riverdale Park for 7 years and stated that the Charter Amendment gave people the right to vote but also the responsibility to work together as a community. Ms. Reyes stated that good communication would lead to people reporting to local law enforcement without any fear.

A resident stated that she had lived in Riverdale Park for 6 years and would like to see the initiative pass so that the Hispanic American community could be factored in and there could be an improvement in communication with authorities. She stated that the ability to vote would increase responsibility, create a better community, and improve communication regardless of race. She stated that the legislation would help everyone to come together to make a better community and also make history.

Mario Gonzales stated that he had lived in Town for 10 years and would like to see the opportunity for the Hispanic community to vote.

Abby Kiesla of 46th Avenue stated that she supported the legislation. She also read comments from Corey Slavitt and Sarah Combs of Ward 1 in support of the legislation.

Sheila Smith of 5001 Riverdale Road stated that they had not received answers to questions asked previously and asked if the answers would be forthcoming.

CM Marsha Dixon thanked everyone for coming and expressing their opinions. CM Dixon outlined and responded to the questions that had been asked at previous meetings.

CM Dixon explained the timeline for introduction of the legislation. She stated that she had contemplated and discussed the idea with some residents, discussed the idea with the Mayor and Council at public meetings, placed two articles in the *Town Crier* seeking resident input, took the idea to the Legislative Committee, and held two public committee meetings before the legislation was introduced. CM Dixon stated that her original proposal did not include the option for 16-year-olds to vote however many residents were supportive of the idea so it was included.

Resident Bob Smith stated that he was concerned regarding inconsistencies and holes in the legislation. He stated that he would like to see things polished and that a better job could be done.

CM Faulx stated that the topic had been discussed for over 6 months and the process had been incredibly transparent and open.

CM Lingua stated that the first meeting of the Legislative Committee was held on February 21st and that was the first time that the Committee had seen the proposed language. CM Lingua stated that public meetings are not the same as public hearings and suggested that the Council consider holding a public hearing on the legislation. CM Lingua stated that something as fundamental as voting should require that the entire town weigh in on it. He

stated that was not just his opinion but the opinion that he was hearing from Ward 3 residents.

CM Silva stated that all residents in the town should be able to vote.

CM Dixon asked how the Council could make decisions for the entire town when almost one-third of residents cannot vote.

CM Lingua stated that allowing 16-year-olds to vote should be considered as a separate issue. CM Lingua stated that the proposed changes were substantial changes for the Town.

Sheila Smith of 5001 Riverdale Road stated that the legislation had a huge impact and a public hearing should be held to allow for clearer and more focused discussion. Mrs. Smith stated that any change to the Town Charter should require public hearings.

Mayor Thompson thanked everyone for their comments and called a brief recess. The meeting was called back to order at 9:40 p.m.

2. Variance Request: 4512 Riverdale Road for variances of 11.7 feet front yard width for the dwelling, 12.5% net lot coverage and 1.5 feet side lot line and 1.5 rear lot line setbacks for an accessory building (Ward 1)

Applicants Corey Bettenhausen and Sydney Foster of 4512 Riverdale Road stated that they were seeking the Council's support of their variance requests. Mr. Bettenhausen stated that the variances requested for the front yard width, side lot line, and rear lot line setbacks were due to existing conditions and the only variance related to the project was the net lot coverage. Mr. Bettenhausen discussed his project as well the rain barrels that he had installed on his property. Mr. Bettenhausen also stated that he had letters of support from surrounding property owners.

Mayor Thompson stated that the request would be on the regular agenda for the May 7th Legislative Meeting.

3. Variance Request: 5610 Taylor Road for a variance of 2% net lot coverage and waivers of the fence location and height requirements for a fence over 4 feet in height in the side yard (Ward 3)

CM Lingua gave an overview of the variance request. Applicant Adam Trejo discussed his project and the required variances. Mr. Trejo stated that he was doing a lot of landscaping to address flooding issues on his property.

CM Lingua suggested that Mr. Trejo consider the Rain Check Rebate Program. Mr. Trejo reported that his neighbors were not opposed to his project, they just wanted to know what was being planned.

CM Lingua stated that he had received a letter from Mr. Drenoga and he had also spoken with another resident who had serious concerns about the project because the property is located in a 100-year flood plain. CM Lingua stated that he needed to talk with the neighbors and applicant more. CM Lingua scheduled a time to meet with the applicant.

Mayor Thompson stated that the request would be on the regular agenda for the May 7th Legislative Meeting.

4. Fence Permit Request: 5511 Taylor Road for a 5-foot split rail wooden fence (Ward 3)

CM Lingua gave an overview of the fence permit request and stated that he was comfortable with the project. CM Lingua suggested that the request be placed on the Consent Agenda.

There were no objections from the Council so Mayor Thompson stated that Discussion Item 4 would be placed on the consent agenda for the May 7th Legislative Meeting.

5. Street Closure Request: 4900 block of Sheridan Street on June 10, 2018 from 5 p.m. to 8 p.m. for Community Block Party (Ward 2)

CM Faulx gave an overview of the request and suggested that it be placed on the Consent Agenda.

There were no objections from the Council so Mayor Thompson stated that Discussion Item 5 would be placed on the consent agenda for the May 7th Legislative Meeting.

6. Letter of support for Central Kenilworth Avenue Revitalization (CKAR) grant application

CM Lingua gave an overview of the request and stated that CKAR had advised that a letter of support needed to be provided prior to May 18, 2018.

7. Chapter 15- Building Code- Revisions

Development Services Director Kevin Simpson gave an overview of the proposed revisions to Chapter 15- Building Code. Director Simpson stated that staff recommended repealing and replacing Chapter 15 and that the proposed revisions would allow for a consistent appeal process.

Director Simpson stated that he would review the County permit deadline to ensure consistency.

8. Ordinance 2018-OR-06 establishing Redevelopment Zone Initiative Incentive Program

Development Services Director Kevin Simpson gave an overview of Ordinance 2018-OR-06, establishing the Redevelopment Zone Initiative Incentive Program.

Town Manager Lestitian reported that six applications had been received for the Spring Forward Grant Program.

9. Ordinance 2018-OR-07 establishing Go Green Initiative Incentive Program

Development Services Director Kevin Simpson gave an overview of Ordinance 2018-OR-07, establishing the Go Green Initiative Incentive Program.

10. Ordinance 2018-OR-08 Chapter 68, Weeds, Rubbish, and Garbage Maintenance

Development Services Director Kevin Simpson gave an overview of Ordinance 2018-OR-08 Chapter 68, Weeds, Rubbish, and Garbage Maintenance.

It was suggested that noxious weeds be defined in section 68-2, as a reference.

11. Proposed charter, code, and policy edits to align with the organizational structure and address inconsistencies

Town Manager Lestitian stated that Discussion Item 11 was back on the agenda to provide some additional clarity.

CM Faulx asked if the proposed changes were consistent with what other municipalities did in Council-Manager forms of government. Town Manager Lestitian stated that Council-Manager forms of government vary by municipality however, typically the Council does not weigh in on hiring or firing of department heads. Town Manager Lestitian stated that in smaller organizations such as the Town, it was prudent in order to protect the Town and to provide for consistency.

Resident Bob Smith of 5001 Riverdale Road stated that the proposal was a very good and logical way to make changes.

12. Update on FY2019 Proposed Operating and Capital Improvement Project Budget

Town Manager Lestitian stated that staff intended to make the requested edits, correct typos, and bring forward a budget ordinance for introduction at the May 7th Legislative Meeting.

Town Manager Lestitian reported that the Constant Yield Public Hearing would be held prior to the May 7th legislative meeting at 7:30 p.m. and that there was no change in the tax rate.

Town Manager Lestitian also stated that there would be a Special Legislative meeting on May 21st to adopt the budget. He stated that staff were working to reach the Council's goal of having the budget adopted in May.

13. Minutes from March 26, 2018 Special Legislative Meeting, March 26, 2018 Work Session, April 2, 2018 Legislative Meeting, April 21, 2018 Special Legislative Meeting

Mayor Thompson stated that the minutes would be placed on the Consent Agenda for the May 7th Legislative Meeting.

Town Manager's Report

Town Manager John N. Lestitian reported:

- Community Walk will be held on Saturday, May 5th at 9 a.m. and route will be published soon
- Constant Yield Public Hearing will be held on May 7th at 7:30 p.m.
- Community Walk will be held on Wednesday, May 23rd at 5:30 p.m. and will follow the same route as the May 5th walk
- Town Hall and Department of Public Works will be closed on Monday, May 28th

Council Committee & Ward Report

CM Aaron Faulx, Ward 2

CM Faulx deferred his report to May 7th Legislative Meeting.

CM David Lingua, Ward 3

CM Lingua announced that CKAR was meeting on May 1st and deferred the rest of his report to the May 7th Legislative Meeting.

CM Alejandro Silva, Ward 6

CM Silva deferred his report to May 7th Legislative Meeting.

Unfinished Business

- CM Lingua requested an update and status report on the stormwater project along Longfellow Street and 48th Avenue. CM Lingua also discussed the stormwater drain on Taylor Road (south of Riversdale House Museum). Town Manager Lestitian stated that staff had been working with the County on the agreement for the Longfellow Street project. Town Manager Lestitian stated that he would work with Director Addison to provide a status update.
- Mayor Thompson stated that he would likely make a recommendation for M-UTC membership at the May 7th Legislative Meeting.

New Business

There was no new business discussed.

Adjournment

The meeting was adjourned at 10:58 p.m.



Town of Riverdale Park, Maryland

Town Administration

TO: John N. Lestitian, Town Manager

FROM: Jessica Barnes, Town Clerk

Cc: Leadership Team

DATE: February 1, 2019

RE: Council Member Excused Absences from Regular Council Meetings

Background: The Town's Charter establishes reasons for which a vacancy on the Council shall be declared. One such reason is if a member fails to attend three (3) consecutive regular (Legislative Sessions) council meetings without being excused by the council. The relevant section of the Charter follows:

§ 209: Vacancy

(a) A vacancy shall be declared to exist if a council member resigns, is deceased, is recalled, is convicted of a felony, fails to retain all the qualifications necessary for his election, fails to attend three (3) consecutive regular council meetings without being excused by the council, or if no one is elected in an election.

If the Council chooses to excuse a member's absence(s), the Council would need to do so through a motion at a Special or Legislative Session.

c. file

EMPLOYMENT AGREEMENT

THIS AGREEMENT ("Agreement") made this ____ day of _____, _____, by and between the TOWN OF RIVERDALE PARK, a municipal corporation of the State of Maryland (hereinafter referred to as the "Town"), and JOHN N. LESTITIAN, (hereinafter referred to as "Lestitian"), the Town and Lestitian sometimes hereinafter collectively referred to as the "parties." This agreement replaces the Agreement approved by the Town in a Council vote on December 19, 2016. Lestitian began work for the Town on January 19, 2017. The Anniversary Date of this Agreement is hereby established as January 19th.

EXPLANATORY STATEMENT: The Town desires to employ Lestitian as the Town Manager for the Town of Riverdale Park. The position of Town Manager is a non-classified position within the Town of Riverdale Park's personnel system. The Town Manager is appointed by the Council, and serves at the pleasure of the Council, and may be removed by the Council as delineated in Article VII of the Town Charter. Lestitian desires to accept continued employment, and the parties agree that it is appropriate to enter into this Agreement in order to specify the conditions of employment, term of employment, and benefits to be provided to Lestitian.

NOW, THEREFORE, the Town does hereby employ Lestitian and Lestitian accepts employment as Town Manager in accordance with the following terms and conditions:

WITNESSETH:

1. **Employment and Duties:** The Town hereby continues to employ Lestitian as the Town Manager for the Town, to perform such duties prescribed by Article VII Section 702 of the Charter of the Town of Riverdale Park (as may be amended from time-to-time), the Code of the Town of Riverdale Park and other ordinances and resolutions of the Town, and as otherwise may be determined and assigned to him by the Council.
2. **Work Hours:** Lestitian agrees to devote that amount of time and energy which is reasonably necessary, but not less than forty (40) hours per week, to perform his duties as Town Manager and to the perform such other duties as are assigned to him from time-to-time by the Council. Lestitian and the Town understand that a significant part of Lestitian's work duties and responsibilities may occur outside of normal working hours, including attendance at Council meetings and work sessions and other meetings as required. To that end, Lestitian, in coordination with and approval of the Mayor, may take reasonable compensatory time off during normal office hours. Except with prior approval of the Council, Lestitian shall use reasonable efforts to avoid scheduling his vacations and other personal business to occur at times that would preclude his attendance at regularly scheduled Town Council meetings and work sessions.
3. **Term:** Except as hereinafter provided, the term of employment under this Agreement shall commence on the date it is approved by the Council and shall expire

on January 19, 2021. Thereafter, this Agreement shall automatically renew on its Anniversary Date of January 19, for an additional term of two (2) years unless not less than one-hundred eighty (180) days prior to the anniversary date either party gives the other party written notice that this Agreement and Lestitian's employment will terminate at the end of the current term. No notice shall be required to be given if this Agreement is not sooner terminated pursuant to Paragraph 5. Notwithstanding the term of this Agreement, Lestitian's employment under this Agreement shall be subject to termination as provided by Article XII Section 702(b) of the Town Charter (as amended from time-to-time).

4. **Performance Evaluation:** The Council shall annually review the performance of Lestitian subject to a process, form, criteria, and format for the evaluation which shall be mutually agreed upon by the Council and Lestitian, except that if the parties do not agree at least 60 days prior to an Anniversary Date, the Council shall establish the process, form, criteria, and format. The process shall include, but is not limited to, the opportunity for both parties to: (1) prepare a written evaluation, (2) meet and discuss the evaluation, and (3) present a written summary of the evaluation results. The final written evaluation shall be completed and delivered to Lestitian within thirty (30) days following the evaluation meeting, but to the extent practicable not later than sixty (60) days after an Anniversary Date of this Agreement. The Council will satisfy the requirements of this paragraph should the automatic increase in salary as described in clause 6 occur.

The Council and Lestitian shall define and reduce to writing reasonable goals and performance objectives which the parties determine necessary for the proper operation of the Town and in the attainment of the Council's policy objectives, and shall further establish a relative priority among those various goals and objectives. Should the Council not provide feedback not later than sixty (60) days after an Anniversary Date, written goals and performance objectives provided to the Council by Lestitian shall be deemed to have been approved by the Council as presented.

5. **Termination and Severance Pay:** In the event that prior to the end of the term or any renewal term of this Agreement the Council terminates Lestitian's employment, other than for cause as defined herein and other than for non-renewal of this Agreement at the end of a term, Lestitian shall be entitled to severance compensation that consists of a lump sum payment equal to nine (9) months' salary, less required withholdings and deductions.

A. Termination other than for cause includes, but is not limited to, one or more of the following:

- i. Amendments to provisions of the charter or code pertaining to the role of the Town Manger position that substantially changes the form of government or the role of the Town Manager to the extent that Lestitian decides to leave his employment; or
- ii. Reduction in salary or benefits to a greater percentage than imposed on department head staff to the extent that Lestitian decides to leave his employment; or
- iii. Material breach of this Agreement by the Town. A material breach is defined to be the Town breaching its obligations in Paragraphs 6, 7, 8, 9, 10, 11 and/or 19 of this Agreement.

In the event Lestitian is terminated for cause, then, in that event, the Town shall have no obligation to pay any severance compensation as provided in this Paragraph 5.

- B. Termination for cause as used in this Paragraph 5, “cause” includes, but is not limited to, one or more of the following:
- i. Any act or omission which would constitute misfeasance, malfeasance or nonfeasance or other misconduct in office, whether or not such conduct is, or is prosecuted as, a criminal offense;
 - ii. Conduct involving moral turpitude, whether or not such conduct is prosecuted as a criminal offense;
 - iii. Conduct within or outside the workplace that is, or reasonably could be construed to be, detrimental to the interests or reputation of the Town; or
 - iv. Material breach of this Agreement by Lestitian.

In the event Lestitian desires to terminate his employment with the Town prior to the end of the term or any renewal term provided in this Agreement and in accordance with Paragraph 3 above, Lestitian shall be required to provide the Town Council with written notice ninety (90) days prior his final date of employment. If Lestitian provides notice of this termination of employment less than ninety (90) prior his final date of employment, Lestitian shall forfeit all accrued vacation and sick leave to which Lestitian otherwise would be entitled to be paid upon termination of his employment.

6. **Salary:** Lestitian shall be paid an initial salary under this Agreement of One-hundred Thirty-eight Thousand Six-hundred Forty-six Dollars (\$138,646) payable in equal installments at the same intervals as other Town management personnel are paid. Lestitian’s salary shall be increased by the same “across-the-board” percentage increases in compensation as are provided to other employees of the Town from time-to-time. Beginning on January 19, 2020 and annually thereafter, Lestitian shall be eligible to receive a merit increase in salary of up to the same maximum increase for which Town employees generally are eligible as delineated in the approved Pay Range Plan. The entitlement and exact amount of any merit increase shall be determined as part of Lestitian’s annual performance evaluation and as delineated in the approved Pay Range Plan.

In the event that the Council fails to provide a performance evaluation that includes a determination of the exact amount of any merit increase or shall otherwise fail to determine the exact amount of any merit increase within sixty (60) days following January 19, 2020 and any subsequent Anniversary Date, Lestitian shall be awarded the maximum amount of merit increase as determined by the approved Pay Range Plan. All merit increases shall be effective on the Anniversary Date.

7. **Sick Leave:** Lestitian shall accrue sick leave at the same rate as other employees of the Town with comparable tenure and be bound by policies and benefits as generally applicable to other Town employees.

8. **Vacation Leave:** Lestitian shall accrue vacation leave at the same rate as other Town employees who have attained 4 to 9 years of service with the Town, or at the same rate as other Town employees who have attained the same number of years of service should his years of service exceed 9 years during the term of the Agreement. Lestitian may carry over from one calendar year to the next the same amount of vacation leave, as outlined in the Town's Personnel Manual as may be updated from time-to-time. Except as otherwise provided in Paragraph 5 of this Agreement in connection with a termination for cause, the Town agrees to pay Lestitian for his accrued but unused vacation time upon termination of his employment in accordance with payment for unused vacation leave as generally applicable to other Town employees. The hourly rate value of such unused leave at the termination of employment shall be determined by dividing Lestitian's annual salary at the time of termination of employment by 2080 hours.
9. **Personal Leave:** The Town shall credit Lestitian with such number of personal leave days, if any, for use in each calendar year as are provided generally for Town employees. Lestitian's use of personal leave, if any, shall be subject to reasonable approval by the Mayor.
10. **Insurance Benefits:** The Town agrees to put into force and to make required premium payments for Lestitian for any group insurance policies, including health insurance, as are offered generally to other Town employees. Lestitian agrees that the Town, at its discretion, may take out a life insurance policy on Lestitian for Town's benefit, and Lestitian shall allow reasonable evaluation to secure such policy.
11. **Retirement:** The Town shall provide Lestitian with such retirement benefits, and allow Lestitian to participate in such retirement plans, as generally are provided for other Town employees.
12. **Dues and Subscriptions:** The Town agrees to budget reasonable amounts and to pay for reasonable professional dues and subscriptions of Lestitian necessary for his continuation and reasonable participation in national, state, regional, and local associations and organizations necessary and desirable for his continued professional participation, growth, and advancement, and for the good of the Town, including but not limited to the International City/County Management Association, the Maryland City/County Managers Association, Maryland Municipal League City/Town Managers Association, and similar State and local managers associations.
13. **Professional Development:** The Town hereby agrees to budget reasonable amounts for and to pay reasonable travel and subsistence expenses of Lestitian for short courses, institutes and seminars, and other professional and official travel, meetings and occasions, adequate to continue the professional development of Lestitian and to adequately pursue necessary official and other functions for the Town, including but not limited to the International City/County Management Association, the Maryland City/County Managers Association, Maryland Municipal League City/Town Managers Association, and similar State and local managers associations.

- 14. Local Organizations:** The Town recognizes the desirability of the representation in and before local civic and other organizations, and Lestitian is authorized to become a member of such civic clubs or organizations that the Town Council and Lestitian agree would be mutually beneficial to the Town and Lestitian, for which Town shall pay Lestitian's reasonable expenses.
- 15. General Expenses:** The Town recognizes that certain expenses of a non-personal and generally job-affiliated nature may be incurred by Lestitian, and hereby agrees to reimburse or to pay reasonable general expenses. These expenses are to be reviewed and approved by the Council prior to reimbursement.
- 16. Outside Employment:** Lestitian shall not engage in any other employment during the term of this Agreement except that Lestitian may (i) teach up to one university/college course at any one period of time, and (ii) give single lectures to various groups, provided that any and all such activities will be reported in writing to the Town Council 30 days in advance. Each report shall include the time and place of the secondary work, and an estimation of the amount of time that Lestitian will provide to the secondary employer.
- 17. Automobile:** Lestitian has elected to use his personal vehicle to conduct Town business and to drive to and from his home. Lestitian shall maintain a business use endorsement on his personal automobile insurance policy and shall name the Town as an additional insured on such policy. Lestitian shall also receive in addition to the salary and benefits otherwise noted, an annual vehicle allowance in the amount of one-thousand three-hundred dollars payable in the same equal installments as established in the payroll schedule. The Town shall, if requested by Lestitian, reimburse Lestitian at the IRS-standard mileage rate for any Town-business-related vehicle use with any destination more than 100 miles from 5008 Queensbury Road as measured on Lestitian's personal vehicle's odometer. Nothing in this section precludes Lestitian from operating a Town-owned vehicle.
- 18. Cell Phone:** The Town shall provide Lestitian with a cell phone for City business and emergency personal use. Lestitian agrees not to use a personal cell phone for City business use except in extraordinary circumstances.
- 19. Indemnification:** The Town agrees to hold harmless, indemnify and defend Lestitian from and against and claims, demands and judgments against him arising from any act or omission by him within the course and scope of his employment as Town Manager to the extent that such hold harmless, indemnification and defense is required or provided by the Maryland Local Government Tort Claims Act as amended from time-to-time.
- 20. ICMA and Ethical Considerations:** Lestitian shall remain a full member in good standing of International City/County Management Association during his employment as Town Manager. Lestitian will at all times uphold the tenets of the ICMA Code of Ethics, a copy of which is attached hereto as Attachment A and incorporated herein. Specifically, Lestitian shall not endorse candidates, make financial contributions, sign or circulate petitions for a candidate, or participate in

funding activities for individuals seeking or holding elected office, nor seek or accept any personal enrichment or profit derived from confidential information or misuse of public time. In addition to being bound by the ICMA Code of Ethics, Lestitian also shall be governed by the Town's ethics ordinance. In the event of a conflict between the ICMA Code of Ethics and the Town's ethics ordinance, Lestitian's conduct shall be governed by the more restrictive provision to the extent of the conflict.

- 21. Other Terms and Conditions of Employment:** The Council shall fix any such other terms and conditions of employment, as the Council may determine from time-to-time, relating to the performance of Lestitian, provided such terms and conditions are not inconsistent with or in conflict with the provisions of this Agreement, with the Town Charter or Code, or any other law.
- 22. Conflict with Town Personnel Manual:** If any provision of this Agreement conflicts with the City's personnel manual, the provisions of this Agreement shall prevail to the extent of such conflict. Lestitian shall be bound by the City's personnel manual in all other respects except to the extent that a provision of the Personnel Manual expressly exempts the Town Manager from its coverage.
- 23. Notices:** Notice pursuant to this Agreement shall be given by deposit in the custody of the United States Postal Service, certified mail, return receipt requested, postage prepaid, addressed as follows:

TOWN: Mayor and Town Council
Town of Riverdale Park
5008 Queensbury Road
Riverdale, Maryland 20737

and to Frederick C. Sussman, Esquire, Town Attorney
Council, Baradel, Kosmerl & Nolan, P.A.
125 West Street, 4th Floor
Annapolis, Maryland 21401

LESTITIAN: John Lestitian
1801 Clydesdale Place, #414, NW
Washington, D.C. 20009

Alternatively, notices required pursuant to this Agreement may be personally served in the same manner as is applicable to civil judicial practice in Maryland. Notice shall be deemed given as the date of personal service or as of the date of deposit of such written notice in the course of transmission in the United States Postal Service. Town and Lestitian may designate an alternate person or address for delivery of notice by providing notice of the change in the manner specified in this paragraph.

24. General Provisions:

- A. This Agreement shall constitute the entire agreement between the parties.

B. If any provision, or any portion thereof, contained in this Agreement is held unconstitutional, invalid, or unenforceable, the remainder of this Agreement, or portion thereof, shall be deemed severable, shall not be affected and shall remain in full force and effect.

25. Binding Effect: This Agreement shall be binding upon and inure to the benefit of Lestitian and the Town and their respective heirs, personal representatives, officials, agents, successors and assigns.

26. Prior Actions of Town: The parties hereto recognize and acknowledge that Lestitian assumes the position of Town Manager without assuming any responsibilities, in his individual capacity, for the prior actions of the Town, its officers, officials, or its employees, excepting those prior responsibilities which may have been under Lestitian's direct and immediate control at the time they occurred.

IN WITNESS WHEREOF, the Town has caused this Agreement to be signed and executed in its behalf by its Mayor, and Lestitian has signed and executed this Agreement, both in duplicate, the day and year first above written.

ATTEST:

TOWN OF RIVERDALE PARK

By: _____
Alan K. Thompson, Mayor

ATTEST:

John N. Lestitian

ATTACHMENT A

ICMA CODE OF ETHICS



Town of Riverdale Park, Maryland

Town Administration

TO: John N. Lestitian, Town Manager

FROM: Jessica Barnes, Town Clerk

Cc: Leadership Team

DATE: February 1, 2019

RE: 2019 Town Election

Action Requested: Staff request that the Council adopt Ordinance 2019-OR-01 designating the polling place and hours of operation; the use of voting machines or paper ballots; and establishing the candidate filing deadline and candidate filing fee for the 2019 Town Election to be held on May 6, 2019 at the February 4, 2019 Legislative Meeting.

Background: After consultation with Town Attorney Fred Sussman, staff prepared Ordinance 2019-OR-01 for introduction at the January 28th Special Legislative Meeting and adoption at the February 4th Legislative Meeting.

Section 508 of the Town Charter states that certain aspects of the Town election, such as designating the polling place and hours of operation, and designating the use of voting machines or paper ballots, shall be done by ordinance.

Furthermore, Town Attorney Fred Sussman has advised that any fee, such as the candidate filing fee, should be set by ordinance.

Attached, please find Ordinance 2019-OR-01 regarding the 2019 Town Election.

COUNCIL OF THE TOWN OF RIVERDALE PARK
Ordinance 2019-OR-01

Introduced By: CM Aaron Faulx

Date Introduced: January 28, 2019

Amendments Adopted:

Date Adopted:

Date Effective:

AN ORDINANCE concerning

2019 Town Election

FOR the purpose of designating the polling place and hours of operation; designating whether voting machines or paper ballots shall be used; and establishing the candidate filing deadline and candidate filing fee for the 2019 Town Election to be held on May 6, 2019.

1 **SECTION 1. BE IT ENACTED BY THE COUNCIL OF THE TOWN OF**
2 **RIVERDALE PARK** that the polling location for the Town election to be held on May 6, 2019,
3 shall be Town Hall, 5008 Queensbury Road, and the polling location shall be open from 7:00 a.m.
4 until 8:00 p.m.
5

6 **SECTION 2. AND BE IT ENACTED BY THE COUNCIL OF THE TOWN OF**
7 **RIVERDALE PARK** that paper ballots shall be used for the Town election to be held on May 6,
8 2019.
9

10 **SECTION 3. AND BE IT ENACTED BY THE COUNCIL OF THE TOWN OF**
11 **RIVERDALE PARK** that the candidate filing deadline shall be April 11, 2019 and the candidate
12 filing fee shall be twenty-five dollars (\$25.00).
13

14 **SECTION 4. AND BE IT FURTHER ENACTED BY THE COUNCIL OF THE**
15 **TOWN OF RIVERDALE PARK** that this Ordinance shall become effective at the expiration
16 of twenty (20) calendar days following adoption.
17

ATTEST:

COUNCIL OF THE TOWN OF
RIVERDALE PARK

Jessica E. Barnes, Town Clerk

Alan K. Thompson, Mayor

**TOWN OF RIVERDALE PARK
FAIR SUMMARY OF
ORDINANCE 2019-OR-01
2019 TOWN ELECTION**

This is to give notice that the Riverdale Park Town Council has introduced and intends to take action on Ordinance 2019-OR-01.

Ordinance 2019-OR-01 would designate the polling place and hours of operation; specify whether voting machines or paper ballots shall be used; and establish the candidate filing deadline and candidate filing fee for the 2019 Town Election to be held on May 6, 2019.

Ordinance 2019-OR-01 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

**Published in the Enquirer-Gazette on January 31, 2019.*



Town of Riverdale Park, Maryland

Town Administration

TO: John N. Lestitian, Town Manager

FROM: Jessica Barnes, Town Clerk

Cc: Leadership Team

DATE: February 1, 2019

RE: Adoption of Resolutions to Appoint Judges for the 2019 Town Election

Action Requested: At the February 4th Legislative Meeting, formal action is required by the Council to appoint election judges and a Board of Election Appeals.

Background: Staff prepared draft resolutions (see attached) for the Mayor and Council's review at the January 28th Work Session and adoption at the February 4th Legislative Meeting. The following code sections are provided as reference material:

§ 29-3. Election officials.

(b) The chief judge and the deputy chief judge shall be appointed from the town at large by the Mayor, and the other judges shall be appointed by the Council members from their respective wards. Four (4) alternates for the judges other than the chief judge and the deputy chief judge, or as many as is deemed necessary, shall also be appointed by the Council members. Appointments shall be confirmed by the Council at a February legislative meeting next preceding the town election in May. In the event no judge or alternate is available from a ward, a judge or alternate may be appointed from the town at large. A judge or alternate must be a qualified voter and be able to read and write the English language.

§ 29-6. Compensation of election officials.

The compensation of judges of election shall be established by the Mayor and Council at the February meeting at which the judges are appointed.

§ 29-22. Board of Election Appeals.

A Board of Election Appeals shall be appointed at the same time as appointment of the judges of election. The Board shall consist of seven (7) members, one (1) each appointed

by the Mayor and each Council member. The duties of the Board shall be to receive petitions and render decisions as described in the preceding section.

Attachments:

Resolution 2019-R-02 regarding appointment and compensation of Election Judges for the May 6, 2019 Town election

Resolution 2019-R-03 regarding appointments to the Board of Election Appeals for the May 6, 2019 Town election

COUNCIL OF THE TOWN OF RIVERDALE PARK, MARYLAND
Resolution 2019-R-02

Introduced by:

Date Introduced:

Date Adopted:

Date Effective:

FOR THE PURPOSE of confirming appointments, and establishing compensation, for Judges for Town election to be held on May 6, 2019.

WHEREAS, Article V of the Town of Riverdale Park Charter governs all Town elections; and

WHEREAS, Section 502 of that Article requires that the Mayor and Council appoint judges and clerks of election; and

WHEREAS, Section 29-3 of the Riverdale Park Town Code provides that the chief judge and deputy chief judge shall be appointed by the Mayor from the Town at-large, and that each Councilmember shall appoint one judge from their respective wards, and that all appointments are subject to confirmation by the Council; and

WHEREAS, the Mayor and Councilmembers have made the appointments as required by Section 29-3 and submitted the appointments to the Council for confirmation; and

WHEREAS, Section 29-6 of the Town Code requires the Mayor and Council to establish compensation of the judges of election at the meeting when the judges are appointed; now, therefore,

SECTION 1. BE IT RESOLVED BY THE COUNCIL OF THE TOWN OF RIVERDALE PARK that the Council confirms the appointments of the following individuals to serve as judges for the Town election on May 6, 2019:

Chief Election Judge:

Deputy Election Judge:

Election Judge Ward 1:

Election Judge Ward 2:

Election Judge Ward 3:

Election Judge Ward 4:

Election Judge Ward 5:

Election Judge Ward 6:

SECTION 2. AND BE IT FURTHER RESOLVED BY THE COUNCIL OF THE TOWN OF RIVERDALE PARK that, the judges shall be paid the following rates:

Chief Judge: \$300 for Election Day, \$50 for training and \$12.00 per hour for election preparation.

Deputy Judge: \$200 for Election Day, \$50 for training and \$12.00 per hour for election preparation.

Ward Judges: \$200 for Election Day and \$50 for training.

SECTION 3. AND BE IT FURTHER RESOLVED BY THE COUNCIL OF THE TOWN OF RIVERDALE PARK that this Resolution shall become effective immediately upon its passage by the Council.

ATTEST:

COUNCIL OF THE TOWN OF
RIVERDALE PARK

Jessica Barnes, Town Clerk

Alan K. Thompson, Mayor

COUNCIL OF THE TOWN OF RIVERDALE PARK, MARYLAND
Resolution 2019-R-03

Introduced by:

Date Introduced:

Date Adopted:

Date Effective:

FOR THE PURPOSE of appointing members of the Board of Election Appeals for the Town election on May 6, 2017.

WHEREAS, Article V of the Town of Riverdale Park Charter governs all Town elections; and

WHEREAS, Section 502 of that Article requires that the Mayor and Council appoint judges and clerks of election; and

WHEREAS, Chapter 29-22 of the Town Code requires the Mayor and Council to appoint seven (7) members, one (1) each appointed by the Mayor and each Council Member, to the Board of Election Appeals;

THEREFORE, be it resolved that:

Mayor and Council appoint the following members of the Board of Election Appeals for the Town election on May 6, 2019:

Mayor:

Ward 1:

Ward 2:

Ward 3:

Ward 4:

Ward 5:

Ward 6:

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: February 1, 2019

RE: Amendments to Chapter 42 Licenses

Action Requested: No formal action is requested at the February 4th Legislative Meeting. Staff seek an opportunity discuss with the Mayor and Council proposed amendments to Chapter 42.

Background: Staff have reviewed Chapter 42 and have developed considerable edits. The proposed amendments are summarized in the following table:

Existing	Proposed
Chapter 42 Licenses	Chapter 42 Business Licenses
<ul style="list-style-type: none">• Licenses trades and businesses• No stated purpose• No Definitions• Includes religious institutions, rooming houses and references to multifamily dwellings• Existing Fees• Mobile Vending Provisions• Temporary License Provisions• Involved suspension and review process• Broad enforcement actions• Police enforcement actions• Existing Municipal Infraction fine• Appeal enforcement to the Mayor and Council	<ul style="list-style-type: none">• Licenses businesses• Stated purpose – tied to vision and commitment• Definitions added• Narrows scope• Fee increase for alcohol sales• Specialty Licenses<ul style="list-style-type: none">○ Mobile Vending○ Seasonal / Temporary License• Streamlined suspension and review process• Refined enforcement actions• Police assistance with enforcement• Increased Municipal Infraction fine• Appeal enforcement to Board of Code Appeals

Staff are developing a revised ordinance as outlined above. Additional information will be presented at the Work Session to further expand on each change.

c. Leadership Team

Chapter 42

BUSINESS LICENSES

§ 42-1. Purpose.

§ 42.2. Matters Covered.

§ 42.3. Definitions.

§ 42-4. License required.

§ 42-5. Application forms; and required documentation.

§ 42-6. License fees.

§ 42-7. License issuance; denial.

§ 42-8. Specialty Licenses.

§ 42-9. Operational regulations.

§ 42-10. Suspension and revocation.

§ 42-11. Appeals.

§ 42-12. Penalties and enforcement

[HISTORY: Adopted 2-12-62. Amended in its entirety 5-20-74, effective 7-1-74. Subsequent Amendment history noted where applicable. Sections 42-2, et seq., renumbered and §§ 42-1 and 42-2 amended 2-6-95, effective 2-26-95. Section 42-2 and 42-13 Amended 3-1-99. Section 42-6 Amended 6-18-01. Sections 42-1 through 42-13 repealed, replaced and renumbered 8-26-13, effective 9-15-13]

REFERENCES

Amusement machine fees -- See Chapter 9.

Camping fees -- See Chapter 17.

Carnival and show permits -- See Chapter 19.

Club permits -- See Chapter 22.

Dance hall permits -- See Chapter 25.

Municipal Infractions -- See Chapter 46.

Rental licensing -- See Chapter 55.

§ 42-1. Purpose.

(a) The Council has adopted a vision and commitment for business and economic development, and for housing and neighborhoods. As part of the Town's efforts to ensure these vision and commitment statements are realized, the Town administers various programs and initiatives through the adopted Town Code. This Chapter supports business, economic development, housing and neighborhoods through the licensing and inspection of businesses throughout the Town. This Chapter is intended to ensure that defined businesses are properly located, improved, maintained, licensed, and operated so that the businesses add value to the Town.

(b) A further purpose of this Chapter is to protect and promote the public health, safety, and welfare of the residents of the Town, to establish obligations and rights of business owners; to maintain and improve the quality of businesses; and improve the business climate within the Town. This Chapter also ensures compliance with laws, ordinances, and regulations applicable to businesses within the Town; and prevents deterioration of business real property, supports property values, and encourages responsible business management.

§ 42-2. Matters Covered.

(a) This Chapter shall apply to businesses operating in the Town of Riverdale Park as defined herein. Compliance with Town and other applicable codes and regulations for locating, improving, maintaining, and operating is required.

§ 42-3. Definitions.

(a) **Business.** A business includes any person, corporation, or other legal entity that engages in the selling of goods and/or services. A business includes for-profit and non-profit entities. A business also includes certain home-based businesses not otherwise excluded in this Chapter; coin-operated vending businesses; mobile vending businesses; and seasonal or temporary businesses.

(b) **Excluded businesses.** The following businesses are excluded from the requirements of this Chapter:

1. Leasing of residential rental units as defined and licensed under Chapter 55 of this Code is not the operation of business.
2. Home-occupations permitted under the Prince George's County Zoning ordinance at which no more than two (2) of the home-owners or residential tenants are the only employees and provide onsite services to no more than two (2) customers at any given time.

- (c) **License year.** A license issued under this Chapter:
 - (1) Is valid for the period July 1 through the following June 30. A license issued after July 1 in any year is valid until the ensuing June 30.
 - (2) May be renewed for successive terms of one year each upon compliance with the requirements of this Chapter.
- (d) **Mobile Vendor.** A person who sells or offers to sell goods, wares, or food from a vehicle, trailer, kiosk, pushcart, stand, or other device designed to be portable, not permanently attached to the ground and operating in no fixed or permanent location.

§ 42-4. License Required.

- (a) A person may not operate a business in the Town without first obtaining a license as required by this Chapter.
- (b) A license shall be applied for and issued to the owner or other person responsible for operating the business in the Town. If the owner of, or other person responsible for operating, the business is a legal business entity, the license shall be issued to an officer of the business entity who shall hold the license for the sole use and benefit of the business entity.

§ 42-5. Application; forms; and required documentation.

Any person seeking a license, or the renewal of a license, under this Chapter shall file with the Town Manager or their designee a written application, under penalty of perjury, in a form prescribed by the Town. The application for an initial license or the renewal of a license shall include or be accompanied by the following to the extent reasonably available:

- (1) The address of the premises at which the business will be operated.
- (2) The zoning classification of the premises at or from which the business will be operated.
- (3) The name, telephone number, e-mail address, and postal mailing address of the owner of the premises.
- (4) The name, telephone number, e-mail address, and postal mailing address of the applicant.
- (5) The name, telephone number, e-mail address, and postal mailing address of an emergency contact.
- (6) Designation of an individual who will be authorized to accept notices and citations from the Town with respect to the operation of the business.
- (7) A copy of the current use and occupancy permit for the premises that shows that the business is authorized at the premises if another regulatory authority requires a use and occupancy certificate.
- (8) A copy of the current alcoholic beverage license for the premises if the service of alcoholic beverages are allowed at the premises.
- (9) Evidence that the premises satisfies all applicable property maintenance code, business licensing, and safety regulations for the operation of business.
- (10) A statement by the applicant and the owner of the premises that the filing

of the application and the acceptance of the license issued by the Town constitutes consent to and authority for Town designated regulatory officials to enter the premises of the business with prior notice during regular business hours before approval of the license for the limited purpose of determining whether representations contained in the application are accurate, and, after a license has been issued, investigating, based upon probable cause, violations of this Chapter and the license. Where entry to a premise is refused, Town regulatory officials, may obtain a warrant to authorize entry.

42-6. License fees.

(a) The amount of the annual license fee is \$150, except that for the following types of Businesses, the amount of the annual license fee is the amount specified:

- (1) Coin-Operated Vending: The amount of the annual license fee is \$20 per machine in addition to the license fee for the business in which the machine is located.
- (2) Mobile Vending: The amount of the annual license fee is \$50 per mobile vending unit.
- (3) Alcoholic Beverage: For the operation of a business engaged in the sale of alcoholic beverages, the amount of the annual license fee is \$200 plus:
 - I. \$50 for a business holding a County alcoholic beverage license for offsite sale beer and wine.
 - II. \$100 for a business holding a County alcoholic beverage license for offsite sale beer, wine and liquor.
 - III. \$50 for a business holding a County alcoholic beverage license for onsite sale beer and wine.
 - IV. \$100 for a business holding a County alcoholic beverage license for onsite sale beer, wine and liquor.
 - V. \$80 for a business holding a County alcoholic beverage license for on and offsite sale beer and wine.
 - VI. \$100 for a business holding a County alcoholic beverage license for on and offsite sale beer, wine and liquor.
- (4) There is no license fee for non-profit businesses.

(b) The fee for a license issued after July 1 shall not be prorated for the remainder of the year for which the license is issued.

(c) A late fee in the amount of \$20 may be imposed on any license renewal application filed after the due date on the application or any authorized extensions.

§ 42-7. License issuance; denial.

(a) When the Town receives a completed application for a license under this Chapter, the Town shall conduct a review of the application.

(b) After the Town completes the review, the Town Manager or their designee shall

determine whether the license should be granted and whether any terms, conditions and restrictions should be attached to the granting of the license, including providing the applicant with a reasonable time to come into compliance with the requirements of this Chapter. Any terms, conditions and restrictions shall be based on the then current applicable codes, laws and regulations.

(c) The Town Manager or their designee shall grant the license, with or without terms, conditions and restrictions, except that the Town Manager or their designee shall deny the application if:

(1) The Town Manager or their designee determines that the business for which the license is not and reasonably cannot be expected to comply with applicable codes, laws, and regulations; or

(2) The business for which the license has been applied has any unpaid town fees or taxes, or any other unsatisfied obligations to the Town, unless the business has submitted a payment plan that is satisfactory to the Town Manager or their designee to pay the fees or taxes or to satisfy other obligations.

(d) A license issued under this Chapter:

(1) Shall identify each business for which the license is issued.

(2) Shall identify the person to whom the license is issued.

(3) Shall identify the location at which the business will be conducted, except that a license issued to a mobile vendor shall identify the business as a mobile vendor.

(4) Shall list all terms, conditions and restrictions imposed upon the granting of the license.

(5) Is not assignable or transferrable to another person, business or location.

(e) If the Town Manager or their designee denies an application for a license under this Chapter, a written notification detailing the reasons for the denial shall promptly be provided to the applicant by hand delivery; by first class U.S. Mail or by email to the email address provided in the application.

§ 42-8. Specialty License Provisions.

(a) Mobile Vending License: A mobile vendor may not remain standing in a fixed or permanent location to service customers. All mobile vendors' vehicles must be clearly marked as to identify the name of business and phone number and display all required permits and licenses.

(b) Seasonal and Temporary License:

(1) Any person, corporation, or other legal entity issued a temporary business use and occupancy permit, or license from Prince George's County shall apply for a temporary license to conduct business in the Town.

(2) Application. All applications for a temporary license must include the

following: County issued permit copies.

- I. Description of services to be offered.
- II. Location of temporary business.
- III. Written authorization by Owner/Manager of any commercial property to be used for operation of temporary business.
- IV. Listing Saturday, Sunday and legal holidays as defined by the Federal Government only, including hours of operations.

(3) Restrictions.

- I. No trailer or tent or motor vehicle or vehicle canopy will be allowed to be used for sales.
- II. All displays or sales must be conducted on the commercially zoned property no more than fifteen (15) feet from the main entrance door to the commercially operated business.
- III. All display/sales area shall be located at least twenty-five (25) feet from an existing street line and from any adjacent lot lines.
- IV. The temporary permit shall be issued for not more than three (3) consecutive months.
- V. The temporary permit shall be used only on Saturday, Sunday and legal holidays.

(4) Services offered must comply with site/location zoning for sale of goods.

§ 42-8. Operational regulations.

- (a) The provisions of this section govern the operation of a business licensed under this Chapter and are conditions of the license.
- (b) The holder of the license promptly shall notify the Town Manager or their designee of any changes to any of the information submitted as part of the application for the license.
- (c) The operation of the business and premises shall comply with all applicable property maintenance code, building code, business licensing, zoning, alcoholic beverage and liquor licensing and life safety and occupancy regulations.
- (d) The business shall be operated within the times allowed by zoning and alcoholic beverage regulations, except to the extent that more limiting hours of operation are established by the Town as a condition of the issuance of the license.
- (e) Where the sale or consumption of alcoholic beverages otherwise is permitted, alcoholic beverages may not be sold or served to any individual under 21 years of age or to any individual whose reasonable observation demonstrates is intoxicated or under the influence of alcohol.
- (f) No disorderly conduct or public nuisance shall be permitted to occur or continue in

or within in close proximity to the premises of the licensed business.

(g) The business shall be operated in accordance with all applicable laws including, but not limited to, those described in subsection 4 of this section.

(h) The individuals in charge of the operation of the business shall not allow patrons or guests to engage in conduct on the premises that violates applicable laws including, but not limited to, laws relating to consumption of alcoholic beverages and public decency.

(i) The operators of the business shall not allow loitering to occur outside the premises of the business.

(j) The business shall be operated in a manner that does not result in the business being a public nuisance or result in the repeated response by the Police Department for conduct in or about the premises where the business is being operated.

§ 42-10. Suspension and revocation.

(a) The provisions of this section are in addition to the provisions of § 42-12 (penalties and enforcement).

(b) If a Town regulatory official observes that a business for which a license has been issued under this Chapter is being operated in violation of this Chapter or in violation of the license, the official may issue a written notice to the business to cease and desist, or to correct, the unauthorized activity immediately or such longer time specified in the notice. If the violation is not corrected as required, the regulatory official may suspend or revoke the license.

(c) If any other government regulatory agency suspends or revokes a license or permit issued by that agency for operation of the business in the Town, licenses under this Chapter shall automatically be suspended or revoked until such time as the other government regulatory agency removes such suspension or revocation.

§ 42-11. Appeals.

(a) Any person aggrieved by a decision to deny the granting of a license under this Chapter, or to impose any terms, conditions and restrictions upon the granting of a license, may appeal the Town decision to the Board of Code Appeals as established in Chapter 56 of this Code.

§ 42-12. Penalties and enforcement.

(a) A person may not violate this Chapter, or the terms, conditions or restrictions of a

license issued under this Chapter. Each day that a person continues to violate this Chapter, or the terms, conditions or restrictions of a license issued under this Chapter is a separate offense.

(b) A person who violates this Chapter or the terms, conditions or restrictions of any license issued under this Chapter is guilty of a municipal infraction and subject to a fine in the amount of \$200 for the violation, except that the amount of the fine for each day that a violation continues is \$400.

(c) This Chapter may be enforced by any Town staff designated by the Town Manager.

(d) In addition to the issuance of municipal infraction citations, after notice to the manager or other individual on the premises in charge of the operation of the business, the Town may order the premises to be vacated and posting on the exterior of the premises notices that the business is unlicensed and operating in violation of the Town Code.

(e) In addition to the other remedies provided in this section, the Town may institute a judicial proceeding to enforce or restrain violations of the provisions of this Chapter or of a license issued under this Chapter.

(f) The enforcement of the Mobile Vendor License requirements shall be a joint operation between the Town's Police Department and regulatory officials designated by the Town Manager. The Police Department shall identify mobile vendors operating without or in violation of a Town issued license. The Town's regulatory staff shall then act upon that information to gain compliance and where appropriate take enforcement action.

Chapter 42 LICENSES

§ 42-1. Scope.

§ 42-2. License required.

§ 42-3. Duration of license.

§ 42-4. Application.

§ 42-5. Application review and consideration.

§ 42-6. License fees.

§ 42-7. Licenses.

§ 42-8. Operational regulations.

§ 42-9. Special regulations for mobile vendors.

§ 42-10. Suspension and revocation of license.

§ 42-11. Appeals.

§ 42-12. Penalties and enforcement

§ 42-13. Temporary License [Added 3-05-04]

[HISTORY: Adopted 2-12-62. Amended in its entirety 5-20-74, effective 7-1-74. Subsequent Amendment history noted where applicable. Sections 42-2, et seq., renumbered and §§ 42-1 and 42-2 amended 2-6-95, effective 2-26-95. Section 42-2 and 42-13 Amended 3-1-99. Section 42-6 Amended 6-18-01. Sections 42-1 through 42-13 repealed, replaced and renumbered 8-26-13, effective 9-15-13]

REFERENCES

Amusement machine fees -- See Chapter 9.

Camping fees -- See Chapter 17.

Carnival and show permits -- See Chapter 19.

Club permits -- See Chapter 22.

Dance hall permits -- See Chapter 25.

Municipal Infractions -- See Chapter 46.

Rental licensing -- See Chapter 55.

§ 42-1. Scope. [Amended 9-2-14, effective 9-22-14]

- (a) This chapter applies to the operation of a trade or business in the Town of Riverdale Park.
- (b) For purposes of this chapter a trade or business includes commercial trades or businesses, not-for profit enterprises, religious institutions and enterprises affiliated with religious institutions.
- (c) For purposes of this chapter the operation of one or more single-family dwellings or dwelling units for rent and for which licenses have been issued under Chapter 55 of this Code is not the operation of a trade or business with respect to such rentals.

§ 42-2. License required.

- (a) A person may not operate a trade or business in the Town of Riverdale Park without obtaining a license from the Town under this chapter and paying the required license fee.
- (b) A license shall be applied for and issued to the owner or other person responsible for operating the trade or business in the Town. If the owner of, or other person responsible for operating, the trade or business is a business entity the license shall be issued to an officer of the business entity who shall hold the license for the sole use and benefit of the business entity. The licensee is personally liable for complying with this chapter and all terms and conditions of the license.
- (c) A license issued under this chapter is in addition to a license required under this code.
- (d) A person who is eligible for and obtains a temporary license under § 42-13 of this code is exempt from obtaining a license under this chapter.

§ 42-3. Duration of license.

A license issued under this chapter:

- (1) Is valid for the period July 1 through the following June 30. A license issued after July 1 in any year is valid until the ensuing June 30.
- (2) May be renewed for successive terms of one year each upon compliance with the requirements of this chapter.

§ 42-4. Application. [Amended 9-2-14, effective 9-22-14] [Amended 6-5-17, effective 6-25-17]

Any person seeking a license, or the renewal of a license, under this chapter shall file with the Town Administrator a written application, under penalty of perjury, in a form prescribed by the Town Administrator. An application for the renewal of an existing license shall be filed not later than the May 1 before the license is scheduled to expire, unless otherwise authorized by the Town Administrator. An application that is filed later than the May 15 before the license is scheduled to expire, or such later date as authorized by the Town Administrator, shall be treated as a new application. The application for an initial license or the renewal of a license shall include or be accompanied by the following to the extent reasonably available, and such other information and documentation as the Town Administrator reasonably may require:

- (1) The address of the premises at which the trade or business will be operated.
- (2) The zoning classification of the premises at or from which the business will be operated.
- (3) The name, telephone number and e-mail and postal mailing addresses of the owner of the premises.
- (4) The name, telephone number and e-mail and postal mailing addresses of the applicant.
- (5) The name, telephone number and e-mail and postal mailing addresses of the owner of the business entity for whose use and benefit the license is sought.
- (6) The names, telephone numbers and e-mail and postal mailing addresses of all on-site managers and other on-site individuals who will be responsible for the operation of the trade or business when it is open for business, and who will be authorized to accept notices and citations from the Town with respect to the operation of the trade or business.
- (7) A copy of any current fire inspection or occupancy limitation certificates, or both, for the use of the premises for the trade or business if another regulatory authority requires a fire inspection or occupancy limitation certificate, or both.
- (8) A copy of the current use and occupancy permit for the premises that shows that the trade or business is authorized at the premises if another regulatory authority requires a use and occupancy certificate.

- (9) A copy of the current alcoholic beverage license for the premises if the service of alcoholic beverages is allowed at the premises.
- (10) Evidence that the premises satisfies all applicable sanitary, building code, business licensing and safety regulations for the operation of trade or business.
- (11) A statement by the applicant and the owner of the premises that the filing of the application and the acceptance of the license issued by the Town constitutes consent to and authority for Town code enforcement officers and police officers, and other regulatory officials, to enter the premises of the business with prior notice during regular business hours before approval of the license for the limited purpose of determining whether representations contained in the application are accurate, and, after a license has been issued, investigating, based upon probable cause, violations of this chapter and the license. Where entry to a premises is refused, Town code enforcement officers and police officers, and other regulatory officials, shall obtain a warrant to authorize entry unless other lawful grounds exist to enter the premises without a warrant.

§ 42-5. Application review and consideration. [Amended 9-2-14, effective 9-22-14]

- (a) When the Town Administrator receives a completed application for a license under this chapter, the Town Administrator shall conduct a review and investigation of the application. The Town Administrator may request the assistance of other persons and Town departments in conducting the review and investigation.
- (b) After the Town Administrator completes the investigation, the Town Administrator shall determine whether the license should be granted and whether any terms, conditions and restrictions should be attached to the granting of the license, including providing the applicant with a reasonable time to come into compliance with the requirements of this chapter. Any terms, conditions and restrictions shall be based upon any impacts that the operation of the trade or business reasonably may be expected to have on the surrounding community and the public health, safety or welfare.
- (c) The Town Administrator shall grant the license, with or without terms, conditions and restrictions, except that the Town Administrator shall deny the application if:
 - (1) The Town Administrator determines that the trade or business for which the license has been applied reasonably can be expected to have an adverse impact on the surrounding community and the public health, safety or welfare that cannot be mitigated by terms, conditions and restrictions on the license;
or

- (2) The trade or business for which the license has been applied has any unpaid town fees or taxes, or any other unsatisfied obligations to the Town, unless the trade or business had made arrangements approved by the Town Administrator to pay the fees or taxes or to satisfy other obligations.
- (d) If the Town Administrator denies an application for a license under this chapter, the Town Administrator shall prepare a written report of the reasons for the denial and shall provide that report promptly to the applicant by hand delivery or by certified mail, return receipt requested, to the applicant's address as set forth on the application.

§ 42-6. License fees. [Amended 9-2-14, effective 9-22-14] [Amended 6-5-17, effective 6-25-17]

- (a) If an application for a new license or renewal of an existing license is approved, the applicant shall pay the Town a non-refundable license fee before the Town issues the license.
- (b) The amount of the annual license fee is \$150, except that for the following types of trades or business the amount of the annual license fee is the amount specified:
 - (1) For the operation of an apartment house the amount of the annual license fee is \$115 multiplied by the number of apartment units, except that there is no license fee if a license is issued and licensing fee is paid under Chapter 56 of this code.
 - (2) For the operation of a rooming house or boarding house the amount of the annual license fee is \$20 multiplied by the number of rooming units, except that there is no license fee if a license is issued and licensing fees are paid under Chapter 55 of this code.
 - (3) For the operation of one or more coin operated vending machine the amount of the annual license fee is \$20 per machine in addition to the license fee for the trade or business in which the machine is located.
 - (4) For the operation of a mobile vending business the amount of the annual license fee is \$50 per mobile vending unit.
 - (5) For the operation of a business engaged in the sale of alcoholic beverages, the amount of the annual license fee is \$150 plus:
 - I. \$50 for a business holding a County alcoholic beverage license for offsale beer and wine.

- II. \$100 for a business holding a County alcoholic beverage license for off-sale beer, wine and liquor.
 - III. \$50 for a business holding a County alcoholic beverage license for onsale beer and wine.
 - IV. \$100 for a business holding a County alcoholic beverage license for on-sale beer, wine and liquor.
 - V. \$80 for a business holding a County alcoholic beverage license for on and off-sale beer and wine.
 - VI. \$100 for a business holding a County alcoholic beverage license for on and off-sale beer, wine and liquor.
- (6) There is no license fee for any trade or business operated by not-for profit enterprises, religious institutions and enterprises affiliated with religious institutions.
- (c) The fee for a license issued after July 1 shall not be prorated for the remainder of the year for which the license is issued.
- (d) A late fee in the amount of \$20 shall be imposed on any license renewal application filed between May 16 and June 30. Any licensed trade or business for which a license is not renewed by June 30 shall be deemed to be unlicensed and subject to penalties and enforcement for an unlicensed business until a license is issued.

§ 42-7. Licenses.

A license issued under this chapter:

- (1) Shall identify each trade or business for which the license is issued.
- (2) Shall identify the person to whom the license is issued.
- (3) Shall identify the location at which the trade or business will be conducted, except that a license issued to a mobile vendor shall identify the business as a mobile vendor.
- (4) Shall list all terms, conditions and restrictions imposed upon the grant of the license.

- (5) Is not assignable or transferrable to another person, trade or business or location.

§ 42-8. Operational regulations.

- (a) The provisions of this section govern the operation of trade or business licensed under this chapter and are conditions of the license.
- (b) The holder of the license promptly shall notify the Town Administrator of any changes to any of the information submitted as part of the application for the license.
- (c) A manager or other individual responsible for the operation of the trade or business shall be on the premises at all times when the trade or business is open for business. This manager or other individual responsible for the operation of the trade or business and the holder of the license shall be jointly responsible for the operation of the trade or business and for all violations of this chapter and the terms and conditions of the license, and shall accept notices and citations issued under this chapter.
- (d) The operation of the trade or business and premises shall comply with all applicable sanitary, building code, business licensing, zoning, alcoholic beverage and liquor licensing and life safety and occupancy regulations.
- (e) The operator of the trade or business shall maintain on file records as required by law for all employees who work at the premises. If not otherwise required by law, these records shall include telephone numbers, and e-mail and postal mailing addresses of all employees.
- (f) The trade or business shall be operated within the times allowed by zoning and alcoholic beverage regulations, except to the extent that more limiting hours of operation are established by the Mayor and Council as a condition of the issuance of the license.
- (g) Where the sale or consumption of alcoholic beverages otherwise is permitted, alcoholic beverages may not be sold or served to any individual under 21 years of age or to any individual who reasonable observation demonstrates is intoxicated or under the influence of alcohol.
- (h) No disorderly conduct or public nuisance shall be permitted to occur or continue in or within in close proximity to the premises of the licensed trade or business.
- (i) The trade or business shall be operated in accordance with all applicable laws including, but not limited to, those described in subsection 4 of this section.

- (j) The individuals in charge of the operation of the trade or business shall not allow patrons or guests to engage in conduct on the premises that violates applicable laws including, but not limited to, laws relating to consumption of alcoholic beverages and public decency.
- (k) The operators of the trade or business shall not allow loitering to occur outside the premises of the trade or business.
- (l) The trade or business shall be operated in a manner that does not result in the trade or business being a public nuisance or result in the repeated response by police officers for conduct in or about the premises where the trade or business is being operated.

§ 42-9. Special regulations for mobile vendors.

- (a) For purposes of this chapter a “mobile vendor” means a person who sells or offers to sell goods, wares or food from a vehicle, trailer, kiosk, pushcart, stand or other device designed to be portable, not permanently attached to the ground and operating in no fixed or permanent location.
- (b) A mobile vendor may not remain standing in a fixed or permanent location to service customers.
- (c) All mobile vendors’ vehicles must be clearly marked as to identify the name of business and phone number, and display all required permits and licenses.

§ 42-10. Suspension and revocation of license.

- (a) The provisions of this section are in addition to the provisions of § 42-12 (penalties and enforcement).
- (b) If a Town code enforcement officer or police officer observes that a trade or business for which a license has been issued under this chapter is being operated in violation of this chapter or in violation of the license, the officer immediately shall issue a written notice to the manager or other individual responsible for the operation of the trade or business to cease and desist, or to correct, the unauthorized activity immediately or such longer time specified in the notice. If the violation is not corrected immediately or within such longer time specified in the notice, the officer shall issue to the manager or other individual responsible for the operation of the trade or business a written notice that the mayor and council will hold a hearing to determine whether the license should be suspended or revoked. Where Town code enforcement officers or officers of the Town police department reasonably believe that continued operation of the trade or business until the Mayor and Council can hold a hearing on suspension or revocation of the license will result in an immediate and substantial threat to the public health, safety or welfare, the officer may take the same

action as is authorized under § 42-12 (penalties and enforcement) for a trade or business that is operating without a license. Such action shall remain in effect until the Mayor and Council determines whether to allow the resumption of the trade or business or suspend or revoke the license.

- (c) If any other government regulatory agency suspends or revokes a license or permit issued by that agency for operation of the trade or business in the Town, the Mayor and Council shall hold a hearing to determine whether the Town license also should be suspended or revoked.
- (d) If the Mayor and Council hold a hearing to determine whether a license should be suspended or revoked, the Town Administrator shall send notice of the date, time, place and purpose of the hearing, including the violations or grounds for which suspension or revocation of the license will be considered. The notice shall be sent to the license holder, to the business entity for whose use and benefit the license was issued, and to the owner of the premises at which the trade or business is located. The notice shall be sent by certified and first class mail to the addresses of such persons as listed on the license application. Where action is taken under § 42-10.2 (should be 42-10(b)), the Mayor and Council shall conduct the hearing within 15 days after the date of the written notice of hearing.
 - (1) At a hearing the Mayor and Council shall consider testimony and evidence from the Town, from the holder of the license, and from other interested persons.
 - (2) Following the hearing, if the Mayor and Council finds that the violations as alleged have been sustained, or that the license or permit issued by another government regulatory agency has been revoked or suspended, the Mayor and Council may suspend or revoke the license, or take such other action with respect to the license, including imposing new or additional conditions, as the Mayor and Council reasonably shall determine appropriate to protect the public health, safety and welfare and to ensure future compliance with this chapter and the license.
 - (3) The Mayor and Council shall issue a written decision of their findings and actions with such sufficiency as would be required for judicial review. The Town Administrator shall mail copies of the decision promptly to the same persons and in the same manner as the notice of the hearing was sent. The Town Administrator also shall mail copies of the decision to all other parties of record.
- (e) If the Mayor and Council revoke a license, the holder of the license and the operator of the trade or business may not apply for or receive another license for one year following the date of the revocation except with the consent of the Mayor and Council

upon a showing of a material change in the the circumstances and conditions that led to the revocation of the license.

Sec. 42-11. Appeals.

- (a) Any person aggrieved by a decision of the Town Administrator to deny the granting of a license under this chapter, or to impose any terms, conditions and restrictions upon the granting of a license, may appeal the Town Administrator's decision to the Mayor and Council within ten (10) days following the Town Administrator's decision by delivering a written notice of appeal to the Town Administrator on such form as may be prescribed by the Town Administrator.
 - (1) The Mayor and Council shall give the appellant notice of the date, time and place of a hearing before the Mayor and Council to hear and consideration of the appeal.
 - (2) At the hearing the Mayor and Council shall hear from the appellant and the Town Administrator and such other Town personnel and other individuals as the Mayor and Council deems appropriate. The Town Administrator shall present the record that formed the basis of the Administrator's decision. At the hearing the appellant shall have the burden of demonstrating to the Mayor and Council that the decision of the Town Administrator was arbitrary, capricious or contrary to law.
 - (3) After the Mayor and Council hears and considers the appeal, upon a finding that the decision of the Town Administrator was arbitrary, capricious or contrary to law the Mayor and Council shall affirm, modify or reverse the Town Administrator's decision and may take any action that the Town Administrator may have taken. The Mayor and Council shall make written findings to support and document its decision.
- (b) Any person aggrieved by any decision of the Mayor and Council under this section or § 42-10 may seek judicial review in the Circuit Court for Prince George's County by filing a petition for judicial review within thirty (30) days after the date of the decision of the Mayor and Council. The decision of the Circuit Court may be further appealed to the Maryland Court of Special Appeals as allowed by law.

Sec. 42-12. Penalties and enforcement.

- (a) A person may not violate this chapter or the terms, conditions or restrictions of a license issued under this chapter. Each day that a person continues to violate this chapter or the terms, conditions or restrictions of a license issued under this chapter is a separate offense.

- (b) A person who violates this chapter or the terms, conditions or restrictions of any license issued under this chapter is guilty of a municipal infraction and subject to a fine in the amount of \$150 for the violation, except that the amount of the fine for each day that a violation continues is \$300.
- (c) This chapter may be enforced by any Town code enforcement officer and sworn officers of the Town's police department. Any of these individuals may issue municipal infraction citations for violations.
- (d) In addition to the issuance of municipal infraction citations, after notice to the manager or other individual on the premises in charge of the operation of the trade or business, Town code enforcement officers and officers of the Town police department may take such measures as reasonably necessary to effect the closing or otherwise prevent the unlawful continuance or operation of a trade or business that a code enforcement officer or police officer observes is being operated without the license required by this chapter. Such measures include:
 - (1) Locking or securing the premises or otherwise denying entry into the premises; or
 - (2) Ordering the premises to be vacated and posting in and on the exterior of the premises notices that the trade or business is closed by order of the Town and that no person is to enter the premises without permission of the Town.

Such measures taken shall remain in force until such time as the owner or operator of the premises provides assurances reasonably satisfactory to the Town Administrator that the operation of the trade or business will not be resumed without a license.

- (e) In addition to the other remedies provided in this section, the Town may institute a judicial proceeding to enforce or restrain violations of the provisions of this chapter or of a license issued under this chapter.

§ 42-13. Temporary License [Adopted 3-5-04, effective 3-5-04.]

Any person, firm, partnership, association or cooperation issued a temporary business use of occupancy permit, or license from Prince George's County shall apply for a temporary license to do business in the Town of Riverdale Park.

- (a) Application.

All applications for a temporary license must include the following:

- (1) County issued permit copies.

- (2) Description of services to be offered.
 - (3) Location of temporary business.
 - (4) Written authorization by Owner/Manager of any commercial property to be used for operation of temporary business.
 - (5) Check, cash, money order in the amount of seventy-five dollars (\$75).
 - (6) Listing Saturday, Sunday and legal holidays as defined by the Federal Government only, including hours of operations.
- (b) Restrictions.
- (1) No trailer or tent or motor vehicle or vehicle canopy will be allowed to be used for sales.
 - (2) All displays or sales must be conducted on the commercially zoned property no more than fifteen (15) feet from the main entrance door to the commercially operated business.
 - (3) All display/sales area shall be located at least twenty-five (25) feet from an existing street line and from any adjacent lot lines.
 - (4) The temporary permit shall be issued for not more than three (3) consecutive

months.

(5) The temporary permit shall be used only on Saturday, Sunday and legal holidays.

(6) Services offered must comply with site/location zoning for sale of goods.

(c) Enforcement.

The Code Enforcement Department and when required the Riverdale Park Police Department shall have the duty of enforcing the requirement of the subtitle to assure continuing compliance with this ordinance and to respond to all complaints, and to provide inspections of such licensed operations.

(d) The Enforcement against an unlicensed temporary business shall be provided by the Enforcement Officer with the assistance of the Police Department which is necessary to effect the closing of otherwise prevent the unlawful operation of any business or operation requiring a temporary license that within seven (7) days of an initial written notice fails to require the necessary license.

Such measurers include:

(e) To remove to a designated facilities the goods and equipment of the vendor, who shall have up to fifteen (15) business days to claim such goods upon payment of any assessed storage fees and fines which have been levied against the vendor. Failure to comply with this schedule such goods shall be deemed abandoned and shall become the property of the Town to be disposed of in accordance with applicable law. The Town shall have no responsibility to protect or preserve any perishable or nonperishable goods or equipment acquired under this section.

(f) Penalties.

The fine for this section of this chapter shall be equivalent of the cost of the temporary license as set forth in section 42-14 (a) (5) Required for a business that is operating without a license. Each day that a business continues operation without acquiring the license shall constitute a separate offense.