



# TOWN OF BERWYN HEIGHTS

## Prince George's County, Maryland

Incorporated in 1896 ~ Sixth Oldest Municipality in PG County

### WORKSESSION MINUTES APRIL 6, 2015

The meeting was called to order at 7:00 p.m. Present were Mayor Cheye Calvo, Mayor Pro Tem (MPT) Jodie Kulpa-Eddy and Councilmembers (CMs) Patricia Der and Anthony Schreiber. Chris Rasmussen had an excused absence. Also present was Town Administrator (TA) Jessica Cowles, and Clerk Kerstin Harper.

#### 1. MAYOR

**Announcements:** There were none.

**Calendar:** The date of the Four Cities Coalition meeting in New Carrollton was added for April 30.

The date of the observed July 4 holiday was corrected as July 3.

**Minutes:** On a motion by CM Dennison and second by MPT Kulpa-Eddy, the Minutes for the March 2 worksession minutes were approved 4 to 0. On a motion by CM Dennison and second by MPT Kulpa-Eddy the March 9 budget worksession minutes were approved 4 to 0. On a motion by MPT Kulpa-Eddy and second by CM Dennison the March 16 worksession minutes were approved 4 to 0.

**Department Reports:** CM Schreiber reminded residents to clearly label trash cans used for yard waste as 'yard waste'. Recycling bins should not be used for yard waste. Free tipping day, on which all types of bulk trash is collected free of charge, is set for June 25. Residents are reminded to prune shrubs and trees that grown into the streets and sidewalks.

TA Cowles reported that an executive session is scheduled before the April 13 budget worksession to interview two candidates for the Code Supervisor position. Mayor Calvo reported that he met with the BHES fourth graders about the annual "If I Were Mayor" essay contest. He has selected the winners and will read the top entries at the April Town meeting. Game Night was not well attended this year, but the organizers enjoyed an evening of playing games together.

**Citizen Comments:** Mayor Calvo received a number of comments on the sidewalks, particularly from home owners who had retaining walls constructed along their property. CM Dennison received comments on the sidewalks from the Seniors some of whom thought they are not needed.

**Budget:** Mayor Calvo said that he placed the FY 2016 budget on the agenda to get it ready for introduction at Wednesday's Town meeting. TA Cowles said that she provided an updated budget summary based on the 3rd quarter expenditure report. She then highlighted changes made to the budget since last version, including money to be pulled from surplus, revenue projected from the Greenbelt Station development, estimated health insurance increases, and assumptions regarding capital expenditures. She noted that Director Lockley provided a new, lower year-end estimate for the Public Works gas & oil appropriation that stays within FY 2015 budget of \$42,000, and proposed an on-demand yard waste collection system during the winter months to reduce consumption of gasoline. Mayor Calvo recalled that he had the issue of implementing a better system for tracking gas usage in the Public Works Department, which might be accomplished by keeping a log for each vehicle.

**Personal property taxes:** Mayor Calvo noted that the Town stands to lose several thousand dollars in personal property tax receipts this year due to a failure to bill the assistant who handles billing of the rate increase the Town Council adopted in FY 2015. He also expressed concerns about the \$15,000 increase in personal property tax revenues budgeted for FY 2016. TA Cowles explained that she arrived at her projection based on \$40,000 in outstanding personal property tax bills, and an analysis of personal property tax receipts and penalties & interest payments over the last decade. After further discussion, it was agreed to keep TA Cowles projecting FY 2016 personal property tax receipts in the amount of \$265,000.

**Operating expenditures:** Mayor Calvo proposed to raise the salary pool in the non-departmental budget to \$34,000 to be able to pay a higher salary to the next supervisor, adjust other individual salaries as needed and give cost of living adjustments (COLAs). He thinks the next reassessment of real property will cover the increased costs. In addition, there is surplus money that can be tapped into. MPT Kulpa Eddy questioned whether the bulletin and copier maintenance line items were sufficient funding. Mayor Calvo proposed to increase the money pulled from surplus from \$20,000 to \$40,000 to cover possible overages in line items, such as the bulletin, mosquito control and law books, as well as provide additional funds for the salary pool. MPT Kulpa-Eddy so moved. CM Dennison seconded. The motion passed 4 to 0.

**Capital expenditures - NW/EP radios:** MPT Kulpa-Eddy said the Neighborhood Watch/ Emergency Preparedness Committee requested funding for a new set of radios. They have been able to negotiate the price down to \$3,200, but want to make the purchase by the end of this month. Mayor Calvo said that would require a budget amendment but he has no objection to funding the lower request. MPT Kulpa-Eddy moved to authorize expenses of up to \$3,500 from the NW/EP reserve to purchase new radios. CM Dennison seconded. The motion passed 4 to 0.

**Batting cage:** Mayor Calvo said the Boys & Girls Club requested \$3,000 in Town matching funds to repair the Sports Park batting cage. He supports funding the request in the FY 2016 budget with money from surplus. CM Dennison so moved. CM Schreiber seconded. The motion passed 4 to 0.

**Tree service:** Mayor Calvo said that CM Rasmussen, who could not be here tonight, was interested in setting money aside for a tree initiative. He may submit a request and request funding for this upon his return.

**Street repairs:** Mayor Calvo said he proposed to add \$10,000 to the Public Works street repair budget, which Director Lockley welcomed. This money should be transferred from the infrastructure reserve. CM Schreiber so moved. MPT Kulpa-Eddy seconded. The motion passed 4 to 0.

**Administration projects:** MPT Kulpa-Eddy explained that, at the last meeting, TA Cowles presented 3 funding proposals to: 1) hire a personnel consultant to revise the personnel manual, review the position classification and pay plans, and possibly evaluate the performance evaluation process; 2) hire a web design firm to update the Town website; and 3) fix the entrance to the Town Center parking lot.

There ensued a discussion about what the extent of the personnel consultancy should be and the types of repairs needed for the Town Center parking lot. MPT Kulpa Eddy moved, and CM Dennison seconded to authorize \$17,500 for a personnel consultant. The motion passed 4 to 0. MPT Kulpa-Eddy moved and CM Der seconded to authorize \$6,000 for a website redesign. The motion passed 4 to 0. No money was authorized for the parking lot repairs at this point.

At 8:30 p.m., the Council took a 5 minute break.

**Road repairs:** Mayor Calvo said that the Council may want to consider spending money this fiscal year on fixing some areas of the roads and sidewalks while sidewalk contractor is still in Town. Director Lockley highlighted the problem with puddling of stormwater runoff at Osage Street and 57th Avenue. This might be corrected by redoing the concrete swale at the intersection. Estimates on what this and some other fixes would cost should be obtained so the Council can make a decision at the next meeting.

**Economic development study:** Mayor Calvo said he spoke with Greenbelt's Mayor Emmett Jordan about jointly funding a market analysis. Mayor Jordan said Greenbelt would consider it but wants to do it this fiscal year. Mayor Calvo would be in favor of appropriating \$7,500 for a joint market analysis this year, but proposed to budget up to \$30,000 for a more comprehensive economic development study in FY 2016. CM Dennison so moved, and MPT Kulpa Eddy seconded. The motion passed 4 to 0.

**Town Center HVAC upgrade:** MPT Kulpa-Eddy recalled that Director Lockley recommended upgrading the heating and air conditioning system for the Town Center.

had applied for a \$25,000 grant from Maryland Energy Administration. If the Town does not receive the grant, the Council was asked to consider a less expensive option. TA Cowles said that the Town expects to hear next week whether they will receive the grant.

**County Councilmember's request:** Mayor Calvo explained that County Councilmember Dannielle Glaros' office inquired whether the Town would contribute money to fund senior year expenses of a Parkdale High School student and Berwyn Heights resident, whose mother recently died. Parkdale has a resource coordinator who would administer the funds. He forwarded the request to the Council and asked to give \$370 from the Council's public relations budget to Parkdale to assist the senior. CM Rasmussen objected because he was concerned that this assistance is given to an individual and may set a problematic precedent. Mayor Calvo said he would still like to give some money to help this resident and asked for the Council's support.

MPT Kulpa-Eddy said that she shares CM Rasmussen's concern about setting a precedent, but offered to contribute \$100 in private money to help. She believes the money should go to a school or a program to benefit an entire group of people. Mayor Calvo said the Councils on which he has served have done a very good job of spending tax payer money responsibly. They have on occasion included support for individual Eagle Scouts and one Miss America contestant. This is an uncomplicated way to help compared to launching a private fundraising initiative. CM Dennison said it is terrible that some Councilmembers do not want to help a person.

CM Schreiber said that CM Rasmussen and now MPT Kulpa-Eddy already pledged \$100 in private funds to assist the senior. He feels more comfortable with that approach and will do the same. CM Dennison moved and Mayor Calvo seconded to authorize a \$370 donation to Parkdale from the Council's public relations budget. The motion failed 2 to 2, with MPT Kulpa-Eddy and CM Schreiber opposed.

**McDonald's redevelopment:** TA Cowles said that McDonald's legal counsel provided a revised site plan for the proposed redevelopment, which optimizes the site for drive-through service. It will have fewer parking spaces, but does improve pedestrian access. The plans show a sidewalk along the 63rd Avenue side, as requested by the Council when McDonald's first presented the plans in December 2014. The plans also show a new type of sign that will replace the existing yellow sign at McDonald's. He requested the Town send a letter of support to the Planning Board. MPT Kulpa-Eddy so moved. CM Schreiber seconded. The motion passed 4 to 0.

### 3. PUBLIC SAFETY

**Ordinance 119 parking amendment:** Mayor Calvo explained that Chief Antolik proposed to adopt a State statute that mandates posting license plates in the front and rear of a vehicle for which 2 license plates are required. This would allow the Town to enforce the violations and collect the fines. The proposed fine is in the amount of \$60. TA Cowles provided an amended Ordinance 119 that adds the violation, and also revises the definition of abandoned vehicles in Section 3 F to be consistent with the definition in the just amended Ordinance 107. The amended Ordinance 119 is scheduled to be introduced at the April Town meeting. There were no objections.

**Police vehicle letter of intent:** TA Cowles said that Chief Antolik requested the purchase of 2 police vehicles in FY 2016, one funded from the General Fund and one from the Public Safety Taxing District budget. Chief Antolik obtained a new quote since his initial budget request which provides more uplifting services for the same price of just under \$35,000 per vehicle. To take delivery of the vehicles by July 2015, a letter of intent to purchase is required by the dealer.

Mayor Calvo asked if TA Cowles has a draft letter of intent. TA Cowles said she has a copy of last year's which she can fetch from the office. The decision to approve the letter of intent was postponed.

Nothing was discussed under **4. Public Works.**

### 5. ADMINISTRATION

**MML conference attendance:** Clerk Harper was asked to make 5 reservations for the MML conference, including 5 dinner tickets and PGCA breakfast reservations plus one BBQ breakfast. MPT Kulpa Eddy volunteered to carry the flag in the parade of flags.

**Bulletin cover:** The following items were approved for the May Bulletin cover: Theme, Berwyn Heights Day; announcements for Berwyn Heights Day and FY budget adoption.

**BHHC appointments:** Clerk Harper said that the BHHC nominated Lee Fuerst to be appointed as the Town's new liaison to the Anacostia Trails Heritage Assoc (ATHA) and Debby Steele-Snyder as a voting member. On a motion by CM Dennison and second by CM Schreiber, the Council voted 4 to 0 to appoint Lee Fuerst as ATHA Liaison. On a motion by CM Dennison and second by MPT Kulpa-Eddy, the Council voted 4 to 0 to appoint Debby Steele-Snyder as a voting member.

**Police vehicles letter of intent, continued:** TA Cowles provided copies of the revised quote of \$34,700 and letter of intent. On a motion by CM Dennison and second by MPT Kulpa-Eddy, the letter of intent was approved 4 to 0.

### 6. CODE COMPLIANCE

**Ordinance 134 - Commercial Clean Lot:** TA Cowles explained the revisions to Ordinance 134 address the Council's original concern with too many junked vehicles accumulating in the industrial zone and the lack of premise identification. It also makes changes to the definitions so that they are consistent with those in the revised residential Clean Lot Ordinance, i.e. definitions for abandoned vehicles and invasive plant species. Most of the differences in Ordinance 134 from Ordinance 107 are in the standards section and in the time frames and categories for remedying violations. A table showing the enforcement schedules for different violations adapted to Ordinance 134, is also included.

Mayor Calvo expressed concern that this Ordinance was made too much like Ordinance 107. He worries that standards for commercial establishments from Ordinance 134 have not been preserved and new standards may have been inadvertently created. He also thinks that the table created for Ordinance 107 showing time frames for correcting violations does not work for Ordinance 134. He believes there is no need to have a time sensitive category, for example, because time frames for correcting violations are already shorter and fines issued more quickly for commercial enterprises. Similarly, there is no need to make distinctions between repeat, repeat, and multiple repeat offenders. A business that has a repeat violation simply gets fined. Structural violations on a residential property usually affect the property owner. But a structural violation on a commercial property is a public hazard and must be fixed immediately, or the business gets shut down.

MPT Kulpa-Eddy said that hazards such as a broken light or a condition where a person might be hurt could be addressed within a time-sensitive framework. She would not want to shut a business down if it can't fix a structural violation right away. Time may be needed to obtain a permit or a contractor to make the repairs.

Mayor Calvo repeated he remains concerned that some of the standards and enforcement processes specific to businesses were lost when whole sections of Ordinance 107 were imported to Ordinance 134. For example, there is now a violation relating to parking surfaces that should not be applied to commercial establishments. He expected that TA Cowles would review each section of Ordinance 134 taking care that commerce-specific standards are maintained. MPT Kulpa-Eddy added that the same concern is also true for vehicle storage. PG Scrap is allowed to store junked vehicles on any type of surface on their property. The Town may need to know about standards in industrial, CSC and MXT zones before it can regulate commercial standards.

The Council agreed that the Ordinance is not ready for adoption at the April Town meeting. TA Cowles was asked to refine Ordinance 134 based on tonight's comments and to send an electronic copy to MPT Kulpa-Eddy for editing.

**Ordinance 107 fee and fine schedule:** TA Cowles explained that the proposed new fine schedule for Ordinance 107 incorporates the table of the newly amended Ordinance 107 showing the time frames for correcting different types of violations. Two columns were added to the table to list fines for a first offense and another for repeat offenses. It also imports the explanations of the time frames established in the revised Ordinance, which are immediate, time-sensitive, regular order, and structural. In the old fee and fine schedule only tall grass violations had a different compliance process.

In discussion, the Council noted that in the new fine schedule violations carrying immediate fines follow a different process. It was agreed that parking on grass carries a \$25 fine for the first offense, as well as for the continued or repeat violation. A violation that poses an imminent threat, however, should be doubled to \$50 for a continued or repeat violation. Structural violations that are not addressed by the homeowner may need to be abated by the Town at some point billed via the lien process.

TA Cowles said that it is proposed to handle structural violations, such as crumbling retaining walls, through the normal code enforcement process, starting with a formal notice that a structural violation exists and that a plan to fix it must be submitted within a 45 day period. If no plan is submitted a fine will be imposed, a second notice to submit a plan within 30 days, and so forth. Mayor Calvo added that, if a structural violation is not remedied despite repeated notices and fines, the Town can step in and abate it. However, this would be akin to the process for demolition and may require a review by the courts.

TA Cowles was asked to insert the fines into the table for adoption at the April Town meeting, including the changes made tonight.

**7. EXECUTIVE SESSION (9:50 P.M - 10:08 P.M.)**

On a motion by MPT Kulpa-Eddy and second by CM Dennison, the Council went into executive session to discuss a personnel matter related to the hiring of a new supervisor and to select the citizen of the year. With matters discussed, MPT Kulpa-Eddy moved and CM Dennison seconded to end the executive session.

The meeting was adjourned at 10:08 p.m.

Signed: *Kerstin Harper, Town Clerk*

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