



# TOWN OF BERWYN HEIGHTS

## Prince George's County, Maryland

Incorporated in 1896 ~ Sixth Oldest Municipality in PG County

### WORKSESSION MINUTES AUGUST 11, 2014

The meeting was called to order at 7:40 p.m. Present were Mayor Cheye Calvo, Mayor Pro Tem (MPT) Jodie Kulpa-Eddy and Councilmembers (CMs) Patricia Deni, Chris Rasmussen and Anthony Schreiber. Also present was TA Edward Murphy, Clerk Kerstin Harper and Mike Attick.

#### 1. MAYOR

**Announcements:** The Council met in executive session prior to the regular meeting to discuss the Town Administrator candidates.

**Calendar:** A dedication of the community garden will take place on September 13, 2 pm. PGCMA meeting dates were added for September 18, October 16, November 13. The PGCMA legislative dinner will take place on December 4.

**Minutes:** On a motion by MPT Kulpa-Eddy and second by CM Dennison, the July 21 worksession minutes were approved 5 to 0. The July 9 Town meeting minutes distributed.

**Department Reports:** Mayor Calvo reported that he and TA Murphy had a meeting with the Department of Permits, Inspections and Enforcement (DPIE) about stormwater management project at the Public Works yard. DPIE agreed to reduce a fee for mitigating the runoff from the new sidewalks off-site from \$3,500 to \$1,900. However, the Town will be required to build a stormwater pre-treatment facility at the yard in combination with the Jellyfish filter to comply with Maryland Department of the Environment (MDE) design standards. With these issues resolved, DPIE promised to grant approval of the stormwater management project by the end of the week. This will then allow the sediment control permit to be issued, as well as 2 fine-grading permits. The permits for the entire sidewalks projects will be in hand by the end of August, enabling the Town to go to bid in September. TA Murphy said the 63rd Avenue sidewalks project is awaiting resolution of whether regional Presbytery or the local Presbyterian Church has approval authority.

Mayor Calvo continued that the PGCMA will hold a retreat on August 15. He further noted that he studied the Maryland State Pension plan actuarial information over the weekend. He found that the municipal pool, in which Berwyn Heights is enrolled, is financially stronger than the State's pool and the Law Enforcement Officers (LEOPS).

CM Schreiber reported that Director Lockley worked with an arborist to come up with a checklist of symptoms to indicate when a Town tree may need to be pruned. The checklist is to give guidance to the Public Works Department when to call for help regarding problem trees. Public Works employees have asked them the option to go home early the day following an event, such as National Night Out, instead of being paid overtime. MPT Kulpa-Eddy asked where the emergency generator permit process stands. TA Murphy said that he is still waiting for the revised plans showing the enclosure for the generators. He will follow up with the engineers tomorrow.

CM Rasmussen reported that Code Officer Hall is still recuperating. The Code Department may have to hire a temporary officer because Supervisor Simpson will be out for a while and Officer Snyder will work reduced hours when the fall semester begins. Teenagers were observed playing in the car that was crushed by the truck that fell on 58th Avenue. He will meet with School Board Member Higgins next week to discuss education issues.

**Citizen comments:** CM Rasmussen received a commendation for Code Supervisor Simpson conducting rental inspections in a courteous and professional manner. Mayor Calvo received comments about bamboo and orange construction barrels at the Berwyn Presbyterian Church.

Mike Attick, 62nd Avenue, sought clarification about a code complaint form, the county tax bill, and approval for taking the emergency trailer to College Park. Mayor Calvo explained that the residents who have a code complaint can fill out a complaint form, but it is not a requirement. The tax bill breaks out various taxes and including a recycling fee, which is levied by the Town, and a new rain tax, which is levied by the county. He has approved the request to take the trailer out of Town. Further, the county appears to have reduced the Town's tax differential for the police services it provides, in effect raising residents' tax bill cents per \$100 of assessed property value.

At 8:25 p.m., the Council took a 5 minute break.

**Health fair:** Mike Attick explained that the Berwyn Heights Community Emergency Response Team (CERT) plans to host a health and wellness day on September 11. Originally, the Prince George's County Citizen Corps Council (PGCCC) planned to hold the event, but it was canceled. The event consists of setting up stations at the Town Center and the school grounds to advise visitors about health issues and perform health screenings. In addition, emergency responders from around Prince George's County will exhibit their apparatus and give demonstrations. Town organizations will also be invited to participate. To accommodate fire trucks, emergency vehicles and buses, CERT is requesting the Council's approval to close 57th Avenue and Berwyn Road at the Town center. Advertising will be handled by the county. Approximately 200-250 visitors are expected. They will be directed to park at the school and then take a shuttle to the Town Center. CERT volunteers will operate the Town's call-a-bus as a shuttle service. CERT may need 2 officers and 3 Public Works employees to help with the event.

Mayor Calvo said that he has a concern about the short-term planning of the event, which according to Mr. Attick normally takes several months to plan. He was concerned about the logistics of accommodating an unknown number of people from out of Town. While he does not mind hosting the event, the status of organizing it does not inspire confidence in its success. Mr. Attick said that County offices and volunteers are likely to spring into action when the deadline gets closer. People from out of Town will be asked to park at the school and shuttled to the Town Center. CM Rasmussen expressed concern about only one person, Mr. Attick, coordinating the event. Mr. Attick replied that he has a partner in the County Executive office he can call on for help. Similar events in Capitol Heights, District Heights and Seat Pleasant have had from a few dozen to a couple of hundred visitors, which were easily accommodated at local Town offices and parking lots.

Mayor Calvo said there are too many factors the Town does not control. At a minimum, he would like to control the promotion of the event so that the Town does not get caught unprepared when a thousand people show up. Therefore, he would like Mr. Attick to provide a formal plan of operations, fixing the location and hours, road closures, shuttle routes, map of participating vendors and organizations, and names of volunteers manning the various stations. CM Rasmussen suggested the plan should also take into account contingencies, such as provision for calling in additional officers if needed, and diverting out-of-Town drivers to the Artemesia parking lot and Ballew Avenue. Mr. Attick agreed to present a written plan at the August 25 worksession.

**Flash flood recovery assistance:** Mayor Calvo distributed a plan for distributing the \$ 6,705 in donations collected so far to assist victims of the June 10 flash flood. He said that 6 homeowners of the many more affected by the flood applied, and only 2 of those fell under the 80% average median household income threshold. 3 homes had experienced a power cut off, which was compensated at a level of \$800. One home on Berwyn Road is a rental where tenants living in the basement experienced extensive damage. The assistance was awarded in the order of magnitude of the loss experienced, and averaged out to 9% of the estimated net loss. The assistance he proposes to disburse ranges from the maximum of \$3,300 for a net loss of \$24,000 and the minimum of \$267 for a net loss of \$1,300.

Mayor Calvo noted that there were several home owners, who were eligible for assistance, but chose not to apply to leave more money in the till for others that have a greater need. With no objections from the Council, CM Rasmussen moved and MPT Kulpa-Eddy seconded to approve the disbursement plan. The motion passed 5 to 0.

**Council priorities:** Mayor Calvo asked the Council to review the revised Town Council priorities and offer any additional changes needed. MPT Kulpa-Eddy said that the Council had agreed to rephrase Council Priority #6 to read "Formalize and document policies." There were no objections.

The Council also reviewed the list of Town Administrator goals. The following changes were made:

- Goal #1, last sentence, was revised to read: "hold senior leadership meetings and regular communication with Town staff."
- Goal #3 was revised to read: "...define new roles and relationships within the unified structure of government; ...reevaluate and formalize the performance evaluation process."
- Goal #4d was revised to read: "Develop a marketing plan and economic development vision."
- Goal #4e was revised to read: "Formalize and document existing policies and practices."

In response to CM Rasmussen, Mayor Calvo said that developing an economic development plan may require formulating a vision for Route 193 first. The review of its zoning ordinance presents an opportunity to rethink the zoning requirements for future development along the Route 193 Corridor. The redevelopment of Route 1 that is taking place now makes extensive use of the MXT (Mixed Commercial and Residential) zone, which may open new options for developing the Berwyn Heights frontage of Greenbelt Road. Mayor Calvo thought that economic development need not be included as a Town Council priority because it is covered by "M" Berwyn Heights."

CM Rasmussen moved to adopt the revised Town Administrator goals. MPT Kulpa-Eddy seconded. The motion passed 5 to 0. CM Dennison moved and MPT Kulpa seconded to adopt the revised Council Priorities. The motion passed 5 to 0.

Nothing was discussed under **2. Public Works**.

### 3. ADMINISTRATION

**County covenants regarding Jellyfish stormwater filter:** TA Murphy explained that the County requires the Town to enter into a Declaration of Covenants as part of the approval process for the Town's sidewalks stormwater management plan. The covenants commit the Town to retain the services of a Maryland licensed engineer to inspect the Jellyfish stormwater filter at the end of the first year of operation, and every 3 years thereafter to ensure it is functioning properly. The Town is required to properly maintain the filter and make any needed repairs. If it fails to do so, the County is authorized to make repairs and bill the Town. The Covenants will be recorded in the County land records. The Council is asked to adopt the Declaration of Covenants at the August 13 Town meeting. The Council consented.

**Comcast agreement extension:** TA Murphy said that the previous Council extended the existing Comcast franchise agreement at the March 2014 Town meeting such time as a new agreement has been negotiated. This was done by emergency ordinance, which is only valid for 90 days and has expired. As the negotiation of a new Comcast agreement is ongoing, Ordinance No. 168 has been prepared for adoption at the next Town meeting to replace emergency Ordinance No. 164.

Mayor Calvo elaborated that the existing franchise agreements allow Comcast and Verizon to use the Town's right of way for their cable lines. In return, the Town receives a 5% franchise tax and a 3% PEG fee, which amounts to annual revenues of approximately \$50,000. The cable TV and communications industry is currently in flux and negotiations are difficult and have taken longer than anticipated. The Council agreed to adopt the Ordinance at the next Town meeting.

**Bulletin cover:** The following items were selected for the September Bulletin cover: Lake Artemesia concert theme; announcements for Ice Cream Social and Fall Fair.

### 4. CODE COMPLIANCE

**Bamboo as nuisance vegetation:** Mayor Calvo said over the years the Town has received a number of complaints about bamboo spreading to neighboring properties. Last week a group of residents have submitted a petition regarding a bamboo problem around 8805 58th Avenue and asked the Council to address it. He would like the Council to discuss the issue before taking a concrete action. He explained that there is no specific reference to bamboo in the Town's ordinances, but it is technically covered by provisions prohibiting invasive species. People who already have bamboo in their yards are responsible for preventing it from spreading to adjacent properties.

TA Murphy said that the State of Maryland has not declared bamboo as an invasive species. MPT Kulpa-Eddy said she believes that the Commercial Clean Lot Ordinance prohibits growing bamboo, whereas the residential Clean Lot Ordinance does not.

Mayor Calvo said he was under the impression that, on several occasions, the Town has asked property owners who have bamboo that is spreading to remove it because it is an invasive species. Personally, he would like to prohibit bamboo from being planted as it is difficult to control, and in some places destroying infrastructure. Where it already exists, homeowners should be held accountable for controlling it, or be fined. He would like the Council to clarify existing regulations and/or come up with a policy about bamboo, as well as other invasive species such as English ivy. However, before the discussion is continued, the questions that should be answered. This should be the job of the Code Supervisor, who should prepare code memoranda in the future.

**Code year-one goals:** CM Rasmussen said he met with Supervisor Simpson today and discussed the goals and department reports. But he does not yet have a final list of year-one goals. The discussion was postponed.

**Urban forest initiative:** CM Rasmussen explained that he would like the Town to address the problem with invasive species and nuisance vegetation that crowd out native plants, including bamboo, English Ivy, Chinese Wisteria, garlic mustard and others. Secondly, he would like the Council to develop policies to preserve the tree canopy, which he considers to be a community resource. This means establishing some rules and guidelines about what property owners can and should do with mature trees in their yards outside the Town's right of way. He asked the Council for feedback.

Mayor Calvo said that CM Rasmussen should contact Jim Peck at the Maryland Municipal League (MML) about urban forest ordinances in other municipalities that serve as a template. Takoma Park and Annapolis have fairly detailed urban forest ordinances. He may want to propose something less far-reaching for Berwyn Heights. It would not be too hard to come up with some standards regarding urban trees, but defining the mechanics of dealing with problem trees will be difficult, particularly because the Town does not have an in-house arborist to consult. It may help if the Town asks an employee to be trained in basic tree care. In replanting trees, the Town has not done much of it. This is an area where a new approach may be useful.

CM Rasmussen asked whether the Town has used interns before to do the background work for this type of project. Inventorying Town trees and researching policy seem like a great project for a graduate student who studies the subject. Mayor Calvo said the Town has employed interns on a couple of occasions with good results. It is likely to work best if a professor offers it as a for-credit project. MPT Kulpa-Eddy noted that there are grants available from the county to plant trees. This may be worth exploring. CM Rasmussen said he may attend a Green Team meeting to get their feedback.

Nothing was discussed under **5. Parks and Recreation** and **6. Public Safety**.

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

Signed: *Kerstin Harper, Town Clerk*