



Town of Berwyn Heights

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Minutes Worksession October 20, 2014

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 Dennison, Chris Rasmussen and Anthony Schreiber. Also present was Town Administrator (TA) Jessica Cowles, retiring TA Edward Murphy, Code Compliance Supervisor Kevin Simpson, Director of Public Works Adrian Lockley, and Clerk Kerstin Harper.

1. Mayor

Announcements: New TA Jessica Cowles is officially taking the reins as town administrator tonight. Mr. Murphy will continue to work as a consultant until the end of October to close out a number of ongoing projects. The Code Compliance agenda items will be held until he gets here. Early voting for the gubernatorial election begins on Thursday, October 23.

Calendar: Introduction of Clean Lot Ordinance amendments is planned for the November Town meeting; followed by the introduction of Urban Forest Ordinance amendments at the January Town meeting. A review of Council Rules is also in the works. Sir Walter Raleigh's was approved as the location for the Town's November 20 legislative dinner.

Minutes: On a motion by CM Dennison and second by MPT Kulpa-Eddy, the September 15 worksession minutes were adopted 4 to 0.

Department Reports: Mayor Calvo reported that he spent much of his last week at the Town office to help TA Cowles get oriented. This included a thorough review of the agenda process. Henceforth, a request for agenda items will go out on the Monday prior to a worksession, including to directors. Submission of agenda items will be Wednesday prior to a worksession, and requested items need to be accompanied by background documentation. This will help TA Cowles and Mayor Calvo understand the content and context of the request when they approve the agenda. The purpose of this process is to keep items off the agenda that are not ready for consideration or do not require Council action.

Mayor Calvo further reported that a letter went out last Friday to inform residents that sidewalk construction will start on October 27, beginning at Sports Park and moving north and east along the planned route. The letter will be posted on the website for reference. The letter contains contact information of the contractor which residents can call with questions and to make arrangements to have

private driveways resurfaced. All easement agreements with affected property owners have been finalized and signed.

Mayor Calvo followed up with WSSC on the denied claims for sewage backups during the June 10 flash flood. Contrary to what was promised, WSSC did not copy the Town on the results of their investigations about the backups, nor did they give affected residents easy access to the findings. County Councilmember Olson and his Chief of Staff Danielle Glaros have been very helpful in getting WSSC to address the matter. MPT Kulpa-Eddy said that WSSC commissioners invited public feedback at the meeting she recently attended. This may be another avenue to communicate the Town's concerns. Mayor Calvo agreed.

In response to CM Schreiber, Mr. Murphy explained that the sidewalk easement agreements give the Town the right in perpetuity to use a portion of someone's property for sidewalks, as well as permission to disturb additional ground on a property for the purpose of constructing the sidewalk.

CM Dennison reported that the Berwyn Heights Elementary School walkathon raised \$13,600, some which will be used for a museum field trip. Her department is funding a plaque to be posted at Pop's Park to acknowledge a grant from the Maryland Department of Natural Resources Community Parks & Playgrounds program to renovate the Park. TA Cowles added that the plaque will also acknowledge the Town Council's contribution.

Citizen comments: CM Dennison received a comment that the code tracking software the Town plans to purchase is too expensive. Mayor Calvo received a comment from the Boys & Girls Club that a group of men regularly gets together at Sports Park and leaves behind a large number of beer cans. There is frustration that the police so far have not been able to talk to them.

Four Cities agenda: Mayor Calvo said that there are already 3 presentations the hosting City of Greenbelt has placed on the agenda: 1) a briefing on the Pepco/ Exelon merger; 2) briefing on the Prince George's County zoning rewrite; and 3) an update on the FBI headquarters relocation. MPT Kulpa-Eddy said that in connection with the FBI relocation the funding of a promotional video may be raised. Mayor Calvo said that the Town could make a \$5,000 contribution from its PEG reserve. However, he would attach some conditions to the funds regarding the content of the video.

CM Schreiber asked if the Town's contribution to Four Cities projects is always one quarter or proportionally to its size. Mayor Calvo replied it depends: with respect to the street sweeper, Berwyn Heights pays 1/4 of the purchase price but a proportional amount for operational expenditures, i.e. the salary of the driver and maintenance costs.

FBI EIS scoping letter: Mayor Calvo said that MPT Kulpa-Eddy has drafted the letter of support for relocating the FBI headquarters at Greenbelt Station, which the Council will be asked to approve later. The briefing the Council received from Garth Beall at the last Town meeting has proved very helpful in understanding where the project stands.

Mayor Calvo has learned more about the competing sites at meeting with Congressman Hoyer's staff. The Springfield, VA site would provide the smallest parcel to build on and, like Greenbelt Station, would be in walking distance of a Metro station, but further away than Greenbelt. In addition, Springfield residents are not enthusiastic about the prospect. The Landover location is only considered

because the developer is politically well connected but it is not ideal in other respects. That location would require a shuttle to connect to the nearest Metro stop and is not likely to attract businesses and residents to become the kind of transit-oriented development envisioned. The only concern of Hoyer's staff was the reservations expressed by Greenbelt environmental groups, namely Citizens to Conserve and Restore Indian Creek (CCRIC). The City of Greenbelt has offered to meet with CCRIC to discuss their concerns.

MPT Kulpa-Eddy said she drafted the letter to highlight the advantages the Greenbelt location offers, primarily its accessibility by Metro, by car and by bicycle. Other advantages include the absence of hazardous materials and better stormwater management that comes standard with construction of new federal buildings.

With no further comments or edits from the Council, MPT Kulpa-Eddy moved and CM Dennison seconded to approve the letter of support. The motion passed 4 to 0. Mayor Calvo will sign the letter tonight so it can go out before the Wednesday deadline.

3. Public Works (discussed out of order)

Truck bids: Mayor Calvo welcomed Director of Public Works Lockley to discuss several Public Works-related items. Director Lockley explained that he has obtained estimates for 3 different packages of a Ford F-350 crew cab 1-ton dump truck to replace the current 1997 model. The truck will be used in snow plowing operations and hauling of mulch, appliances and scrap metal. The purchase piggybacks onto the State's bid, which obviates the requirement for 3 bids. He recommends purchasing a diesel-powered, as opposed to a gas-powered truck although it adds \$7,000 to the price. The diesel motor's greater horse-power will enable this truck to plow snow and haul heavy loads. Other options specified include different models for a snow plow costing between \$3,400 - \$4,000 and a salt spreader costing between \$3,500 - \$3,600. The diesel truck with the recommended options would cost \$53,200.

In response to Council's questions, Director Lockley said he recommends purchasing the Meyer snow plow, which comes with a control panel to manipulate plow angles and height and is already used with the Town's other snow plowing trucks. There are spare parts in storage for it. The drawback is a higher maintenance cost than the alternate model specified. Also recommended is a Swenson V box salt spreader, as opposed to the more expensive Swenson stainless steel tailgate spreader. A tailgate spreader can accommodate a larger load of road salt and is easier to operate. But it should be combined with a more expensive stainless steel dump body that can stand up to the corrosive road salt. While adding a cost of \$4,000, a stainless body would extend the life of the truck by approximately 2 years, thus making it less expensive over the long term.

Mayor Calvo said Director Lockley should not be constrained by a budgeted amount for a particular vehicle or piece of equipment but consider its long-term value to the Town when recommending a purchase. He asked that Director Lockley provide the Council with an estimate for a diesel dump truck with a 4 x 4 stainless steel dump body for the next worksession as the basis for a Council decision. The purchase will also entail a change in the vehicle replacement fund.

CM Rasmussen, who arrived at 8:08 p.m., asked why there is a preference for using road salt as opposed to sand, and whether using sand would obviate the need for a stainless steel body. Mayor Calvo said that salt is needed to melt the ice on the hills which are otherwise difficult to navigate. Director Lockley was asked to include sand spreading as option for the truck purchase. In response to

CM Schreiber, Director Lockley said he recommends the diesel truck because it has more power and reduces fuel costs.

WSSC water main replacement project: Mayor Calvo explained that WSSC will undertake a water main replacement project next year that will require trenching 1/5 of the Town streets. When done, they will resurface that side of the street on which the trench was dug. There is an opportunity for the Town to piggyback onto WSSC's milling and paving contract to resurface the affected streets in their entirety, and possibly additional streets, at a lesser cost than would otherwise be available. However, he does not know if the contractor would rebuild the sub-base of same streets and replace curbs and gutters if it should prove necessary. It would drive up the overall cost. Director Lockley said that the WSSC contractor would remove and replace the existing roadways and curbs where needed. Since the Town does not know the condition of the sub-base the cost of renovating these roads in their entirety would not be known until the streets are opened. Only the price for mill and overlay is certain.

Mayor Calvo said there are a number of options on how to proceed relating to choice of contractor, scope of the project and whether to rebuild the road or only apply a temporary overlay. Before making a decision on whether to piggyback onto the WSSC milling and paving contract, he would like to have estimates of what it would cost for the Town go out to bid on its own and resurface all streets that need it. This should produce a unit price for road repairs that can serve as the baseline for evaluating the different options for repaving Town streets. He would consider bonding a large scale project if it brings down the unit price. The Town may need to hire an engineering firm to help with this. Director Lockley and TA Cowles were asked to gather this information.

At 8:45 p.m., the Council took a 10 minutes break.

2. Code Compliance

Code Supervisor 3-month update: Mayor Calvo welcomed Code Supervisor Simpson to give an update on his first 3 months in office and discuss other current issues. Mr. Simpson said that Code officer Hall went out on sick leave shortly after he came on board. As a result, he performed most of the rental inspections, but recently hired Keelah Allen Smith, who is a full-time code officer for the City of College Park, to assist him. She mostly does rental inspections in the evenings and on weekends. To date, 120 rental inspections and re-inspections on 85 properties have been completed. A number of inspections have dealt with ensuring that rental properties have a proper egress window in basement apartments in conformance with regulations the Council recently adopted. Further, he has spent time developing a staffing plan and new templates for code correspondence and is working with the Town Administrator reviewing the Clean Lot and Urban Forest Ordinances the Council plans to amend.

In response to questions about how he utilizes staff, Mr. Simpson said the staffing plan is still a work in progress. His part-time staff works a combined 32 hours per week, with 20 hours going toward rental inspections and 12 hours towards clean lot monitoring. He is setting priorities for clean lot activities to make the best use of time, focusing on vacant properties, abatements and abandoned vehicles. He spends around 65% of his time on administrative tasks and around 35% in the field doing inspections or patrols.

Mr. Simpson continued that rental inspections have taken up much of his time because the Department is enforcing standards that were not previously enforced. This requires considerable education and

follow-up with rental home owners. He does not yet have a good sense whether this will lead to increased efficiency in the rental licensing program once the new approach has been accepted by all. However, he believes that the rental licensing program requires a lot of paperwork, some of which may be unnecessary. For example, rental owners must submit new tenant rights and responsibilities forms every year, regardless of whether tenants changed or not. A review of the ordinance and the rental licensing process may be warranted to reduce this burden. Mayor Calvo suggested that the rental license application could be pre-populated with the data on file and ask rental owners to make changes only where needed.

Code tracking software: Mr. Simpson explained that he researched 3 vendors offering code enforcement software, summaries for each were provided to Council as part of the background documentation. All 3 systems are web-based and are compatible with mobile devices for use in the field. They enable a code officer on patrol to access the history of code violations for any given property on the spot and to update the file with new information and photos. The software can generate forms and letters of notification referencing specific ordinance sections; produce reports on code activities and performance; and provide for the filing of citizen complaints about code matters. Comcate and Citizen-serve systems allow existing electronic data to be migrated without staff having to re-enter the data manually. All systems charge by module offered: in this case, code enforcement, rental licensing, and urban tree maintenance. All systems provide secure off-site data storage, which take this responsibility out of the hands of a single person.

Mr. Simpson recommended purchasing the Comcate system with which he is already familiar from his previous job. It is more user-friendly compared to the others and more flexible in customizing templates and editing data. Lastly, Comcate is the least costly in the long run with the lowest annual maintenance costs of \$4,100. He was also able to negotiate a lesser installation quote by combining modules: the building permit module will be included in the rental licensing module; and the code enforcement module will include urban tree maintenance and refuse collection violations in addition to clean lot violations.

CM Rasmussen said that a resident has called in questioning whether the cost of implementing an electronic code tracking system is worth the cost. What are the advantages and efficiencies that will accrue from purchasing it? Mr. Simpson said that the Department will be better able to better service inquiries about the status of code cases by being able to instantly access the relevant data. It will also streamline the paperwork and work flow and make the Department more efficient.

Mayor Calvo said that he is already convinced this is worthwhile but Mr. Simpson and TA Cowles should work on providing a concrete cost/ benefit analysis to justify the annual cost of \$4,100. This question needs to be answered at the latest when Code makes its FY 2016 budget request in February 2015. The benefits from using the system can take different forms. It could save staff time, approximately equal to 4 hours a week, or increase productivity elsewhere in code operations. CM Rasmussen said that there may not be enough data to draw firm conclusions about the efficiencies this technology will yield. Mayor Calvo asked for a motion to approve the purchase of the Comcate system, including tablets. CM Rasmussen so moved. MPT Kulpa-Eddy seconded. The motion passed 5 to 0.

Condemned property update: Mr. Murphy said that he spoke with the Assistant Director of the Department of Permits, Inspections & Enforcement (DPIE) about using the County process for demolishing condemned homes. DPIE is willing to perform the demolitions and can do it faster if the

Town pays for it, possibly within 6 to 7 months.

Clean Lot Ordinance revision: Mayor Calvo said at an earlier worksession the Council identified 7 items it wants to revise in *Ordinance 107 - Clean Lot*. Mr. Murphy has produced a draft incorporating the proposed changes. TA Cowles has commented on the draft to make stylistic corrections but no changes in substance.

Mr. Murphy explained that he made a number of changes in *Section 4 - Definitions*:

Section 4 (A) Clarifications were made to the definition of abandoned, inoperable vehicles;

Section 4 (B) Definition was added for accessory structure, as defined in the International Residential Code, to include retaining walls, fences and other structures incidental to, and located on the same property as the main building.

Section 4 (D) Definition for bamboo was added.

Section 4 (F) Definition for invasive plants was added;

Section 4 (K) Definition for repeat offender was changed to mean any occupant, lessee, owner or property manager who has been noticed for two or more violations of this ordinance in a rolling 12 month period, rather than in a calendar year;

Section 4 (P) Definition for vacant property was added to mean any property that is unoccupied for 15 consecutive days. Owners of vacant properties are also required to register with the Town Administrator and/ or Code Department and provide contact information. Mayor Calvo commented that the latter requirement should probably be in the *Violations* Section.

Changes in the *Section 5 - Violations* include:

Section 5 (B) A provision was added to require any property owner, manager, or occupant to prevent the spreading of bamboo or other invasive species to neighboring yards without a neighbors' approval. If such species spread to neighboring yards, the owner of the originating property is responsible for the removal at his expense.

The Council still needs to decide if bamboo should be outlawed, or allowed but owners held responsible for confining it to their yards under a grandfather clause.

Section 5 (D) A process was added for the Town's Police Department to cause the removal of vehicles that have been declared abandoned, non-road worthy, or inoperable at owner's expense. Proper notification and assignment of case number of owner are essential.

Section 5 (L) A provision was added to require all accessory structures to be structurally sound and maintained in accordance with Prince George's County (PGC) Property Maintenance Code and Zoning Ordinance. This Section further provides that, if an accessory structure is not safe or maintained properly, owners can be required to repair it, or the Town can repair it at owner's expense.

The Council still needs to decide whether to follow PGC code regarding fences in front yards, which may be in conflict with Town regulations.

Section 5 (M) This provision, added at the suggestion of Code Supervisor Simpson, would require all homes to have an approved street number, plainly visible from the street fronting the property.

TA Murphy said the Council may also want to consider shortening the compliance periods for repeat offenders. The normal compliance period in which a violation has to be corrected is 15 days. Mayor Calvo said that repeat violators must correct violations in 7 days, as provided in Section 8. However, he thinks there should be an immediate fine for egregious repeat offenders, who are "gaming the system" and waiting until the last possible moment to remedy a violation before a fine is imposed. Tracking this type of violation takes up a lot of time, and should be discouraged with an immediate fine. Such a

provision would still have to be added to the proposed changes to the Ordinance.

Further, compliance periods for remedying structural problems, such as unsafe retaining walls, need a different time frame. The Code Department will probably have to engage the owner and work out a plan to fix the problem. Vacant properties' time lines should also be reviewed. Owners of vacant properties are often banks that have foreclosed on a mortgage and are listing it for sale. Currently, they have 15 days to correct a violation, but they are often difficult to contact or unresponsive to notices of violation. Therefore, compliance periods for vacant properties should be shortened to perhaps 3 days, which is the period Prince George's County allows, so an abatement may be performed as soon as possible. CM Rasmussen suggested that vacant property owners might be given the opportunity to register their vacant properties to remain in good standing. Mr. Murphy said that most vacant properties are in a short-term transition from being foreclosed to being resold. Registration would likely be a rare occurrence.

TA Cowles and Code Supervisor Simpson were asked to incorporate tonight's comments into an amended Ordinance that can be introduced in November. A review of the corresponding Commercial Clean Lot Ordinance was postponed.

4. Administration

Town Administrator update: TA Cowles gave an overview of her first week in office. She said she spent a lot of time in briefings with Mr. Murphy, studying the FY 2015 budget, and learning the office systems. She also met with Code Supervisor Simpson, whose department she will supervise, and discussed the Clean Lot Ordinance revision, among other things. She arranged to meet with Director Lockley and his Public Works staff and plans to do the same in other departments so all Town staff can get to know her. She also plans to meet with Councilmembers individually to learn what their priorities are. At a recent PGCMA meeting, she already met several city managers and councilmembers from nearby jurisdictions. Getting oriented is the first step in a fairly detailed on-boarding plan, leaving a lot more things to get done. It has been a very busy but exciting first week.

Mayor Calvo said that he has spoken with TA Cowles a number of times and that she was formally introduced at full staff meeting last Monday. He further proposed that an open house be held sometime in November at which residents can meet Ms. Cowles. If a convenient date can be found, this might be advertised in a flyer to all Town residents.

Sidewalk construction engineering services: Mr. Murphy said he is proposing the Town engage C. P. Johnson to be the on-site inspector for the sidewalk construction. This would include a pre-construction meeting to go over the plans and point out any items that might be overlooked. During sidewalk construction C. P. Johnson will make frequent inspections to ensure that construction conforms to standards. They will also supervise the installation of the "Jellyfish" stormwater runoff facility at the Public Works yard. The Town has guaranteed the proper installation and maintenance of the stormwater filter by signing a Declaration of Covenants with Prince George's County, which will inspect it on a regular basis. Mr. Murphy said that he has assurances that the cost of this service will not exceed a total of \$33,000, although it may mean that some aspects of the job will be omitted.

CM Rasmussen expressed his concern about trees that would be removed for the sidewalk construction. He noticed many trees throughout the Town that have blue dots on them and appear to be marked for removal or pruning. Mayor Calvo said that the Council sought to minimize the trees that would be

removed when it was planning the sidewalks. There are not many that will be felled, and most of those are not in good condition. Marked trees include those marked by WSSC for its upcoming water main replacement project. The Council will still have an opportunity to review them.

Mayor Calvo asked for a motion to approve the construction engineering services contract. CM Schreiber so moved. CM Rasmussen seconded. The motion passed 4 to 1, with MPT Kulpa-Eddy opposed.

Retirement party: MPT Kulpa-Eddy sought clarification as to whether the expense for Mr. Murphy's retirement party needed Council approval, and which line item it should be paid from. Mayor Calvo said the Council does not need to approve it and that it should be taken from the Administration Department's miscellaneous or non-departmental appropriation. Additional funds can be appropriated in a budget amendment.

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

7. Executive Session (10:40 - 11:44 p.m.)

On a motion by CM Schreiber and second by MPT Kulpa-Eddy the Council went into executive session to discuss a personnel matter. With matter discussed, CM Schreiber moved, and MPT Kulpa-Eddy seconded to close the executive session.

The meeting was adjourned at 11:45 p.m.

Signed: *Kerstin Harper, Town Clerk*