



Town of Berwyn Heights

5700 Berwyn Road
Berwyn Heights, MD 20740
Tel. (301) 474-5000
Fax (301) 474-5002

Minutes Town Meeting May 9, 2018

The meeting was called to order at 7:04 p.m. Present were Mayor Cheryl Jewitt, Mayor Pro Tem (MPT) Jodie Kulpa-Eddy, Councilmembers (CMs) Patricia Dennison, Chris Rasmussen and Gerald Shields, as well as Councilmembers-elect Lynn White, Stephen Isler, Jason Papanikolas and Ethan Sweep. Also present were Town Administrator (TA) Jessica Cowles, Clerk Kerstin Harper, Chief of Police Kenneth Antolik, Detective Sergeant Daniel Unger, Officer Christiane Rufino, Chief Deputy Clerk of the Circuit Court Bonita Rabelais and citizens.

Mayor Jewitt led the Pledge of Allegiance.

1. Hearings

Mayor Jewitt said tonight hearings will be held on two budget ordinances, a bond ordinance and Ordinance 121 – Powers & Duties.

At 7:02 p.m., Mayor Jewitt opened the hearing on Ordinance 175 providing for the FY 2019 General Fund Budget. Mike Attick, 62nd Avenue, asked what the appropriation for the Neighborhood Watch/ Emergency Preparedness (NW/EP) is. TA Cowles replied with a run-down of appropriations for all Town committees. The NW/EP appropriation is \$3,900 under the Public Safety budget. With no other questions, Mayor Jewitt closed the hearing at 7:04 p.m.

At 7:05 p.m., Mayor Jewitt opened the hearing on Ordinance 176 providing for the FY 2019 Public Safety Taxing District Budget (PSTD), which pays for the salary of one police officer, currently Detective Unger. No tax increase is proposed for FY 2019 as taxes were raised in FY 2018. There were no comments. The hearing was closed at 7:06 p.m.

At 7:06 p.m., Mayor Jewitt opened the hearing on Ordinance 177 – Bond Issuance for Street Improvements. She explained in January the Council received a comprehensive report on the condition of Town streets and developed a plan for repairs based on their rating. The Town's infrastructure reserves were not sufficient to pay for all streets rated in poor and fair condition, and decided to issue a bond to pay for their reconstruction. Conceivably, the Town may not have to pay the full cost of the street repairs, as WSSC will be working on rehabilitating water mains in Berwyn Heights and will repave the streets they worked on.

Mike Attick asked if the public was notified of the bond. He would like to know the amount of the bond, its terms, and whether it is a good deal. Mayor Jewitt replied the bond was introduced at the April Town meeting and discussed at several worksessions. Copies of the Ordinance are set out for the public. With no other comments, the hearing was closed at 7:09 p.m.

At 7:10 p.m., Mayor Jewitt opened the hearing on *Ordinance 121 – Powers & Duties of the Town Council, Councilmembers and Town Administrator*. She said this Ordinance was initially adopted in 2014 and is to be amended tonight to change the title of 'Town Administrator' to 'Town Manager.' The term 'Town Manager' better describes the position set forth in the Ordinance, which encompasses overseeing the daily operations of the Town government. The Town Manager title will be used in the recruitment process for a new Town Manager that has become necessary with TA Cowles' resignation.

Mike Attick commented he thinks the change in title would create a conflict with the Town Charter, which refers to a Town Administrator. If the Council moves forward with amending the Charter as planned, it will be petitioned to referendum. He is a member of a group that is opposed to changing the Charter and the implicit change in the form of government. He suggested the Council hold off on changing the Charter and discuss it with the residents, as the petition will only need another 115 signatures.

Margeret Miller Shane, 57th Avenue, commented that she, too, is opposed to changing the title to Town Manager. She believes the Town's Charter and ordinances do not provide for a Town manager position, nor should they, as Berwyn Heights is too small for that. She also believes that TA Cowles has overstepped her authority in managing all Town departments. In particular, she should not have been given the authority to oversee the Police Department, which can run itself. In her view, the Chief can do a better job hiring his personnel than a Town Administrator.

Mayor Jewitt replied that TA Cowles was the first administrator to be hired after adoption of Ordinance 121, which established the Town Administrator/ Town Manager as the Chief Administrative Officer (CAO) and Chief Financial Officer (CFO) with responsibility to supervise all Town departments. TA Cowles has not overstepped her bounds, and in the opinion of the Council has done an excellent job in carrying out her responsibilities. She offered to have a conversation with Ms. Shane, but since she will not be on the Council next term, Ms. Shane may want to speak to the new Councilmembers instead. With no further comments, Mayor Jewitt closed the hearing at 7:17 p.m.

2. Minutes

Clerk Harper read a summary of the April 11 Town meeting minutes. On a motion by CM Dennison, seconded by CM Shields, the minutes were approved 5 to 0.

3. Treasurer's Report

TA Cowles gave the Treasurer's report for April, as Treasurer Rodriguez was absent. TA Cowles then thanked the Council for the opportunity to work for Town in service to the residents, and thanked the staff for their work every day to make Berwyn Heights a great community.

4. Unfinished Business

Ordinance 175 - 2nd Reading & Adoption of FY 2019 General Fund Budget: Clerk Harper read the adopting language of the Ordinance. MPT Kulpa-Eddy moved to adopt it. CM Rasmussen seconded. Mayor Jewitt said previous Councils used to hold a series of budget worksessions during March and April to finalize the budget, a time-consuming effort for the Council and staff. Under this Council, TA Cowles implemented an all-day budget worksession, during which the Council had the opportunity to review the entire budget and talk with all department directors about their budgets. She appreciated the new format and found it productive. Clerk Harper called the roll. The FY 2019 General Fund Budget was approved in a 5 to 0 vote.

Ordinance 176 - 2nd Reading & Adoption of FY 2019 Public Safety Taxing District Budget: Clerk Harper read the adopting language of the Ordinance. CM Dennison moved to adopt it. CM Shields seconded. Mayor Jewitt explained that the Town levies a special tax on the commercial district to improve public safety. The PSTD Budget establishes how this revenue is spent. The Town opts to use it to pay the salary of one officer and associated expenses. With no other comments, Ordinance 176 was adopted in a 5 to 0 roll call vote.

Ordinance 177 - 2nd Reading & Adoption of Bond Issuance: TA Cowles read a summary of the Ordinance. CM Dennison moved to adopt it. CM Rasmussen seconded. The Ordinance was adopted in a 5 to 0 roll call vote.

Ordinance 101 - 2nd Reading & Adoption of Amended Animal Ordinance: TA Cowles read the adopting language of the Ordinance. MPT Kulpa-Eddy, who led the Ordinance's revision, explained that the matter was first brought to the Council's attention in 2016 by residents Madeleine Allen and Amanda Dewey. She thanked them for their input, as well as Adam Ortiz, Director of the Department of Permitting, Inspections and Enforcement (DPIE) and Rodney Taylor, Associate Director of the County's Animal Management Division, who came to a meeting to explain how the County handles animal complaints. MPT Kulpa-Eddy said the long and thorough revision resulted in a much better Ordinance that will explain clearly what the Town's standards for the treatment of domestic animals are. As a Veterinarian Doctor, this was a labor of love and she is pleased with the outcome.

MPT Kulpa-Eddy moved to adopt the amended Ordinance 101. CM Dennison seconded. CM Shields thanked MPT Kulpa-Eddy for her efforts, noting that Dr. Kulpa-Eddy is regarded as an authority in her field. CM Rasmussen congratulated her on a job well done and bringing her veterinary expertise to this undertaking. This Ordinance drew much more public comment than is usually the case, showing the level of concern residents have about pets. He is pleased the Council responded with an Ordinance that sets new, clear standards for the humane treatment of animals in Town. Mayor Jewitt added that MPT Kulpa-Eddy was the right person to lead this project and thanked her for her efforts. Clerk Harper called the roll. Ordinance 101 was adopted in a 5 to 0 vote.

Ordinance 121 - 2nd Reading & Adoption of Amendments: Clerk Harper read the adopting language of the Ordinance. CM Dennison moved to adopt it. CM Rasmussen seconded. MPT Kulpa-Eddy asked if the Town Attorney has provided the additional clarifications requested by the Council. TA Cowles replied that the information requested is reflected in the companion

Charter amendment discussed at the last worksession and to be introduced tonight. It would be up to the next Council to adopt the Charter Amendments. If they are not adopted, Ordinance 121 would have to be modified once more. MPT Kulpa-Eddy added for the record that the changes to Ordinance 121 are not substantive in nature but only change the title of Town Administrator to have a better chance of recruiting the right person for the position. Clerk Harper called the roll. The Ordinance was adopted in a 5 to 0 vote.

5. New Business

Resolution 01-2018 - 1st Reading & Introduction of Charter Amendment: Clerk Harper read the adopting language of the Resolution. MPT Kulpa-Eddy moved to introduce it. CM Dennison seconded. CM Rasmussen asked if MPT Kulpa-Eddy could explain the reasoning for adopting Ordinance 121 in 2014 as she was on the Council at the time, thereby establishing what is essentially a council-manager form of government.

MPT Kulpa-Eddy said the Ordinance actually establishes a hybrid commission/ council-manager style of government, in which the Councilmembers still have some authority to direct departments. However, that oversight is intended to ensure mostly that the policies of the Council as a whole are carried out. Initially, she was skeptical about giving the Town Administrator/ Manager the authority to oversee all departments because she thought it might enable the Mayor to run the Town through the Town Administrator, if he chose to lead the Administration Department. But after repeated, lengthy discussions, she became comfortable with the concept. Most of the Councilmembers have a full-time day job and are part-time legislators at best. It makes sense to have a person in charge residents and employees can turn to for information and guidance when Councilmembers are not around. Clerk Harper called the roll. The Council voted to introduce the Charter Amendment that changes the title of 'Town Administrator' to 'Town Manager' in a 5 to 0 vote.

6. Remarks of the 47th Council

Introduction of Interim Town Administrator: Interim Town Administrator Mike McLaughlin said he recently retired as the Manager of the City of Greenbelt, where he worked for the last 37 years since he first graduated from university. He is honored to have been asked to serve as interim Town Administrator for Berwyn Heights until a new manager has been hired. CM Rasmussen said he is looking forward to working with Mr. McLaughlin and have his help making the Town's hybrid commission/ council-manager system work in a manner that makes it more understandable to residents.

MPT Kulpa-Eddy thanked residents for allowing her to serve them for the last 8 years. At this time, she needs to focus on her life but plans to remain involved in community affairs, and making Berwyn Heights as good a place to live as it can be.

CM Rasmussen expressed his pleasure in serving with the 47th Council and with TA Cowles.

CM Dennison said she loved serving on the Town Council for the last 16 years and thanked everyone for their support.

CM Shields thanked the Council for appointing him to serve on the 47th Council, and those in the community who have given him feedback. One of his achievements is the re-certification of Berwyn Heights as a 'banner city,' next to working on a Town organization policy and various beautification awards. He thanked TA Cowles for helping him manage his workload by hiring a PRECA aide.

Mayor Jewitt said her short term as Mayor did not pass quickly, having been full of meetings, controversies and successes and recalled the long list of accomplishments of the 47th Council. She thanked residents for their candid comments, supportive and critical, she received at all hours of the day. She congratulated Mayor-elect Rasmussen and wished him success. She was honored to have served with this Council that maintained respect even when disagreeing on how to best serve the Town. Mayor Jewitt particularly thanked TA Cowles, whom she relied on for guidance as a new Councilmember and to work through difficult issues. Many of this Council's accomplishments are due to her. She also appreciated Town staff, the Historical Committee, which she joined soon after moving to Berwyn Heights, and thanked neighbors, friends and family for their support.

7. Announcement of Election Results

Mayor Jewitt announced the election of Christopher Rasmussen as Mayor with 77% of the vote; Lynn White as Mayor Pro Tem with 60% of the vote, Stephen Isler, Jason Papanikolas and Ethan Sweep as Councilmembers. She then closed the term of the 47th Council.

8. Swearing-in of the 48th Council

Chief Deputy of the Clerk of the Circuit Court Bonita Rabelais swore in Christopher Rasmussen as Mayor, Lynn White as Mayor Pro Tem, and Stephen Isler, Jason Papanikolas and Ethan Sweep as Councilmembers.

9. Mayor's Remarks and Organization of the Town Council

Mayor Rasmussen said that it was a beautiful day for this occasion. He is honored to have been re-elected to a third term on the Council, now as Mayor, and thanked all those who brought him to this point. He thanked residents for expressing their views and concerns on the campaign trail and invited him into their homes. He asked them to continue the conversation and work with the Town to have their concerns addressed.

Mayor Rasmussen, in referencing his campaign flyer, proceeded to explain his platform:

- Protect citizen and neighborhood safety. This includes finding a permanent home for the police department and other requirements for a modern police force to operate effectively.
- Preserve property values. This requires balancing respect for individual property rights with enforcement of community standards as set forth in various Town ordinances and County code.
- Pave and fix town streets. The Town is about to undertake the comprehensive reconstruction of about 40% of Town streets. The Council will work with staff to inform residents about the project and ensure that any disruptions are minimized.
- Promote quality of life. He plans and has discussed the plans with Councilmembers the setting-up of a *Citizens Commission on Quality of Life* to create a framework for evaluating

and advancing the quality of life in Berwyn Heights. This will be on the Council's agenda starting with the first worksession of the new Council.

Mayor Rasmussen announced the appointment of departments heads. As has been the practice with previous Councils, he will head the Police Department, MPT White the Administration Department, CM Papanikolas the Code Compliance Department, CM Isler the Parks & Recreation Department, and CM Sweep the Public Works Department.

MPT White, CM Isler, CM Papanikolas and CM Sweep explained what prompted them to run for Town Council and thanked all those who supported them.

10. Citizen Comments

Mike Attick, 62nd Avenue, suggested opening the worksessions up for public comments, as this may encourage more residents to attend and participate in the public discourse. Mayor Rasmussen said he favors increasing transparency and citizen engagement and will put it up for discussion with the Council.

Mr. Attick also questioned the proposed Charter Amendment, which would ratify a Town manager system of government. He asked why Councilmembers are still assigned a department to oversee if a Town manager is responsible for daily operations.

Ms. Miller-Shane, 57th Avenue, congratulated the incoming Councilmembers and wished the outgoing Councilmembers a happy retirement. She announced an upcoming High Tea at the Seniors on May 16th. Price of admission is wearing a fancy hat.

Diana Agonoy, Green Team member, announced a May 12 Town litter cleanup. Cleanups will now be held on a monthly basis. Tools and snacks are provided by the Green Team.

MPT White announced a May 12 Education Town Hall on Parkdale High School. State and local education officials have been invited to discuss topics of interest with Parkdale parents and students.

Susan Jones, Recreation Council President, announced a June 10 free rock'n roll concert at Sports Park with Kenny & the Side Effect, and the annual Town-wide yard sale held on Saturday, June 23.

The meeting was adjourned at 9:15 p.m.

Signed: *Kerstin Harper*, Town Clerk