



TOWN OF BERWYN HEIGHTS

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Minutes Town Meeting June 20, 2018

The meeting was called to order at 7:04 p.m. Present were Mayor Christopher Rasmussen, Mayor Pro Tem (MPT) Lynn White, Councilmembers (CMs), Stephen Isler, Jason Papanikolas and Ethan Sweep. Also present were Interim Town Administrator (TA) Mike McLaughlin, Clerk Kerstin Harper, Corporal Paul Roberson, variance applicants Frederick Mbayu and Richard Smith, and citizens.

Mayor Rasmussen led the Pledge of Allegiance.

1. Minutes

Clerk Harper read a summary of the May 9 Town meeting minutes. On a motion by CM Isler, seconded by CM Papanikolas, the minutes were approved 5 to 0.

2. Mayor's Report

Mayor Rasmussen reported the new Council has spent a large amount of time on orientation, reading the Charter and Council Rules, discussing the form and organization of the government and the role of the Councilmembers and the Town Manager. Earlier tonight, the Council met in executive session to review a list of candidates for a new Town Manager. As part of the recruitment process, a citizen panel will be constituted to give input on the candidate selection. It is hoped that a new Town Manager will be in place in early September.

At the last worksession, the Council received a briefing from Town Attorney Suellen Ferguson on the Council sitting as an Administrative Appeals Board to decide code appeals or comment on variances. Three Councilmembers, CM Papanikolas, CM Sweep and he, attended the annual Maryland Municipal League convention in Ocean City, where they attended many useful seminars and workshops dealing with topics of municipal government.

Mayor Rasmussen further reported on a number of events he attended. On June 4 and 5, he, Detective Unger and Director Hall attended an Urban Land Institute Technical Assistance Panel (ULI TAP), at which a group of experts and stakeholders explored options for improving the Route 193 corridor in terms of aesthetics, traffic flow, pedestrian friendliness, shopping and commercial opportunity. ULI TAP will release a report of their findings in 4 - 6 weeks. The municipalities of Berwyn Heights, College Park and Greenbelt plan to use the findings to develop new approaches to economic development.

The Council also finalized a list of priorities, which will guide its work for the next 2 years. The priorities are based in large part on citizens' concerns heard on the campaign trail. Citizens will be able to give direct input through a Citizen Commission on the Quality of Life, which the Council will establish later tonight, to explore ways to improve community living.

3. Department Reports

Administrator's Report: TA McLaughlin reported the Town's bond issue through the Department of Housing & Community Development (DHCD) to finance Phase II of the Town's road repair program is moving forward. The bond sale is expected to occur in late July or August. WSSC is making plans to replace the water mains along Edmonston Road, with work scheduled to begin in June 2019. In an effort to reduce pet waste throughout Prince George's County, Berwyn Heights was chosen by UMD's Environmental Finance Center to receive 10 new pet waste stations and signs for mounting on its trash trucks reminding residents to "scoop the poop." In return, the Town will track and report usage of the stations.

Treasurer's Report: Treasurer Rodriguez gave the treasurer's report for May. In response to questions, she said that no budget amendments will be necessary for this fiscal year. For the next fiscal year, there are plans to hire a new auditing firm, which Mayor Rasmussen affirmed was good practice for organizations after using the same firm for a number of years.

Administration Report: MPT White said the Council has been working on the important task of finding a new Town Manager and this afternoon reviewed a list of candidates. At its June 5 worksession, the Council was briefed on the organization and functions of the Town's departments but plans to take an in-depth look at how each department is run in the near future to ensure that they serve residents as they should. MPT White congratulated Cpl. Krouse for being named 'Officer of the Year' and Police Clerk Mercy Murales as 'Employee of the Year' by the Prince George's County Police Chiefs Association, and commended Public Works on refreshing the landscaping around Town.

Code Compliance: TA McLaughlin gave the monthly report for Code Supervisor Glass, who had an excused absence. A total of 87 code violations were issued in May bringing the count to 492 in 2018; as well as 5 building permits, 5 dumpster permits and 19 rental licenses. There are currently 214 active rentals in Town for an average of 212 this year. The 2017 average was 192. Vacant homes number 11.

CM Papanikolas reported that the Code Department received comments on a portable storage unit sitting in Berwyn Road. The unit has been given a permit because there is not enough level ground in the front yard of the property. CM Papanikolas said he attended his first MML convention and got a good sense of the issues cities are dealing with. Congratulations go to the Boys & Girls Club U-9 team on winning the County championship and the U-14 team placing 2nd in their division.

Parks, Recreation, Education & Civic Affairs: CM Isler said today was the last day of school. During summer break more children will be out in the streets and residents are requested to keep an eye out for them. In time for summer, the water fountain at Pop's Park has been repaired. All are advised to stay well hydrated. CM Isler announced upcoming events including a June 23 Town-wide yard sale, a July 5 jazz concert at Lake Artemesia and the Maryland primary election on June 26, for which he will be one of the judges.

Public Works: Director Hall reported on the activities of the Public Works including the installation of a new air conditioning system in the G. Love Room, barricading flooded areas during the heavy rains, filling pot holes, and various landscaping activities. The crew has also begun to install new dog waste stations, repaint bike lanes, and apply thermo-plastic striping for crosswalks. Handicapped parking spaces will be moved nearer to the Senior Center.

During the month of May, 160 tons of solid waste were collected, as well as 47 tons of recyclables and 42 tons of yard waste. The Department performed 1 abatement. Repairs on 3 large vehicles cost \$4,800. The Department has run out of its stock of recycling bins and will reorder them with the start of the next fiscal year.

CM Sweep reported that he was one of 3 Councilmembers who attended the MML convention, which he found very informative. He attended sessions on the *2020 Census, Building a Multicultural Organization and Demolishing Bias*, which Mayor Rasmussen helped moderate, and *Engaging the Millennial Generation*. The Berwyn Heights team met with County Councilwoman Glaros and discussed a potential dog park in Town. She suggested to set up a “Friends of the Dog Park” group to advocate for a dog park. Residents interested in joining should contact him. Thanks go to Public Works for installing dog waste stations.

Mayor Rasmussen noted a possible location for a dog park would be the T Ball field, one of the properties along Indian Creek belonging to Park & Planning. TA McLaughlin has been tasked with drafting a letter to the director of County’s Parks & Recreation Department to indicate the Council's desire to have a dog park.

Public Safety: Cpl. Roberson reported for Chief Antolik, who had an excused absence. He said the crime rate remained low in May with 6 Part I offenses. However, there was an armed robbery at the 7-Eleven on Edmonston Road, one of many recent convenience store robberies in Prince George's County. He thanked residents for their continued cooperation with the police. The reporting of unusual occurrences is the principal reason for a low crime rate. The Police had 290 calls for service and issued 37 speed camera citations, 30 on Greenbelt Road and 7 on Pontiac Street. Last week, an unknown person damaged a number of vehicles by shooting at them with a pellet gun. Residents who have noticed something, or have a security camera that may have captured the incident, are requested to contact BHPD. Lastly, residents are reminded not to leave purses or other valuables unattended in their vehicles at gas stations. There have been a number of thefts.

Mayor Rasmussen reported that, at the MML convention, he attended a cabinet round table and had the opportunity to speak with SHA Administrator Gregory Slater about the Route 193 technical assistance panel. Mr. Slater asked that the ULI TAP report be sent to him, and offered to hold a community meeting about Route 193 improvements. Mayor Rasmussen hosted an MML session on combating bias and building a more inclusive government with UMD Professor Shaunna Payne Gold.

During a 1-hour meeting with County Councilwoman Glaros at the MML convention, the Berwyn Heights team raised the issue of the Town’s storm water problems and its outdated storm water drainage system. She said that upgrades are on an accelerated timeline in the County's capital improvement plan. Ms. Glaros proposed to hold a meeting at her office with County staff to discuss storm water management techniques in general, including things that can be done on private property. Also discussed were education issues and innovations at Parkdale High School.

4. Committee Reports

Education Advisory Committee: MPT White thanked the Chair of the EAC Katie Curtis for her efforts in organizing the Town Hall on Parkdale High School and her ongoing advocacy for improving education options for Berwyn Heights students. Coordinating the work of Education Advisory Committees from neighboring cities will be a topic of discussion at the July 25 Four Cities meeting in Berwyn Heights. Further, the EAC plans to update its mission statement, which still references the reopening of Berwyn Heights Elementary School, to reflect its current concerns and activities. Parents of school-aged children are welcome to reach out to herself or Ms. Curtis with questions.

Green Team: Diana Agonoy announced the next meeting of the Green Team and Shade Tree Board is on July 19. Eight residents, including Mayor Rasmussen, MPT White and CM Sweep, attended last Saturday's Town cleanup organized by the Green Teams litter club. The Green Team thanks the Public Works Department for installing new dog waste stations.

Historical Committee: Chair Debby Steele Snyder reported that the Committee participated in Berywn Heights Day with an exhibit that featured the historic Graves-Keleher House on 62nd Avenue. The current owner Lee Fuerst was present to explain and answer questions about her house. The Committee will participate in the upcoming National Night Out and continue to add to its web-based Historic Walking Tour app. Suggestions on historic homes or sites to include are welcome.

Neighborhood Watch/ Emergency Preparedness: NW/EP Secretary Helen Weinrich announced that the Committee will not meet on the usual 1st Wednesday of the month, which is July 4. A new date is yet to be determined. The Committee is working with CM Isler on drafting a resolution that will provide a formal organizational framework for the NW/EP. The Committee always welcomes new volunteers.

CM White noted that the Council is planning to take another look at the NW/EP's survey of street lights and dark areas as the basis for exploring better lighting options for the Town.

Recreation Council: Diana Agonoy announced the upcoming and Town-wide yard sale and a jazz concert at Lake Artemesia.

Boys & Girls Club: Vice President Angela Wolfinger thanked Public Works for helping to replace a refrigerator in the concession stand that broke shortly before Berwyn Heights Day. Kudos to the U-7 soccer team for winning the County championship. Registration for the fall soccer season is now open and can be completed online at www.berwynheightsbgc.org. During the summer, the Club is running several soccer clinics: short free drills on July 6 and 13 at 6:30 pm, and full-day paid clinics on July 21 and August 4. On July 28, the Club will hold a promotional event at Modell's at the Greenway Shopping Center, where people can sign up for teams, or to volunteer. Anyone interested in joining the Club or coaching should contact her at angela.wolfinger@gmail.com

5. Unfinished Business

Resolution 01-2018 - 1st Reading & Introduction of Charter Amendment on Town Manager: Mayor Rasmussen explained that this Resolution was introduced by the previous Council at the May 9 Town meeting. The newly-elected Council decided to postpone adoption to the July Town meeting to have more time to better understand the reasons for the Charter Amendment, and how it may impact the

form of government and the search for a new Town Manager. CM Isler moved, and CM Papanikolas seconded to continue the resolution to the July 11 Town meeting. The motion passed 5 to 0.

5. New Business

Resolution 2-2018 – Establishment of Citizen Commission on Quality of Life: Mayor Rasmussen explained that the establishment of this Commission seeks to broaden input from citizens on how to advance the quality of life in Berwyn Heights, which was a cornerstone of his election campaign. The Commission's findings would inform this Council's list of priorities and a work plan for the new Town Manager. Clerk Harper read the adopting language of the Resolution. CM Isler moved to introduce it and MPT White seconded. Mayor Rasmussen gave an outline of a work plan for the Commission. The Resolution was passed in a 5 to 0 vote.

Appointment of Members of Citizen Commission on Quality of Life: Mayor Rasmussen said that the Council received a good response from residents to serve on this Commission and, at its last worksession, increased the number of seats to 15 to accommodate everyone. He called out the names of those who had volunteered to serve, most of whom were present: Diana Agonoy, Joan & Richard Ahrens, Patricia Dennison, Elizabeth Dowling, Janet Freitag, Maria & Philip Newsom, Dee Reamy, Megan Miller Shane, Ray Smith, Kyle Snyder, Mary Ann Walkup, Angela Wolfinger, and Chandra Parnell. The Council also appointed Angela Wolfinger as acting chair of the Commission until a chair can be formally elected. CM Isler moved, and CM Papanikolas seconded to approve the slate of members. The motion passed 5 to 0.

Resolution 03-2018 – Award of Tree Maintenance Contract: TA McLaughlin explained the Town in 2016 commissioned a study of its tree canopy, which resulted in a maintenance plan to improve the health of its tree canopy. A total of \$47,000 was budgeted in FY 2018 and FY 2019 to perform the maintenance. Four bids were solicited and two received. After reviewing the bids, the Council decided to award the maintenance contract to the low bid by SaveATree. Clerk Harper read the Resolution awarding the contract. A correction was made changing the FY 2018 appropriated amount to \$25,000. CM Isler moved, and CM Papanikolas seconded to approve the Resolution, as amended. The motion passed 5 to 0.

Variance 27-18, 8803 62nd Avenue: Mayor Rasmussen said when property owners need an exemption from the Prince George's County zoning code, they file for a variance with the Prince George's County Board of Zoning Appeals. In making a decision, the Board seeks input from a municipality, if the property is located in a city or town. The municipality can support or oppose the variance request, or take no position. Tonight, two variance requests are up for consideration.

TA McLaughlin gave the background for Variance 27-18. The owner of the property at 8803 62nd Avenue needs a variance for a covered front porch he started building without proper permits earlier this year. As proposed, the porch violates the zoning requirement for a 25' setback from the curb, and a 30% limit on lot coverage with an impervious surface. In addition, validation is needed for existing violations of setback requirements related to a shed and deck in the rear yard. It is recommended the Council oppose the variance request and have the owner remove the steps and landing built without permits.

Frederick Mbayu, the owner of the property, said that all structures in the rear of the main house, including an addition and a deck have proper County and Town building permits. He wanted to build a

covered front porch to replace the original steps and to shelter an existing metal window that has started to rust. When he applied for a County building permit for a covered front porch, he was advised he needed a variance on which the Town of Berwyn Heights will be asked to comment. He was also told the County would approve the variance if he brought the covered porch back by 2,' thus reducing the front yard setback to 23.'

After some discussion, Mayor Rasmussen asked for a motion to oppose the enclosing of the front porch and to take no position on the remaining variances. CM Isler suggested to make these items two separate motions. Mayor Rasmussen agreed and asked for a motion to oppose enclosing the front porch, while allowing the open deck and steps to remain. CM Isler so moved. CM Papanikolas seconded. The motion failed 2 to 3, with MPT White, CM Isler and CM Sweep voting 'nay'. CM Isler then moved to take no position on the remaining variances. CM Papanikolas seconded. The motion passed 5 to 0.

Variance 35-18 for 8626 Cunningham Drive: TA McLaughlin explained that the owner of 8626 Cunningham Drive, Richard Smith, applied for a variance to validate existing conditions (dwelling, shed), and to obtain a building permit for the tent/ carport. The structures are in violation of various setback requirements due to the odd shape of this corner lot. The tent/carport is too close to the front lot line for an accessory building, and would require a 20' front yard setback to qualify for a building permit. It is recommended the Council support the variances for the dwelling and shed and oppose the variance for the tent/carport, unless it can be shown that it meets appropriate building standards.

Richard Smith said the structure in question is a pop-up canopy, which can be taken down and put up in an hour. It is used mostly for family gatherings, not as a car port, although he sometimes parks a car in it when it snows or it is very hot. His property has virtually no back yard and the driveway next to his home is the only level place where he can put it. He had the canopy for many years, and ensures it securely anchored and well maintained. He believes it is now before the Board of Zoning Appeals because the Town's code staff reported it.

CM Papanikolas moved, and CM Sweep seconded, to support the variance request. The motion passed 5 to 0. In response to CM Isler, Mayor Rasmussen provided clarification on the Mbayu variance for a covered front porch. Since the motion to oppose that variance failed, it defaults to the Council taking no position.

7. Citizen Comments

Phil Newsom, Ruatan Street, said he has a pop-up canopy he uses as a carport, which he believes the Town's Code officer reported to the County. A County inspector came out and told him he needed a permit. He then went to the County's Permit Department and showed them the canopy. They told him he did not need a permit for this structure, and that it is up to the Town to allow or prohibit it. In his opinion, having a canopy should not come up as a zoning violation because it is a temporary structure. Nor should it be a code violation, if it is securely anchored and well maintained.

Meg Shane, 57th Avenue, thanked the Council for postponing adoption of the Charter Amendment and allow citizens to talk to the new Council about it. Regarding the Quality of Life Commission, she is looking forward to working with the other residents here tonight. She asked that all members be provided a contact list. To the Public Works Director, she suggested that the supervisory staff take a tour of the County's recycling facility to bring them up to speed on latest recycling technology and

techniques. Lastly, Ms. Shane announced she has been selected as the social secretary for the Senior's Club and is planning number of fall events.

Frederick Mbayu, 62nd Avenue, expressed the opinion that the Council should have treated the two variances before them tonight in the same way. He believes the vote to oppose and to take no position on his variances shows bias.

Tamara Burns, Cunningham Drive, said she has been a life-long resident of Berwyn Heights and has never done anything on her property without getting permission from the Town. She has had a canopy, which is sometimes used as a carport, for 20 years and never had a problem. This year, a County inspector came out to tell her she needed a permit, and that the Town's Code Department had filed the complaint. She had to pay a considerable amount of money to obtain a County and a Town permit for this structure. She feels she has been ill-served by the Town's Code Department.

Residents in the audience voiced similar complaints, including that they have canopies on their property the Town did not previously have a problem with. Now, they receive violation letters from the County stating that they need a permit for the structure. Once in the Permit Office, they are told that the Town's Code Department has reported them. Others reported that the Town's Code Department is going into people's back yards without permission, and posting violations on front doors without first issuing a warning. They believe that the Town's Code Department needs to be straightened out.

TA McLaughlin stated that this is the first time he hears about this and that he will look into the matter. At a minimum, there needs to be clarification on what the County's code says about canopies. Mayor Rasmussen added the Town also needs to figure out how it communicates with the County. He stated that he will meet with TA McLaughlin and CM Papanikolas to discuss the matter. The Quality of Life Commission may also want to take up the issue. CM Isler said he welcomes everyone's comments and encouraged all to remain engaged. Hearing from the residents enables the Council to address an issue and come up with solutions.

Joan Hayden, Seminole Street, commented per telephone that the Public Works Department should purchase recycling bins with wheels when they place the next order. She also reported a code problem with an accessory structure on her mother's property, which ended up before the County. She suggested a list of all residents who had complaints about the Code Department be made available.

The meeting was adjourned at 9:41 p.m.

Signed: *Kerstin Harper*, Town Clerk