



Town of Berwyn Heights

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

Worksession Minutes January 19, 2016

The meeting was called to order at 7:00 p.m. Present were Mayor Jodie Kulpa-Eddy, Mayor Pro Tem (MPT) Chris Rasmussen, Councilmembers (CMs) Patricia Dennison, Maria Robles and Lynn White. MPT Rasmussen arrived 15 minutes late due to work-related reasons. Also present were Town Administrator (TA) Jessica Cowles, Clerk Kerstin Harper, and resident Cody Lieuwen.

1. Mayor

Announcements: CM Dennison's son James was married today. Long-time employee Darlene Erickson will be retiring at the end of January.

Calendar: No changes were made.

Minutes: There were none.

Department reports: CM Robles reported that Code Supervisor Glass has made an effort to count the number of commercial vehicles that may be in violation of the zoning code. Mayor Kulpa-Eddy suggested the Department compare weekdays and weekends and monitor properties for a period of time to determine if it is an ongoing situation. CM Robles said a stop work order was issued for the historic Sportland property, because the contractor had started to work without a permit. Mayor Kulpa-Eddy asked if there are plans to hire a new part-time officer before spring. CM Robles replied that Code Supervisor Glass and TA Cowles are discussing the options. CM Dennison reported the Recreation Council canceled the re-gifting party due to the forecast snow storm. The Education Advisory Council will meet on February 11. It has been proposed to survey the student population in Berwyn Heights to determine which schools they attend.

Mayor Kulpa-Eddy said that a major snowstorm is forecast for the coming weekend. Police will be on duty. CM White said that the Public Works Department is also preparing for the snow. They have road salt on hand and are devising a staffing plan. CM Robles noted that residents are requested to keep their cars off the road where possible to facilitate snow plowing. Cars may be parked on un-paved surfaces in the yard when snow falls.

MPT Rasmussen said that, with Ms. Erickson leaving Town service, the Administration Department is thinking about how to carry out those responsibilities. Cleaning contractors and private caterers are being considered as options.

Citizen comments: CM Dennison received a comment opposing a possible permit requirement for felling trees. CM Robles received a comment about whether a particular tree

on her property is in the Town right of way and therefore the Town's responsibility to cut down. She told the resident to contact the Town to make the determination. CM White received comments on unusually high water bills. TA Cowles recommended to contact the manager for the WSSC water main replacement project about it, as it may be related. She will follow up with the WSSC government relations manager. MPT Rasmussen received a comment that Town staff are paid well enough and don't need a raise in compensation.

2. Code Compliance

Variance request 8504 60th Avenue: TA Cowles explained that the owners of the property at 8504 60th Avenue are requesting a variance for lot coverage and setback of a 2-story shed, which does not meet Prince George's County zoning regulations. Zoning rules require that not more than 30% of a lot may be covered by impervious surfaces, including homes, accessory structures and driveways, and that a structure must be set back at least 2 feet from the property line. The County Board of Appeals asks municipalities to make recommendations on variances before issuing a ruling.

The shed, presumed to have been built in the 1980s by a previous owner of the property, was cited by the County in 2013 for not having a permit. The current owner appealed, and the matter came before the Town Council, which recommended to the Board of Appeals that an investigative fee and certification from a structural engineer as to the soundness of the structure be waived because the shed was not built by the current owner.

Property owner Cody Lieuwen explained that he bought the property with his wife in 2009 with the shed in its present condition. In 2013 he received a violation from the County. He was surprised because he had made no changes to the shed. The County insisted on the appropriate permits, which he is now trying to obtain. Before permits can be issued, the required variances must be approved, including one for height of the shed not mentioned in the appeal.

In response to questions from the Council, Mr. Lieuwen said that he has talked to the neighbor whose property abuts his and is nearest to the shed. The neighbor has no problems with the setback. The shed serves as a garage and also contains gardening supplies. His property has no installations to slow rainwater runoff, except a rain barrel, that could serve as an offset for the 42% of impervious surfaces on his lot. He noted that rainwater does not runoff into the street but tends to pool in his back yard and soak into the ground. The electric wiring in the shed also needs a permit, which he intends to get once the zoning variances are approved. The County's zoning inspector has looked at the shed and the electric wiring and found no cause for concern.

CM Dennison moved and MPT Rasmussen seconded to support approval of the variances. The motion passed 5 to 0. TA Cowles will send a letter to the Board of Appeals informing them of the Council's decision.

3. Parks and Recreation

Berwyn Heights Day plans (discussed out of order): Mayor Kulpa-Eddy welcomed Tim Tormoen, President of the Recreation Council for a discussion of Berwyn Heights Day plans. Mr. Tormoen said that the Recreation Council lost several active members and at this point has only 3-4 members who are available to plan Berwyn Heights Day. They are stretched very thin to carry out all the different responsibilities associated with Berwyn Heights Day preparations. Mr. Tormoen will be responsible for overall coordination and soliciting sponsors, and is sharing responsibilities for games and vendors. Fun Run, pancake breakfast, bake sale, concert and vendors are covered by volunteers from the Recreation Council and various clubs. However, at this point there is no one to take on the parade.

MPT Rasmussen said the Town may want to re-evaluate the Berwyn Heights Day program to decide if it wants to run the full slate of activities and utilize Town staff to fill in the gaps, or reconfigure the event to be managed by a smaller group of volunteers. In discussions, the following suggestions were made:

- Approach Town organizations and ask if they would organize a particular activity;
- Ask the police department for assistance with the parade, as they have organized it in the past;
- Scale down the parade to make organization less time consuming;
- Replace parade with another activity, such as a block party;
- Ask all Town employees to help and compensate with comp time;
- Appropriate more money to hire entertainers;
- Invite additional food trucks;
- Identify additional craft vendors and invite them.

It was agreed to check with the Police Department, other Town staff and Town committees for assistance with Berwyn Heights Day.

PGC zoning rewrite: Mayor Kulpa-Eddy said she reviewed Module 1 of the Prince George's County zoning rewrite for potential impacts on Berwyn Heights. Module 1 redefines the land uses permitted for each planning zone. The current single family residential zone, R-55, that applies for most of Berwyn Heights, will become SFR-6.7. The current commercial shopping zone will become one of 3 proposed categories: commercial neighborhood, commercial service, and commercial office, while the current light industrial zone will become industrial employment, or I-E.

Mayor Kulpa-Eddy continued that most proposed zones are compatible with uses in current zones, with some exceptions: 1) beekeeping is considered agricultural production and is prohibited; 2) poultry is allowed on a minimum ½ acre lot; 3) multi-family dwellings are allowed in commercial and industrial zones; 4) nightclubs, indoor shooting ranges, pawn shops and tattoo parlors are allowed in commercial and industrial zones; and 5) vehicle storage and salvage yards are only allowed in H-I, heavy industrial zones.

If Berwyn Heights disagrees with any proposed use, it needs to weigh in now and request the definition of the new zones be modified. Once the new zoning code is adopted, there will not be an opportunity to appeal. Another issue that may come up is that currently allowed uses in an R-55 zone, such as beekeeping, will not be allowed under the new zoning rules. It is unclear if this type of activity would be grandfathered in. Either way, the Council should communicate whether it has a preference for uses in zones proposed for Berwyn Heights.

MPT Rasmussen said it would be useful to have a more detailed definition of some of the proposed uses. For example, he would like to know if the R-55 successor allows in-law suites and other types of accessory structures that accommodates extended families living together. He also suggested that M-NCPPC Planner Chad Williams be asked to provide revised zoning maps when he gives a presentation at the next Four Cities meeting. TA Cowles said she will ask for a map but does not think it will be ready at this stage.

2. Code Compliance, continued

Call-a-bus agreement: TA Cowles explained that the Town operates a 16-seat call-a-bus that is intended for transporting seniors and people with disabilities, who cannot use regular buses, to nearby destinations. It is also used by community organizations for special events. The bus is provided by the County, while the Town pays for operating expenses. The Town has had an agreement with the County going back to the 1980s, and must renew the agreement to remain

eligible for the program. There is no additional expense associated with renewing the agreement and insurance will be through LGIT's general liability insurance. The agreement would also make the Town eligible for a new bus provided by the County. Should this require a contribution from the Town, the appropriation would have to come from the Council. CM Dennison moved and CM Robles seconded to sign the new call-a-bus agreement. The motion passed 5 to 0.

Nothing was discussed under **4. Public Safety** and **5. Public Works**.

6. Administration

Candidates' packet: Clerk Harper explained the contents of a candidates' packet each Councilmember was given in the event they run for Town Council. The packet contains a petition of candidacy and financial disclosure form, which candidates have to file with the Town by March 1. As background an election schedule, Election Ordinance and Town Charter are also included. In response to questions, Clerk Harper said that a Candidates' Night will be held in April, and that there are no guidelines on campaign financing. However, the Ethics Ordinance sets forth guidelines for ethical conduct of elected officials, including financial disclosures.

It was agreed that ordinances and charter sections relevant to the election process will be referenced on an election fact sheet. Candidacies will be made public on the day of the filing deadline. Those wanting information about the election or a candidate packet should contact Clerk Harper at the Town office.

Student Mock Town Council Meeting: Mayor Kulpa-Eddy explained that the Berwyn Heights Elementary School guidance counselor has asked if the Council would consider engaging students with a different type program, as the preparations for this event are very labor intensive.

Clerk Harper said she has looked into possible alternatives. The Maryland Municipal League (MML) has developed a well-defined shadowing program for municipalities that can be viewed at the MML website. Greenbelt has a student quiz about its city government, and some cities are using scavenger hunts to familiarize students with their town. Clerk Harper was asked to consult with teachers and students at the elementary school and find out their preferences.

The meeting was adjourned at 9:20 p.m.

Kerstin Harper, Town Clerk