



# Town of Berwyn Heights

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## Minutes Worksession December 16, 2013

The meeting was called to order at 7:00 p.m. Present were Mayor Cheye Calvo, Mayor Pro Tem (MPT) James Wilkinson, and Councilmember (CM) Jodie Kulpa-Eddy. CMs Rose Almoguera, Patricia Dennison had excused absences. Also present were Town Administrator (TA) Edward Murphy, Clerk Kerstin Harper and citizens.

### **1. Mayor**

**Announcements:** There were none.

**Calendar:** A budget worksession scheduled for March 31 was deleted.

**Minutes:** On a motion by MPT Wilkinson, and second by CM Kulpa-Eddy, the December 2 worksession minutes were approved 3 to 0.

**Department Reports:** MPT Wilkinson said Acting Public Works Director Lockley told him that plastic table wear can be recycled if it has been cleaned. This information will be included in the next recycling flier.

MPT Wilkinson reported that he filled in for Mayor Calvo and attended a briefing by Jim Nutter from Congressman Steny Hoyer's office regarding the FBI headquarters relocation. College Park Councilmembers Patrick Wojahn and Fazul Kabir, as well as Greenbelt's Mayor Emmett Jordan were also in attendance. On December 19, County Executive Baker will submit an Expression of Interest (EOI) for the relocation of the FBI to Greenbelt Metro Station. Mr. Nutter explained that the future FBI site will have to meet a series of specifications, including a lot of approximately 50,000 square feet located within 2 miles from a Metro station and within 2.5 miles from the Capital Beltway. While the headquarters is not intended to resemble a fortress, the site must meet the latest security requirements, including buffer zones and minimum distances and heights of nearby structures. The FBI building itself will be 14 stories high and accommodate 11,000 employees, which represents 1/3 of the FBI workforce.

An announcement of top contenders resulting from the General Services Administration's (GSA)

evaluation of EOIs is expected in late spring or early summer 2014. It is generally believed that the top two contenders are the Greenbelt, MD and the Springfield, VA site. After the announcement, the GSA will issue a Request for Proposals (RFP) during the summer of 2014. Developers will likely submit alternate plans for both sites, with the winning site and site plan expected to be announced in February 2015. Construction is proposed to start in early 2016.

Mayor Calvo added that he heard from Justin Ross, who is lobbying for Greenbelt Station site on behalf of Prince George's County, that the GSA changed the specifications for the site prior to issuing the request for EOIs to make them more general. This was regarded as a setback by Maryland politicians because the more specific requirements would favor the Greenbelt site. He asked if anything more about that was said at the meeting. MPT Wilkinson replied that nothing was said about behind-the-scenes maneuvers. The focus was on discussing the advantages of the Greenbelt Station site with respect to transit-oriented development, synergies with other intelligence agencies and cyber security installations, and connectivity of the bike path.

In Public Works news, MPT Wilkinson noted that the Public Works crew on two occasions prepared for what turned out to be minor snow events. If there is a significant snowfall, residents are requested not to put out their trash, as the crew will be busy clearing the roads. Trash pickup will resume as soon as possible after the streets are cleared of snow.

CM Kulpa-Eddy reported that she and CM Dennison attended the PGCMA dinner and heard presentations from Lieutenant Governor Anthony Brown, Delegate Jolene Ivey and Congresswoman Donna Edwards. The PGCMA endorsed the restoration of Highway User Revenues as a legislative priority and made available some information on the restructuring of Prince George's County's tax differential system. It was noted that the County Council has a new chair, Mel Franklin, and Vice Chair, Will Campos.

Mayor Calvo said that the rash of burglaries that took place in Berwyn Heights and neighboring communities has subsided. The Town and county police departments are coordinating their investigations and have identified a suspect. Further, the judging for the holiday decorating contest will take place between December 21 - 31, with the winners to be announced at the next Town meeting.

**Citizen Comments:** Mayor Calvo received a comment about a long-term construction project at a neighbor's house. Code Officer Hall has monitored the property and has been in regular contact with the homeowner.

**Greenbelt Station south core development plans:** Mayor Calvo welcomed Norman Rivera, General Counsel for the south core developers, Will Yakel of the Woodlawn Development Group, which purchased the south core in 2012, and Thomas Howell representing the north core developers. Mr. Rivera explained that Woodlawn purchased the south core property from SunTrust in February 2013. Having taken stock of existing retail in the area, they concluded that retail is over-served. In August, they filed a request to reduce the amount of retail required in the Greenbelt Station conceptual site plan (CSP) from 80,000 to 5,000 square feet. This is in accordance with the 2012 Greenbelt Station sector plan, which calls for less retail in consideration of existing retail at Beltway Plaza mall and planned retail in the north core.

Mr. Rivera continued that the reduction in retail request is also supported by the owners of Beltway

Plaza mall, the City of Greenbelt and the north core developers. The north core developers are submitting a request to amend their CSP at the same time, which calls for re-aligning the connector road to accommodate the potentially relocated FBI. Mr. Howell explained that the owners of the north core propose to shift the connector road westward to create the required contiguous area for a future FBI headquarters. The FBI parcel would then be located on the east side of the connector, adjacent to the protected environmental area hemming the Indian Creek stream valley, which would serve as a security buffer. The proposed commercial development would be placed on the west side of the connector next to the Metro station. It is hoped that the amendments will help put the Greenbelt site in the best possible position for selection.

Mayor Calvo said that the north core changes make sense. It is likely that College Park prefers the tall buildings being moved further away from their residential neighborhoods. On the other hand, he has questions about the proposed changes in the south core CSP. Why could the developers not wait and see what happens in the north core before requesting the reduction in retail. Mr. Rivera said that the construction of retail space is tied to the issuance of building permits beyond the first 100 residential units in Phase I, and 785 residential units in Phase II, respectively. Mayor Calvo said he is disappointed that the retail provisions are essentially being dropped without giving a shopping center a chance. The south core might attract more upscale stores and perhaps a specialty grocer that Berwyn Heights would regard as an amenity. Mr. Rivera said that removing the retail requirement does not preclude the developers from building it in the future if there is a demand for it. Further, the change is not a unilateral decision of the developers, but reflects the input from Greenbelt residents and businesses, as well as planners' analyses.

MPT Wilkinson reiterated that Berwyn Heights would like to see a small upscale retail center in the south core because Beltway Plaza does not fill that demand. He asked what type of retail is planned for the north core, whether there will be an increase in density resulting from the substitution of commercial with residential units, and what changes were made to the bike path location. Mr. Howell said that the north core CSP allows for more substantial retail than a lunch restaurants or corner stores, but specifics depend on whether the FBI headquarters comes or not. Mr. Rivera said that the bike path was relocated from the east to the west side of Indian Creek but will be connected to the north core and Metro as well as Cherrywood Lane. Housing density overall will not increase because residential units are capped by the site plan. The units replacing commercial space will be subtracted from the residential unit numbers to be built in later phases.

In response to further questions, Mr. Rivera said that he does not know which school children from the development would be assigned to, but that he will try to get an answer from the Board of Education before families move in. Part of the area that was to accommodate the shopping center will be transformed into parkland. The planned condos over retail will be substituted with town homes in Phase III of the construction. Some condos are being built in conjunction with town houses in Phase I. Phase I construction is currently being held up by the State Highway Administration (SHA), which so far has refused to issue the permit needed for the connector road to access Greenbelt Road. SHA demands that the south core developers design and engineer the entire connector road, and post bonds of \$4.5 million for its construction. The developers agreed to do this and posted the bonds, yet SHA has not yet issued the permits. The developers will meet with SHA's Steven Foster this week to get the permit issue resolved. Prince George's County cannot issue building permits until SHA has issued the access permit.

Mr. Rivera said the revised plans will be reviewed by the County Planning Board on January 30, and that he will inform Berwyn Heights of the outcome. He will also follow up with the Town on the permit and the school districting issue.

At 8:30 p.m., the Council took a 10-minute break.

## **2. Administration**

**Audit:** TA Murphy gave an overview of the FY 2013 audit report, focusing on the items where actuals differed from the projected budget. One important difference is in the surplus used, where \$187,000 was budgeted, but only \$60,000 was spent, mainly on upgrades to the Town's cable TV system and on improvements of building and grounds. No surplus funds were spent on operating expenses.

TA Murphy said that the Town took in approximately 2.7 million in revenue in FY 2013 and spent somewhat less than that. The difference was largely due to the receipt in excess income taxes of approximately \$150,000. Revenues from licenses and permits (\$10,000), intergovernmental transfers (\$5,100) and interest income (\$6,400) also come in above budget. Real estate taxes were on target, while personal property taxes came in \$33,000 below budget, due to Verizon's appeal of its assessed value. Receipts from fines & forfeitures, recycling and Bulletin advertising also came in below budget.

On the expenditure side, the General Government budget came in \$13,700 below budget, although some funds were transferred from surplus to cover the purchase of new computers and building and grounds improvements. The Police Department came in \$31,700 below budget, with minor transfers from surplus for computer purchases, and the Code Department came in \$13,700 below budget. Other budgets that came in under budget include Parks & Recreation by \$6,000, where receipt of a Community Parks & Playground grant covered the expense of new playground equipment, the Cable TV budget, and the Miscellaneous budget, where health insurance and workers compensation were less than anticipated. The Public Works Building budget was slightly over budget and the Streets & Sanitation budget was over budget by \$2,500.

The Capital Projects budget came in at \$309,000, including \$18,000 for refurbishing the Four Cities street sweeper, \$33,000 for a police vehicle, \$90,000 for Pop's Park improvements, \$54,000 for building and grounds improvements, \$20,000 for a code vehicle and \$43,000 for the BHTV upgrade. In the next budget, money will be set aside in the vehicle replacement reserve to replace the Four Cities street sweeper on a four-year replacement schedule.

Mayor Calvo commented that the management discussion and analysis should be more focused on FY 2013 budget highlights. Any additional explanations should follow the highlight. Further, the audit should include a line item stating the amount of 401 (a) retirement funds forfeited by employees who left the service of the Town. These funds currently amount to approximately \$20,000 and should be invested as they earn much higher rates of interest than general funds. CM Kulpa-Eddy asked that the management discussion clarify that the Ford SUV was purchased for the Code Department.

In conclusion, Mayor Calvo stated the main finding of the audit is that income tax receipts are coming in much higher than budgeted. As this source of income will pay a greater share of the bills, the Town needs to develop a better estimate for income taxes. To do that, it needs to be determined which portion of an income tax disbursement reflects withholdings as opposed to back taxes.

***FY 2015 budget priorities:*** The Council briefly discussed spending priorities for the next fiscal year. An increase in the contribution to the Volunteer Fire Department as it prepares to purchase a new rescue truck, a previously approved contribution to a joint BHES/Community Center computer lab, and reinstatement of a full-time 8th police officer were considered. As part of needed IT upgrades, better technical support, a unified e-mail address system using the "@town.berwyn-heights.md.us" extension, online credit card payments, and a new platform for the Town website put on the list. Other priorities mentioned included more bike racks in Town, particularly at parks, picnic tables at the elementary school overlooking the sports field, play equipment for older children at Pop's Park, new event furniture for the Town Center, refurbishing of the 2nd floor kitchen and equipment for the community garden. A more extensive discussion of priorities is scheduled for the January worksessions.

***Town Administrator/Code Supervisor recruitment:*** TA Murphy said that he obtained quotes for the code supervisor search from Novak Consulting Group, a recruitment agency that works mostly in the mid-Atlantic region. The initial \$15,000 proposal was scaled back to \$12,500 by narrowing the search to a candidate who lives within commuting distance, not producing a printed brochure, and reducing the number of candidates and time allotted for interviews. The position is proposed to be grade 10 with a salary range of \$44,000 - \$61,000 per year.

CM Kulpa-Eddy said she doubts that a candidate can be found in this pay range for the amount of work the person is expected perform as per TA Murphy's job description. Mayor Calvo said he had a conversation with Code Officer Hall recently and got the impression that all code work is getting done, with top priority going to rental inspections, then vacant homes and clean lots. He asked what TA Murphy's reading of the workload is since he stepped in as acting code director. TA Murphy said that, long term, the Code Department needs a supervisor who has a good working knowledge of building codes to spot problems when inspecting rental homes, and who has good writing and typing skills to correspond with homeowners about code violations.

Mayor Calvo wondered whether the code supervisor is a full-time position with the current support staff levels. When he first became Mayor, there was only one code officer, who performed all code duties. The part time officers were added to monitor the Town after hours and on weekends. He thinks there are advantages to having 3 part time code employees, who can patrol and deal with rental inspections outside the regular workday. CM Kulpa-Eddy said the hours of the part time clerk and part time officer could be cut back when a full-time code supervisor, who manages the workflow, is in place.

Mayor Calvo said he has thought about restructuring the code supervisor position. It may be better if the Town hires a person who could act as an assistant to the town administrator and coordinate code activity part time, assuming current staff levels. He believes there is a greater need for someone who can step in when the town administrator is absent or there is a transition. CM Kulpa-Eddy said her main concern with this proposal is that it would further postpone the time when a code supervisor is hired. She had hoped the Council would be ready to sign off on the job description tonight and start recruiting in January so that a supervisor is in place before the budget season begins.

Mayor Calvo said he prefers to take the long view, and address what he considers to be the Town government's main limitation, which is how much the Town Administrator can handle at any given time. This would be especially important if the Council moves toward implementing a different

reporting structure, whereby the town administrator directly supervises the daily operations of the other departments. CM Kulpa-Eddy said if a person is hired primarily to back up the town administrator and to potentially replace him, it would be more important that he help supervise the Public Works Department where most of the work occurs.

TA Murphy said he agrees with Mayor Calvo's point about the importance of a backup to the town administrator. There are many responsibilities he cannot delegate because there is no one else with the education or knowledge to carry them out. Further, the Town has a long history of short-tenured town administrators. Most have not worked longer than 2 or 3 years before moving on. CM Kulpa-Eddy said the same could happen with an assistant town administrator. He may decide that this job is not for him and move on after a couple of years.

MPT Wilkinson thought that hiring an assistant town administrator would push back the time when a code supervisor can be hired, as the town administrator would probably want to play a larger role in hiring the assistant with whom he would work so closely. CM Kulpa-Eddy expressed concern that, once hired, an assistant town administrator, who manages the code department part time, would not be able to spend the necessary time in the field checking properties for code violations. Mayor Calvo said the Council should have a conversation with the code officers to get a better understanding of how much time the field work requires. The Council agreed.

Mayor Calvo said that TA Murphy should move forward with the town administrator search. However, he would like to see a more detailed description of the hiring process for the price of \$18,800 quoted. He also thought the process should start with the drafting of a hiring blueprint rather than a brochure and be national in scope. CM Kulpa-Eddy said that the hiring blueprint should include a description of the Town, which could be used for a welcome packet and other purposes.

***Election calendar:*** Clerk Harper said that the election schedule she provided the Council is based on the Town Charter, the Election Ordinance and precedent. Among the important questions the Council needs to decide are: 1) whether to use paper ballots or voting machines; 2) confirm the slate of election judges, including an alternate; 3) set the pay for election judges; 4) set the date for candidates' night; and 5) choose a moderator for candidates' night.

Mayor Calvo and CM Kulpa-Eddy expressed a preference for using paper ballots as this saves money and leaves a paper trail. MPT Wilkinson thought that paper ballots make the elections look unprofessional and voting machines would be more efficient. The Council approved the slate of judges, all of which served in previous elections, plus two alternates. The pay for the election judges was left at last year's level, with the exception of the chief judge's stipend, which was proposed to be raised to \$175. The date for candidates' night was set for the traditional 3rd Wednesday in April, or April 23. Selection of a moderator for candidates' night was set aside for later deliberation. CM Kulpa-Eddy moved, and MPT Wilkinson seconded to approve the above decisions with exception of the candidates' night moderator. The motion passed 2 to 1, with MPT Wilkinson opposed.

***Council chamber chairs:*** Clerk Harper said she hopes to get resolution on the types of guest chairs that should be bought for the Council chamber as part of the BHTV upgrade. She proposed to get an additional six wheeled nesting chairs with arms, which could be used at the conference table, and 6 stationary stacking chairs. CM Kulpa-Eddy said it would be good if guests had several options to choose from. In addition to the chairs already tested, there should be a few stacking chairs without

arms. The Council agreed.

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

Signed: *Kerstin Harper*, Town Clerk