



Town of Berwyn Heights

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

Minutes Worksession September 21, 2015

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. Also present was Town Administrator (TA) Jessica Cowles, and Clerk Kerstin Harper.

1. Mayor

Announcements: CM Dennison's mother turned 90 years old today. Pope Francis will arrive for a visit to Washington tomorrow. Federal employees are encouraged to telework.

Calendar: A BHVFD fire extinguisher workshop was added for October 10. Registration can be made online with Eventbrite. December 11 and 18 were identified as possible dates for the employee holiday lunch.

Minutes: On a motion by CM Dennison and second by MPT Rasmussen, the August 24 worksession minutes were approved.

Department reports: Mayor Kulpa-Eddy reported that she attended another zoning rewrite workshop. The rewrite will replace Prince George's County's current zoning code with a simplified and easier to use system. Workshop participants voted on a series of questions to gauge preferences on particular zoning issues. She was surprised that a majority of those present were opposed to community gardens and urban farms. The Town may want to follow this issue to make sure that any new zoning rules do not conflict with the community garden and farming activities already taking place in Berwyn Heights. The first draft module establishing new zoning classes and their associated uses will come out next month. Development and subdivision regulations will be drafted by next spring and processes for dealing with zoning issues next summer. A comprehensive package should be available a year from now.

CM Robles reported the Code and Administration Department are working on a mailer highlighting the most important changes in the recently amended Clean Lot Ordinance and listing fall community events. She continues to talk with Code staff to fully understand Code Department operations and plans to learn the capabilities of the *Comcate* code tracking system. CM Dennison reported that she and two other Councilmembers attended the community garden fest last Sunday, as well as the very well

attended Ice Cream Social. Ice cream supplies ran out twice.

Mayor Kulpa-Eddy added that the Police Department has been busy following up on several thefts, and briefly reported on the NW/EP mass casualty drill at the Elementary School. The drill was based on the premise that the Volunteer Fire Department was called away to a major accident on the Beltway and CERT volunteers had to take care of the 'victims' by themselves.

Citizen comments: Mayor Kulpa-Eddy received a couple comments about brown water coming out of faucets and laundry hoses. She also received a comment from a resident who is waiting to have a rental license issued to him after going through an application and inspection process last spring. CM White commended Public Works for all their help with the community garden.

Four Cities agenda items: Mayor Kulpa-Eddy asked Councilmembers for any items they would like to discuss at the October 22 Four Cities meeting in Greenbelt. The following topics were proposed: update on pedestrian bridge repairs; update on the North County animal shelter; and Four Cities video dissemination and marketing plan.

MPT Rasmussen said he would like to know to whom the video is being distributed and what is being done to influence the decision to locate the FBI headquarters at the Greenbelt Metro station. Mayor Kulpa-Eddy thought there may not be that much opportunity left to influence GSA's decision making process. The video has been provided to the developer, who uses it as part of a promotional package. CM White suggested the State delegates be given a copy of the video as they may have some say in the process. Mayor Kulpa-Eddy agreed that the FBI headquarters should be raised with the delegates and believes they will provide the final copy of the video to them when it is available.

Nothing was discussed under **2. Public Works.**

3. Administration

Ordinance 109 revision: Mayor Kulpa-Eddy said this version includes several changes that were not in the introduced version, including clarification on write-in candidacies and a new provision on filling Council vacancies, triggered by concerns expressed by a resident at the last worksession about the most recent Town Council appointment.

Clerk Harper explained the latest changes made to the Ordinance. The Council made several changes: Section 3 - Definitions: Newly defined terms include *Public Outreach, Town Clerk, Voting Machine, Voting Machine Vendor, Write-in Candidate, and Write-in Vote*. The term *Voter Rolls* was deleted as it is used as an alternative to *Voter Registration List*.

Section 6 F - Write in Candidates: This provision lists the privileges granted to write-in candidates. The privilege of having one's name published in the Bulletin prior to the election was added. This contrasts with the privilege of a regular Town Council candidate to have a brief biography published in the Bulletin for free. The reference to paid candidate advertisements was deleted.

Section 7 C - Statement of Election Results: A table specifying the contents of the Statement of Election Results for machine voting and for paper ballot voting was removed. The detailed content of the Statement is to be included in the election manual instead.

Section 8 - Filling Mid-Term Town Council vacancies: This section was added to clarify the process of filling vacancies occurring in mid-term, based on the Town Charter and the methods for filling vacancies used by the Council in the past. Subsection 8-D addresses the filling of vacancies from the same candidate pool when two vacancies occur in a short interval.

TA Cowles said Town Attorney Shay advises that the process for filling vacancies does not have to be done by amending the Charter but can be dealt with in an Ordinance. He further advises that the 45 day time frame for filling a vacancy relates to the Council's appointment decision. The swearing-in can take place later than 45 days after the occurrence of the vacancy, which would leave more time for selection process. Whether a swearing-in must occur at a Town meeting or not has yet to be found out.

Mayor Kulpa-Eddy said the time line for the swearing-in should be addressed the Ordinance because an appointee is not a member of the Council until he or she is sworn in. MPT Rasmussen recommended using the more precise term *appointment* rather than *selection* when referring to the Council's appointment decision, or else define the term *selection*. Clerk Harper was asked to send an electronic version of the Ordinance to the Council for additional editing.

Bikeway route: Mayor Kulpa-Eddy said the Council is requested to review the bikeway routes in connection with a grant-funded bikeway improvement project that is in the process of being implemented. Clerk Harper explained that all streets identified as a bicycle route will be marked with 'sharrows,' road markings that indicate shared automobile-bicycle use. Director Lockley recommended using a vendor to apply the sharrows at a cost of \$50 per sharrow, or approximately \$6,000. To reduce the cost, the Council may want to revisit whether 63rd Avenue between Pontiac Street and Greenbelt Road should be part of the project. This section of the route leads to Greenbelt Middle School and does not fit with the overall purpose of the grant of supporting bicycle tourism.

In response to questions, Clerk Harper said that Berwyn Heights' bikeways are designed to be part of the Anacostia Trails system, which connects cities and towns with parks, recreational facilities and public transportation. The East Coast Greenway will also come through town and it will follow a different route until the path to Greenbelt Station opens. But it will not be marked with sharrows through Town.

Mayor Kulpa-Eddy said not many bicyclists use 63rd Avenue. However, there are students who walk to school. If sharrows were added, students would likely have to look out for bicyclists, too. She prefers not marking 63rd Avenue and using the money for some other bikeway amenity. There were no objections. MPT Rasmussen moved and CM Robles seconded to drop 63rd Avenue from the project. The motion passed 5 to 0.

Bulletin cover: The Council approved the following items for the October Bulletin cover: Halloween theme, announcements for Harvest Fest, Trunk or Treat and Fire Extinguisher Workshop.

Update on Council priority projects: TA Cowles gave an update on the status of FY 2015 priority projects. The priority 1 sidewalks project is almost complete, with the contractor following up on problems identified in the punch list, and the DPW yard to be wrapped up by the end of the week. The Town continues to work with DPIE to obtain a new, revised permit for emergency generators, expected to be completed within two weeks. Then the contractor will be able to pull the electrical permits and begin construction of the generator pads. The Safe Routes to School project is awaiting SHA's written approval of the grant awards package. When received, the Town will sign the contract and construction can begin. The demolition of two condemned properties will take place once Pepco and Washington Gas turn off their utilities. WSSC has shut off the water.

With respect to FY 2016 priority projects, TA Cowles has received four proposals from human resources consultants for a study of the Town's personnel functions and is doing reference checks on the two low bidders. Consultants for redesigning the Town website have been identified and recommendations will likely be presented in November. Preliminary research has been conducted to identify consultants and determine the scope and cost of the Urban Forest Initiative. An economic development study will probably not be tackled until next spring. MPT Rasmussen suggested it may be better to wait with launching this project until it is known whether the FBI headquarters comes to Greenbelt. Another wild card is the County's zoning rewrite, which may affect economic development prospects along the Route 193 corridor.

Urban Forest initiative: MPT Rasmussen said the Town has an Urban Forest Ordinance on the books that empowers a Shade Tree Board to manage trees. However, the Board has been defunct for many years, and a new vision needs to be developed for implementation of the Town's Tree City, USA designation. He believes this should encompass a more systematic management of trees on Town property and, in to a limited extent, on private property. This may include a permit process for removing trees above a certain size. Related policies would be codified in a revised Urban Forest Ordinance, with a reconstituted Shade Tree Board overseeing implementation. A consultant is proposed to lead the Council, Green Team and residents through the visioning and planning process. The Council is requested to give direction on how to proceed and whether an action plan for implementing the Urban Forest initiative is desirable.

Mayor Kulpa-Eddy said she thinks an action plan is needed and that MPT Rasmussen and TA Cowles should continue to work on it. An action plan would also be useful for giving input on upcoming State legislation regarding Pepco's tree trimming activities. MPT Rasmussen said another threat to mature trees are disease and invasive plants, which also calls for a comprehensive approach to managing the urban tree canopy. The Council agreed for MPT Rasmussen and TA Cowles to develop an action plan.

4. Code Compliance

Ordinance 134 fine schedule: TA Cowles said the Council amended *Ordinance 134 - Commercial Clean Lot* in May and now needs to set fees and fines conforming with the revised Ordinance. Most fines are \$200 for a first violation and \$400 for a repeat violation. The exception are violations that constitute an immediate treat, which must be corrected more quickly and carry higher fines. Violations posing an imminent threat are fined at \$400 and \$800 respectively, and hazards are fined at \$300 and \$600 respectively. Any violations related to inoperable, junked vehicles or vehicle parts also carry a \$300 fine and repeat violations a \$600 fine, as they are a particular nuisance for adjacent property owners.

Mayor Kulpa-Eddy said that most fines are in line with fines charged in the old Ordinance 134, except those posing a particular safety risk and a nuisance to neighbors. In response to CM Robles, TA Cowles said that the revised Ordinance relies on standards for commercial properties set forth in Prince George's County zoning law. With no further comments, the Council agreed to introduce the resolution at the next Town meeting.

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

7. Executive Session (9:30 p.m. - 9:54 p.m.)

Mayor Kulpa-Eddy said that the Council will review the performance evaluations for department directors in closed session. She asked Clerk Harper to check whether the town administrator is

supposed to be present when his or her evaluation is discussed. She believes the recently adopted *Ordinance 121 - Executive Powers & Duties* may permit the town administrator to be present. (Clerk Harper advised that Ordinance 121, nor any other formal policy, directly addresses the issue of the town administrator's presence for her evaluation)

On a motion by CM Dennison and second by CM Robles, the Council went into executive to discuss the evaluations. With matters discussed CM Dennison moved and CM Robles seconded to end the executive session.

The meeting was adjourned at 9:55 p.m.
