



Town of Berwyn Heights

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Minutes Worksession June 1, 2015

The meeting was called to order at 7:00 p.m. Present were Mayor Pro Tem (MPT) Jodie Kulpa-Eddy and Councilmembers (CMs) Patricia Dennison, Chris Rasmussen and Anthony Schreiber. Mayor Calvo had an excused absence. Also present was Town Administrator (TA) Jessica Cowles, Code Supervisor Freddie Glass, Clerk Kerstin Harper and residents Ricardo and Herminio Portales.

1. Mayor

Announcements: The UMD women's Lacrosse Team won the national championship.

Calendar: Additional worksession will likely take place on June 25 to award the contracts for the emergency generators and Safe Routes to School projects.

Minutes: On a motion by CM Dennison and second by CM Rasmussen, the May 11 budget worksession minutes were approved 4 to 0. The May 13 Town meeting minute were distributed.

Department reports: CM Dennison announced that the Volunteer Appreciation Dinner is scheduled for June 17, 6 pm and the annual Town-wide yard sale for June 20. CM Schreiber announced that June 25th is free tipping day at the County landfill. Residents are encouraged to set out as much bulk trash as possible and dispose of any yard sale leftovers. There will be no trash collection on the Friday, June 26 following tipping day.

CM Rasmussen reported that new Code Supervisor Freddie Glass is present tonight to advise on a variance request. Further, TA Cowles has started to look for a consultant that can help the Town develop an urban forest program. She is exploring joining up with another municipality for the consultancy. Prince George's County is assisting the Town with the demolition of two vacant homes and has identified two contractors the Town can use to perform the demolition, after final notification of the owners. Demolition usually occurs 30 to 60 days after notification and could be completed by July or August this year. TA Cowles has informed adjacent property owners about the status of the condemned homes and will notify them when the demolition is imminent.

Citizen discussion: Mike Attick, 62nd Avenue, asked why the Chief is not authorized to call up the Emergency Preparedness Committee when there is a need for the trailer. MPT Kulpa Eddy said she is

not aware that there are restrictions on the Chief's ability to call up volunteers for assistance in an emergency but she will look into it.

Variance request, 6216 Quebec Place (discussed out of order): TA Cowles explained that the owners of 6216 Quebec Street requested a variance to increase the size of their driveway from 8' x 20' to 20' x 40'. The proposed location of the driveway conflicts with Section 27-120 (c) of the Prince George's Zoning Ordinance, and a variance requires input from the Town. The owners made an attempt to attend the last meeting to explain the project but there was a miscommunication about entering the Council Chamber. The County's Zoning Board deferred their hearing to give the owners another chance to make their case to the Town Council.

MPT Kulpa-Eddy asked why the proposed driveway is not conforming with the zoning code and requires a variance. After some discussion, the Council concluded that, in a residential zone, a driveway may not be so wide as to extend into the area between the front street line and the sides of the dwelling. In addition, there may be a side yard setback requirement that is not met.

The owner, Ricardo Portales, was asked to explain his project. Mr. Portales said that he wants to increase his driveway so he can park both a work van and a truck on it, and to add a walkway to his front entrance. He has received a number of tickets from the Town for parking a commercial vehicle in the street overnight and would like to avoid this occurrence. There has also been vandalism of the truck that is parked in the street.

CM Schreiber confirmed that Mr. Portales is the owner of a construction business. He then explained that the Town's main concern is with running a business out of the home. He owns a construction business himself and sympathizes with the need for parking commercial vehicles at one's property. However, neighbors can be negatively impacted. If the Town allows Mr. Portales to build a 20' x 40' driveway, he could park more than two commercial vehicles there, while parking personal vehicles in the street. Conceivably, the property could generate a half dozen vehicles parked on and off the street. Even if Mr. Portales does not park more than two vehicles on his driveway, a future property owner might. Mr. Portales is advised to rent a commercial lot if he has a fleet of work vehicles for his business.

Other concerns raised in discussions included generating more stormwater runoff from added pavement, which could contribute to flooding downhill during heavy rains and setting a precedent for other business owners to ask for larger driveways, which would change the residential character of the Town. The Council concluded that the proposed driveway is too large. However, a driveway of a lesser size that fits up to two vehicles and allows space for a walkway to the front entrance would be acceptable. Mr. Portales was asked to revise his plans in consultation with the Town Administrator and bring them back for Council review at the next worksession.

CM Rasmussen noted that Colmar Manor has an arrangement with one of its businesses to allow residents to park commercial vehicles on unused space. Perhaps a similar arrangement can be made in Berwyn Heights. The Council agreed this would be a good solution and should be explored.

Summer, fall planning: MPT Kulpa-Eddy said that the Council has a list of goals and priorities it wants to accomplish during the next fiscal year. She hopes that each councilmember would champion one or more projects and help bring it to a successful conclusion. Her own time is limited and she would focus on revising the Election Ordinance. CM Dennison said she would take on obtaining

MML's banner city status and possibly updating the Council Rules.

CM Schreiber said that he is interested in improving the 58th Avenue trail between Goucher Drive and Nevada Street, in conjunction with the bike trails project. The existing gravel path has poor drainage and is too narrow for 2 bikes to pass each other. This stretch could be redone in conjunction with possible improvements to the paved section of 58th Avenue and to the 60th Avenue footpath near the school, which Director Lockley presented during budget season.

CM Rasmussen said that his priority is the urban forest initiative. This project will likely include selection of a consultant, working with the consultant to develop appropriate policies for planting and maintaining shade trees, as well as a revision of the Urban Forest Ordinance and reconstituting a Shade Tree Board. He would wait to undertake the revision of the Ordinance after the Election Ordinance has been revised.

TA Cowles said that the use of consultants has been funded in FY 2016 to help complete the Council's top priorities, including the urban forest initiative, the personnel manual update, the website redesign, and the marketing and economic development study. The procurement and management of these efforts will require careful planning and phasing. The economic development study has the most funding associated with it and is likely to require more input from the Council as to what the end product should look like. Models from other municipalities are available and joining up with a neighboring municipality for a market analysis is being considered.

TA Cowles noted that the procurement for the emergency generators and the Safe Routes to School sidewalks projects has begun with the publication of the bid packages last Friday.

At 8:20 p.m., the Council took a 5 minute break.

Town Council vacancy: TA Cowles explained the parameters for filling the Council vacancy left by Mayor Calvo's resignation. At the Council's direction, the vacancy will be filled by appointment and was advertised in the June Bulletin together with instructions about the application process. Town Attorney Shay has done some research on how vacancies are filled in other municipalities, and advises that Councils have wide latitude in making appointments. Many cities and towns conduct the interviews in open session while making the appointment in executive session.

After some discussion, the Council agreed to hold interviews and appoint a candidate on July 6 in executive session. This conforms with prior practice of the Berwyn Heights Town Council.

Mayor Pro Tem appointment: MPT Kulpa-Eddy said, following Mayor Calvo's resignation, she will step up to become Mayor, as set forth in Section 306.2 of the Town Charter. However, the Town Charter is silent on how the next Mayor Pro Tem is to be selected. In the past, the next highest vote getter has sometimes been designated as Mayor Pro Tem. In this case, it would be CM Dennison.

CM Dennison said that there is concern on the Town Council that she would not be able to manage it. While she disagrees, she will step aside because she does not have the support of the Council. She is content to remain Councilmember for Parks and Recreation as this will also leave more time to take care of her ailing, 89 year old mother.

CM Schreiber, the next highest vote getter, said he has no interest in becoming Mayor Pro Tem. CM

Rasmussen said he is willing to serve. On a motion by CM Dennison and second by CM Schreiber, the Council voted 3-0-1, with CM Rasmussen abstaining, to appoint CM Rasmussen as the next Mayor Pro Tem. He will be sworn in at the June 10 Town meeting.

FY 2015 budget amendments: TA Cowles said she has made a couple of minor changes to the FY 2015 budget amendment since they were last discussed. She returned the Surplus - Operating Budget line item to the \$101,400 budgeted from \$82,000 estimated to leave a cushion for any unexpected expenditures that may require pulling money from surplus. Second, she lowered projections for speed camera revenues from the initial \$40,000 to \$30,000 in FY 2015. However, the lower receipts in this revenue item will be made up by higher than expected income tax revenues.

Nothing was discussed under **2. Parks and Recreation**, and **3. Public Safety**.

4. Public Works

MSEC grant: TA Cowles explained that Director Lockley applied for a \$25,000 Maryland Smart Energy Communities (MSEC) grant from the Maryland Energy Administration (MEA) to upgrade the HVAC system at the Town Center and make other energy saving improvements identified in a 2013 energy audit. She has received informal confirmation that the Town would receive the grant. Once the grant agreement is signed, an MEA grant manager will visit the Town to review the proposed improvements and begin project planning. By signing the grant agreement, the Town also commits itself to adopt policies that encourage energy efficiency, renewable energy development, and reduce reliance on petroleum as a transportation fuel. Director Lockley will be the project manager.

CM Dennison moved and CM Schreiber seconded to sign the grant agreement. In response to CM Rasmussen, TA Cowles said that there is no Town match or other expenditure associated with the agreement. The motion passed 4 to 0.

5. Administration

Sidewalk update: TA Cowles said that the priority 1 sidewalks project is winding down with only the Public Works stormwater mitigation project outstanding and a few sections of sidewalks on the 8900 block of 60th Avenue, 6200 block of Pontiac Street, and at Pop's Park. As it stands, it appears that there will be money left in the sidewalks contract to repair and replace old curbs and gutters in Town. The contract funds 900 linear feet of repairs, of which 310 linear feet have been committed by Director Lockley. The remainder can be selected from a list of deteriorated sections of curbs, gutter and sidewalks that are also in need of repairs. Some of them are on the streets flagged as a priority for resurfacing in the near future. Most of the bad sidewalk sections are on Ballew Avenue where tree roots are lifting up the concrete.

In discussions, Councilmembers said that the sidewalk repairs on Ballew Avenue would probably require putting in a barrier to prevent tree roots from breaking up the sidewalks again. Further, these sidewalks are not frequently used by Town residents. Most people visiting Lake Artemesia come by car or bicycle. On the other hand, broken sidewalks on the 6200 block of Pontiac Street should be repaired because many school children use them. The Council agreed that the Pontiac Street sidewalks should be the top priority for repairs, followed by curbs and gutters identified on the list, and lastly Ballew Avenue sidewalks.

Bulletin cover: The following items were approved for the July Bulletin cover: theme Fourth of July; and headlines for the Lake Artemesia Concert, National Night Out and trash collection changes.

PGCMA breakfast attendance: Clerk Harper was asked to make 3 reservations for the Prince George's County Municipal Association (PGCMA) breakfast during the MML conference.

6. Code Compliance (discussed under Mayor's agenda)

The meeting was adjourned at 9:10 p.m.

Signed: *Kerstin Harper, Town Clerk*