



# Town of Berwyn Heights

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

## Minutes Worksession January 26, 2015

The meeting was called to order at 7:00 p.m. Present were Mayor Cheye Calvo, Mayor Pro Tem (MPT) Jodie Kulpa-Eddy and Councilmembers (CMs) Patricia Dennison, Chris Rasmussen and Anthony Schreiber. Also present was Town Administrator (TA) Jessica Cowles, and Clerk Kerstin Harper.

### 1. Mayor

**Announcements:** Longtime Berwyn Heights resident and former Councilmember Calvin Foster passed away on January 16, and his neighbor, Bernie Connor, died on January 21.

**Calendar:** Berwyn Heights Elementary School (BHES) needs to be contacted to confirm a date for the student mock town council meeting. Deadline for submission of financial disclosures was added for April 30.

**Minutes:** No minutes were approved.

**Department Reports:** Mayor Calvo announced that the Green Team's "lose it to win it" campaign got off to a good start with a well-attended nutrition workshop on January 17, and a Town Council weigh-in at the last Town meeting. Last week, he met with County Councilwoman Danielle Glaros' new Chief of Staff, Amy Alevo, to familiarize her with Berwyn Heights and its concerns. Mayor Calvo was invited to participate in a focus group on the Prince George's County zoning rewrite. The process has changed considerably from that discussed at earlier PGCMA meetings, in that community input is sought in the beginning stages. He was also asked to join the Constitution Project's Law Enforcement Committee, which will give input to the President's Police Reform Task Force. Further, Officer Duck tendered his resignation. Chief Antolik will open a search for his replacement.

CM Schreiber reported that Juan Thorpe was promoted to Public Works foreman, the position previously held by Bruce Hockman. Public Works prepared for snow clearing operations this weekend and canceled trash collection. However, they did pick up trash that was set out today as the snow did not materialize. MPT Kulpa-Eddy reported she learned that New Carrollton's real estate assessments went up by 8-9% this year. As a whole, Group 2, of which New Carrollton is a member, saw a 19% increase.

CM Rasmussen said that he received the Town's building permit for his kitchen renovation and thanked his colleagues for reviewing it. He met with TA Cowles a week ago to develop an action plan for staffing the Code Compliance Department in the wake of Code Supervisor Simpson's departure. TA Cowles will prepare a budget to ensure that all staffing requirements are adequately funded. He also learned that the Town will get another search free from the consultants the Town used to hire him because he left before a full year had passed. Meanwhile, it is proposed to increase the hours of the part-time officers and re-hire Charles Hall as the interim code coordinator. CM Dennison announced that the Green Team is sponsoring a Yoga class for all ages next Saturday.

**Citizen Comments:** CM Schreiber received a comment from former Councilmember James Wilkinson that the 60th Avenue foot path needs graveling.

Mike Attick, who was present, announced that the NW/EP will host an active shooter class on March 14 at the Town Center. Participants will learn how to react if caught up in a shooter situation. He also asked if the new position proposed by Public Works Director Lockley has been advertised; whether the sidewalk contract has guarantees on how long the sidewalks will last; and what the status of the emergency generator project is. He was informed that the hybrid administrative assistant/ crewman II position in the Public Works Department will be advertised shortly; that the sidewalks have only a limited warranty; and that the emergency generator bids came in considerably above budget. The Town is in the process of figuring out how the cost can be reduced and whether to get more bids. Mr. Attick offered to forward information on potential contractors to TA Cowles.

**Clean Lot Ordinance amendments:** Mayor Calvo said that the goal tonight is to finalize the substance of Ordinance 107 - Clean Lot and allow some time for minor corrections at the next worksession before adoption at the February Town meeting. The Council reviewed the Ordinance sequentially and made the following changes.

Section 1 - Purpose and Authority: This section is to be rewritten to eliminate the "laundry list" of violations and focus on the purpose of the regulations contained in the Ordinance.

Section 4 B - Accessory Structures: It was agreed that the term "accessory structure" is defined broadly to include any structure found on a property apart from the residence itself. References to 1) Prince George's County zoning ordinance; 2) International Property Maintenance Code; and 3) International Residential Code were stricken.

Section 4 O - Repeat Violator: The definition was corrected to refer only to "a person who has been noticed for two violations of this Ordinance..." Receiving more than two violations is defined under sub-section 4 A - Multiple Repeat Violator.

Section 5 K - Condition of Exterior Property Areas: It was agreed to move a provision to "keep exterior areas free from debris to prevent infestations by rodents, insects and other pests" from Section 5 (H) to Section 5 (A).

Section 5 C - Invasive Plant Species and Bamboo: Chanel Kopecki, Ruatan Street, commented that she has fought bamboo growing into her yard from adjacent properties for over 10 years. Neighbors have not done enough to confine it. The problem is not only the property where bamboo originates but also neighboring properties that allow it to spread.

The Council agreed to apply the same standard that bamboo must not be allowed to spread within 2' of the property line to a property from which bamboo spreads as to an originating property.

The Council considered whether an invasive plant, such as ivy, can be allowed to grow up on a fence if the originating property owner obtains a written consent from the owner into whose yard the plant spreads. Without consent property owners, who want to grow vines on a fence, can be required to build the fence 2' inside their property line.

Section 5 M - Accessory Structures: It was clarified that, in the event an accessory structure violation is not corrected, the Town may abate the violation and charge the cost to the property owner. Collection "by filing a lien against the property" was deleted because it is only one type of payment among others.

Section 5 N - Premises Identification: TA Cowles was asked to find out which agency approves address numbers, and reference it in this provision.

At 8:25 p.m., the Council took a 5 minute break.

***Clean Lot Ordinance amendments, continued:***

Section 5 O - Vacant Property: This provision was flagged for deletion, unless a requirement for the Town to maintain a list of vacant properties is placed here.

Section 5 P - Hazard: It was decided to move the requirement to maintain all exterior areas in a safe and sanitary condition to Section 5 A (2) because it deals with conditions of exterior properties, but must be addressed more quickly in order to prevent a public health or safety hazard. The existing provision under sub-section 5 A is to be relabeled 5 A (1).

Section 7 - Notice of Violations and Penalty for Violations/ Time Frame for Violation Penalties: These provisions were stricken during previous reviews of the Ordinance. Instead a table to reference time frames for enforcing different types of violations was inserted. It was agreed to add an introduction for the table proposed by MPT Kulpa-Eddy. It was further agreed to remove the schedule for vacant properties from the table and explain enforcement under sub-section 7 D - Vacant Properties. TA Cowles was asked to have the Town Attorney to review the table for proper legal terminology.

Section 7 D - Vacant Properties: It was agreed that the Town can abate a vacant property that is on the vacant property list immediately if it has a violation that is hazardous, such as a broken window. If the violation is non-hazardous, the property owner will have 10 days from the date of notification to fix the violation. If the violation is not corrected in that time frame, the Town has the right to abate the violation at the owner's expense.

Section 9 - Right to Appeal: TA Cowles was asked to consult with the Town Attorney if a time limit should be given within which a person must appeal a municipal infraction to the District Court. Currently, the Ordinance provides for penalties to be stayed until the Court reaches a decision. However, this allows for the possibility of a penalty to be stayed indefinitely if an appellant opts not request a hearing in Court.

TA Cowles was asked to incorporate the changes made tonight and provide a corrected version as soon as possible.

***Commercial Clean Lot Ordinance:*** Mayor Calvo said that most of the changes in Ordinance 134 - Commercial Clean Lot are parallel to those in Ordinance 107 or do not apply. The table with schedules for enforcement for violations has been inserted but needs an introduction, too. At the next worksession, the Council needs to review this Ordinance more closely to be able to adopt the amendments at the February Town meeting.

***Four Cities agenda:*** A request for an update on New Carrollton's recent real property assessment was added. MPT Kulpa-Eddy said that New Carrollton last week agreed to contribute up to \$5,000 to the production of a Four Cities video to promote the relocation of the FBI headquarters to Greenbelt Station.

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

### **3. Public Works**

**Administrative Assistant/ Crewman II position:** CM Schreiber explained that Public Works Director Lockley is seeking approval for a hybrid Administrative Assistant/ Crewman II position. The hybrid position would afford better productivity and flexibility because an employee with administrative skills is more useful in a reorganized department where no refuse is collected on Fridays. Further, an administrative assistant can usually be trained to perform manual labor while the opposite is not always true. Lastly, recruitment of a full-time employee is likely to tap into a better candidate pool.

TA Cowles explained the financial impact. Hiring one full-time employee instead of two part-time employees the department now has would save approximately \$1,500 in salary, FICA and pension benefits, but may add between \$400 to \$4,000 in health insurance, depending on the employee's family status. The Town's share of the health insurance of a current 28 hour/ week part-time employee, who is single, is \$4,400. If a full-time employee of the same age, who has a family, is hired the cost would go up to \$8,400. However, the age of the new employee could change that cost.

Mayor Calvo questioned whether this is correct, because the Town pays only 70% of a part-time employee's health coverage, and 80% of a full-time employee with family. TA Cowles may want to go over those numbers. Ultimately, he wants to ensure that the cost to the Town of hiring the hybrid full-time employee is net zero. If the cost is higher than that of the current two part-time positions, the balance will have to come out of the compensation appropriation of the Public Works budget. On the other hand, any savings also go back to the Department's budget.

CM Schreiber moved and CM Dennison seconded to approve the position provided the cost impact to the Department budget is net zero. The motion passed 5 to 0.

**Voting age:** CM Schreiber said that Hyattsville and Takoma Park have recently lowered their voting age to 16. He wondered if the Council would be interested in doing this for Berwyn Heights elections. He thinks that 16 year olds are able to make this decision and raise voter turnout. It may also encourage residents to get involved in civic life earlier and possibly step up to run for a seat of the Council at a younger age.

Mayor Calvo said he does not see a need to address the issue because residents are not asking for it. He prefers not to have to find a solution to a problem that does not currently exist. The Council already has many other things to deal with. Compared with other municipalities in Prince George's County, Berwyn Heights' voter turnout is on the higher side, going up to 30% in a competitive election.

### **4. Administration**

**Priority I sidewalks update:** TA Cowles said that the contractors have laid the sidewalks in front of Pop's Park, working from engineering plans that do not have topographic information. The sidewalks are now essentially level with the curb. However, the engineers appear to have envisioned a shelf type installation, with the sidewalks raised above the level of the curb to allow for easier access into the park through the double gates in the middle of the block. As an alternative, the engineers have proposed to create the ADA accessible entrance at the northern point of the park where the slope is less steep. She asked the Council for direction on how to proceed.

Mayor Calvo said he is concerned that the contractors plunged ahead with construction on the Cunningham Drive section without consultation at a time when TA Cowles was on vacation. This problem could have been avoided if they had asked how to lay the sidewalk at the park. Regardless, the

Council needs to decide whether to ask the contractor to redo the sidewalks, approve an ADA accessible entrance at the north point, or find a different solution for ADA access through the double gates. His preference is to make the middle gates ADA accessible because it would be easiest to push a stroller through.

TA Cowles said that making the slope gradual enough to be ADA compliant, would require building a path far into the park with substantial retaining walls on both sides. The engineers can be asked to give a cost estimate on this entrance, but they are recommending the north point gate for ADA access. The double gates entrance could be equipped with stairs.

Mayor Calvo said the Council needs some feedback on alternate designs for this stretch of sidewalks to make a decision. Personally, he doesn't like the idea of the Cunningham entrance having stairs or massive concrete walls. It may be better not to have an entrance on that side.

**Bus stop pads:** TA Cowles said that the sidewalks contract allows for 22 bus stop pads. The Council already decided the Town did not need that many pads and that the savings can be reprogrammed for another part of the sidewalks project. Director Lockley has identified 5 locations in addition to the 9 already chosen on which the Council is asked to make a decision. They are places where people are often waiting for buses and where no retaining walls or easements are needed.

The Council agreed to add bus pads on the south bound lane of Edmonston Road at Berwyn Road and Charlton Avenue because people get on there to go to the Metro station or the University. Pads on the north bound lane are not critical as people getting off the bus don't spend time standing at the bus stop. It was also agreed not to put a pad on Cunningham Drive at Pontiac Street.

CM Schreiber moved and CM Dennison seconded to approve the locations identified tonight. The motion passed 5 to 0. TA Cowles was given discretion to eliminate pads if circumstances warrant it.

**MML conference hotel reservations.** Clerk Harper was asked to reserve 4 suites at the Princess Bayside hotel.

Nothing was discussed under **5. Code Compliance** and **6. Parks and Recreation.**

**7. Executive session (10:30 p.m. - 11:29)**

On a motion by CM Rasmussen and second by CM Dennison, the Council went into executive session to discuss 2 personnel matters and a legal matter. With matters discussed, CM Rasmussen moved and CM Dennison seconded to end the executive session.

The meeting was adjourned at 11:32 p.m.

Signed: *Kerstin Harper, Town Clerk*