



Town of Berwyn Heights

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Minutes Worksession December 15, 2014

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, and Anthony Schreiber. CM Chris Rasmussen had an excused absence. Also present was Town Administrator (TA) Jessica Cowles, Public Works Director Adrian Lockley, Clerk Kerstin Harper, and McDonald's Representatives Daniel Lynch and Gary Kilfeather.

1. Mayor

Announcements: CM Dennison's son James became engaged.

Calendar: Adoption of the Clean Lot Ordinances may slip to the February Town meeting. A meeting of the Commercial District Management Authority (CDMA) will be called in January, to which all business will be invited. Development updates, Commercial Clean Lot Ordinance and appointment of board members will be on the agenda.

Minutes: On a motion by CM Dennison, and second by MPT Kulpa-Eddy, the November 3 worksession minutes were approved 4 to 0. On a motion by CM Dennison, and second by MPT Kulpa-Eddy, the November 17 worksession minutes were approved 4 to 0

Department Reports: Mayor Calvo reported that he attended the first meeting of the newly formed Route 1 Coalition on December 10. The coalition consists of the municipalities of College Park, Berwyn Heights, University Park, Riverdale Park and Hyattsville and is intended to be a platform to discuss and shape development in the Route 1 Corridor. Mayor Calvo hopes to get Berwyn Heights' commercial district involved and tap into the expertise the coalition communities have gained with redeveloping Route 1. The Hyattsville Community Development Corporation (CDC) is looking to expand its operations beyond Hyattsville, and might be a candidate for assisting with planning redevelopment in the 193 Corridor. Mayor Calvo thinks that Berwyn Heights needs to invest in some type of professional expertise to redevelop its commercial district along Greenbelt Road, hopefully in cooperation with the City of Greenbelt.

CM Dennison said some visioning of improvements in the commercial district was done in connection with a 2003 Community Legacy Grant put together by Tom Renahan, who was briefly the acting town administrator for Berwyn Heights. She thought the grant application might be reviewed to see what improvements were planned at that time. CM Dennison also reported that the Recreation Council is

planning to hold a community wellness workshop in January, under the banner "lose it to win it." Mayor Calvo added that his wife Trinity was named "Master Gardener of the Year" for Prince George's County.

MPT Kulpa-Eddy reported that the road salt supply contract with SHA for this winter has been executed.

Citizen Comments: There were none.

McDonald's renovation: Mayor Calvo welcomed Daniel Lynch and Gary Kilfeather for an update on the plans for renovating the McDonald's restaurant on Greenbelt Road at 63rd Avenue. Daniel Lynch provided site plans to explain the planned reconstruction of the restaurant. He said this McDonald's franchise dates from the 1970s and has been slated for modernization. The new building will have a brick facade and entrances in the front and west side for walk-in service. The interior will also be remodeled and a modern kitchen installed to more efficiently handle food preparation.

To conform with the newly approved Greenbelt Sector Plan, the building will be closer to Greenbelt Road and aims to make the drive-through more efficient. About 60% of the McDonald's clientele now uses the drive-through. The building will be longer front to back with 3 drive-through windows and 2 lanes of traffic. The parking lot will also be redesigned. Parking spaces will be reduced from 45 to 26 and angled to guide the traffic counterclockwise around the building in one direction only. The existing "pork chop" entrance on Greenbelt Road will be reconfigured to be further away from the traffic light.

In response to questions from the Council, Messrs. Lynch and Kilfeather said that they will try to accommodate the request for a sidewalk along the 63rd Avenue side of the property to improve pedestrian access from Berwyn Heights. However, new sidewalks add impervious surfaces, which McDonald's is required to reduce by 50% to comply with new stormwater runoff regulations. This might be achieved by using pervious pavers for parking areas. McDonald's will also think about how to guide pedestrians coming up 63rd Avenue through the parking lot in a safe manner. The redesign of the property calls for removal of some existing trees in conformance with the requirements of Prince George's County's landscaping manual. No solution was offered to address neighbors' complaints about trash trucks servicing the restaurant in the early morning hours. Loudspeakers will be angled away from the adjacent residential properties and lights that shine down used to reduce noise and light pollution.

Reviewing the time line for the renovation, Mr. Lynch said that McDonald's has filed an application of the detailed site plan with the Planning Board, and is waiting for the application to be accepted. Once accepted, it takes approximately 70 days to be reviewed and approved. Then it will be sent the Department of Permits, Inspections & Enforcement (DPIE) and other agencies that have to sign off on the plans before permits are issued. In all, the planning and approval process is expected to take another 10 months before construction can begin. Construction itself will last between 3 - 4 months.

Mayor Calvo thanked Mr. Lynch and Mr. Kilfeather for coming in and asked them to send the Town revised plans, including a sidewalk on 63rd Avenue and a proposed new sign board. The Council will then take a position on the plans as early as the first worksession in January.

At 8:09 p.m., the Council took a 10 minute break.

DPW staffing (discussed out of order): Director of Public Works Lockley was present to discuss his proposal to create a full-time administrative assistant/ crewman position from 2 part-time positions currently budgeted in the Department. In the FY 2015 budget, the Council established a part-time administrative assistant position, which has not been filled yet. In addition, one full-time crewman recently resigned and left a vacancy to be filled. Mr. Lockley proposes to fill the full-time crewman vacancy with a current part-time employee, and require him to get a CDL license during a six-month probationary period. This would leave 2 part-time positions to be filled, which Director Lockley seeks to fill with a dual administrative assistant/ crewman II position that would still have to be advertised.

Mr. Lockley further explained that the budget impact of this change would be a nominal plus of \$900 in the departmental salary budget as the candidate is not yet CDL certified, plus additional savings in the health care budget as the candidate already has insurance. The full-time crewman II salary would go up, however, if a CDL license is obtained. The budget impact of the new hire to fill the combined administrative assistant/ crewman II position would produce some savings in the salary line initially, but may cost more next year because of the benefits to which a full-time employee is entitled.

Mayor Calvo said he has no objection in principle to combining the 2 part-time positions to hire a full-time employee, as long as the budget impact is neutral. There is no leeway in next year's non-departmental/ benefits budget to incur additional expenditures. He recommended authorizing Director Lockley to advertise this position and see what candidates apply. If the chosen candidate proves to be more expensive than what is appropriated, Director Lockley would be asked to cut the Public Works budget elsewhere. The Council would make a decision on hiring a candidate at the next worksession. The Council agreed.

Nothing was discussed under 2. **Code Compliance** and 3. **Parks & Recreation**.

4. Public Safety

Shift differential: Mayor Calvo said that the Council approved a raise in shift differential for police officers from \$1.00 to \$1.30 in the FY 2015 budget but made it contingent on an increase in revenues from fines and forfeitures. This revenue is on track to hit the budgeted mark. Therefore, he recommends approving the increase in shift differential to be effective January 1, 2015. MPT Kulpa-Eddy so moved. CM Schreiber seconded. The motion passed 4 to 0.

6. Administration

FBI video proposals: Mayor Calvo said that the Council recently approved a \$5,000 contribution for the production of a video promoting the communities surrounding Greenbelt Station as the best location for the future FBI headquarters. The contribution was conditioned on the hiring of professional videographer to produce the video. MPT Kulpa-Eddy said that the City of Greenbelt has since put out a request for proposals and received 2 proposals. To her knowledge a selection has not yet been made and asked if Berwyn Heights should express a preference.

Mayor Calvo thought that Berwyn Heights should not express a preference but ensure the selection follows the approach endorsed by the Council. The approach favored is in essence to assemble a script from footage taken in the Four Cities, rather than shooting the video in accordance with an existing script. Berwyn Heights will be able to decide on whether to commit its money later, depending on the approach taken when the video is in production.

MPT Kulpa-Eddy proposed that TA Cowles be asked to follow up with the City of Greenbelt to find out

what the status of the selection of a video production company is and to submit in writing Berwyn Heights' conditions for participation and funding. The Council agreed.

Budget calendar guidelines: TA Cowles gave a summary of the revised budget guidelines that will be provided to the department directors for the FY 2016 budget process. Important deadlines include January 23, 2015 for submission of departmental budget requests to the Town Administrator, the February 2 and 16 worksessions for presentation of departmental budget requests to the Council, and the March 2 worksession for presentation of the Town Administrator's proposed FY 2016 budget. Further, the budget guidelines detail the forms directors are asked to submit and other information requested, to include: statement of accomplishments, major initiatives, or changes in service and special challenges facing the department. Directors are also advised that FY 2016 will be another tight budget year, as the Town is entering its 3rd year of lower real property assessments, and to submit a recommendation on how to achieve a 5% reduction in their departmental budgets. They are further advised that the State budget is expected to remain tight and that Highway User Revenues (HUR) and police aid are likely to be below normal levels.

Mayor Calvo noted that the role of the councilmember/ department head in the budget request may need to be clarified as a result of the newly-adopted *Executive Powers & Duties Ordinance*. While Department heads should know what their department director is requesting, they may no longer have a veto over the budget request. Rather, they might advise on what should and should not be requested. He recommended adding a date in the budget calendar for department directors to discuss their budget with their department head.

MPT Kulpa-Eddy asked if TA Cowles plans to meet with the Neighborhood Watch/ Emergency Preparedness Committee (NW/EP) to discuss its proposed budget. In past years, NW/EP has presented its budget to the Council without it having been vetted by a department head or the Town Administrator. TA Cowles said that she plans to meet with them and offer assistance. Mayor Calvo asked whether NW/EP needs to present its budget to the Council at all since it is a simple and stable budget, and any unspent money rolls over into a reserve for a new trailer. MPT Kulpa-Eddy, who serves as Liaison to NW/EP, thought the Committee would be fine with not presenting their budget to the Council. TA Cowles was asked to inform the Committee chairs.

The Council also reviewed the budget calendar. Public Works and Code Compliance budget presentations were scheduled for February 2, and Police and PRECA budgets for February 17. The March 30 budget worksession was canceled and the April 27 budget worksession was marked tentative if needed. On a motion by CM Dennison and second by MPT Kulpa-Eddy, the budget calendar was adopted 4 to 0.

Metroland revenue/ liability: TA Cowles explained she learned that Metroland payments the Town received this year to compensate it for traffic and safety impacts from the development at Greenbelt Station were recorded as a liability in recent budget statements. She spoke to former TA Murphy about it, who said this was done because the auditor has previously zeroed out such revenue and added it to the fund balance. However, if there is a projected use for this money it cannot be committed if it is a liability.

Mayor Calvo said he would disregard the auditor's opinion on how this money should be classified but is concerned that the FY 2015 audit may not show this revenue. This is important because the Council budgeted \$120,000 of Metroland revenue to help fund the sidewalks project. Therefore, the Council

may want to set up a special pool for this unrestricted revenue to be able to track it. Otherwise, this money would just become part of the undesignated surplus. Mayor Calvo further suggested the Town use any future speed camera revenues to retroactively pay for the sidewalks project. This would free up Metroland revenues for other expenditures. However, such expenditures should be one-time and not operational. They could be used for investments such as a police station, economic development or a dog park.

TA Cowles noted that the auditor approved re-classifying the Metroland funds as a revenue with a journal entry. It is now listed under *miscellaneous revenues*.

Priority 1 sidewalks update: TA Cowles said that she has received cost-estimates for all red-line changes to the sidewalk plans totaling \$12,000. The additional cost is for hand work in reconstructing a stormwater inlet at 57th Avenue and Berwyn Road, using more aggregate base course for leveling aged road beds where sidewalks are bumped out into the street, more concrete used in re-configuring the intersection of 57th Avenue and Pontiac Street, and less savings than anticipated from omitting a retaining wall at the school.

TA Cowles also presented options proposed by the contractor for fixing a puddling problem at the Town Center front entrance that came about from constructing a driveway apron that is higher than remaining driveway:

- repaving the driveway from apron to curb line at the Senior Center entrance at a cost of up to \$5,000 with a pitch to enable draining of rainwater into the street;
- repaving a 4-5 foot area behind the driveway apron and easing the curb at the garden adjacent to the driveway to enable rainwater to drain into it;
- rebuilding the apron with a lower pitch and dropping the apron wings to enable better draining into the street.

Mayor Calvo said he is concerned that the driveway entrance becomes a sheet of ice in winter if this problem is not fixed. He regards the problem as mistake on the part of the contractors, who should have consulted with the Town. Then the Town could have given permission to build the apron with a lesser pitch to allow water to drain into the garden area. TA Cowles said that federal regulations allow aprons to be built with pitch of up to 2 degrees. The new Town Center apron has a 1-degree pitch, which is within the allowed range.

The Council set aside a decision on a permanent solution to the Town Center driveway. TA Cowles was asked to explore a temporary fix to allow water to drain into the garden area. Also postponed was a decision to construct a piece of sidewalk in front of the school because it would cost an additional \$2,500 for red-lined changes. However, the Council agreed to approve all other red-line changes relating to 57th Avenue. On a motion by CM Schreiber and second by CM Dennison, the changes were approved 4 to 0.

Clean Lot Ordinance amendments: Mayor Calvo said that he would like to address only unresolved issues relating to the Clean Lot Ordinance tonight. TA Cowles said she researched the questions the Council had during the last review of the Ordinance and provided the following answers:

Section 4 A - Abandoned, Non-Roadworthy Vehicles: In answer to the Council's question about exemptions from Maryland's vehicle registration, she found out that non-resident students are exempt from Maryland vehicle registration if their home state has a reciprocal arrangement. Mayor Calvo suggested the Ordinance incorporate all exemptions allowed under Maryland law, but make owning an

improperly registered vehicle a code violation that can be fined. Police can only ticket the owner of an out-of-state vehicle if they catch him driving it.

Section 4 H - Invasive Species: The Maryland Invasive Species Council references English Ivy, Phragmites, and Running Bamboo as invasive species of concern. Another list is being developed by the Department of Natural Resources (DNR) but has not yet been adopted. Other State-established lists may be used as authoritative sources, as determined by the Town Administrator.

Section 4 L - Person: A distinction is made between a "natural person," which is any individual human being, as opposed to a "legal person," which can be a corporation.

Section 4 P - Vacant Property: The Council accepted an alternate definition proposed by Code Supervisor Simpson.

Section 5 A - Condition of Exterior Property Areas: "Debris," the presence of which constitutes a code violation, was clarified as including downed trees, litter, rubbish or garbage, among other items. MPT Kulpa-Eddy asked to check the Refuse Ordinance for alternate definitions of debris, litter and garbage to ensure they are consistent.

Section 5 C - Invasive Species and Bamboo: It was clarified the Council had decided at an earlier worksession that bamboo and other invasive species are permitted so long as they are confined to within 2 feet of property line of the originating property.

Section 5 F - motor vehicle parts: This section forbids the storage of motor vehicle parts on exterior property areas. The Council agreed that, although motor vehicle parts are a form of debris, a separate violation should be retained because they can contain oils and other contaminants that could pose a health or environmental risk.

Section 5 M - Accessory Structures: Revisions of this section to ensure that accessory structures pose no health and safety hazards, conform with County code and Town ordinances, and have a proper permit were approved. References to aesthetic standards had been dropped.

TA Cowles noted that she contacted Town Attorney Shay to clarify issues with legal ramifications. Attorney Shay confirmed that 1) email is not a sufficient form of notification of a code violation and 2) multiple repeat offenders may receive immediate fines so long as all violations are clean lot violations.

The Council discussed the table of enforcement schedules applying to different code violations. TA Cowles said that Mr. Simpson had contacted the County about their abatement process of vacant properties. She will forward Mr. Simpson's memo on this issue but, in essence, the County process is not as stringent as the Council assumed. Mayor Calvo said the Town should use a process that already has legal precedent and apply that time frame for abatement.

MPT Kulpa-Eddy posed the question whether some periods between notice of a violation and imposition of a fine are too short, given the time it takes for a certified letter to be received by the property owner in violation. For example, owners of cars parked on grass have 24 hours to correct this violation from the time the citation is issued. Mayor Calvo replied that immediate fine notices must be hand delivered to the property owner, or issued on site. Regarding the "time sensitive" enforcement schedule, which gives 7 days to correct the violation before a fine is imposed, has been in place for years. The Town is merely obligated to give time for a certified letter to reach the property owner, but does not have to wait for the return receipt. Further, a property owner has the option to be notified by email or regular mail if he or she wants to receive a notice earlier and respond more quickly.

MPT Kulpa-Eddy also asked if Ordinance 107 has a requirement on how to notify home owners of a violation. TA Cowles said that Section 7 C specifies 3 options: hand-delivery, certified or registered mail, or posting a notice on the door of the property. Mayor Calvo said that the Code Department

makes judgment calls on which is the best option to use in a given a case. He would like to preserve that flexibility. It was agreed to return to unresolved issues at the January 12 worksession.

The meeting was adjourned at 10:38 p.m.

Signed: *Kerstin Harper, Town Clerk*