



Town of Berwyn Heights

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

Minutes Worksession May 7, 2018

The meeting was called to order at 7:02 p.m. Present were Mayor Cheryl Jewitt, Mayor Pro-Tem (MPT) Jodie Kulpa-Eddy, Councilmembers (CMs) Patricia Dennison, Christopher Rasmussen and Gerald Shields. Also present were Town Administrator (TA) Jessica Cowles, TA Designee Mike McLaughlin, Clerk Kerstin Harper and citizens.

1. Action Items

Town Center Rental agreement: TA Cowles said the Town's general liability and property insurance through the Local Government Insurance Trust (LGIT) covers events and programs held by the Town or organizations affiliated with the Town, but not private events held at a Town facility. This affects all those residents who rent the Town Center for receptions, birthday parties, etc. LGIT offers insurance for such events at a reasonable rate through a tenant user liability insurance program (TULIP). The rate depends on a variety of factors, including level of risk, size and duration of the event. Any renters of the Town Center can avail themselves of this insurance or similar insurance from other companies.

A revised Town Center rental agreement would require individuals or organizations not affiliated with the Town to present a certificate of insurance, as well as a one-day alcoholic beverage license from the Prince George's County Board of License Commissioners if alcohol is served. The Town obtains a liquor license for Berwyn Heights Day and wine tastings hosted by the Neighborhood Watch/ Emergency Preparedness Committee (NW/EP). MPT Kulpa-Eddy said that an alcoholic beverage license may only be required if alcohol is sold rather than just consumed. This needs to be confirmed with the County.

In response to questions, TA Cowles said a certificate of insurance and liquor license probably requires two weeks to be processed. Therefore, renters would have to file for insurance certificates and licenses several weeks prior to their planned events. The additional costs may reduce rentals of the facility. The new rental rules would take effect on July 1, 2018. Any residents who are already signed up to rent the space in upcoming months would be notified of the new requirements. The gas stove, which is difficult to operate, should be replaced when a remodel of the kitchen or the facility is undertaken.

On a motion by CM Shields and second by CM Dennison, the revised Town Center Rental Agreement was approved 5 to 0.

FY 2019 General Fund: TA Cowles said, in FY 2018 the Council appropriated \$40,000 from the Greenbelt Station reserve to fund an architectural and engineering study to look into the feasibility of adding a 2nd floor to the Town Administration Building to improve the facility and create a space for the police department. The money was not spent because the Town was without a Public Works Director for

several months, who was charged with soliciting proposals, and the project was delayed. The Council is requested to carry over the \$40,000 in funding into FY 2019.

CM Rasmussen suggested the Police provide some parameters for what a modern police station should look like. These recommendations should inform the architectural study and any buildable plans produced. CM Shields moved, and CM Rasmussen seconded to reauthorize the funds for an architectural study in FY 2019. MPT Kulpa-Eddy asked if the study would include any property the Town may acquire for the purposes of building a police station. TA Cowles said it could include that. The motion passed 5 to 0.

2. Discussion Items

Bond Ordinance & Road Projects: TA Cowles said WSSC reached out to Public Works Director Hall to inform him about an impending watermain replacement (WMR) project affecting most of the south-east quadrant of Berwyn Heights. The project is in the preliminary engineering phase and it is not yet known which blocks of street are affected. Construction is planned for the summer of 2019. This project will impact phase I and II of the road renovation project Berwyn Heights is planning. The Town may want to wait until the scope of the WMR is known before it repaves any roads.

In discussion, it was noted that the Town may be able to save some money as WSSC will repave the roads it digs up. However, the quality of WSSC repaving may not be the same as that of a road contractor hired by the Town, and generally does not include reconstruction of curbs and gutters. The Town should try to coordinate closely with WSSC to ensure that roads are repaired to the best possible standard.

Charter Amendment regarding Town Manager: TA Cowles said she drafted the amendments to the Town Charter requested by the Council. All occurrences of the term “Town Administrator” have been replaced with “Town Manager.” On advice of Town Attorney Ferguson, Section 706.1 has been rewritten to state: “duties and responsibilities of the Town Manager may be as specified by Ordinance,” and deletes any specific responsibilities noted in the current version of the Charter.

MPT Kulpa-Eddy commented that she looked up definitions for Town Administrator and Town Manager but found no agreement whether a Town Administrator or a Town Manager has greater authority. Regardless, she supports advertising the position as Town Manager to attract more qualified candidates. TA Cowles said adoption of a Charter amendment shall be by resolution as prescribed in State law. The Council agreed to introduce the Charter amendment resolution at the May 13 Town meeting.

Animal Ordinance revision: TA Cowles said Town Attorney Ferguson has reviewed the revised Ordinance 101 – Animals, and highlighted sections that could be deleted or warrant further change. Section 4 of the Town’s Ordinance has definitions that deviate in a few instances from those set forth in the County’s code on animals (Subtitle 3, Divisions 1-7). Since the revised Ordinance 101 turns enforcement over to the County, they could be deleted because the County will only enforce provisions that agree with its code.

MPT Kulpa-Eddy said the definitions and standards in the Town’s Ordinance are largely taken from the County’s code but add information relating to the Town’s Clean Lot and Noise Ordinances, which also address animal issues. She is reluctant to delete any definitions or standards as they serve to educate residents on how the Town expects domestic animals to be kept, besides establishing parameters for enforcement. Mayor Jewitt expressed a concern that the Town may have to amend this Ordinance more frequently, unless it uses the same language as the County code. However, she has no problem with the Ordinance containing information educating residents on animal standards.

The Council made a change to Section 7 - Enforcement, replacing a parenthetical with the sentence: "Sections 6 I.b., K.b., or L.a. overlap with authority in other ordinances and shall be enforced accordingly" to clarify its meaning.

Town Organizations Policy: CM Shields presented the latest draft of the Town organizations policy, which incorporates additional comments from the organizations. It establishes 2 categories of organizations:

1. Committees: Established by Town Council to fulfill a particular governmental function, or authorized in a Memorandum of Understanding (MOU) to use Town facilities. Committees may use the Town seal and letterhead, can receive an appropriation through the budget process, and have free use of Town facilities and Town Bulletin. Committees must submit budget requests and expenditure reports for appropriated funds, as well as minutes or agenda, and they must publicize elections of officers and election results.
2. Assemblies (Community Groups): formed by community members for social or recreational purposes. Assemblies would have limited free use of Town facilities and the Town Bulletin.

In discussion, the following comments were made. Committees should be asked to submit minutes. An agenda is not sufficient. The NW/EP should be formally recognized by a resolution of the Town Council. The process by which assemblies can be brought under the Town's liability insurance needs to be clarified. The status of the Karate Club may need to be clarified. The process by which a group becomes a recognized Town organization should be clarified. This may include submission of a registration form that requires basic information about the organization. The term "assembly" used to describe autonomous community organizations should be changed.

The Council agreed to leave adoption of a Town organization policy for the next Council to complete. It was further agreed let the next Town Council finalize a business landscape award and Town facility beautification award CM Shields has been working on.

Strategic Plan Update: CM Rasmussen requested a final update on the strategic plan, adopted in November 2016, before it is handed off to the next Town Council. TA Cowles highlighted goals and objectives requiring completion:

Infrastructure – Acquire Improved Facilities for Town Departments

- Short-term Measures to Improve Facility Adequacy: Scanning of Town's paper files to create electronic archive is ongoing and requires further organization of files and vendor research.
- Stop-gap Measures to Improve Facility Security: Completed at Public Works yard. Town office has new buzz-in system. Security cameras and other safety measures require further discussion and await outcome of facility study
- Study of Facility Security and Adequacy: Preliminary discussions of Town Administrator and Public Works Director with architect about scope of study were held. Selection of vendor and implementation of project are pending.

Infrastructure – Roads

- Needs Assessment of Roads: Assessment complete. Phase I of road repairs funded. Phase II funding awaits issuing of bonds.

Community Engagement

- Improving Communication with Residents and Businesses: Input on best practices has been requested from residents and volunteers. Recruitment of multi-cultural ambassadors, development of promotional materials and expanding Town's presence at school are pending.

Town Aesthetics

- Increase Town's Tree Canopy and Species Diversity: Vendor for tree maintenance has been identified. Funding is proposed in FY 2019 budget. Selection of vendor by next Town Council.
- Beautification Efforts: New welcome signs and landscape beds in progress.

Economic Development

- Implement County Sector Plan for Commercial/ Industrial District: In coordination with neighboring communities, a technical assistance panel (ULI TAP) to improve the Route 193 corridor has been assembled and will meet June 4-5 to discuss and present findings. Exploration of State economic development funding via sustainable communities' grants pending.
- Economic Development Consultant: Development of an RFP for consultant pending outcome of ULI TAP.

3. Minutes

On a motion by CM Dennison and second by CM Shields, the March 23 budget worksession minutes were approved 5 to 0. On a motion by CM Dennison and second by CM Rasmussen, the April 4 worksession minutes were approved 4 – 0 – 1 with CM Shields abstaining. On a motion by MPT Kulpa-Eddy and second by CM Dennison, the April 24 worksession minutes were approved 5 to 0.

4. Announcements/ Department Reports/ Citizen Comments

Mayor Jewitt welcomed interim Town Administrator Mike McLaughlin, who was in attendance. Then she reported that the Council is working on the recruitment of a permanent Town Administrator/ Town manager to replace TA Cowles, who will leave Berwyn Heights in mid-May. Councilmembers have met with recruiter David Deutsch of the Mercer Group and are reviewing a recruitment brochure. In the May 1 Town held election, Christopher Rasmussen was elected as Mayor, Lynn White as Mayor Pro Tem and Stephen Isler, Jason Papanikolas and Ethan Sweep as Councilmembers. Further, Mayor Jewitt has been asked by the Mayor of Morningside to speak to a freshmen class of high school students on his behalf. She also received a citizen comment recommending that Council terms be extended to 3 years.

MPT Kulpa-Eddy announced that Governor Hogan signed the Highway User Revenue (HUR) Restoration Act that will again provide a more reliable stream of revenue for Maryland municipalities. Berwyn Heights will use it to repay a bond for road repairs. Berwyn Heights Day was a success. Kudos to the volunteers who organized and staffed the event, and the many vendors and residents who participated. The Education Advisory Committee (EAC) will host a Town Hall meeting on Parkdale High School on May 12 to discuss issues of interest to parents of students attending the school. Pepco will hold a public hearing on proposed new electric rates on May 14. MPT Kulpa-Eddy attended an April 24 meeting on proposed toll lanes for the Maryland section of the Beltway and I-270. Attendees gave input on the scope of an environmental impact statement to be released in 2020. On May 14, the County Council will hold the first of 3 readings on the adoption of the revised County zoning ordinance. This will be the last opportunity to comment on the new regulations. The legislation will likely be adopted in September 2018.

CM Rasmussen commented on Berwyn Heights Day and thanked the organizers, volunteers and staff who participated. He spent some time in the beer garden where he chatted with Jason Papanikolas and other Boys & Girls Club members. Election Day was beautiful and Council candidates took the opportunity to connect with voters and learn about their concerns. CM Rasmussen also attended the Four Cities meeting in New Carrollton on April 19. Four Cities members had planned to award a plaque to New Carrollton's Mayor of 34 years Andy Hanko, but he was unable to attend for medical reasons. New Carrollton will hold an election tonight and elect a new mayor and council. At the same meetings, MAGLEV representatives gave another presentation on the high-speed rail project. Also discussed were Airbnb regulations and preparations for the 2020 US Census.

CM Shields reported that he gave a presentation to Berwyn Heights Elementary School students explaining municipal government. He also participated in a cyber-attack emergency drill and attended his last PGCMA meeting, where the HUR Restoration Act and proposed small cell facilities regulations were discussed. Further, the Maryland Department of the Environment (MDE) will hold a series of workshops in June on Phase III of the Chesapeake Bay watershed implementation plan (WIP). Interested residents can register at the [MDE website](#). He received several comments on the proposed Paint Branch Parkway bike lanes, which he transmitted to the Department of Public Works & Transportation (DPW&T). Public hearings on the plans will be held in College Park.

5. Town Council Schedule

The Council reviewed the upcoming schedule. The date of the volunteer appreciation dinner was set for June 20.

The meeting was adjourned at 9:07 p.m.

Signed: *Kerstin Harper*, Town Clerk