



# Town of Berwyn Heights

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## Minutes Worksession September 2, 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, Chris Rasmussen and Anthony Schreiber. Also present was Town Administrator (TA) Edward Murphy, Clerk Kerstin Harper, and Mike Attick.

### 1. Mayor

**Agenda:** The following items were added to the agenda: Green Team member appointment and Berwyn Presbyterian Church easement.

**Announcements:** CM Schreiber and his wife are expecting a baby in February. CM Rasmussen had his rental homes inspected by Code Supervisor Simpson. CM Schreiber was present. CM Rasmussen met with School Board Member Higgins for an informal exchange of professional insights.

**Calendar:** Revision of *Ordinance No. 107 - Clean Lot* will begin with a discussion at the September 15 worksession. Introduction could occur as early as the October 8 Town meeting and adoption as early as the December 10 Town meeting. A review of *Ordinance No. 122 - Urban Forest* will commence after the introduction of the Clean Lot Ordinance. Formalizing of policies and procedures should commence after a new town administrator is on the job. The Council may also want to review the Town charter and ordinances at that time.

**Minutes:** The August 13 Town meeting minutes were distributed for adoption at the September 10 Town meeting.

**Department Reports:** Mayor Calvo reported the Council devoted 2 days to interviewing the 5 finalists for the town administrator position and is awaiting a response from the candidate. The matter will be discussed in an executive session later tonight. The Town office sent out thank you letters to all donors who contributed to the flash flood assistance fund. One of the recipients was so moved by the support he received he joined the Berwyn Heights Volunteer Fire Department (BHVFD) as a way to give back to the community. A number of residents who experienced sewer backups due to the flash flood were notified by WSSC that they will not receive any monetary compensation. WSSC maintains the damages sustained were not the result of problems with the sewer system. Further, Berwyn Heights police is looking to fill an officer position after Officer Thompson tendered his resignation.

CM Schreiber reported that Public Works plans to install new benches at Pop's Park next week. Mayor Calvo noted that the Council had planned on a bulk purchase of benches in connection with upgrading bus stops. He asked that Director Lockley forward a copy of the bus stop pads and benches plan the Council discussed earlier this year. CM Dennison said that all Town organizations will resume their meetings in September.

***Citizen comments:*** CM Dennison received a comment that the speed limits painted on the road in school zones are not matching the speed limit posted on traffic signs.

Mike Attick, 62nd Avenue, thanked the Council for appointing him to the citizen's panel that interviewed the town administrator candidates.

***Green Team appointments (added item):*** Mayor Calvo said that the Green Team would like the Council to appoint Diana and Kayla Agonoy as new members. They have already participated in a number of committee activities. CM Dennison so moved. CM Schreiber seconded. The motion passed 5 to 0.

## **2. Code Compliance**

***Code plan of action:*** CM Rasmussen said he has discussed the year one goals with Code Supervisor Simpson in their weekly meetings. Mr. Simpson's and the Town Council's input has been incorporated into what has essentially become this year's plan of action for the Code Department. The list of goals was pared down to 10 items, and non-critical objectives were gathered into a list of "stretch goals," which can be taken up if there is time.

Mayor Calvo said he is more comfortable with this list. The focus is on important administrative improvements, and includes some things he considers a priority, such as a code tracking system and addressing egregious refuse collection violations. He would like Mr. Simpson to come in sometime later this fall to update the Council on where he stands with implementing the goals. CM Rasmussen agreed and said he will let Mr. Simpson know.

MPT Kulpa-Eddy asked if organizing the files in the back room is included in one of the goals. CM Rasmussen said it could be addressed under No. 6 - electronic records management. Mayor Calvo said that the files in the back room should be considered in the context of a larger space management problem and handled in cooperation with the Administration Department. CM Rasmussen moved and MPT Kulpa-Eddy seconded to approve the year one code plan of action. The motion passed 5 to 0.

***Egress window rule:*** TA Murphy said that the Council agreed at the last worksession to adopt the State of Maryland's fire prevention code as the Town's fire code, which is based on the National Fire Protection Association's *101 Life Safety Code*. As such, it guides the newly drafted egress window regulation, which requires that an egress window must be 5.7 square feet in size if any part of it is below grade, as opposed to 5 square feet if the window is at, or above grade.

MPT Kulpa-Eddy asked whether this policy would be a rule or a regulation. Mayor Calvo thought that it should be regulation, which can be adopted by administrative order rather than by a formal Council action. Further, this regulation only applies narrowly to *Section (G) - Fire Prevention* of Ordinance 120 and clarifies which standard serves as the Town's fire code. The International Building Code continues

to serve as the basis for other provisions of Ordinance 120. He considers this a temporary solution until Ordinance 120 gets a comprehensive overhaul.

MPT Kulpa-Eddy questioned whether the Council can adopt regulations without a public hearing, and if so, whether it has the same weight as a formally adopted rule or ordinance. TA Murphy said that Ordinance 120 specifically gives the Council authority to pass any rules and regulations elaborating on its provisions. Generally, any rule or regulation passed by the Town Council has the force of law.

Mayor Calvo added that this regulation would actually lessen the compliance burden for egress windows, if compared to the International Building Code that guides the remainder of the Ordinance. It is unlikely that landlords would challenge the regulation on this basis. Anyone whose egress window is in compliance with the Ordinance now would continue to be in compliance after the regulation is adopted. Only rentals that are not in compliance would be affected by this clarification at the next license renewal. He would like to pass this regulation tonight and asked for a motion.

CM Rasmussen moved to adopt the regulation, applied narrowly to Section 6 (G) of Ordinance 120. CM Schreiber seconded. MPT Kulpa-Eddy asked how this would be publicized. Mayor Calvo said it should be posted on the website with Ordinance 120. Further, rental owners will be notified by mail. The motion passed 5 to 0.

**Professional development:** TA Murphy said that Code Supervisor Simpson would like to become certified as a code administrator. The cost of the books and test is \$700, but the training appropriation item only has \$400. Mayor Calvo said that the additional money needed should be taken from the Administration training budget. Adjustments can be made with a budget amendment. CM Rasmussen moved to authorize TA Murphy to use money from the Administration training budget to pay for the certification training. CM Dennison seconded. The motion passed 5 to 0.

Nothing was discussed under **3. Parks and Recreation.**

#### **4. Public Safety**

**No parking areas:** Mayor Calvo said that the Council voted last year to mark several places in Town as 'no parking areas' by painting the curbs yellow. One such place was the bend of the road on 60th Avenue at Quebec Place across from Pop's Park, which was to make it easier to see around the bend. Other places include approaches to stop signs up to 30' before the stop sign, and several intersections. He would also make the curb in front of the Town office a 'no parking' zone. Mike Attick commented that he believes the 30' no parking area at stop signs applies to the 15' before and 15' after the sign. TA Murphy was asked to check with Chief Antolik about 'no parking areas' and then ask Public Works to mark the curbs accordingly.

TA Murphy said that he would like the Council to make the bend of Ballew Avenue at the WMATA control station a temporary 'no parking' area. When construction workers park their cars on the west side of Ballew Avenue at the bend, it is difficult for drivers to see oncoming traffic or to pass each other. One accident has already occurred at this spot. Mayor Calvo asked for a motion to authorize TA Murphy to designate the area as 'no parking,' provided that the construction crew is given prior notice. MPT Kulpa-Eddy so moved. CM Dennison seconded. The motion passed 5 to 0.

Nothing was discussed under **5. Public Works.**

## 6. Administration

**Bulletin cover:** The following items were approved for the October Bulletin cover: Halloween theme; announcements for Trunk or Treat party and Boys & Girls Club harvest fundraiser.

**Handicap parking (added item):** TA Murphy explained that a family living at 8417 57th Avenue has requested the Town designate a handicap parking space in front of their home. Their son is wheel chair bound and requires a ventilator, making it difficult for the family to get him in and out of the car. As this stretch of road has several multifamily homes, neighbors' cars are often parked in front of their home, forcing them to board their vehicle in the middle of the street. The procedure is that residents requesting the handicap space pay for the sign and post, and Public Works installs it. CM Schreiber moved and CM Dennison seconded to authorize the handicap parking space. The motion passed 5 to 0.

**Berwyn Presbyterian Church easement:** TA Murphy explained, after multiple discussions between the Berwyn Presbyterian Church and the regional Presbytery, it was determined that the Church has title to the land and is authorized to grant the easement. The Church has signed the documents to that effect. The easement is 10' wide from the edge of the sidewalk and runs alongside the Church property in the 8900 block of 63rd Avenue. The easement is for the duration of the construction, plus two years, to allow for the correction of any deficiencies in the sidewalk, grading, seeding, stairs and ramp.

MPT Kulpa-Eddy asked if all requirements for obtaining the *Safe Routes to School* grant, which pays for the project, are now met. TA Murphy said most requirements have been met. He now needs the bid plans and specifications from CP Johnson engineers so that he can go out to bid. CM Rasmussen asked if the grant covers the new steps and ramp leading to the Church. TA Murphy said that the \$62,000 grant covers all aspects of the project, but does not allocate a specific amount for the steps and ramp. Approval of the easement will be on the agenda for the September 10 Town meeting.

**Health fair (added):** Mike Attick requested and received the Council's permission for a County health department trailer to be parked at the Town Center on Berwyn Road.

## 7. Executive Session (8:46 p.m. - 9:28 p.m.)

On a motion by MPT Kulpa-Eddy and second by CM Schreiber, the Council went into executive session to discuss personnel matters. With matters discussed, MPT Kulpa-Eddy moved and CM Schreiber seconded to end the executive session.

The meeting was adjourned at 9: 29 p.m.

Signed: *Kerstin Harper, Town Clerk*