



# Town of Berwyn Heights

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## Minutes Worksession March 16, 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, Clerk Kerstin Harper and resident Mike Attick.

### 1. Mayor

**Announcements:** A break of a 10" water main occurred on Cunningham Drive at Osage Street this afternoon. A big hole opened where the water is gushing out, which flooded the basements of several homes on Cunningham Drive and 58th Avenue. Berwyn Heights police volunteers, Fire Department and Public Works were there to secure the area. WSSC took 90 minutes to respond but is on the scene now to make repairs, which are expected to be completed by tomorrow. Repairs to the road are expected to take longer.

**Calendar:** The Council reviewed the calendar. The date of the next Four Cities meeting needs to be added.

**Minutes (discussed later in meeting).**

**Department Reports:** Mayor Calvo reported that County Executive Baker submitted his FY 2016 budget last Friday, which discards a 1978 Tax Reform Initiative by Marylanders, or TRIM, and proposes a 15 cent tax increase. This would generate \$131 million more for public schools and cost homeowners several hundred dollars more in annual tax bills. The proposal may face legal challenges and is likely to face opposition by voters. The Council may want to take a position on the matter. Mayor Calvo has also spent time putting together a proposal for hiring a consultant to help the Council create a vision for the commercial district. He will submit it to the Council at the next budget worksession.

MPT Kulpa-Eddy said that the Administration Department has been focused on the FY 2016 budget process. CM Rasmussen reported that he and TA Cowles met with Ms. Tuck Parrish with Novak Consulting to review applications for the Code Supervisor position. Those short list candidates will be interviewed on March 31. CM Dennison reported that the Historical Committee's event featuring

Maryland Archivist Maya Davis was well attended. Upcoming events include the BHES Talent Show and Game Night.

***Citizen Comments:*** CM Rasmussen was told by a group of residents gathered at the site of the water main break that they appreciated the addition of new sidewalks.

***Sidewalks project design revisions:*** Mayor Calvo welcomed CP Johnson Engineers Eric Sturm and Brendan Freeman to help the Council make decisions about several unresolved sidewalk design issues. TA Cowles said that the Council had budgeted \$540,000 in FY 2015 to construct the priority 1 sidewalks. The contract awarded to the lowest bidder was in the amount of \$420,000. Change orders account for additional costs of \$7,000 incurred to date. She then gave an overview of the design challenges and possible solutions that would add between \$7,300 - \$9,500 to the project cost.

**8901 60th Avenue lead walk re-orientation:** TA Cowles said that sidewalks on the east side of 8900 block of 60th Avenue will be bumped out into the roadway for a stretch and will become a 'no parking' zone. The owners of the corner lot will have to park their car on Seminole Street. The Town has offered, and the owner agreed, to move the lead walk to their home over to Seminole Street. C.P. Johnson has submitted a revised design for the sidewalks.

Mayor Calvo suggested moving the proposed sidewalk ramp at the property closer to 60th Avenue to match the likely route pedestrians would take to cross Seminole Street. This would also shorten the sidewalk after it turns the corner onto Seminole Street. Mr. Sturm said that C.P. Johnson's design is based on ADA guidelines for the safest route, but the ramp can be moved if the Council so chooses. There were no objections from the Council to proceed in this fashion.

**BHES frontage bumped out sidewalks:** The engineers have submitted a revised design for the school frontage between the entrance and exit of the school driveway. It calls for bumping the sidewalk 5' out into Pontiac Street instead of building it into the slope behind the existing curb, eliminating the need for retaining walls. The bump out is meant to save 2 trees, get around a telephone pole and avoid moving the school signs. It would require making this stretch 'no parking.' In addition, the design calls for reducing the point of the corner on the driveway entrance to make it easier for left-turning vehicles to enter. The redesign would add \$2,600 to the cost of the project because curbs will have to be rebuilt.

Following a discussion of different options for this stretch of sidewalks, the Council agreed to bump the sidewalks out 4' between entrance and exit of the school driveway. Signage will be needed to alert drivers to the bump-out.

**Pops Park ADA accessible entrance:** The engineers have submitted a revised design that would place a new ADA accessible entrance on Quebec Street slightly to the east of the intersection with Cunningham Drive, instead of using a center gate on Cunningham Drive. ADA compliant structures may not have more than a 2% grade. The new entrance would provide a level route into the park near the main play structure. This would add about \$3,000 to the cost of the project.

Mayor Calvo proposed to use the existing entrance on Quebec Street as the ADA compliant entrance. It has a curb cut, a fairly level entrance and a handicapped parking space next to it. In the ensuing discussion, it was noted that there would not be an ADA compliant connection from the sidewalk on Cunningham Drive to this entrance. The engineers believe that there is no requirement for such connection since this playground has been in existence for many years, and does not currently have

ADA play equipment.

MPT Kulpa-Eddy noted that there was a desire to provide better access for strollers when the playground was renovated. Mayor Calvo said that access for strollers would not necessarily require a 2% grade. He also suggested omitting an entrance through the central gate on Cunningham Drive. Making an access here would require bringing a walk far into the park and use up valuable space. The problem is made worse by the fact that the contractors built the sidewalks with a lesser grade and height than designed.

Pop's Park sidewalk: The engineers' design of the sidewalks at Pop's Park called for building them higher above the roadway and with a 2% grade. This would have placed the upper sidewalk edge a foot higher than where it is now. The contractor misunderstood the engineering plans, and should have consulted with the Town prior to proceeding. If the sidewalk edge were a foot higher access through the center gate would be easier.

The Council agreed that the contractor should rebuild the sidewalk to the original specifications, and the engineers to design a new walk into the park from the center gate. It was further agreed that the existing entrance on Quebec Street would serve as the ADA entrance. All sidewalk change orders would add approximately \$7,500. However, this is offset by \$5,000 in savings from not doing as many bus stop pads as initially specified, leaving approximately \$3,000 in additional costs for all change orders. CM Rasmussen moved and CM Dennison seconded to approve the changes. The motion passed 5 to 0.

At 8:18 p.m., the Council took a 5 minute break.

***Greenbelt Station south core update:*** Mayor Calvo welcomed Attorney Norman Rivera and Justin Frye of Woodlawn Development for an update on the south core development. Mr. Rivera said that the first set of town homes has been built and people are now living in the south core. A University of Maryland professor was the first to move in and other young professionals followed. The town homes cost between \$400,000 - \$500,000 and are selling fast. Phase I and Phase II town homes have been permitted and are under construction. The plans for the apartment complex have been approved but the parking garage still lacks a permit. The developers are seeking Berwyn Heights' support for the Phase III town homes and open space in the northwest corner of the south core. With the support of Greenbelt, College Park and Berwyn Heights, the Phase III plans are likely to be reviewed by the Planning Board in May or June, with building permits to follow.

Mr. Frye said that Berwyn Heights compensation for traffic and safety impacts from the development is tied to building permits pulled. To date the Town has received \$116,000 based on 58 permits pulled. Another \$112,000 is scheduled to be paid out next week based on another 56 permits pulled, for a total of \$228,000 for Phase I construction. Mr. Frye further informed that, starting on April 1, SHA will begin to make improvements on Route 193 to accommodate traffic from the development. A traffic signal will be installed and a single left-turn lane in, and left-turn lane out will be constructed by the end of this year. Initially, the light will be just flashing before going live.

In response to questions, Mr. Rivera and Frye said that the total amount of \$1 million in compensation owed Berwyn Heights will not change although the number of dwelling units has gone down from 1018 to 803. Two-over-two condos will be situated along Greenbelt Station Parkway. In Phase III, a blank space has been left to allow for the possibility of future retail outlets. At this point, there is no

market for retail businesses. If there is not enough interest from retailers when all residential units are occupied, the retail space will become part of a park in the middle of the development.

Further, the developers are required by agreement with the City of Greenbelt to either open the hiker biker trail to the Metro Station, or provide a shuttle service when permits issued reach 200. As a trail cannot be constructed in time, a shuttle will initially bring residents to the station. Families with young children moving into the south core currently go to Berwyn Heights Elementary School, but PGCPs has not made a decision on which schools students will ultimately attend. Developers have a policy not to make any statements about schools. The former Hercules Fence property is now owned by Suntrust. It is zoned MXT and available for developers to bid on. The billboards on Branchville Road are on land owned by the Woodlawn Development Group, but Clear Channel has a 20-year lease for their use.

Mayor Calvo said that the Council will take a position on the plans in April but would like a memo from the developers detailing the proposed plan for the Phase III, and a disbursement schedule based on the revised unit count.

***WMATA construction on Ballew Avenue (discussed out of order):*** Mayor Calvo welcomed Adam Brown, Project Superintendent, and John Anderson, Safety Director, both with Skanska engineers, the contractor building the WMATA control station on Ballew Avenue. Mr. Brown explained that they are now working on laying water and sewer lines for the control station. Initially, it was thought that this could be done with a single lane closure. However, since opening trenches on Ballew Avenue, they have become concerned about the safety of drivers coming too close to the trenches. The road is very narrow through the Greenbelt Road underpass and then makes a tight turn onto Branchville Avenue. Therefore, they would like permission to close the road between 8:00 a.m. and 3:00 p.m. for the duration of the trench construction. A signed detour is proposed to have traffic turn onto 58th Avenue from Greenbelt Road, then turn west on Quebec Place and Berwyn Road to get to the businesses located on Ballew Avenue.

Mayor Calvo said he is unhappy about trucks from the industrial businesses on Ballew Avenue coming through Town, and more so, since the road closure and detour are now proposed to occur in the daytime instead of at night. This raises a safety concern about students walking to school. WMATA originally told the Town that there would be no road closures but is now saying otherwise. Mr. Anderson replied that the contractor will try to keep one lane open for traffic as long as possible. However, the entire road must be closed when the lines are laid across Branchville Road before the tunnel, and when manholes are constructed. He cannot say exactly when that would occur, but the pipe-laying will not take longer than 3 weeks.

Mayor Calvo asked that the contractor close the road at night between 8:00 p.m and 5:00 a.m., if possible. Further, he asked not to post detour signs in town, as they are not needed if roads are closed at night. The contractor said it should be possible to work at night and they would consent to not posting detour signs. Instead they will notify businesses ahead of time when the road will be closed. On a motion by CM Schreiber and second by MPT Kulpa-Eddy, the Council approved a permit for closing Ballew Avenue/ Branchville Road at night, ending in mid-May. The motion passed 5 to 0.

## **2. Code Compliance**

***Ordinance 134 - Commercial Clean Lot:*** TA Cowles said that the last substantive changes to Ordinance 134 were made in early February. The question now is to what extent changes should be imported from the already amended Ordinance 107 - Residential Clean Lot.

Mayor Calvo said that some differences between the ordinances are intentional as some of the commercial properties have industrial uses and are not expected to follow the same standards as residential properties. Generally, however, enforcement will be stricter because they are for profit operations. The trigger for amending this Ordinance was a concern that some commercial properties were becoming junk yards and that the Town needed new tools to deal with this problem. The approach for enforcing clean lot violations in the commercial district might follow the model applied to structural violations for residential properties. In such cases, a property owner is asked to come up with a plan to fix a problem and negotiate with the Town about a time table.

TA Cowles was asked to transfer changes from the residential Clean Lot to the Commercial Clean Lot Ordinance using her judgment of what makes sense. Most of the differences between the ordinances will be in the standards and enforcement sections. In most cases, businesses will be given a week to remedy a violation, and if the violation is not remedied a fine will be applied. There will not be multiple repeat offenders. Further discussion was postponed until a new version of Ordinance 134 based on these guidelines is available.

MPT Kulpa-Eddy noted that the fee and fine schedule for Ordinance 107 may need to be adjusted as well. CM Schreiber asked whether there are regulations dealing with sump pump discharge. Mayor Calvo said it is an issue the Council may want to look into, and would probably fall under Ordinance 118 - Roads & Right of Ways.

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

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

***Ordinance 119 - Traffic & Parking:*** Mayor Calvo said Chief Antolik proposed that the Council make not having a valid license plate in front and back of a vehicle a violation that can be cited for a \$60 fine. The authority for such a regulation rests in State of Maryland Transportation Article, Section 13 (415) (a). Chief Antolik provided a draft amendment in the relevant section of Ordinance 119 for the Council's consideration. The \$60 fine would be adopted as part of a revised Ordinance 119 Fee & Fine Resolution.

Mayor Calvo asked if there are any other aspects of Ordinance 119 that should be revised. MPT Kulpa-Eddy said that Section 4 C - *Abandoned Vehicles* should be reconciled with the sections on abandoned, non-road worthy vehicles in the just amended Ordinance 107. Mayor Calvo thought that *Section 4 B - Commercial and Recreation Vehicles* might be amended to make it a violation to store commercial vehicles with expired tags on private property.

***Minutes (discussed out of order):*** On a motion by MPT Kulpa-Eddy and second by CM Rasmussen, the February 2 worksession minutes were approved 5 to 0. On a motion by MPT Kulpa-Eddy and second by CM Dennison the February 17 worksession minutes were adopted 5 to 0.

Nothing was discussed under **5. Public Works, and 6. Administration.**

The meeting was adjourned at 10:12 p.m.

Signed: *Kerstin Harper, Town Clerk*