



Town of Berwyn Heights

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Minutes Worksession November 17, 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, and Clerk Kerstin Harper.

1. Mayor

Calendar: The budget presentation for Public Works was moved to February 2, and for Police to February 17.

Minutes: On a motion by CM Dennison, and second by MPT Kulpa-Eddy, the October 20 worksession minutes were approved 4 to 0.

Department Reports: Mayor Calvo reported that he met Councilmember Konrad Herling, who is leading the effort to produce a video promoting Four Cities communities for relocation of the FBI headquarters. Greenbelt appears to be following the approach recommended by Berwyn Heights that calls for hiring a professional videographer to create the video. The video will probably be 10 to 12 minutes long and collectively showcase the communities surrounding Greenbelt Station as the driving force behind changes in the region. Each municipality will also be individually featured for 1 1/2 minutes using video, photos and interviews with residents. The Town might help pull together photos on file that help tell Berwyn Heights' story.

Mayor Calvo continued that he requested updates on WSSC claims relating to the June 10 flash flood from WSSC's general manager and the County's DPW&T for the purpose of briefing representatives during the upcoming legislative dinner. He also asked where DPW&T plans stand for a hydraulic study of the Town's storm water infrastructure. Further, there is a need to follow up on establishing guidelines for tree maintenance, which has stalled after the adoption of Ordinance 118 on the Roads & Right-of-Ways and Director Lockley's inventory of Town trees.

Mayor Calvo said he recently received emails from zoning attorney David Lynch about plans for renovating the McDonald's restaurant at Greenbelt Road and 63rd Avenue. The matter had been brought before the Council a couple of years ago but plans were shelved because of new storm water mitigation mandates. He has asked Mr. Lynch to give a presentation at a December worksession. The Council may want to take a stand on pedestrian safety and trash disposal. MPT Kulpa-Eddy said that

the Town should have some background on the project, which could be revisited.

MPT Kulpa-Eddy said that she is working with TA Cowles on getting the emergency generator bids out. Mayor Calvo noted that the audit report, the Town has now in hand, will be discussed at the December 1 worksession. He also is expecting receipt of the first income tax disbursement, a key indicator for this revenue in FY 2015. CM Dennison announced the upcoming the upcoming holiday party on December 6.

Citizen comments: Mayor Calvo was informed that Boy Scout Troop 740 collected 1,200 lbs of food for Thanksgiving, a new record. MPT Kulpa-Eddy received a comment about leave piles needing to be collected on 63rd Avenue.

Legislative dinner agenda: Mayor Calvo provided a draft agenda for the Council's annual legislative dinner and requested the Council's input. He noted that it is mainly a way to start a conversation with the Town's state and local representatives and relate what is important to the Town. It is also an opportunity to get a preview of the upcoming legislative session in Annapolis. After the recent election, the General Assembly will have a lot of new faces and changes in committee leadership. Delegate Gaines, Healey and Washington will gain seniority and likely head up new committees. There will also be a change in the Town's County Council representation. With Eric Olson's retirement, his former Chief of Staff, Dannielle Glaros, will become the Councilmember for District 3. Both will be present at the dinner. The Town requested Park & Planning that the Nevada Street trail be named *Olson's Way* in recognition of his service. In addition, the Town's new school board representative, Lupi Grady, will be present although not expected to make a report. She might be asked to come out for a Town Hall meeting on education early next year as a way to become familiar with Town and its residents.

Mayor Calvo reviewed the agenda, which will discuss fiscal issues, new staff, major projects, street renovation plans and marketing Berwyn Heights as Town priorities. Also on the agenda are WSSC and Pepco issues, the FBI headquarters relocation, retooling of code compliance program, urban tree canopy and the animal shelter study. In addition, there will be a chance to discuss PGCMA and MML legislative priorities.

Priority 1 sidewalk change orders: Mayor Calvo said that he and TA Cowles did a walk-through of the sidewalks project and identified some changes that have since been incorporated in the engineering plans. TA Cowles said she has asked the contractors to provide estimates but has not yet received them.

Mayor Calvo said that the changes may not result in any increase in cost. At the school, the sidewalks will be moved out further into the road, which will eliminate the need for retaining walls and removal of a utility pole and two trees. At the intersection of Pontiac Street and 57th Avenue the sidewalk around the bend will be built out further into the intersection to improve visibility. At the same time, it will be shortened by 15 feet. The crosswalk will then be angled to reach the north side of Pontiac Street, where a short piece of sidewalk will be added to the point with Quebec Street, again to improve sight lines for turning onto 57th Avenue. At the intersection of 57th Avenue and Berwyn Road, the sidewalk will be bumped out into the roadway where the storm water drain is to align it with the rest of the sidewalk on 57th Avenue. Later, there may be a cost increase from building new steps and a piece of sidewalk for the property at 60th Avenue and Seminole Street to compensate the owner for loss of parking on 60th Avenue due to sidewalks being bumped out into the roadway.

TA Cowles added that the construction is making good progress. She or Director Lockley are checking

on the contractors on a daily basis and every two weeks there are meetings with the engineers. Further, she is working on changes to an easement agreement for a property on Berwyn Road. When the sidewalks on 57th Avenue are finished, the roadway will be narrower and no parking will be allowed on the east side. All property owners have been informed and have consented to it.

At 8:00 p.m., the Council took a 10 minute break.

Clean Lot Ordinance amendments: Mayor Calvo said that he would like the Council to make an inventory of standards in the Clean Lot Ordinance tonight, as well as discuss the different enforcement processes for different violations, which have been put in a table format. The Commercial Clean Lot Ordinance amendments are also in the agenda packet. However, they will not require as extensive a review, as most of the changes can be derived from the discussions of residential Clean Lot Ordinance.

The Council reviewed community standards for clean lots contained in *Section 5 - Violations:*

Section 5 (A): The term *debris* was added as a type of waste that may not be allowed to accumulate on a private property. The term needs to be defined in *Section 4 - Definitions*.

Section 5 (B): It was clarified that no grass or weeds may be allowed to grow into public curbs and gutters. Further, *property owners*, not occupants, are held responsible for yard maintenance. The term needs to be revised in the *Definitions*.

Section 5 (C): In its current version, this section prohibits bamboo and invasive plants. Other options include allowing such plants where they already exist, or allowing them so long as the originating property owner prevents them from spreading into neighboring yards. In some municipalities invasive plants must be contained on the originating property with a buffer of 2 to 10 feet.

Section 5 (D): This provision prohibits abandoning vehicles within the Town of Berwyn Heights, including parking lots or other public property.

Section 5 (E): This provision was differentiated from abandoning vehicles and sets the standards for storing vehicles on a private property. It was agreed to: 1) prohibit storing of vehicles that pose a health and safety risk; 2) prohibit storing unregistered and non-road worthy vehicles, except enclosed in a garage or properly covered; 3) require a car cover to be opaque and form-fitted; and 4) prohibit storing more than 2 properly-covered vehicles on a property.

Section 5 (M): This provision as currently written mandates that accessory structures, such as sheds, fences or retaining walls are safe and well maintained. Mayor Calvo questioned whether the Town should mandate that an accessory structure be well maintained; that is be painted, kept in good repair and conform with the County's property maintenance and zoning codes. He believes this standard is too sweeping and that the focus should be on safety. TA Cowles was asked to clarify which property maintenance codes should be referenced in this Ordinance, as well as recommend alternate standards for unsafe conditions caused by accessory structures or landscaping.

Section 5 (N): This provision provides for each property to have a clearly-identifiable house number. The specification of house number dimensions was deleted as unnecessary.

Section 5 (O): The provision mandates that vacant properties be registered with the Town. Mayor Calvo thought this provision should be stricken. It principally seeks to identify owners of vacant properties, most of which are already known to the Town. He would prefer focusing on vacant properties that are not well maintained and accelerating the abatement process.

Section 7 - Notice and Penalty for Violations. Mayor Calvo explained that there are several categories of enforcement, each with its own time frame for effecting compliance:

Section 7.A.6 sets up a shortened compliance schedule for *time-sensitive violations*. A violation must be corrected within 10 days from a notice of violation, and if not corrected, is given another 10 days

from a 2nd notice of violation before a fine is issued. If the fine is not corrected, a 3rd notice is issued giving another 7 days to correct the violation before another fine is imposed. It was enacted to specifically address high grass violations because a regular compliance schedule would result in grass that can grow much higher than the 10" limit set in the Ordinance. The revised Ordinance proposes to shorten the compliance schedule to 5 days from date of notice.

Section 7.A.7 sets up the normal or regular compliance schedule, in which a property owner is given 15 days from date of notice to correct a violation before a fine is issued, and another 15 days from the date of a 2nd notice before a fine is issued. The process applies to most violations, such as improper storage of appliances, wood, vehicles, etc. The revised Ordinance proposes to shorten the compliance period for the 2nd notice to 10 days.

Section 7.A.8 deals with issuance of immediate fines, which were adopted specifically for cars parked on grass on private property. It is the equivalent of a parking violation police would issue for a car parked illegally on the street, but it is enforced by the Code Department. The fine notice will give the property owner another 24 hours to correct the violation before another fine is issued. This process will not change but other violations may be subjected to the process.

Section 7.A.9 sets up a compliance schedule for violations that take longer to correct, such as accessory structures (sheds, fences, retaining walls) that pose a health and safety risk for other residents. The current Ordinance has no process for it; the revised Ordinance proposes a 45-day period from the date of the 1st notice for the owner to correct a problem, or contact the Town to propose a plan on how to correct the problem.

Section 7.A.10 sets up a compliance regime for vacant properties with a clean lot violation. Currently, property owners are given 10 days from date of the 1st notice to correct a violation and, if not corrected, given another 5 days from 2nd notice before the Town abates the violation, and charges the owner for the cost of the abatement. The Council has indicated that it wants to shorten the compliance periods for vacant properties.

Mayor Calvo said the Council still needs to decide what violation falls into which compliance schedule, as well as review the time frames for notices and fines within each compliance schedule. The enforcement/ compliance schedules should be in presented in table format rather than as a list.

The Council briefly reviewed *Section 4 - Definitions* to ensure that it does not contain any standards.

Commercial Clean Lot Ordinance amendments: Discussion of this Ordinance was postponed.

North County animal shelter study: Mayor Calvo explained that, after some delay, he received a draft framework (scope of services) for the North County animal shelter. It lays out some of the challenges and options for setting up the shelter, including: 1) whether it would be a full service shelter or a satellite adoption center; 2) what the facility and staffing requirements for the different options would be; 3) what the policy of operations should be ("no kill" vs. County animal control code); and 4) how it would be governed and funded. Based on the draft framework, he feels comfortable committing the \$10,000 the Town has set aside for it in the FY 2015 budget.

MPT Kulpa-Eddy said she also favors moving forward and asked whether the University of Maryland's School of Veterinary Medicine has been contacted. Students might complete part of their training at such a facility. Mayor Calvo said that College Park has contacted the University. CM Dennison moved, and MPT Kulpa-Eddy seconded committing \$10,000 to the study. The motion passed 4 to 0.

2. Public Works

Three-day trash collection: TA Cowles explained that Public Works Director Lockley provided a plan to implement 3-day trash collection. The first step is to move the bulk trash collection from Thursday and Friday to Monday and Tuesday starting January 5, 2015. The transition to 3-day collection (Monday, Tuesday, Thursday, with Thursday collection covering the entire Town) will occur after the purchase of a 27 cubic foot refuse truck in July 2015.

In discussion, it was noted that the bulk trash collection change will be announced in the Bulletin through February. But beginning on March 2, putting bulk trash out to the curb on Thursday and Friday will become a code violation. Similarly, the consolidation of the 2nd trash pickup on Thursdays will be announced prior to its implementation on July 1, when it becomes a code violation to put out trash on a Friday.

TA Cowles further noted that a English/ Spanish flier on new recycling rules has been designed and is in the hands of the Spanish translator. Upon receipt, it will be mailed out to the residents.

3. Administration

Monthly department reports: The Council reviewed the monthly reports for each department and gave additional feedback on how they can be improved. The following observations were made. The Code Department monthly report appears to be the most useful in terms of format and performance measures shown. However, labels for the various graphs could be clearer. Bullet points on accomplishments and upcoming objectives should be incorporated into the reports of other departments.

The Administration Department report adopted the Code Department's format but should rethink the benchmarks against which performance is measured. Revenue numbers for fines and for taxes are too generic to reveal meaningful information. In general, revenue is too irregular to be captured as a percentage of the total budget on monthly basis. Expenditures are better suited for monthly tracking and should continue to be part of the report. The graph on the use of vacation and sick leave should be kept, but would probably make more sense in a quarterly report. A thermometer might be a good way to indicate the amount of money expended or received as a percentage of the total budgeted.

The Police Department report is a bit too crowded. The monthly snapshot is not needed as this is already covered in Chief Antolik's weekly report. The fines & forfeitures lack a year-to-date statistic. The report should move more toward the format of Code Department's report.

The Public Works Department report is the least helpful as it lacks any benchmarks to indicate whether receipts and expenditures are on track. Important performance indicators could include tipping fees, vehicle repair expenditures, recycling receipts and recycling cans delivered, as well as enforcement of trash violations.

Lofgren historic property grant: Mayor Calvo explained that Darald Lofgren has applied for a historic property grant for his home at 8506 58th Avenue and requested a letter of support from the Town. The Council generally grants such requests when it receives them. CM Dennison moved to send a letter of support. MPT Kulpa-Eddy seconded. The motion passed 4 to 0.

Nothing was discussed under **4. Code Compliance** and **5. Parks & Recreation**.

The meeting was adjourned at 10:04 p.m.

Signed: *Kerstin Harper, Town Clerk*