



# Town of Berwyn Heights

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

## Minutes Worksession October 3, 2016

The meeting was called to order at 7:00 pm. Present were Mayor Cheryl Jewitt, Mayor Pro Tem (MPT) Jodie Kulpa-Eddy, Councilmembers (CMs) Chris Rasmussen and Gerald Shields. CM Patricia Dennison was absent. Also present were Town Administrator (TA) Jessica Cowles, Treasurer Michelle Rodriguez, Clerk Kerstin Harper, and citizens.

### 1. **Announcements**

Mayor Jewitt thanked TA Cowles, the Police and Public Works Department for monitoring Indian Creek for flooding during the recent heavy rains. She also thanked the Neighborhood Watch/Emergency Preparedness Committee for moving the trailer to the Town Office, in case it was needed.

### 2. **Swearing-in of Gerald Shields as Councilmember**

Mayor Jewitt swore in Gerald Shields, Nevada Street, as Councilmember. He fills the vacancy left by Maria Robles' resignation in August.

### 3. **Minutes**

On a motion by MPT Kulpa-Eddy and second by CM Rasmussen, the September 20 special meeting minutes were approved 4 to 0. The September 14 Town meeting minutes were distributed.

### 4. **Department Reports**

Mayor Jewitt reported that there were no thefts from cars during the last month. MPT Kulpa-Eddy reported that County Councilmember Danielle Glaros hosted a meeting of municipal elected officials in Berwyn Heights on September 21, attended by Prince George's County Public Schools CEO Kevin Maxwell and School Board Member Lupi Grady, among others. Changes to the Head Start program, the Dual Enrollment Program allowing high school students to take classes at the Prince George's County Community College, and the new after-Labor Day school start date were discussed.

MPT Kulpa-Eddy also reported that several new laws went into effect on October 1: An Open Meeting Act amendment requires an agenda for public body meetings to be posted at least 24 hours before the meeting; and motorists will be required to carry proof of insurance coverage with them or in their vehicle. Further, the registration deadline for voting in the presidential election is October 18. Prince George's County Government, in partnership with the [City of Hyattsville](#) is making rain barrels available to County residents for \$75 through October 23; these are essentially free with a raincheck rebate from Prince George's County. County Councilmember Danielle Glaros has introduced

legislation to exclude bee-keeping from the definition of “Agriculture” in the current zoning rewrite effort, which would allow beekeeping within residential areas. She also sponsored legislation to mandate healthy choices in school and municipal vending machines.

CM Rasmussen announced that the Council will begin reviewing revisions to the Ordinance 120 – Rental Housing at the October 17 worksession proposed by Code Supervisor Glass and Town Administrator Cowles. The amendments will bring the Ordinance into compliance with current rental housing regulations and propose changes to the process of overseeing and licensing rental homes in Berwyn Heights. Further, CM Rasmussen reminded residents that they must get a Town permit for any home remodeling that requires a County permit. The types of improvements requiring a County permit are posted on the [Department of Permits, Inspections and Enforcement’s](#) (DPIE) website. For example, installation of solar panels and egress windows require permits, as do most home additions. Code Supervisor Glass can answer questions about building permits or refer residents to the proper authorities.

Mayor Jewitt reported that Public Works Director Cox will attend an informational meeting about snow removal in Prince George’s County. She then asked CM Shields, whom she appointed to head the Parks, Recreation, Education and Civic Affairs (PRECA) Department, to give a report. CM Shields said that he will focus on improving civic engagement in Town affairs. He suggested that installing a speaker phone in the Council chamber may be a way to do this, another would be to post Council meeting agenda packets on the website. TA Cowles said that her staff is currently receiving and evaluating bids for a new telephone system that would include phone service in the Council chamber. Clerk Harper is working on implementing streaming Council meetings to the new website, which can be integrated with a meeting agenda and background documents.

***Citizen Comments:*** CM Rasmussen received comments about motorists often going through stop signs at Cunningham Drive and Osage Street, and about Berwyn Heights Realtor Sharon McCraney acting as a corporate sponsor for the Ice Cream Social. CM Rasmussen suggested the Council may want to think about developing a policy of accepting corporate sponsorship that is open to all businesses. MPT Kulpa-Eddy received a comment about tree trunks being left at the road side by Pepco contractor Asplundh. TA Cowles said that they will be removed although there is not exact timeframe.

Mike Attick, 62<sup>nd</sup> Avenue, asked if the new Open Meetings requirements will result in posting the Town meeting agenda packet to the website. MPT Kulpa-Eddy said, currently, there is only a worksession agenda packet that goes out to the Council and subscribed residents. All agendas are posted on the Town office front door prior to the meeting. Mr. Attick noted that children are climbing on the tree trunks left by the road along Quebec Street and may get hurt.

Joan Hayden, Seminole Street, congratulated Gerald Shields on being appointed to the Council. She then clarified issues she raised via telephone at the recent Town meeting: The intersection at Berwyn Road and Charlton Avenue may require a stop sign on Berwyn Road so that drivers take care not to cut off traffic entering Berwyn Road from Charlton Avenue. Requests for assistance directed to an officer on patrol should be addressed by the officer rather than being referred to the Chief for action. The Town may want to consider making wheeled recycling containers available to residents. She looks forward to having a telephone in the Council chamber for residents to call in.

##### **5. Action Items**

There were none.

## 6. Discussion Items

**Town meeting changes:** Mayor Jewitt said that she would like to change the format of the monthly Town meeting to promote better interaction between the Town government and the residents. Her proposed changes include:

- Department directors giving department reports in person and answering questions;
- Chairs of Town committees giving committee reports in person or providing it in writing;
- Stopping the reading of minutes;
- Starting the Town meeting at an earlier time.

In response to questions, Mayor Jewitt explained that Councilmembers would continue to make announcements and report on what they were doing in the previous month. Directors would provide the inside perspective from their departments. She also suggested that TA Cowles be seated at the dais and report on the Administration Department, while Treasurer Rodriguez would give the Treasurer's report from the podium. The changes would be implemented on a trial basis starting in November, but could be retracted or modified if not proven satisfactory.

In discussion, Councilmembers raised concerns about department directors merely reciting statistics about the work performed in the departments. Dispensing with the reading of minutes would require publicly posting the minutes prior to the Town meeting. The Council may want to discuss more broadly the purpose of the Town meeting and what type of information should be presented at them.

TA Cowles said that the presentation of department reports at a public meeting is a valuable professional development opportunity for directors. Clerk Harper said that she does not object to dispensing with the reading of minutes. However, the reading and approval of minutes is set forth in Council Rule 2, which lays out the Town Meeting agenda format. Mr. Attick commented that it would be beneficial for residents to have the department directors at the Town meeting, as they would learn who they are and may be able to talk with them after the meeting.

**PGC zoning rewrite:** MPT Kulpa-Eddy said that she would like the Council to submit comments on the draft Prince George's County zoning rewrite. The rewrite of the 50-year old zoning ordinance began in 2015 and Module 1 and Module 2 have been released. Comments on all of the modules are due by November 3 in order to be considered for incorporation into a draft comprehensive zoning plan.

MPT Kulpa-Eddy reviewed issues in the new zoning ordinance that have the potential to impact Berwyn Heights as a starting point for Council discussion. In Module 1, which defines new zones and associated uses, it is proposed to

- Prohibit beekeeping in residential zones;
- Allow the keeping of poultry on lots at least ½ acre in size;
- Allow construction of accessory dwellings (e.g., in-law suites) if at least 1 off-street parking space is provided;
- Allow multi-family dwellings in commercial and industrial zones;
- Allow nightclubs, indoor shooting ranges, pawn shops and tattoo parlors in commercial and industrial zones;
- Allow vehicle salvage yards only in heavy industrial zones, not in light industrial zones.

Module 2 lays out the design standards for development in different zones, as well as requirements for adequate public facilities. The Council may want to review the *Neighborhood Compatibility Standards*,

which seek to ensure that a transition area is maintained between single family residential and non-residential zones. A new *Neighborhood Commercial Zone* will allow for greater community input on design standards. Module 3, establishing the procedures for approving new development, curtails input from municipalities compared to current zoning law with the intent to make the permit approval more transparent and predictable. Excepting a Neighborhood Pre-Application meeting, in which developers must present their plans to residents and businesses in the area, there are no opportunities for municipalities to modify plans or stop approval.

MPT Kulpa-Eddy said that she will draft a letter for the next worksession and hopes that Councilmembers will have a look at the zoning documents so that they can agree on a few top concerns to focus on.

***Employee handbook:*** TA Cowles said that the old personnel manual dates from 1999 and was so out-of-date as to require the drafting of an entirely new employee handbook. The new handbook complies with the latest legal requirements and addresses technological changes in the workplace, such as email and the internet. With the assistance of McGrath Consultants, and after multiple review sessions with senior staff, she is satisfied with the proposed handbook. The Council is requested to provide any additional input so that the handbook can be adopted at the October or November Town meeting.

MPT Kulpa-Eddy said that she has some stylistic changes and some questions about privacy issues. She thinks employees cannot be required to provide a personal cell phone number or prohibited use of social media. CM Rasmussen asked whether there should be any provisions about giving paid leave for other than Christian high holy days. He also suggested that a 6-months period before a new employee can take annual leave is too long. TA Cowles said that she will consult the Town Attorney about legal requirements. A new employee can take unpaid annual leave before the 6-months introductory period is over, and they may take paid leave for medical or family emergencies. Mayor Jewitt said she likes a provision allowing an exit interview to be held when an employee leaves the service of the Town. This may yield valuable insights and information.

***Employee Pay plan:*** TA Cowles summed up the proposed position classification pay plan. The pay schedules have been revised based on Council input at the last worksession. The rates are pegged to a recalculated market position point that excludes outliers from the sample. For each position, a pay range has been established which moves employees from a minimum rate when they are hired to a mid-point and then to a maximum pay based on performance and years of service. For difficult-to-fill positions a new hire may be paid above the minimum rate.

Currently some employees are paid below the minimum rate for their position. In order to bring all employees to the minimum pay rate, it is recommended to pay all employees a 3% cost of living adjustment (COLA) but to forgo merit increases. The COLA could be retroactive to July 1, 2016, and would cost \$31,000, which is in the FY 2017 budget. An additional raise for those employees not at the minimum rate could go into effect on January 1, 2017. These pay raises would cost an additional \$13,000. This money can be taken from the Health Reimbursement Account (HRA), which is no longer needed after the adoption of a new health insurance plan.

In discussions, the following points were made: The availability of HRA funds is a one-time revenue source. In future years, there may not always be enough revenue to cover such pay increases. In an economic downturn, some employees may have to be dismissed. The new employee handbook clearly states Town employees are at-will. The Town Council always has the opportunity to fine tune pay

increases during the budget process. Dismissal of employees should be considered only as a last resort. Department Directors have agreed to forgo merit increases until next year because the performance evaluation system is being replaced with a better one. They have explained the situation to their employees. In the future, performance evaluations will be taking place continuously throughout the year, with the final evaluation representing a summation of the foregoing. No formal rules are being suspended by postponing evaluations and merit increases. The setting and accomplishing of goals for individual employees will be a part of next year's evaluations, with goals being discussed and set in this fiscal year.

The Council agreed to adopt the employee handbook and pay plan by resolution at the October Town meeting. The actual dollar amounts may be approved at a later worksession.

#### **7. Town Council Schedule**

The Council reviewed the calendar. It was noted that the October 10 strategic planning workshop is open to the public.

The meeting was adjourned at 9:24 p.m.

Signed: *Kerstin Harper, Town Clerk*