



Town of Berwyn Heights

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Minutes Worksession January 8, 2018

The meeting was called to order at 7:01 p.m. Present were Mayor Jewitt, Mayor Pro-Tem (MPT) Jodie Kulpa-Eddy, Councilmembers (CMs) Patricia Dennison and Gerald Shields. CM Christopher Rasmussen had an excused absence. Also present were Clerk Kerstin Harper, Public Works Director Kenneth Hall, Public Works Administrative Assistant Ayneka Benjamin, Code Supervisor Freddie Glass and citizens. Town Administrator (TA) Jessica Cowles had an excused absence.

1. Action Items

Code Appeal – 6108 Quebec Place: Mayor Jewitt welcomed Robert Cofske, owner of the rental property at 6108 Quebec Place, who was present to appeal a \$100 fine for a building code violation. Code Supervisor Glass gave an overview of the case. During a patrol, Officer Forbes noticed that front steps were being replaced at Mr. Cofske's Quebec Place house. The owner had a permit for waterproofing the basement but not for replacing the front steps. Officer Forbes on November 6 sent a notice of violation of Ordinance 104 – Building to Mr. Cofske by email and by regular mail. In addition, he notified Prince George's County that construction was taking place at the property without a County (or Town) building permit.

Mr. Cofske replied promptly to the email explaining he was in the process of obtaining a building permit from the County, and requested an extension because his building plans were still being drawn. This was agreed to but Mr. Cofske was advised that he needed to provide documentation showing he had applied for a County building permit. After 20 days without receiving the requested documentation, the Code Department issued a \$100 fine. On November 30, Mr. Cofske emailed the Code Department stating his intent to appeal the fine as his County building permit was still being processed. The County building permit was issued on December 5 and Mr. Cofske applied for a Town building permit on December 6.

Mr. Cofske stated his case. He said he was unaware the permit to repair the foundation of his home did not include a permit for rebuilding the steps. When Mr. Forbes informed him that he needed a building permit from the County and the Town, he applied to the County the next day. However, for the County to process the application building plans site plans must be submitted as well, which he did not have at the time. He said Mr. Forbes told him the Town did not expect him to have the permits within a week, but did expect him to show documentation that an application had been made. He thinks the Town should not have issued a fine because he told the Town he intended to apply for a County building permit.

The Council deliberated. They asked if Mr. Cofske has proof he communicated to the Town that he had applied for the County building permit between November 7 and 30. Mr. Cofske maintained he kept

Officer Forbes informed about the process. CM Shields looked through a string of emails supplied by Mr. Cofkse, but could not find an email from Mr. Cofske to the Town during the period in question. The Council also had questions about notices being sent by certified mail; about code violation notices not being signed by code officials; and about a recommendation on whether to waive or uphold the fine.

After further discussion, the Council concluded that Mr. Cofske could not show proof that he kept the Town informed about his building permit application. CM Dennison moved, and MPT Kulpa-Eddy seconded to uphold the \$100 fine to be paid within 3 days. The motion passed 4 to 0. Mr. Cofske asked to be issued a municipal citation to appeal the fine in Prince George's County District Court.

2. Discussion Items

Public Works security improvements: Public Works Director Hall and Administrative Assistant Benjamin were present to provide additional information the Council had requested on security improvements at the Public Works facility. Red Hawk Fire & Security furnished a revised quote of \$3,639 limited to replacing outdated security cameras at the Public Works facility. Long Fence submitted a revised quote of \$11,875 to replace 30' of existing fence and barbed wire. Arrow Electric Services quoted \$957 for electrical services for a motorized gate. This brings the sum total for security improvements to \$16,801.

In response to questions, Director Hall and Ms. Benjamin explained that the quote does not include a fence replacement for the north side of property because it is bordered by a building belonging to the neighboring property. A short 6' tall section near the Metro tracks is an unlikely place for a breach. The motorized gate is opened by a remote control that truck drivers will carry with them. Anyone, other than employees, wishing to enter the yard would first call the Public Works number posted at the gate. Staff could let a visitor enter by remote control once they identified him on the security camera. Operation of the gate can be switched from motorized to manual via a gate controller box if the motor fails or the power is out. The project can be completed in the winter if temperatures are above freezing. The lighting in the yard does not require upgrading.

Mayor Jewitt moved and CM Shields seconded to approve an expenditure of \$16,801 for the Public Works security improvements. The motion passed 4 to 0.

Road assessment study: Ms. Benjamin explained Director Hall surveyed Berwyn Heights' roads and walks from October through December 2017 as a consultant, assisted by Foreman Cardenas and Ms. Benjamin. The results of the survey were provided to the Council in the agenda packet. Director Hall explained that this survey is a block-by-block inventory of the condition of the Town's streets, including curbs, gutters and sidewalks. They are rated from poor (red) requiring replacement in 1 to 3 years, to fair (yellow) requiring replacement in 3 to 7 years, to good (green) requiring replacement in 7 or more years. The ratings can change depending on the severity of winter weather. Repairs of the roadway do not necessarily equate with replacement of curbs and gutters, which can be limited to replacing only bad sections.

In response to questions, Director Hall said renovating one block of roads takes approximately 2 weeks if curbs and gutters are replaced. The off-ramp from Greenbelt Road to Edmonston Road, which was recently ceded to the City of Greenbelt, is not currently included in the survey, but can easily be added. The cost estimate of \$1,152,000 is for renovating the 17 blocks of streets in poor condition, the sum approximately available in the Town's infrastructure reserve. This estimate assumes that the Town would piggy-back onto the County's contract, and is not likely to change depending on which sections of road are renovated.

He expressed the opinion it would be cheaper in the long run to use bond funds to repair all streets as one big project because the cost of materials and labor will go up over time. This option will be considered by the Council as part of the FY 2019 budget process.

Urban Land Institute Technical Assistance Panel: Clerk Harper said, at the December 18 worksession, the Council considered a draft scope of work for an Urban Land Institute technical assistance panel (ULI-TAP) that will provide recommendations to Berwyn Heights, College Park and Greenbelt for improvements along the Route 193 corridor. The Council is requested to consent to the proposed study area, the Town's share of the cost (\$2,500), as well as the topics the TAP will be asked to address. The study area was originally comprised of an area along Route 193 between Kenilworth Avenue and Rhode Island Avenue, but is requested to be extended to Route 1 by the City of College Park.

In discussion, the Council expressed the desire that the TAP have a Berwyn Heights representative, come up with actionable recommendations, and incorporate the development standards of the new Prince George's County zoning ordinance. MPT Kulpa-Eddy then moved that the Council approve the \$2,500 contribution for the ULI-TAP covering the proposed area along Route 193 up to Route 1, provided that Berwyn Heights has representation on the panel. CM Dennison seconded. The motion passed 4 to 0.

Campus-community project list: Clerk Harper said this topic was previously discussed at the December 18 worksession. Andrew Fellows, University of Maryland (UMD) Community & Outreach Program Manager, was present then to seek approval for a finalized list of projects Berwyn Heights submitted for collaboration with the University. The Council did not make any changes to the list, but postponed approval to the next worksession to give Mayor Jewitt a chance to weigh in. No changes were proposed. MPT Kulpa-Eddy noted that this is a 10-year project list and that a \$6,500 contribution has already been paid to start the process. CM Dennison moved and CM Shields seconded to approve the projects list as is. The motion passed 4 to 0.

Animal Ordinance revision: MPT Kulpa-Eddy, who is taking the lead on revising this Ordinance, asked for the Council's feedback on how to proceed. She suggested adopting the Prince George's County (PGC) Animal Ordinance as a baseline, since many sections in the Berwyn Heights Ordinance already incorporate provisions from the County Ordinance. That said, the Berwyn Heights Ordinance could add further restrictions if deemed useful. For example, Berwyn Heights has a more objective decibel standard than the County for noise disturbances that could be used for designating a barking dog a 'nuisance animal.' Similarly, standards from the Town's recently-revised Clean Lot Ordinance regarding animal droppings could be folded into an updated Animal Ordinance. In addition, adoption of the County's animal welfare standards for providing adequate food and shelter to outdoor animals might be considered. Finally, the Town's Code Compliance and Police Departments might be granted enforcement authority for certain violations, such as animal welfare standards.

Councilmembers were requested to send their comments to TA Cowles or Clerk Harper. MPT Kulpa-Eddy will provide a clean draft of an amended Ordinance at the next worksession for discussion of the particulars. A representative from the County's Animal Services Division will be invited to an upcoming worksession to advise on County regulations.

Ethics Ordinance updates: Clerk Harper said the State Ethics Commission mandated certain changes in local ethics laws as a result of legislation adopted by the General Assembly in 2017. For Berwyn Heights, there would be 2 changes that must be adopted and 1 that may be adopted, which have been preliminarily approved by the State Ethics Commission. Those changes have been redlined in the Town's current Ethics Ordinance as follows:

- Page 5 - Prohibition of elected officials and designated staff to lobby the Town for 1 year after leaving office (must adopt);
- Page 9 - Non-disclosure of the home address on a financial disclosure (must adopt);
- Page 10 - Exclusion of exchange traded funds, such as mutual funds, from financial disclosure requirements (may adopt).

In discussion, MPT Kulpa-Eddy noted that the new language on lobbying does not explain what lobbying is, unlike the current version. The Council agreed to add the current definition of lobbying to the new provision on lobbying, and to introduce the revised Ethics Ordinance at the January 10 Town meeting.

Town Council election calendar: Clerk Harper said that she provided an informational memo highlighting important deadlines for the upcoming Town Council election season. MPT Kulpa-Eddy sought confirmation as to whether 21 is the minimum age for being a candidate. Clerk Harper said she will check. Mayor Jewitt read the deadlines for the record.

3. Minutes

On a motion by CM Dennison and second by CM Shields, the December 18 worksession minutes were approved 4 to 0.

4. Announcements/ Department Reports/ Citizen Comments

Mayor Jewitt reported that Prince George's and Montgomery Counties have experienced over 100 water main breaks during the ongoing deep freeze. A possible problem has been reported in Berwyn Heights on the 5600 block of Ruatan Street. She has received many comments on the Town's salting and snow-plowing process and has requested that a fact sheet be published in the February Bulletin. She also received a question about the Town's donation to Greenbelt's Community Animal Response Team (CART). Residents should have received a mailer detailing refuse disposal and recycling rules.

MPT Kulpa-Eddy reported an extant large patch of ice on 60th Avenue at Greenbelt Road poses a hazard for fire trucks and ambulances and asked the Town to follow up with WSSC, as it may be yet another water main break. Another ice pile is at Cunningham Drive and Greenbelt Road that should be looked into. MPT Kulpa-Eddy also announced an upcoming briefing on school funding hosted by School Board Member Grady and Senator Pinsky.

CM Shields reported he received a comment about the ice pile on Cunningham Drive, which was forwarded to the Public Works Department. He continues to receive comments on the Town organizations policy and is working on the Banner City award. Winners of the holiday decorating contest will be announced at the Town meeting, a Regifting Party will be held on January 13, and electronics recycling on January 27.

5. Town Council Schedule

The Council reviewed the schedule of events and activities. No changes were made.

The meeting was adjourned at 9:16 p.m.

Signed: *Kerstin Harper*, Town Clerk