



# Town of Berwyn Heights

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## Minutes Worksession February 20, 2018

The meeting was called to order at 7:00 p.m. Present were Mayor Cheryl Jewitt, Mayor Pro-Tem (MPT) Jodie Kulpa-Eddy, Councilmembers (CMs) Patricia Dennison, Christopher Rasmussen and Gerald Shields. Also present were Town Administrator (TA) Jessica Cowles, Clerk Kerstin Harper and Chief of the Prince George's County Animal Services Division Rodney Taylor.

### 1. Animal Ordinance Discussion

Mayor Jewitt welcomed Animal Services Chief Rodney Taylor. MPT Kulpa-Eddy explained that the Council took up revising the Animal Ordinance in response to residents' concerns about how some animals were housed. The current Ordinance was last amended in 1993 and has provisions that no longer apply, such as provisions about licensing, impoundment and attack dogs. Having no animal officer of its own, the Town relies on the County for these services. The Council hopes to learn tonight how it can best coordinate with the County and align its Ordinance with County Code.

Chief Taylor said the County Council is in the process of revising the current County animal ordinance which was amended in 2001. He gave an overview of some important County regulations pertaining to animals running at large, feral cats and cat colonies, outdoor shelters and tethering of dogs. The County legislation on animals is supplemented by animal welfare standards adopted from the Prince George's County Society for the Prevention of Cruelty to Animals (SPCA). These guidelines are available in a separate reference book.

In response to CM Rasmussen, Mr. Taylor said complaints about nuisance animals can be addressed by the County Commission for Animal Control after the complainant has first spoken with the owner of the offending animal. This Commission is composed of representatives from the County Attorney General's Office, Police, Animal Management Division, a veterinarian, a kennel manager and 3 citizens. The Commission convenes twice a month to settle alleged violations of the County's Animal Ordinance, including complaints about barking dogs. Complainants cannot remain anonymous; they must present data about specific times and places of the violation. Defendants found to be in violation of the Ordinance must follow a set of instructions to remediate the violation, or risk having their animal impounded. This avenue for resolving animal disputes about animals is available to municipalities at no charge.

The County is still enforcing the ban on pit bulls in effect since 1997. This provision will not be addressed by the amendments currently under consideration by the County Council. Proposed changes include a microchip mandate for domestic animals, impoundment at owner's expense if an animal running at large is picked up more than 2 times, a ban on backyard tethering, and some fee increases.

In response to MPT Kulpa-Eddy, Mr. Taylor said if the Town wants to enforce violations and impound animals it will have to have an animal control officer and a vehicle to transport animals to the County shelter. If the County is to be the enforcing agency, its officers will need to investigate any complaint from the beginning. They are required to respond to most animal complaints within 24-48 hours. Upon receiving a complaint, they would send someone out to check on the animal and interview the person who filed the complaint, though animal welfare complaints may be made anonymously. If nobody is home they will leave a notice that they were there. The Town would have to call Animal Services if they want to find out the status of the investigation.

Mr. Taylor confirmed that code officers in a municipality can check into an animal complaint and try to mediate between neighbors, but call upon the County to investigate if they cannot resolve the issue. The Town of Brentwood has this type of arrangement with the County. However, impoundment of animals would be left to the County to perform, unless a municipality sets up its own animal control office. If a municipality wishes to issue citations it needs to set up some kind of hearing mechanism, or refer adjudication to the Circuit Court. Any fines would be processed through the County Finance Department.

The Council thanked Mr. Taylor for coming out to discuss the County's animal management processes and requested the County's reference book of animal welfare standards. Mr. Taylor said some would be sent.

## **2. Action Items**

There were none.

## **3. Discussion Items**

**Road repair budgeting:** TA Cowles provided an overview of Maryland's Department of Housing and Community Development (DHCD) infrastructure financing program for local governments, whereby DHCD issues bonds on behalf of local governments to fund a variety of infrastructure projects, ranging from roads to facility improvements. Some communities prefer to hire additional bond counsel to review the documents.

- The bond application takes about 4 months to complete, and requires the local government adopt authorizing legislation.
- DHCD uses standard templates for the authorizing documents.
- Bonds are usually issued July - September. The first debt service payment is due in December.
- The bond term cannot exceed the project's useful life, and may be as short as 5 years.
- The bond issuance cost is 2-2.5% of the amount financed, and the issuance cost can be included in the bond request.
- Interest rates are fixed throughout the term of the bond.
- A jurisdiction can pre-pay the debt service after 9 years.

TA Cowles added that the Town participated in the State's program in 1990 by financing \$212,000 for improvements to the Town Office and Town Center. However, for the last 15 years the Town has followed a policy of avoiding debt. Therefore, the road repair plan has been phased, so that the Town has the option of paying for each phase from savings. Phase I, comprising 17 blocks most in need of repairs, is scheduled for FY 2019. The cost of \$1.1 million could be paid for from dedicated infrastructure reserves and Highway User Revenues. However, phase II is currently programmed for 2021, and it would not be possible to save up enough in the intervening 2 years to finance the next set of street repairs, unless the Council raises the road tax and/ or dips into other reserves.

In response to CM Rasmussen, TA Cowles said there would be some benefits to accelerating Phase II and completing it in same time frame as phase I, but this could only be done via the bond financing option. The first benefit would be that the cost of doing road repairs now will probably be less than later, as the cost of asphalt and other materials is likely to go up over the long term. Second, Public Works Director Hall is an expert in road repairs, but he may not be here to oversee road repair projects in the out years. In all, the renovation of all Town streets is scheduled for completion by 2029, with an average life expectancy of 25 to 30 years, depending on traffic.

TA Cowles continued, if the Council wanted to move up Phase II to FY 2019, preparations for participating in the bond program would have to begin by April. MPT Kulpa-Eddy and CM Rasmussen thought that some citizen input, possibly in the form of a referendum, may be required to take on such a large amount of debt. TA Cowles will check what the Town Charter may prescribe. Further, if the Council were to move forward with renovating or expanding Town offices, the project could be financed with the same bond issue as the road repairs, saving the issuance cost on a separate bond. CM Rasmussen said that raising the Town's road tax may be another option to consider for financing road repairs, especially as real property assessments and HUR are set to go up in the next few years.

***Town Organizations policy:*** CM Shields distributed a revised, scaled-down Town organization policy that incorporates the input he received from the organizations and residents. It sorts Town organizations into 2 major types:

1. Committees established by the Town Council via an ordinance or resolution with a charge of assisting the Town government in carrying out certain tasks; and
2. Groups and clubs established by community members around a particular interest or activity. Some of these have 501 (c) (3) status, formal bylaws and membership lists, and some are more loosely organized but hold regular meetings open to the public.

Currently all active organizations enjoy certain privileges, including limited free use of Town facilities and free advertising in the Berwyn Heights Bulletin and Town website. However, only committees are currently eligible to receive budgeted funds. Use of the Town seal and Town letterhead is one of the privileges contemplated for committees in the current policy, but he would like the Council to discuss this further.

The Council discussed policy. The following points were made:

- Committees should be required to submit meeting minutes to the Town;
- Committees should be required to post notices regarding their upcoming elections;
- Use of the official Town seal and letterhead should be reserved to the Town government;
- Committees meeting at Town facilities are covered under the Town's liability insurance.
- Policy should clarify whether members' appointment by the Town Council applies to all committees;
- Policy need not distinguish between formal and informal community groups;
- Policy should establish a mechanism for recognizing new community groups.

The relationship of the Community Emergency Response Team (CERT) to the Town was discussed in detail. CERT is a 501 (c) (3) organization and can apply for non-Town grants. Although its membership largely overlaps with the Neighborhood Watch/ Emergency Preparedness Committee (NW/EP), CERT is currently not a Town committee and does not receive Town funds. NW/EP is a Town committee, receives a budget appropriation, and manages the emergency trailer. It was agreed that the relationship between CERT, NW/EP and the Town needs to be clarified.

**PRECA beautification contests:** CM Shields provided revised guidelines for a contest to beautify the events room in the Town Center, or other appropriate Town facility. The purpose of the contest, apart from beautification, was defined more broadly to encompass the celebration of the home town spirit and civic engagement. The date for awarding and judging photos and/ or mural design entries was set for summer 2018, and installation for winter 2018. The cost of materials, such as paint or photo frames, will be added to the FY 2019 Administration budget.

CM Shields said the parameters for the business landscaping contest remain essentially the same as in the original proposal. Judging and awards were moved to the fall for any landscaping improvements made during the spring and summer months of the same year. Improvements can include plants as well as other landscaping elements, such as retaining walls, hardscapes and mulches. Judges might include members from Town departments and the Green Team, in addition to the PRECA Councilmember. The contest will be announced to the business community at the annual meeting of the Commercial District Management Authority.

**Requests for proposal update:** TA Cowles said there are 3 outstanding Requests for Proposal (RFPs) in connection with the Council's strategic plan this fiscal year. Development of an architectural RFP to improve Town Center facilities will begin in late March when she and Public Works Director Hall meet with a Greenbelt architect. Depending on progress made on the RFP, some funding may be carried over to the next fiscal year. An RFP for critical tree maintenance work funded at \$20,000 should be ready in March. Additional tree work may need to be funded in the next fiscal year. Purchase of tree inventory software was budgeted at \$5,000. TA Cowles will explore a purchase from tree consultant *Save-A-Tree*.

The Council appropriated \$30,000 for an economic development study of the commercial district. Berwyn Heights was able to join with College Park and Greenbelt in commissioning a technical assistance panel through the Urban Land Institute, which required a \$2,500 contribution from Berwyn Heights. This panel is expected to develop a range of actionable recommendations for improvements along the Route 193 corridor that can serve as the basis for further study or project funding. The panel is tentatively scheduled to meet on June 4 and 5.

#### **4. Minutes**

On a motion by CM Shields and second by CM Dennison, the February 5, 2018 worksession minutes were approved 5 to 0.

#### **5. Announcements/ Department Reports/ Citizen Comments**

Mayor Jewitt announced that she will not run in the upcoming Town Council election, as she and her husband Brad will be moving out of Town in May. She would like to save good-byes and well wishes for a later meeting. Mayor Jewitt thanked MPT Kulpa-Eddy for chairing the last Town meeting at which election judges were sworn in, and a BHPD video ad was shown announcing an April 7 Coffee with Cops. Mayor Jewitt also received comments in favor of undertaking road repairs as soon as possible, and against trash bins with wheels paid for by the Town.

CM Rasmussen reported that he missed the last Town meeting because he took a trip to Pakistan. Although he spent only 3 days there, he found the people kind and hospitable and had a good experience. The renovation of his Ruatan Street rental home is almost complete. Siding has been installed and the exterior of the house is no longer an eyesore. He will meet with TA Cowles and Code Supervisor Glass to discuss how the Code Department is doing. Different approaches to bringing clean lot violators into compliance will be considered. MPT Kulpa-Eddy had no report. However, she noted that a new house is

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being built near the community garden on what she had believed to be Town right-of-way, but has been determined to be private property. CM Dennison announced that she will seek re-election.

CM Shields said he received a citizen comment alerting him to plans to replace the turn lane along Campus Drive (formerly Paint Branch Parkway) between Cpl. Frank Scott Drive and Kenilworth Avenue with a bike lane. If any residents wish to comment they should contact him at [gshields@berwynheightsmd.gov](mailto:gshields@berwynheightsmd.gov) and he will forward the comments to the appropriate County official. Further, CM Shields is working on recertification of Berwyn Heights' banner city status. His attendance at the last PGCMA meeting fulfilled one of two remaining requirements. The other is an activity to engage with Berwyn Heights Elementary School, which he will discuss with Principal Alerich.

## **5. Town Council Schedule**

The Council reviewed the schedule of events and activities. The date for the Council budget worksession was tentatively moved to March 23.

The meeting was adjourned at 9:44 p.m.

Signed: *Kerstin Harper*, Town Clerk