



# Town of Berwyn Heights

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## Minutes Worksession July 16, 2018

The meeting was called to order at 6:45 p.m. Present were Mayor Christopher Rasmussen, Mayor Pro-Tem (MPT) Lynn White, Councilmembers (CMs) Stephen Isler, Jason Papanikolas and Ethan Sweep.

### **Executive Session (6:45 - 7:07 p.m.)**

The Council held an executive session to discuss the Town Manager search. The executive session was closed at 7:08 p.m.

### **Regular Session (starting at 7:08 p.m.)**

Interim Town Administrator (TA) Mike McLaughlin, Code Supervisor Freddie Glass, Clerk Kerstin Harper and citizens joined the meeting.

#### **1. Announcements**

Mayor Rasmussen announced the foregoing closed session.

#### **2. Discussion Items**

**Variance 53-13 - 5805 Seminole Street:** TA McLaughlin explained that Gervin and Maria Martinez, the owners of property at 5805 Seminole Street, have applied for a variance to widen a driveway in front of their home to accommodate 2 cars. Currently, the driveway is shared with a neighbor and each party can park 1 car. The variance is needed because the County's zoning code prohibits driveways or parking areas wider than an associated garage or carport to be built in the front yard of dwelling between the front street line and the sides of the dwelling. Additional variances are needed to validate existing conditions related to insufficient setback of the dwelling and a back yard shed. It is recommended the Council approve or take no position on the variance because there are a number of properties with double wide driveways similar to the one requested nearby.

Mayor Rasmussen said previous Council have been reluctant to support the widening of driveways because paved surfaces increase storm water runoff. This case could be seen as precedent setting in that respect. Supervisor Glass said there is plenty of available on-street parking in the area. The Council discussed the variance. No decision was made but Councilmembers expressed reservations about approving the driveway widening because it would pave over half of the front yard, and because there is no unique circumstance that imposes a particular hardship on the property owner. The Council agreed to decide the variance at the Town meeting and invite the property owner to state his case.

**Dog park letter:** TA McLaughlin provided a draft letter requesting the Maryland National Park & Planning Commission to establish a dog park at the location of a T-ball field adjacent to the Indian Creek

park. He asked if Councilmembers had any changes to the letter before it is mailed. CM Sweep provided TA McLaughlin with a red-lined version of the letter. His changes will be incorporated, and the revised letter resubmitted for Council approval.

**Code Compliance Department review:** Mayor Rasmussen said this department review will be the first of a series in which the new Council will look at processes, procedures, budgets and opportunities for efficiencies of each Town department. The Code Department has been the focus of comments and complaints from residents during the 2018 election season that requires a response from the Town. He has met with CM Papanikolas and TA McLaughlin to discuss how to address the concerns.

TA McLaughlin provided a memorandum with information about the Code Department's notice of violations process and an exposition of the pop-up canopy permit complaints made at a June 20 Town meeting. TA McLaughlin has made an inquiry but has not received a response from the Department of Permitting, Inspections & Enforcement (DPIE) as to whether permits are required for pop-up canopies. Possible solutions to the problem include:

- Allowing pop-up canopies when used as a gazebo or shelter for gatherings but not when used as a car port, an approach taken by the City Bowie;
- Lowering the Town's building permit fees (making the cost of a permit for a canopy less onerous);
- Sending a friendly letter or courtesy notice prior to a violation notice; and
- Publishing an informational brochure or leaflet about pop-up canopies.

In response to questions, Code Supervisor Glass said that the Code Department notifies home owners about any permit issues first before reporting them to DPIE. DPIE may inspect properties in response to municipal notification or inspect Town properties independently as part of its County-wide inspections program. The Code Department will work collaboratively with residents to resolve the canopy issue.

Regarding code enforcement in the commercial district, Supervisor Glass explained that the Code Department regularly patrols the business district, and issues citations based on Ordinance 134 - Commercial Clean Lot. DPIE is notified about any zoning issues. The amount of a code fine is limited by State law and the Town cannot place liens on commercial properties. Business response depends on individual business owners. To achieve better compliance, The Council may want to revise its fee and fine schedule and consider abating violations with costs charged to business owners.

The Council agreed code enforcement could be improved through better communication with residents. This might include a pamphlet summarizing the Department's mission and functions, permit requirements and contact information. There is also a need for better performance indicators, enabling the Council to evaluate overall performance and compliance rates to code violations. Ultimately, staff hours may need to be added to improve the violation notifications and enforcement process.

**Electronic bulletin board estimate:** TA McLaughlin provided an estimate for an electronic bulletin board per Council's request from an earlier worksession. The quote from Kerley Signs is \$23,800 for a full color, double-faced electronic message center, including installation. By comparison, a new welcome sign costs \$3,800. It was agreed it is important to find the right location for an electronic sign if the Council decides to purchase it.

**Berwyn Heights - UMD collaboration projects:** MPT White reported that Andrew Fellows, UMD Community & Outreach Program Manager, last week briefed her and several staff and citizens on the campus-community connection (c3) program. The previous Council had submitted a list of 10 projects to the University for collaboration in the area of sustainability and community engagement. The current

Council is encouraged to submit new project ideas that could be added to the list. These might relate to street light improvements, food security and grant writing assistance.

## **2. Minutes**

There were none.

## **3. Announcements, Department Reports, Citizen Comments**

CM Papanikolas reported he met with Berwyn Heights Elementary School (BHES) Principal Alerich about the maintenance of the school property. The mowing of the slopes on the Quebec Street side of the property is the responsibility of Prince George's County Public Schools (PGCPS) but it is not a regularly scheduled activity. The response time to a request for mowing is long. It is proposed for the Town's Public Works Department to abate the overgrown area and to bill PGCPS. Public Works will also explore if PGCPS would agree for the Town to take on the maintenance long term and pay for it.

CM Sweep reported on a meeting with Public Works Director Hall. Public Works has a plan to streamline the refuse and recycling collection process ready to go if the Council decides to move forward. It would require the Town to provide larger refuse and recycling bins with wheels that can be picked up with a mechanical lift. This would allow the Town to reduce refuse collection to once-a-week. Director Hall and his assistant have worked with the County on drafting an informational brochure about refuse and recycling do's and don'ts and would like Council approval to print it.

Director Hall said he has a proposal on file for a security system at the Town Hall. The previous Council appropriated money for it in FY 2018 but chose not to move forward. In an update on the electric charging station the Town plans to install, the Town would incur a cost of \$500 to \$1,000 for installing an electric junction. The cost of the charging stations themselves would be covered by a program of the State of Maryland.

Mayor Rasmussen reported that a police officer has been present at recent Council meetings upon recommendation by Chief Antolik as there may be an increased risk of harm to public officials. He then announced the July 20-21 interviews of 2 finalists for the Town Manager position, a July 25 Four Cities Coalition meeting, and the August 7 National Night Out. Mayor Rasmussen thanked Councilmembers for working with him to launch the term of the 48<sup>th</sup> Council and reviewed the proceedings of the ensuing special session for arranging the succession.

MPT White presented Mayor Rasmussen with a plaque in appreciation of his service on the Town Council and wished him good luck in his future endeavors.

On a motion by CM Isler, seconded by MPT White, the regular meeting was adjourned at 9:09 p.m. Mayor Rasmussen left.

### **Special Session (starting 9:18 p.m.)**

CM Isler moved and CM Papanikolas seconded to open the special session. The motion passed 4 to 1.

***Reading of Resignation Letter:*** MPT White read Mayor Rasmussen's letter of resignation and then Section 306.2 of the Town Charter setting forth the succession of the Mayor Pro Tem as Mayor in the event the office of Mayor becomes vacant.

***Election of Mayor Pro Tem:*** Mayor Pro Tem White next asked for a motion to select CM Isler as the next Mayor Pro Tem, noting that, while the Charter is silent on the matter, the Councilmember with the next

highest number of votes in the most recent election has usually been chosen. CM Sweep so moved, and CM Papanikolas seconded. The Council voted 4 to 0 to confirm CM Isler as Mayor Pro Tem.

***Swearing-in of Mayor and Mayor Pro Tem:*** Chief Deputy Clerk of the Clerk of the Circuit Court Bonita Rabelais swore in Mayor Lynn White and Mayor Pro Tem Stephen Isler.

***Department assignment:*** Council discussed whether to continue to assign Councilmembers to a department, in light of the adoption of a Town manager system of government. MPT Isler, CM Sweep and Papanikolas were in favor of keeping the current arrangement, whereby Councilmembers look after departments to ensure that their needs are met, while providing a direct channel of communication between residents and the departments. Mayor White announced the departmental assignments: She will take on the Police Department, MPT Isler will move to the Administration Department, CM Papanikolas will continue with Code Compliance and CM Sweep with Public Works.

***Reading of Ordinance 109, Section 8:*** Mayor White read Section 8 of *Ordinance 109 - Elections* setting forth the options for filling mid-term vacancies: 1) public solicitation of applications; 2) appointment of a candidate who ran in the previous election; and 3) special elections. MPT Isler moved, and CM Papanikolas seconded to fill the vacancy by public solicitation of applications. The motion passed 4 to 0.

***Timeline and process for filling vacancy:*** Mayor White explained that an announcement of the vacancy and an invitation to apply will be made in the August Bulletin. Applications will be accepted until August 15 and interviews of the candidates will be conducted in an executive session prior to the August 20 worksession.

Meg Miller-Shane, 57<sup>th</sup> Avenue, and Mike Attick, 62<sup>nd</sup> Avenue commented on the role of department heads and on meeting formats. The Council briefly discussed how citizen comments will be taken at Council meetings. Further, it was clarified that the presence of 3 Councilmembers in one place constitutes a quorum and therefore a public meeting.

On a motion by CM Sweep, seconded by CM Papanikolas, the meeting was adjourned at 9:51 p.m.

Signed: *Kerstin Harper*, Town Clerk