



CITY OF DISTRICT HEIGHTS

TUESDAY, OCTOBER 10, 2023

AGENDA

City Commission Work Session

Commission Chambers, E. Michael Roll Municipal Building,
2000 Marbury Drive District Heights, Maryland 20747
7:00PM

I. CALL TO ORDER:

II. APPROVAL OF AGENDA:

1. Work Session Meeting Agenda Tuesday, October 10, 2023
Staff Contact: Starr Jefferson, City Clerk

III. PUBLIC PARTICIPATION:

IV. INFORMATION ITEMS:

V. ACTION ITEMS:

1. *Approval of September 12, 2023, Work Session Minutes
Staff Contact: Starr Jefferson, City Clerk
2. *Single-Source Contract Award: Holiday Decorations Contract
Staff Contact: David Street, City Manager
3. Fencing Regulations
Staff Contact: Michelle Watkins, Code Enforcement
4. Appointments and Confirmations: Ethics Committee
Staff Contact: Starr Jefferson, City Clerk

VI. MAYOR & COMMISSION ANNOUNCEMENTS/COMMENTS:

VII. ADJOURNMENT

Items on the Consent Agenda are denoted with an asterisk (*) and are presented for approval through a single motion. A Commissioner may remove an item from the Consent Agenda for placement as an Action Item for separate comment and action.

City Meetings are streamed live on The City of District Heights' YouTube channel: [Link to join Webinar](https://www.youtube.com/channel/UCOaouHM_FeKqwkIYOGjkl-w)
https://www.youtube.com/channel/UCOaouHM_FeKqwkIYOGjkl-w

This agenda is subject to change. For the most current information, please contact the City Clerk at 301-336-1402 x 110.



**CITY OF
DISTRICT HEIGHTS**
MARYLAND

2000 Marbury Drive
District Heights, Maryland

Work Session Meeting Minutes
Tuesday, September 12, 2023, 7pm
In-Person & via YouTube Live Stream

CALL MEETING TO ORDER

The Work Session City Meeting of the City of District Heights was held on Tuesday, September 12, 2023, In Person and via YouTube LiveStream. Mayor Miller called the meeting to order at 7:02 p.m.

QUORUM

In attendance: Mayor Miller, Vice Mayor Harcourt, Commissioner Janifer, Commissioner Gomez, and Commissioner Tilghman. Staff in attendance: David Street- City Manager, Starr Jefferson -City Clerk

CONSENT AGENDA A motion was made by Vice Mayor Harcourt and seconded by Commissioner Janifer adopt the Consent Agenda for the City Work Session, which consisted of these items:

Action Item 1: Approval of Work Session Meeting Minutes Tuesday, July 25, 2023

Action Item 2: Approval of City Meeting Minutes Thursday, September 7, 2023.

The motion passed 4-0-1 (MM abstained).

PUBLIC PARTICIPATION

None

INFORMATION ITEM

1. ARPA Funds Update – David Street

Mr. Street provided an in-depth update to the City Commission of the spending summaries and project statuses for FY 2022 and FY 2023, respectively. The FY 2022 variances originated from two projects which carried into future fiscal years, the Recodification of the City's Code of Ordinances and the security system upgrades to the Municipal Building.

Mr. Street expressed some reservation in the challenge to spend down ARPA funds in the allotted time frame as opposed to the time frame allotted to identify and schedule projects with the funds.

Commissioner Gomez suggested that the Commission review its Strategic Plan together to discuss opportunities and initiatives in line with the stated goals and objectives therein.

2. Delegate Kent Roberson – District 25

Delegate Roberson greeted the Commission and residents as a newly elected member of District 25, thanking the Commission for their longstanding support and commitment to moving the city (and hence the county) forward. Vice Mayor thanked the Delegate for his time and expressed the city's commitment to work with District 25 to support the city.

Commissioner Gomez inquired about the Delegates individual legislative priorities.

Mr. Roberson expressed his eagerness to support the current initiatives of the current legislation, noting that current legislation is not without its challenges. He expressed his priorities in the areas of violence and education, particularly as a parent of a student in Prince George's Public Schools. Additionally, Mr. Roberson shared his goal as being a connector of people and services within the county, highlighting the city's YSB and coming Senior Center as critical resources to be shared.

Mr. Roberson also expressed his support for improved transit services to help alleviate the area's gridlock concerns. Delegate Roberson also took a moment to congratulate Commissioner Tilghman for his award received by the County for 'Make Smart Cool'.

ACTION ITEMS

3. FY25 Budget Process – David Street, City Manager

Mr. Street presented to the Commission the foundational groundwork for the FY25 budget process. July designated Personnel Authority to staff

Mr. Street detailed the inconsistencies of the

Using the IRS definition of what constitutes full time appointment. 30 hours or more = 1 FTE (Full Time Equivalent)

Part Time Positions would be equated to .5 FTE.

Mr. Street reviewed each department's current employment fill status providing the proposed. Mr. Street explained how the City's current contracted staff would be reflected through 'frozen' positions that provides the position is budgeted and considered regardless of whether the position is filled.

Mr. Street detailed his proposal for FTE authority for new positions for Human Resources Manager, Information Technology Manager and Program and Volunteer Manager.

Commissioner Gomez inquired what the City Manager would propose funding for the Program and Volunteer Manager position beyond FY25 once the ARPA funds are no longer available.

Mr. Street suggested that (preliminarily) a possible staggered contribution or spend down could developed.

Vice Mayor Harcourt inquired whether the projected funds were inclusive of salary and benefits.

Vice Mayor Harcourt suggested the Mr. Bazilio should be engaged to discuss opportunities where a modest increase in "mail rate" would help maintain the city's need for professional staff.

He went on to share his concern of the IT position filled to support the security and liability exposure the city currently faces.

Mayor Miller expressed her support for grant funds to support the needs of the Senior Center positions.

Mr. Street explained that to support the Senior Center's grant applications the Commission may consider expanding the service area outside the city boundaries, like the service radius of YSB.

Commissioner Gomez moved that the City Commission approve the FTE conversion as described in Tables 1 and 2 of the September 12, 2023, Action Item. Commissioner Tilghman seconded the motion which carried a 4-0-1 vote (MM abstained).

Commissioner Harcourt moved that the City Commission approve 1.0 FTE for the creation of an Information Technology Manager in General Government. Commissioner Harcourt further moved that the FTE be frozen until the FY 2025 budget process. Commissioner Janifer seconded the motion which carried 4-0-1 vote (MM abstained).

Commissioner Tilghman moved that the City Commission approve 1.0 FTE for the creation of a Human Resources Manager in General Government. Commissioner Tilghman further move that the FTE be frozen until the FY 2026 budget process. Commissioner Gomez seconded the motion which carried a 4-0-1 vote (MM abstained).

Commissioner Janifer moved that the City Commission approve 1.0 FTE for the creation of a Program and Volunteer Manager in the Senior Center department. Commissioner Janifer further moved that the City Commission estimate and appropriate \$80,000 of prior year ARPA fund balance into the FY 2024 Senior Center operating budget. Commissioner Harcourt seconded the motion which carried a 4-0-1 vote (MM abstained).

Commissioner Gomez moved that the Commission go into Closed Session to discuss Personnel Matters. Commissioner Janifer seconded the motion which carried a 4-0-1 vote (MM abstained).

The City Commission of District Heights went into closed session at 8:10 PM.

The Commission returned from closed session at 10:05

ADJOURNMENT

Vice Mayor Harcourt moved to adjourn the Work Session meeting.

Commissioner Janifer seconded the motion which carried a 4-0-1 vote.

The Work Session adjourned at 10:06pm.

Respectfully submitted,

Starr Jefferson
City Clerk



CLOSED-SESSION SUMMARY
(General Provisions Article § 3-306(b))

SUMMARY OF CLOSED SESSION HELD ON 9/12/2023

1. Statement of the time, place, and purpose of the closed session:

Time of closed session: 8:12 PM - 10:03 PM

Place (location) of closed session: 2000 MARBLE DR. - MUNICIPAL BUILDING

Purpose of the closed session: PERSONAL MATTERS: EVALUATION OF CITY MANAGER

2. Record of the vote of each member as to closing the session:

Names of members voting aye: X. HARGREAVES, G. GOMEZ, A. TUGGAMAN, P. JANTER

Members opposed: NONE Abstaining: C. MILLER

3. Statutory authority to close session:

This meeting was closed under the following provisions of General Provisions Art. § 3-305(b):

- 4. Topic #1:** § 3-305(b) (X) **→ Topic #2:** § 3-305(b) () **→ Topic #3:** § 3-305(b) ()
→ Topic #4: § 3-305(b) () **→ Topic #5:** § 3-305(b) ()

5. Listing of each topic actually discussed, persons present, and each action taken in the session:

Topic description	Persons present for discussion	Action Taken/Each Recorded Vote
#1: <u>6 mos. performance evaluate of the City Manager</u>	<u>C. MILLER</u> <u>A. TUGGAMAN</u> <u>X. HARGREAVES</u> <u>D. STREET</u> <u>P. JANTER</u> <u>G. GOMEZ</u>	<u>NO ACTION TAKEN</u>
#2:		
#3:		
#4:		
#5:		



CITY OF DISTRICT HEIGHTS

City Meeting

Tuesday, October 10, 2023

Action Item 2

Title: Sole Source Contract Award: Holiday Rentals
Staff Contact: David Street, City Manager
Purpose: To award a sole-source contract to _____ in an amount not to exceed \$35,000 for community holiday decoration leases and/or purchases.

Summary: The City is currently in the planning phase for the 2023-24 holiday season. A “District Heights Light Up Night” is planned for the 2023-24 season and, as such, certain holiday decorations must be procured. City staff have evaluated a number of vendors and recommend that the City Commission award a sole source contract to expedite the acquisition of decorations.

Fiscal Impact: The City’s annual events budget is sufficient to absorb this expenditure.

Draft Motion:

I, Commissioner _____ move that the City Commission waive the complete bid requirements.

I, Commissioner _____ move that the City Commission approve a contract award to _____ in an amount not to exceed \$35,000 for one-time holiday decoration purchases.

Attachment:

1. Concept Design



CITY OF DISTRICT HEIGHTS

City Meeting

Tuesday, October 10, 2023

Action Item 3

Title: Staff Report: Fencing Regulations
Staff Contact: Michelle Watkins, Code Enforcement
Ronald Tarpley, Police Chief
Purpose: To present the Commission with information regarding fencing codes, code standards, and to request guidance from the Commission on next steps.

Summary: Prior to the August recess, the City Commission requested an overview of the City's fence ordinance. This item is designed to provide an overview of fencing regulations and present the Commission with options. The City's fencing regulations are largely incorporated by reference in the ordinances. Incorporation by reference is a method whereby a regulation printed in one code or standard is allowed to be used in another; incorporation by reference makes provisions of another document part of that regulation by reference to the other document and is a common practice across governments.

Historically, District Heights used Building Officials and Code Administrators International (BOCA) standards. Recently, the state changed their reference from BOCA to IBC and as such the City must be updated to International Building Code (IBC) standards as a part of the recodification process. It is important to understand the difference between the historical District Heights standard and the standard found in the IBC.

District Heights: current City Code of Ordinance states that "Any fence erected within the City shall be so constructed that at least fifty percent (50%) of the available light and air can pass through". Total Privacy fencing is a violation of current code.

General Fencing Information

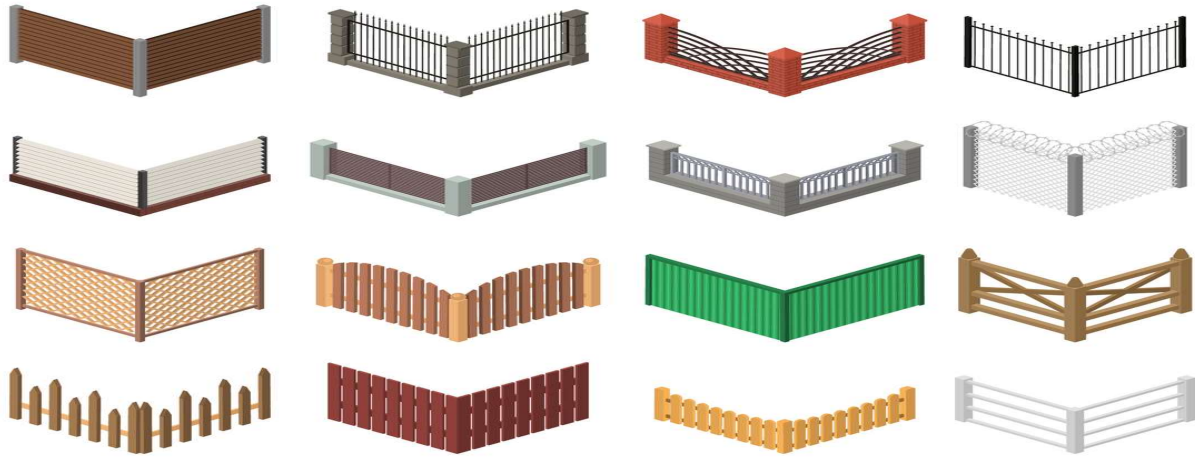
Local fence codes may address wall integrity, fire prevention, noise mitigation, aesthetics, wall use, manufacturer qualifications and size requirements. Fence codes stem from a larger sector of national, regional, or local building codes.

Codes become law when they are formally added to the appropriate jurisdiction. When law, they must be followed by engineers and builders as well as architects, inspectors, developers, insurers, and managers. Codes are the foundation for another level of safety precautions.

This is often the case with fence codes. While few fence codes offer widespread rules, fence code does serve as a guideline for ensuring health and safety.¹

¹ <https://aftec.com/resources/fence-codes/>

Fig. 1. Types of Fencing (Examples)



Manufacturing and installing a fence or building ultimately has an underlying purpose of protecting people or products from harm. Without adequate building codes and fence codes, a building or fence can be more of a danger than a protector.

These are the different types of fences that can be and have been installed throughout the city. The majority of the Special Exceptions submitted to the Commission are for six (6) foot total privacy fences. All other fences are not an issue. These fences can be made of different materials most often they are wood or vinyl. There were thirteen (13) Special Exceptions Request submitted for Total Privacy Fences within the last 5 years. All of the thirteen submittals have been approved.

Fig. 2. Example Fencing



IBC fencing standards differ from what residents are accustomed to. For example, allowable heights are taller than the standard the City currently uses. That said, the City believes that it would have the option to retain stricter standards than those found in the IBC. Generally speaking, when incorporating another code or standard by reference, a jurisdiction may be more, but not less, strict than the code or standard being incorporated.

Alternatives:

1. Incorporate the IBC standards by reference but retain current (or substantially similar) code and permitting requirements for fences.
2. Incorporate the IBC standards by reference and only retain the permitting requirement for fences.
3. Do not adopt either option and direct staff to conduct further research.

In alternatives 1 or 2, staff will prepare draft ordinance text based on the Commission’s direction and return at the November City meeting to introduce amendments to the applicable ordinance section. In alternative 3, staff will review additional information and prepare for presentation to the Commission.

Fiscal Impact: There is no fiscal impact to amending the City’s fencing requirements, however, altering the permit requirement could have a fiscal impact depending on if the Commission retains the permitting process, where permitting fees are set, etc.

Draft Motion:

I, Commissioner _____ move that the City Commission direction staff to proceed with alternative _____.

I, Commissioner _____ second the motion.



CITY OF DISTRICT HEIGHTS

City Work Session

Tuesday, October 10, 2023

Item 4

Title: Confirmation of Ethics Committee

Staff Contact: Starr Jefferson, City Clerk
David Street, City Manager

Purpose: Confirm members of the Ethics Committee and meeting schedule.

Recommendation: Staff recommends that the City Commission consider approval of the active committee list and a quarterly meeting schedule for the Ethics Committee.

Summary: As established in the City Charter Article VII, pursuant to State law, the Commission shall adopt by ordinance a Code of Ethics for City officials and procedures for enforcement. Article XVI of City's Code of Ordinance establishes the composition and responsibilities of the Ethics Commission. Whereas the Ethics Commission will be composed of five (5) regular members and one (1) alternate member, appointed by the mayor and approved by the City Commissioners. The tenure of each member shall be three (3) years or until a successor is appointed, whichever is longer.

The Ethics Committee works in conjunction with the City Attorney to develop, receive and maintain all ethics related document to investigate; to process and make determinations regarding conduct or violations of the City's Code of Ethics; to publish advisory opinions to persons subject to the Code of Ethics and to adopt regulations for the City's Code of Ethics.

The city currently has a roster of 4 members on the Ethics Committee [see Table 1]. The Commission is required to confirm the current members and appoint individuals to the current vacancies.

Maryland Statute MD 5-807b requires that the Commission certify to the State Ethics Commission each calendar year that the City is in compliance with Maryland Statute 5-801 which requires the City's Ethics Committee to meet at least one time each calendar year.

We propose that the Ethics Committee hold quarterly meetings on the first Thursday of February, May, August, and November in each year, beginning November 2, 2023.

Table 1. Current Membership
Vashtie Moncrief
Catherine Williamson
Susan Clark
Dianna Matthews
Vacant -Alternate
Vacant
Bradley Farrar – City Attorney

Ethics Commission (City Charter Article VII, Section 710; City Code of Ordinances Article XVI)

The Ethics Commission is established within the City’s Code of Ethics in Section 1601(c). The Ethics Commission is comprised of five members and one alternate member (DH-21-02) appointed by the mayor with the advice and consent of the City Commission.

Table 2.	Member Term	Meeting Schedule
Vashtie Moncrief	10/10/23 - 10/10/26	Quarterly - 4 per year
Catherine Williamson	10/10/23 - 10/10/26	1 st Thursday of the following months
Susan Clark	10/10/23 - 10/10/26	November 2 nd
Dianna Matthews	10/10/23 - 10/10/26	February 2 nd
Vacant - Alternate	10/10/23 – 10/10/26	May 4 th
Vacant	10/10/23 – 10/10/26	August 3 rd
Bradley Farrar – City Attorney		

The City Clerk will attend at least one meeting with the Ethics Committee per year to coordinate the submission of the required ethics documents annually. The City Clerk will certify documents and meeting procedures as required by the Maryland Statue and City Code. In addition, The City Clerk will support and assist with open meetings training, public records training and conflict of interest training.

Fiscal Impact: There is no fiscal impact associated with this item.

Alternatives The City must be compliant with the State’s Statute and the City’s Code of Ethics.

Draft Motion 1:

I, Commissioner _____ move to confirm _____, _____, _____, _____, _____ to City of District Ethics Committee. I further move to confirm _____ as an alternate member to the Ethics Committee each with a term commencing today, October 10, 2023, and expiring October 9, 2026.

I, Commissioner _____ second the motion.

Draft Motion 2:

I, Commissioner _____ move to establish a quarterly meeting schedule for the Ethics Committee beginning November 2, 2023, and continuing the First Thursday of each scheduled month.

I, Commissioner _____ second the motion.