



# Town of Capitol Heights

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**TOWN COUNCIL**  
**WORK SESSION MEETING MINUTES**  
**IN-PERSON MEETING @7PM**  
**April 4, 2022**

<b>Meeting Purpose:</b> Town Council Meeting		
<b>Date:</b> April 4, 2022	<b>Time:</b> 7:00 PM	<b>Room:</b> Town Hall
<b>Chair:</b> Mayor Pro Tem- Renita A. Cason		<b>Scribe:</b> Acting Town Clerk – Robin Bailey-Walls

Chair/Voting Members:			
<b>T</b>	Mayor Pro Tempore – Renita A. Cason	Town Administrator – Beverly Habada	<b>T</b>
<b>T</b>	Council Member Rhonda A. Akers	Acting Town Clerk – Robin Bailey-Walls	<b>T</b>
<b>T</b>	Council Member Caroline Brown	Chief of Police – Mark Cummings	<b>T</b>
<b>A</b>	Council Member LaTonya Chew		
<b>T</b>	Council Member Faith T. Ford		
<b>A</b>	Council Member Elaine Williams		
Guests/ Residents			
<b>R</b>	Anita Anderson	Mayor Shawn Maldon	<b>R</b>
<b>R</b>	James Brown	Former CM Linda Monroe	<b>R</b>
<b>R</b>	Lynette Lynn-Horton	Former CM Kenneth Vinson	<b>R</b>
<b>R</b>	Former CM Victor James	Barbara Williams	<b>R</b>
<b>R</b>	Mayor Marnitta King	Former CM Ronald Williams Sr.	<b>R</b>
<b>G</b>	Tony Perez - Altumint		
<b>G</b>	Mike Phelan – Altumint		

- I. **Call to Order: Council Member** – Renita A. Cason
- II. **Roll Call:** Robin Bailey-Walls, Acting Town Clerk (**Roll Call was taken at 0:45 on the recording**)
- III. **Meeting Rules** – Town Administrator, Beverly Habada (**noted at 1:29 on the recording**)
- IV. **Approval of the Agenda** – Council  
**Motioned by CM Ford with the addition of the list of Candidates and a discussion about meeting in person to Include Virtual Access** (add before Public Comments)  
**Seconded by CM Chew – No objections (Conversation began at 2:44 on the recording)**
- V. **Presentation: Altumint Company, Lanham, MD. re: Redlight cameras and traffic counts** - Mr. Tony Perez and Mike Phelan (**Presentation began at 4:03 on the recording**)
  - Able to provide turnkey traffic enforcement programs
  - Provides agile response to clients
  - Eleven MD clients; eight in PG County
  - HB 619 Provisions – authorizes automated photo speed enforcement in residential areas



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- Proprietary Web-Based Comprehensive Software  
**CM Ford** – Asked if it creates a database (**Conversation began at 11:46 on the recording**)  
Mike Phelan – Yes; maintains it for 26 months  
**CM Chew** – Inquired about being connected to the State’s flagging system for violations such as suspended licenses  
**Chief Cummings** – Stated they applied for a speed camera for Old Central and were denied; they were able to get assistance from a Senator but need a traffic study. How can your company help?  
**Mike Phelan** – They can do the speed study; have submitted three permits to the State; have a good personal relationship with them. The company will submit the permit and site plans; they have submitted permits for Seat Pleasant, Brentwood and College Park.  
**Chief Cummings** – Running a red-light camera at Old Central is dangerous for the public and officers.  
**Mike Phelan** – We can do a site survey. You may consider a stand-alone pole that won’t interfere with sidewalk; maybe one camera on each side of the road.  
**CM Chew** – Asked how many cameras could be placed on Highview Place?  
**Mike Phelan** – We’d need to talk with Chief and the Council; we’d need to do a speed study.  
**Chief Cummings** – We’ve identified new areas; lots of transients coming in to Town like Larchmont and Highview. We’re at the crossroads with our current vendor.  
**Mike Phelan**- We can walk the Town and give suggestions

## VI. Update – 2022-25 Budget Amendment #3 - Adding \$6,281 to the USDA Grant for increased funds for in-car computers for Police vehicles – TA Habada (**Conversation began at 28:37 on the recording**)

**CM Cason** – Voiced concern that we’re not following protocol with regard to contacting the Town Attorney. She would like to see the expenses separated because she has an issue with number 2; Increase in legal fees. This is the second time we’ve increased legal fees. The first time she believes it was for 25K. Now we’re additional money. She advised Council to start coming to look at invoices; it’s not just annexation but a lot of other things on this line item. We’re emailing and calling the attorney not following the protocol in place from the past. The total line item is from 25K added 30K; now we’re up to 88K. He has a balance of \$5359.00 **Conversation began at 30:46**)

**CM Ford** – Requested a breakdown of expenses by subject for legal request by Council and Staff; she would like to know what was Council incurred and what is in reference to; she would also like to see the cost in terms of resolutions. There is a protocol in place. When do you not move forward with requests?

**TA Habada** – Responded yes, staff requests are TA approved. Outside phone calls are not queried; there are not enough funds for March, April and May.

**CM Ford** – Asked if TA Habada was saying she was not consulted?

**TA Habada**- Responded that she is not consulted on all calls; Some use the legal request form. She also stated she has no control over Council making calls to the Town Attorney.

**CM Ford** – She doesn’t know the current protocol. She can pick up the phone and call the attorney? When we do this, we’re incurring cost; individuals are incurring cost. So, the body isn’t informed? She encouraged following the process.

**CM Brown**- Stated this question was previously asked; I think TA Habada, the attorney should be addressed before this is done because he stated previously that there are confidential matters discussed; Definitely talk with the attorney before this is done. Secondly our cost went up because the attorney has been on several calls where our Admin requested it because she saw fit to do so, this wasn’t a Council thing. I do think this made the bills go a little bit higher. The attorney has been doing a lot of things for the Town. There are a lot more things that needs to be addressed. In regards to procedures and protocol, we never actually approved any form. I would like to approve a form if there is a form; the form was created, we were supposed to bring it to Council and never did. That’s something that still needs to be approved. In regards to our attorney putting limitation on what the Town Administrator has to do, were not here every day; She can’t talk to him until this \$5000 is paid. There might be an emergency. This poses a lot of questions for TA Habada. I would speak to the attorney before giving any definite answers regarding this issue.



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**CM Akers** – The purchase orders have documentation on Attorney information on who talked with him and what he billed for. She recommended to review the purchase orders.

**CM Chew** – Said she's not a check signer but looks over the checks. The attorney has detailed descriptions on the charges.

**CM Cason** – Stated the problem is the TA doesn't know the cost of the Council calls and emails to the Attorney. All the calls aren't related to Resolutions or annexation. There's no way the TA would know or have control. This is the second we have increased the line items. The Attorney just started attending meetings as the parliamentarian. He also came to Charter meetings. Residents need to know what's being done.

**CM Brown**- The Attorney is on the meeting call two or three times a week; sometimes the meetings are 6 hours long in addition to the Closed Session.

**VII. 2022-26 Emergency Ordinance** – Town Election procedures – TA Habada read through the Ordinance.

**(Conversation began at 48:58)** She recommended adopting it as an Emergency Ordinance because of the twenty-one days requirement before the Town Election. It will require a super majority vote of 5 Council members. **CM Akers** – made the following recommendations **(Conversation began at 1:29:29)**

- Page one -to modify instead of adjust or modify
- Page 2- 2-401 – suggested obtaining portable bathrooms to keep unwanted traffic from entering the polling location; also add “upon approval of Mayor and Council”. She asked where the rules will be posted

**TA Habada** – Responded in the bulletin board outside

**CM Akers Continued**

- **Page 2 2-403 -”** Excuse for valid reasons” – there are no valid reasons. You can't leave with the County.

**CM Cason** recommended looking n to valid reasons

**CM Akers** stated to stipulate what are valid reasons.

**CM Cason** commented that we don't have the authority to tell people they can't leave.

**CM Akers** requested to remove for valid reasons. She recommended having a back-up poll worker

- Page 3 – Stated the poll worker can't enter the booth, the County doesn't allow this; they must stand to the side to give assistance.
- Page 6 #4 – If you don't follow the rules, you shouldn't be allowed to vote.

**Acting Town Clerk** stated she spoke with the election judge that will work the polls again this year. She stated the rules are a bit less strict for municipal elections internal processes; she would judge case by case as to whether the person can vote.

**CM Akers** asked if the County is providing a chief judge and two judges.

**Acting Town Clerk** responded yes, the judges are all County trained.

**CM Akers** inquired about the Absentee process that was approved by TA Smalls.

**TA Habada** explained it was written to address the paper absentee ballots used during the last election. It doesn't cover the current process of the vendor mailing of ballots to residents or does it address them current process of submitting the ballots in to the Drop-Box at the Police Station.

**CM Akers** asked if the election vendor is bringing in technicians?

**Acting Town Clerk** responded yes, two technicians will be onsite.

**CM Brown** made the following changes:

- Page 2 section 2 – it stipulates no elected official can be an observer; She asked if this applies if the person isn't running for the next term?

**Acting Town Clerk** stated they are referring to the person that is running for a position.

**CM Cason** asked to make that clear.

**CM Brown**



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- On page 1, the fourth paragraph, it gives Mayor and Council the right to adjust or modify changes; Add with Council's approval so that everybody's on the same page and know what these changes are.
- On page 7; It says qualifying conditions; in regards to the American Disabilities Act the law protects these individuals. We need to be really careful and review this and get more instruction from our attorney. We're supposed to provide for the disabled person. This could be a legal matter. This language has to be changed. We don't want to make any wrong decisions.
- Page 8 number 2, Receiving absentee ballots shall enter the date and time of receipt; there was a section on the application removing. I really think we should keep the initials of the person accepting the receipt because you want to know who the person was that opened that application just in case there's a discrepancy.

**TA Hadaba** mentioned she thinks it was removed because there is a very limited number of people who will be handling the requests. The vendor will be keeping a log. They're receiving a request to send a ballot. They are not receiving the ballot.

## **CM Brown**

- Explained she's done it both ways; this way we'd know the exact person and can go directly to that person.
- Regarding destroying ballots; Page 12 the time to retain them should be longer than six months; CM Williams made this suggestion previously; requested to check the minutes.
- Page 14 – paragraph D – Note "shall be published"

**CM Ford – Motioned to suspend the rules to allow public comments; Seconded by CM Brown; No Objections (Conversations began at 2:06:50)**

**Mayor Maldon** stated there has been an exorbitant amount of money spent on the Town Attorney fees for such a small town; more than one year's salary; almost 100K. This is a huge abuse. He requested the Council to be better stewards of taxpayers' money.

**CM Cason** asked CM Akers about Port-a-Potties; she started the residents can use the bathrooms inside the building. That's a cost we don't have to incur. When we do the elections in the Chamber, they can go in the Community room (**Conversation 2:08:44**)

**CM Akers** stated they are not expensive. That poses another issue; We need a police officer to watch over things. **CM Cason** stated the government building is the peoples building. We've never needed Port-a-Potties before.

**Former Council Member Monroe** – Said she concurs with Maldon. She stated that Attorney Sussman's average was 30K maybe 40K and that included a case. She is appalled with the cost; Itemization of the cost is needed; there was some redaction done on the billing; Confidential matters are different. There should be nothing in there that the public can't see. If there's something confidential, that's different. It should be full transparency because it is the taxpayer's money. (**Conversation began at 2:10:48**)

**CM Cason** stated there was a Motion once before to give that information to residents and take out what was confidential; it passed. Then it came back to Council and they said no. **CM Brown** expressed that the attorney recommended that. In her opinion any information needs to be transparent to the residents.

**CM Brown** stated this is in relation to CM Akers question regarding the port-a-potties, she feels the same as what she stated. We have to have someone stationery because in this Ordinance it talks about strict provisions; especially about one hundred feet from the entrance; not being able to campaign and so on. If someone is walking throughout the building, you don't know what's going on unless you have someone that's stationery. Someone could be passing papers. (**Conversation at 2:14:41**)

**CM Cason** stated the one hundred feet is for campaigning.

**CM Ford-** Requested TA Habada to provide a breakdown of the attorney fees; Note Council initiated expenditures



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**CM Cason** stated the emergency Ordinance will be on the April 11<sup>th</sup> Public Session; It takes five to approve an Emergency Ordinance

**VIII. Ethics Commission – (Conversation began at 2:20:12)**

**TA Habada** asked what is the process to review and decide on applicants?

**CM Cason** stated some applications came in after the deadline. She suggested each Council Member give their top three choices for TA Habada to tally.

**CM Brown** noted she requested to extend the date for applicant deadlines to April 1<sup>st</sup>.

**Acting Town Clerk** confirmed that was **Motioned by CM Brown; Seconded by CM Akers Session.**

**CM Cason** suggested to review the application and send TA Habada your top three.

**IX. Increase in salary for Mayor and Council for the incoming Town elected officials – (Conversation began at 2:27:29)**

**CM Akers** stated her reasons to support the salary increase. She stated there hasn't been an increase since 2014; During the King administration the vote was defeated as Mayor King broke the tie with a No vote.

**CM Akers Motioned to increase the salaries for the incoming Mayor/Council by \$160 monthly; Seconded by CM Ford**

**CM Chew** made a friendly amendment to discontinue the \$1500 discretionary funds for Mayor/Council.

**CM Cason** stated that needs to be reflective in the line item. She disagrees with the friendly amendment. She feels the elected officials do the work because we love our community.

**CM Brown** recommended to look at other ways to get money; She suggested more business development; It's been twelve years since there's been a salary increase; We work seven days a week often with late hours.

**Straw Poll Vote**

**CM Akers Y**

**CM Brown Y**

**CM Chew Y**

**CM Ford Y**

**CM Cason N**

**Vote Carries 4/1**

**Development Project – Land Disposition agreement** - requested by CM Chew - To be discussed in Closed Session (**Conversation at 2:41:40**)

**X. List of Candidates – CM Ford (Conversation began at 2:41:58)**

**TA Habada** explained that two nominees declined to run for office. They were CM Akers and Mr. Amaker; Kentasha Dixon didn't pick up a package. The names of those that qualified were notified and is a list is posted at Town Hall. She also stated that Mayor King has written a request to appeal to Council regarding her not being qualified as a candidate.

**Mayor King** stated she's made an appeal to TA Habada to make an appeal before the Council. (**Conversation at 2:44:17**)

**CM Cason** asked if TA Habada had that documentation.

**TA Habada** stated she did.

**CM Ford Motioned to hear Mayor King's appeal in Closed Session this evening per the Charter. (Conversation began at 2:45:27)**

**Mayor King** stated she is available

**CM Cason** stated a second wasn't required as they're to the appeal process via the Charter.

**CM Brown** requested that TA Habada provide the documentation regarding her not being qualified.

**CM Ford** would like to return to Public Session to record the decision. (**Conversation at 2:47:20**)





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- XI. Discussion about meeting in person to include virtual access – CM Ford (Conversation began at 2:48:10)**  
**CM Ford** requested that the meetings be in-person and virtual via Zoom to resume ASAP.  
**CM Akers** stated the meetings have always been in-person; the COVID guidelines have been lifted; Zoom is not needed; Stream on Facebook.  
**TA Habada** explained the difficulties of meeting in-person and via zoom. At the Nominating Convention the microphones weren't consistently used and those on Zoom couldn't hear. We could not obtain in time microphones in time to connect with cable. Also support personnel weren't available on Friday. Since then, we've met with a contractor that currently supports other municipalities; We need to buy new microphones.  
**CM Ford** suggested the Council use their laptops to be available to residents. She requested that her colleagues agree to make meetings available to residents via Zoom.  
**CM Cason** said she's in agreement with increasing the span in reaching residents. They want us to continue.  
**CM Brown** stated engagement with residents is great and encouraged residents to attend meetings; She also suggested reaching out to more residents. She also stated that broadcasting via Facebook messed up the TV station.  
**TA Habada** – Said she's not a techie. She understood the system got switched off. Dmitri and Verizon said something wasn't connected. Since the Convention to now is a mystery.  
**CM Brown inquired is it a minor issue; will it take a day or a week?**  
**TA Habada** mentioned having a seasoned TV/Streaming professional in today to look at things and discuss future plans for broadcasting. He looked but didn't make an assessment. NTI is working with Verizon. Something appears to be disconnected.  
**CM Brown** said we were broadcasting from the cable box. Zoom is something separate from cable broadcast which goes directly to Smart Cities or the cable company. Apparently that plug was disconnected and we just have to plug it back up.  
**Acting Town Clerk** stated the gentleman we met with today walked around to look at what is required. He was reluctant to touch anything  
**CM Akers Motioned to allow public comments and to extend the meeting to 10:30PM; Seconded by CM Brown; No Objections (Conversation at 3:04:51)**  
**CM Ford Motioned to meet in-person and via zoom; No Second**  
**CM Ford** said it saddens her that no consideration is given to seniors by denying folks to participate via Zoom; It would not hurt to open their computers; She's had complaints from residents; Council chooses not to vote to continue to meet virtually.
- XII. Public Comments (Conversations began at 3:07:36)**  
**Mayor Maldon announced his candidate forum and said Jazz Lewis will be there; the meeting is at 10AM on Saturday**
- Former CM Monroe** said she hears the passion from CM Ford; She would like Zoom herself; There is never a big turnout on Zoom; it's always the same people; Get people invested; during Zoom there are no faces shown; reach out to people another way.
- Barbara Williams** said only CMs Williams and Brown do outreach. CM Ford is in charge of the outreach Committee and you don't see her out. She's passionate because she's running for office; you never see her out there; She's tired of the fussing.
- Anita Anderson** said in the past it was open to the public but the pandemic shifted that. Seniors won't come in to meetings; Reach out to people in other ways; The meetings need to be seen; Consider the virtual option because of health issues; People are afraid; the pandemic isn't over. Be creative – It's time to change.
- Barbara Williams** – People are lazy; find different ways; get people to come out but no instigators.



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**CM Brown** stated to get people to understand; they are not vested; we have to find a way; going back to Zoom will stagnate us.

**James Brown** asked if enabling Zoom will allow council not to come in?

**CM Ford** said that wasn't her intent.

**James Brown** stated to stop with negative rhetoric because nobody likes confusion. COVID is not over. We're still wearing masks so what's the problem with a hybrid meeting? There is voter apathy; meetings are way to late and there are health issues. Why is there a problem?

**CM Chew Motioned to go in to Closes Session to discuss the LDA, the Ethics applicants and to hear Mayor King's appeal. Seconded by CM Akers (Motion was made at 3:23:05)**

**CM Ford made a friendly amendment to come back to a public meeting; CM Chew didn't accept the friendly amendment.**

**CM Cason** suggested holding a special meeting the next day.

**CM Chew** didn't agree.

**Adjournment** – Meeting adjourned at 10:37 PM