



Town of Berwyn Heights

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Minutes Town Meeting March 8, 2017

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, Chris Rasmussen, and Gerald Shields. Also present were Town Administrator (TA) Jessica Cowles, Chief of Police Kenneth Antolik, Detective Daniel Unger, Code Compliance Supervisor Freddie Glass, Public Works Director Stevie Cox, Treasurer Michelle Rodriguez, Clerk Kerstin Harper, Maryland Milestones Executive Director Aaron Marcavitch and citizens.

Mayor Jewitt led the Pledge of Allegiance.

1. Awards Ceremony

Mayor Jewitt awarded the Silver Medal of Valor to Detective Sergeant Unger for putting his life at risk to disarm an armed felon. On November 8, 2016, Detective Unger observed a Greenbelt officer giving chase to man who had robbed a pharmacy on Cherrywood Lane. Without hesitation, he ran across the street to join the chase and help subdue the man in the CVS parking lot, busy with shoppers and restaurant patrons. Later analysis revealed that the perpetrator was carrying a loaded weapon. Detective Unger did not wear a bullet proof vest during the incident.

2. Maryland Milestones Presentation

Aaron Marcavitch, Executive Director of Anacostia Trails Heritage Area, Inc. (ATHA)/ Maryland Milestones, gave an annual update on ATHA activities and thanked the Town for its ongoing support of the organization. He said last year was a year of rebuilding. ATHA moved into new offices in a renovated historic building next to the Hyattsville city hall, which will also house the Anacostia

Trails Heritage Center. ATHA is in the process of amending its boundaries to include Bowie, Glenn Dale and Cheverly into the organization.

In terms of programming, ATHA is securing funds to outfit a space in the Heritage Center for lectures and workshops, as well as expanding its bike tour offerings beyond the popular “Bike & Boat” and “Bike & Brew” tours. In the works is a tour focusing on the history of the Route 1 corridor, which will have some new information about the streetcars that once served the area. The popular “Rivers to Rockets” bike rally this year will also be a scavenger hunt to teach participants about the communities they pass through, including Berwyn Heights.

ATHA is rewriting its 5-year plan with a greater focus on improving streetscapes and public transportation in the member communities, to include Routes 193, 210 and 410 that form a square with Route 1. This requires an effort to engage the State Highway Administration (SHA) to make improvements along these State roads. In conclusion, he thanked the Town for being a board member and invited all to visit the Heritage Center.

In response to questions, Mr. Marcavitch said that completion of the Heritage Center will depend on the award of a bond bill that is currently before the State legislature. ATHA is working on posting signs along Route 1 and the trolley trail directing people to the Heritage Center. There are 2 types of grants available through ATHA: 1) a mini grant provides up to \$2,500 to help fund small heritage tourism projects such as printing brochures or adding a bike repair station; and 2) Maryland Heritage Area Authority (MHAA) grants to help finance larger infrastructure improvements related to heritage tourism. ATHA plans to support the revitalization of Greenbelt Road by coordinating efforts of member communities, government agencies and non-profits to push SHA to take action. ATHA is also discussing other ways to promote economic development, one of which is a program to train local businesses in disseminating information about the cultural resources available in the heritage area. TA Cowles noted that Berwyn Heights, Greenbelt and College Park plan to hold a joint worksession on March 20 to discuss Route 193 improvements with SHA.

3. Minutes

Clerk Harper read a summary of the February 8 Town meeting minutes. On a motion by CM Dennison and second by CM Shields, the minutes were approved, as amended, 5 to 0.

4. Mayor’s Report

Mayor Jewitt reported that an announcement about the relocation of the FBI headquarters continues to be postponed. At the last worksession, TA Cowles presented the proposed FY 2018 budget and the Council held an executive session to select a citizen of the year. The citizen of the year will be announced at the April Town meeting as well as in the May Bulletin. WTOP reported that WMATA's B-30 bus from Greenbelt Station to the BWI airport will operate with reduced service: once an hour, and only on week days. Mayor Jewitt will serve as one of the judges in the upcoming "If I Were Mayor" essay contest sponsored by the Maryland Municipal League (MML). She also took an informative walk with TA Cowles along Branchville Road and Ballew Avenue, which make up Berwyn Heights' industrial district.

5. Department Reports

Administration: TA Cowles gave the treasurer's report for the month of February as Treasurer Rodriguez is attending a conference on benefits administration. Of note are the receipt of \$93,000 reimbursing the Town for the Safe Routes to School sidewalks, and completion of a clean audit with the Maryland State Retirement agency. TA Cowles was busy finalizing all changes to *Ordinance 120 – Rental Housing* and the proposed FY 2018 General Fund and Public Safety Taxing District budgets. The Administration Department is pushing to implement live-streaming for the March 25 budget workshop as well as the installation of a new VOIP telephone system.

MPT Kulpa-Eddy announced a March 25 "Creating Raingardens" workshop in Colmar Manor, and an ongoing Greenbelt "Great Rain Barrel Event" whereby homeowners can obtain rain barrels at a reduced price. The adoption of a Charter Amendment on Town boundaries that was introduced in February will be postponed to the April 12 Town meeting. The Charter Amendment will affirm recent changes to the Town's boundaries before a decision is made on the relocation of the FBI Headquarters.

MPT Kulpa-Eddy said she attended a February 13 meeting on the FBI headquarters, where attendees were briefed on the latest transportation requirements for each of the 3 locations under consideration. With regard to the Greenbelt location, the parking space requirements were increased from 3,600 to 6,000, and in Berwyn Heights a longer left turn lane was added on 60th Avenue entering Greenbelt Road. MPT Kulpa-Eddy attended a February 21 listening session hosted by the Prince George's County Municipal Association with County Executive Baker, at which she had the opportunity to ask about a feasibility study of Berwyn Heights' storm water system funded in the County's FY 2017-2022 capital improvement plan. County Executive Baker directed the Department of

Public Works & Transportation (DPW&T) to get in touch with Berwyn Heights about the study.

Code Compliance: Code Supervisor Glass gave the Code statistics for the month of February. There were 8 vacant homes, 6 of which are for sale. Nine building permits were issued as well as 20 rental licenses. For spring, the Code Department will focus on bamboo and tall grass violations.

CM Rasmussen noted that the Code Department to date collected only \$3,000 of \$19,000 in fee and fine revenue budgeted for FY 2017. Overall lower code fee and fine revenues reflect the increased compliance Code Supervisor Glass has been able to achieve with property owners, which is a positive development. TA Cowles said she has budgeted for lower receipts in FY 2018.

CM Rasmussen announced that residents can still sign up for Good Neighbor Day, which includes invasive species removal at Lake Artemesia. Three seats are still open on the Shade Tree Board, which the Council is seeking to re-activate. The Town has received a preliminary replanting plan from Pepco showing what trees will be planted where to replace trees removed as part of Pepco's vegetation management program last fall. Private home owners who have lost trees will be contacted about replacements by Pepco directly. Replanting is expected to be completed by early April.

In response to questions, Code Supervisor Glass explained that he follows up on code violations triggered by a neighbor's complaint with a visit to the property of the complainant. If there is a violation, he then sends a notice of violation to the offender, and checks back later to see if the violation has been resolved. If not, he will issue a fine. Frequently, he will give a courtesy notice prior to sending a formal violation notice, either by talking with the property owner in person, or by leaving a doorhanger. A formal violation notice is required by the Clean Lot Ordinance, and gives a home owner a deadline for addressing a violation before a fine is issued.

Parks and Recreation, Education and Civic Affairs: CM Shields reported that he is continuing to work on MML's Banner City certification and on a survey of Town organizations. He has shared a social media policy with the Council, which he has drafted with Mike Attick for the CERT team. He notified M-NCPPC about litter at Lake Artemesia and they have issued a work order for cleanup.

Public Works: Public Works Director Cox reported that in February the Department collected 112 tons of solid waste, 71% of which was household trash,

19% recyclables and 8% yard waste. He will propose increasing the share of recycling by providing home owners with larger, roll-away recycling bins as part of the FY 2018 budget process. He noted that one trash truck is in the shop for repairs and another will be repaired when the first one is back in service. Public Works is advertising for a crewman and an administrative assistant and hopes to have both positions filled by April 1. Repairs to the Town Center have been completed on time and on budget. Next, repairs at the Public Works yard are planned.

In response to questions, Director Cox said that he has talked with TA Cowles about designs for a new “Welcome to Berwyn Heights” sign. A Town-wide design competition is being considered. Revenues from the disposal of scrap metal and recyclables is minimal. Scrap metal is sold to PG Scrap at a rate of 2 cents per pound. Revenue from recycling depends on market conditions but the Town has not received payments in a while. The degree of contamination of recyclables with non-recyclable materials can increase the cost of disposal. One component in trying to increase the overall share of recyclables as opposed to mixed solid waste is a larger (64 gallon) recycling bin. Another important component is public education. The larger recycling bins would require the installation of an automatic lift on a collection truck, because they might be too heavy for one man to empty.

Public Safety: Chief Antolik introduced Mercy Muralles, an intern from Montgomery County College, who will assist the Police Department with daily tasks and event planning. He then gave the police activities report for February. There were 3 Part I offenses, which is lower than the 5-year average of 4.8, and 8 Part I offenses for the year-to-date, also lower than the 5 year average of 9.8. The officers issued 237 state and municipal citations and 49 speed camera tickets, all on Greenbelt Road. BHES Principal Singer notified parents that U-turns are not allowed on Pontiac Street in front of the school, and Public Works installed new “No U-turns” signs. Police will ticket offenders.

In response to questions, Chief Antolik said that parking violations have jumped from January to February because more people visit Lake Artemesia and park in places where they are not allowed, and the Police also focused on ticketing commercial vehicle parking violations. There is additional parking in the police station parking lot, as well as at Sports Park and Indian Creek Park. The parking lot near the T-Ball field may need to be rehabilitated. Regarding speeding on Osage Street, Chief Antolik will check if the area can be considered a school zone and monitored by a speed camera.

6. Committee Reports

Green Team: Green Team member Diana Agonoy announced upcoming meetings and events: Green Team meeting on March 16, 7:00 p.m.; BHES school garden cleanup on March 18, 9 a.m.; and St. Patrick's Potluck Dinner on March 18, 5 p.m. The Seniors Club is looking for new members. Anyone over 50 years of age can join. The Senior Center is open daily from 10 a.m. to 2:00 p.m.

Historical Committee: Clerk Harper announced an upcoming spring reception featuring a moderated discussion of the post-World War II years in Berwyn Heights. The BHHC is also reaching out to Parks & Planning about creating a digital walking tour for the Town.

Neighborhood Watch/Emergency Preparedness: MPT Kulpa-Eddy reported that the Wine Festival has been tentatively rescheduled for May 20. The NW/EP is getting ready for Berwyn Heights Day and has scheduled a cleanup of the trailer for April 22. Any help is appreciated. The next meeting is on April 5.

Recreation Council: Reported under Green Team.

7. Unfinished Business

Ordinance 120 - Rental Housing 2nd Reading & Adoption of Amendments: Clerk Harper read the adopting language. CM Rasmussen moved to adopt it. CM Shields seconded. CM Rasmussen gave an overview of the amended Ordinance. He said that the Council postponed the effective date of the Ordinance to 60 days after adoption to give more time to rental home owners to comply with the new regulations. Key changes to the Ordinance include:

- 1) deletion of a long section detailing building and maintenance standards obviated by the adoption of selected State of Maryland and Prince George's County codes and applicable Town ordinances;
- 2) extending the reach of the Ordinance to include all types of rental activity where some form of compensation is requested, including heretofore exempted rental units in owner-occupied homes, and permitting only immediate family members to rent from a home owner without a rental license. CM Rasmussen gave a detailed defense of the Council's decision to eliminate the "owner-plus-one" exemption opposed by a number of citizens.
- 3) requiring property owners who live more than 50 miles from their rental property to have a local agent, who can respond quickly in the event of an emergency; and
- 4) replacing a provision allowing neighbors who live within 500' of a rental property to petition the Council about code violations with a general right of any resident to file a code violation complaint with the Code Department.

In conclusion, CM Rasmussen thanked the other Councilmembers for their efforts to improve the Ordinance and urged them to vote for adoption.

Mayor Jewitt said she agreed with most of CM Rasmussen's explanations of why the changes to the Ordinance were made. Changes were necessary in light of the arrival of new "Airbnb" type rentals to ensure the health and safety of people living in them.

MPT Kulpa-Eddy said she agrees that Ordinance 120 needed to be updated as it had not kept up with the latest federal and state regulations, notably on fire safety and lead paint. However, she was initially alarmed by the elimination of the family and the "owner-plus-one" exemptions in the first drafts of the amended Ordinance. She received a number of comments urging the Council to maintain them. At this point, she is satisfied that the Council opted to keep an exemption for immediate family members and for housing friends and acquaintances if no compensation is received. The focus of the Ordinance is intended to be on business transactions.

MPT Kulpa-Eddy also noted she learned about many problems associated with short-term rentals that warrant regulating these types of rentals. In fact, the State of Maryland may soon adopt legislation to regulate short-term rentals, which may necessitate the re-opening of Ordinance 120. For now, the Council plans to watch how enforcement of the amended Ordinance plays out.

CM Shields said he respects all the hard work that has gone into amending the Ordinance and supports the changes updating the health and safety provisions. However, he has received many citizen comments urging the Council to keep the owner-plus-one exemption and feels bound to respect this input by neither voting for, nor against, adoption.

Linnea Dodson, Pontiac Street, opposed the deletion of the "owner-plus-one" exemption. She said that she objects to requiring a rental license when a homeowner provides accommodations and receives a non-monetary compensation, as for example when a college student completes household chores in exchange for a room. If the home owner does not request payment, why should the Town.

Councilmembers replied that a license is only required if the arrangement implies a business transaction where a service is requested or expected as part of an informal agreement to let a person stay in the house. Some services, such as landscaping or home repairs, can be worth thousands of dollars.

Charon Birkett, Osage Street, said that she objects to having to pay the full \$300 annual license fee and going through inspections under the amended Ordinance for occasionally renting a room to a college student. Under this scenario, she would stop renting altogether. She asked if the Council has considered a monthly rental license fee for home owners who provide short term rentals. CM Rasmussen said the Council recognizes that sometimes the letting of a room is a gesture of hospitality or helping out rather than a business decision. Yet, money changes hands and profit is made, which qualifies it as a business activity subject to a license requirement.

Joan Hayden, Seminole Street, commented that the definition of a business transaction in the Ordinance may need to be clarified as it is interpreted differently by the Council and by residents. She also said that the latest version of the amended Ordinance was not posted long enough for citizens to review it before adoption. CM Rasmussen replied that the Town Attorney reviewed the Ordinance on several occasions and particularly scrutinized the definition of a rental unit. He proposed language clarifying the business aspect of renting, which was incorporated in the Ordinance. MPT Kulpa-Eddy said that the Ordinance provides flexibility for the Council to review questions of interpretation and waive provisions if warranted. Mayor Jewitt noted that earlier versions of the Ordinance were posted since January. The latest version had no policy changes over the earlier version.

Ms. Hayden said that an arrangement whereby a disabled person engages live-in help could then be construed as a business arrangement under the Ordinance. MPT Kulpa-Eddy said, in such a case, the home-owner would likely pay the help, and not the other way around.

In a roll call vote, the Council voted 4-0-1 to adopt the amended Ordinance 120, with CM Shields abstaining.

8. New Business

Resolution 02-2017: Adoption of Ordinance 120 Fee & Fine Schedule: CM Rasmussen explained that this Resolution updates the fee and fine schedule related to Ordinance 120, focusing on areas where compliance has been difficult to obtain and adjusting fines to be in closer alignment with those in other municipalities. Clerk Harper read the Resolution. CM Rasmussen moved to adopt it. CM Shields seconded. MPT Kulpa-Eddy noted that the title should reflect that this is Resolution number 2 in 2017. CM Rasmussen moved to amend the motion on the table. CM Shields seconded. The amendment was approved 5 to 0. The original motion was approved 5 to 0.

9. Citizens Discussion

Katherine Hunter, Tecumseh Street, said that she is participating in a peaceful protest campaign “Forty Days for Life” against the Metropolitan Family Clinic on Greenbelt Road. On behalf of her organization, she has applied for a solicitation permit from the Town to go door to door to distribute literature. Chief Antolik advised her to make an announcement at the Town meeting and show the literature to the Council. The literature includes information on pregnancy crisis assistance as well as adoption services. The Council reviewed the literature. MPT Kulpa-Eddy asked to remove one of the brochures.

In response to questions, Ms. Hunter said that she will not leave literature at vacant homes or homes where residents indicate they are not interested.

Mike Attick, 62nd Avenue, recommended to Ms. Hunter that protesters do not go onto the property of the Clinic to avoid confrontation. He also sought clarification about the NW/EP line item in the profit and loss statement provided to the public. TA Cowles said that the NW/ EP has spent 33% of its FY 2017 budget to date.

The meeting was adjourned at 9:45 p.m.

Kerstin Harper, Town Clerk