



# Town of Berwyn Heights

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## Minutes Worksession November 21, 2016

The meeting was called to order at 7:00 p.m. Present were Mayor Cheryl Jewitt, Mayor Pro Tem (MPT) Jodie Kulpa-Eddy and Councilmembers (CMs) Patricia Dennison, Christopher Rasmussen and Gerald Shields. Also present were Town Administrator (TA) Jessica Cowles, and Clerk Kerstin Harper.

### 1. **Announcements**

Happy Thanksgiving.

### 2. **Audit**

Lindsey & Associates Vice President Bob Diss presented the FY 2016 financial report for the Town of Berwyn Heights. He gave the Town a clean report with no findings that need to be addressed. The Town continues to be debt free and has a very healthy fund balance of \$2.4 million, which includes a number of special reserves. The only liability is the Town's pension fund through the Maryland State Retirement System. The Town also compares well to other municipalities in terms of cash reserves.

### 3. **Minutes**

There were none.

### 4. **Department Reports & Citizen Comments**

Mayor Jewitt reported that Public Works responded to a couple of water main leaks and notified Pepco about street lights that came on at the wrong time. Those issues have been corrected. CM Shields reported a comment from a citizen on Goucher Avenue and highlighted upcoming Town office closings.

MPT Kulpa-Eddy said the Prince George's County Municipal Association did not discuss its legislative initiatives at its last meeting, but will send out an email list of them shortly. PGCMA members were asked to vote on a resolution promoting bike trail safety measures including lights, cameras and call boxes, to make bike trails a more viable commuter alternative. MPT Kulpa-Eddy abstained from the vote because she did not know how Berwyn Heights residents living close to the Indian Creek trail feel about this. PGCMA is also drafting a resolution declaring its support for diversity and inclusiveness. Upcoming meetings include an MML conflict resolution workshop "Time to Talk" on December 13, Senator Pinsky's annual Town Hall meeting on December 3, and the State delegation's legislative forum on December 5.

MPT Kulpa-Eddy participated in the Town-wide cleanup on November 12, with most trash retrieved along Ballew Avenue, Greenbelt Road and Edmonston Road, and attended the Historical Committee's oral history highlights reel presentation. She also received a citizen comment on curbside leaf pickup. In response to Mayor Jewitt, MPT Kulpa-Eddy said that it is not possible for the Council to determine how to vote on PGCMA initiatives beforehand when an agenda is not distributed.

CM Rasmussen asked if PGCMA is serious about lobbying for greater zoning and permitting authority. MPT Kulpa-Eddy said that several of the larger communities, such as College Park and Greenbelt, would like to have zoning authority. Only Laurel currently has independent zoning authority. CM Rasmussen also had a citizen comment about opening a dog park at the Indian Creek T-ball field. CM Shields announced the December 3 tree lighting celebration.

## 5. Action Items

**Video streaming proposals:** TA Cowles said that Clerk Harper has researched options for streaming video recordings currently shown on the Town's public access channels to the web. This would support the Council's strategic priority to improve communication with residents, as it would make available recordings of Council meetings to residents who do not subscribe to cable TV.

Clerk Harper gave an overview of 3 proposals she received from video streaming vendors:

- Granicus' annual video streaming fee is \$4,500, plus \$3,000 for an encoder. Granicus is a leading government vendor in the field of video streaming, used by a number of neighboring municipalities. Granicus offers additional modules, such as *ilegislate*, a tablet-based agenda management application, and *speakup*, an online citizen survey and engagement application the Town may be interested in adding later. *Ilegislate* would be offered free of charge as part of this package, but may go up in price after a promotional period expires.
- Leightronix annual video streaming fee is \$4,338, plus \$3,546 for an encoder. Leightronix is the Town's current vendor for cable TV programming, but has an overall smaller customer base centered in the north-east. It offers high quality video streaming that ties in with an agenda management application, but does not offer the same broad range of add-ons as Granicus.
- Swagit's annual video streaming fee is \$5,400, plus \$4,600 for an encoder. Swagit's selling point is "hands-free-streaming," where Swagit staff indexes the video and posts it to the web, with no Town staff time required. This is reflected in the higher price of the encoder. The quoted price is for a self-indexed and posted video stream. Swagit has no add-on applications like Granicus but is compatible with Granicus and other digital agenda management vendors.

In response to questions, TA Cowles said although Granicus' quote may increase after the promotional period expires, it would not increase dramatically. Granicus is known for high customer retention. The purchase price and future operating costs can be financed through the cable TV reserve, including some of the staff time that goes into producing TV recordings and indexed videos. The Council expressed interest in the Granicus package but asked to clarify costs outside a promotional period.

## 6. Discussion Items

**Legislative Dinner agenda:** Mayor Jewitt proposed to shorten the very detailed agenda for the upcoming legislative dinner to focus on Council priorities. The following priorities were agreed upon:

- Improving Greenbelt Road functionality and aesthetics: SHA plans and coordination

- Stormwater system upgrades: status of engineering study
- Protecting the health, safety and welfare for tenants of rental homes, including Airbnbs
- Infrastructure and facility capital improvement plan: funding assistance
- Restoring PGC municipal tax differential
- Municipal role in rewriting PGC zoning code
- Better coordination with SHA and utilities on projects in municipal right-of-ways, including tree removals and replanting
- Police body cameras: guidelines for use

It was noted that MPT Kulpa-Eddy, CM Rasmussen and CM Shields will not be able to attend.

***Ordinance 120 proposed amendments:*** CM Rasmussen proposed that the Council attempt to answer several key policy questions that will facilitate the process of revising the Rental Housing Ordinance:

- Whether to adopt the Prince George’s County Housing Code. This would result in the deletion of large sections of Ordinance 120 establishing a Berwyn Heights housing code, and relieve Town staff of the responsibility to stay on top of new housing regulations.

In discussions, the Council agreed to adopt selected sections of the PGC Housing Code dealing with structural, mechanical, plumbing and electrical standards with which rental units must comply, and strike from Ordinance 120 all that is covered by the PGC code, with possible carve-outs.

- Whether to require a rental license when renting to family members, or to just one tenant in an owner-occupied home. Requiring a license in these situations would remove the difficulty of verifying how tenants are related to the homeowner and whether a home owner actually lives at a rented property.

In discussions, the Council was inclined to continue allowing home owners to rent to family members without a license, but to narrow the definition of family. Renting was defined as a financial transaction specified in a formal contract, or lease. The Council did not reach a conclusion on whether to stop allowing resident home owners to rent to just one tenant without a license. This is a loop hole for some landlords, who do not live at the property they are renting, to avoid paying for a rental license. It is difficult for the Town to verify whether an owner lives at the property he or she rents. The Council tentatively agreed to require a license when rooms or apartments are rented, regardless of whether the home owner lives on the premises, but potentially carve out exceptions for renting to family members and/ or to just one tenant in an owner-occupied home.

- Whether to continue to allow 3 or more households within 500 feet of a rental property to petition the Council for a hearing regarding violations at the rental property.

In discussions, the Council was inclined to drop this provision. The situations demanding this type of redress may have been addressed by the recently adopted Noise Ordinance and the recently amended Clean Lot Ordinance, which make landlords accountable for nuisances and code violations, such as loud parties and littering the surroundings. It was noted that residents already have the option to contact the Code Department or Councilmembers about problems with neighbors.

- Whether to approve the proposed simplified rental license application process. It is proposed to require only a Rental License Application form and stop requiring a floor plan, Housing Disclosure Form and the Tenants’ Rights & Responsibilities Form.

The Council tentatively agreed to require fewer forms. Instead of submitting a Housing Disclosure form signed by all tenants, a landlord might be asked to certify that he provided information about

Town ordinances to his tenants. Tenants might be allowed to confirm receipt via email. It was also agreed to stop requiring the Tenants' Rights & Responsibilities form signed by all tenants because this type of information should be provided in a lease. Any violation of tenants' rights would be addressed by the District Court or landlord-tenant mediation offices. The form could be handed out as a courtesy without requiring signatures. It was tentatively agreed to stop requiring a floor plan because it is not used by Code officers during inspections. However, it may be useful to require some kind of description of the rented rooms and facilities to guide the inspecting officer.

The Council briefly considered whether reasons for revoking a rental license need to be spelled out in a separate section. Currently, being a persistent public nuisance or being an unfit rental property are covered by the Ordinance. In conclusion, TA Cowles was asked to produce a revised version of Ordinance 120 for discussion at the next worksession.

**Charter amendment update:** TA Cowles said she has consulted with the Town Attorney on how to proceed with updating the boundaries in the Berwyn Heights Charter. He advised that it is permissible to reference annexation maps filed with the State's Department of Legislative Reference and the County District Court to document the revised boundary along Branchville Road, instead of producing new metes and bounds for the entire Town. However, a disputed section of the boundary with Greenbelt along Route 193 will require new metes and bounds, which will cost \$2,000. MPT Kulpa-Eddy moved to appropriate \$2,000 to update the Town boundaries, with funds coming from the unrestricted fund balance. CM Shields seconded. The motion passed 5 to 0.

**Strategic planning workshop debriefing:** Mayor Jewitt explained that the Town Council and senior staff completed a second strategic planning workshop, at which both a vision and mission statement were developed. MPT Kulpa-Eddy proposed, and the Council agreed, to formally adopt the vision and mission statements by resolution at the next Town meeting. At the workshop, the Council also adopted several long term goals and established steps to implement them. The goals include:

- Acquire improved facilities for Town departments;
- Encourage local community building;
- Create a system to bring roads up to standards.

CM Rasmussen added that the Council also identified Town aesthetics and economic development as goals but did not work out a step-by-step plan for implementation. He hopes the Council will flesh them out before the budget season begins. MPT Kulpa-Eddy questioned whether these goals could be worked on simultaneously with the first 3 goals and suggested tackling them later.

**Banner City accreditation:** CM Shields explained that he checked with several municipalities about the benefits of acquiring Banner City status, a certification conferred by the Maryland Municipal League (MML) for being an active participant and showcasing how municipal government works. He said there are no tangible benefits, but rather it is a way to show that Berwyn Heights is a good place to live. MPT Kulpa-Eddy added it also shows that the Town is making an effort to improve its government by participating in MML training and attending meetings.

CM Shields provided a list of required activities the Town must perform to obtain Banner City status. Most of them have already been fulfilled and the remainder are easy to complete. The Council pledged to continue to attend PGCMA meetings to fulfill the 50% attendance requirement by May 2017.

## 6. Town Council Schedule

The Council reviewed the calendar for the upcoming month. No changes were made.

The meeting was adjourned at 10:09 p.m.

Signed: *Kerstin Harper, Town Clerk*