



# Town of Berwyn Heights

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## Minutes Town Meeting January 11, 2017

The meeting was called to order at 8:00 p.m. Present were Mayor Cheryl Jewitt, Mayor Pro Tem (MPT) Jodie Kulpa-Eddy, Councilmembers (CMs) Patricia Dennison, and Chris Rasmussen. CM Gerald Shields had an excused absence. Also present were Town Administrator (TA) Jessica Cowles, Chief of Police Kenneth Antolik, Public Works Director Stevie Cox, Code Compliance Supervisor Freddie Glass, Treasurer Michelle Rodriguez, Clerk Kerstin Harper and citizens.

Mayor Jewitt led the Pledge of Allegiance.

### **1. Public Hearing, Ordinance 120 – Rental Housing**

CM Rasmussen gave an overview of the key changes made to Ordinance 120 and thanked TA Cowles and Code Supervisor Glass for their work in researching and preparing the proposed changes. The amended Ordinance includes the following changes:

- Adopts selected divisions of the Prince George’s County Housing Code, the International Property Maintenance Code and the NFPA Fire Code to ensure that its provisions comply with the latest laws and regulations;
- Requires that all rental properties have a rental license, including short-term rentals;
- Ends the exemption from a license requirement for owner-occupied homes that have only 1 rental unit;
- Continues the exemption from a license requirement for homeowners renting to immediate family members;
- Replaces the right of at least 3 home owners within 500’ of a rental property to petition the Council about code violations at the property with the right of any resident or Town business to file such complaints with the Code Compliance Department;
- Requires an agent, who lives within 50 miles of the rental property, if the owner lives more than 50 miles away;
- Clarifies that a code official is authorized to inspect the entire rental property, including all interior and exterior areas.

CM Rasmussen further noted that the Council had extensive discussion about the immediate family and “owner-plus-one renter” exemptions and about what constitutes renting. Citizen feedback on these issues is particularly welcome. The Council also raised a number of fines associated with the licensing process in areas where the Code Department regularly experiences a high number of violations and non-compliance with regulations. A revised Fee & Fine Resolution has been made available for comment.

At 8:10 p.m., Mayor Jewitt opened the public hearing. Connie Cunningham, 63<sup>rd</sup> Avenue, spoke in opposition of instituting a license requirement for owner-occupied homes in which just one room is rented. She said she is a member of a church that occasionally refers people who need a place to stay for a few weeks or months. She has offered a room in her home as an accommodation on several occasions. She has not charged rent but has accepted payments to help cover utility expenses. In addition, she feels having another person live in her home has a safety benefit and discourages break-ins and thefts when she is away from home. Ms. Cunningham submitted proposed written text for insertion in the Ordinance.

Theresa Beck, Cunningham Drive, spoke in opposition of instituting a rental license requirement for renting to family members, and for renting to just one tenant in an owner-occupied home. She said offering a family member a place to stay is often motivated by wanting to help and not by profit. This can also be the case when allowing a friend to stay at one's home. These types of arrangements should not be subject to a licensing requirement. Similarly, the case of renting to just one tenant is not necessarily a business proposition. Any earnings are often not worth the trouble of obtaining a rental license and the inconvenience of sharing one's home. Lastly, she believes that State law does not require a lead paint inspection in an owner-occupied rental. Therefore, the amended Ordinance need not require it either.

CM Rasmussen responded that the Council changed the language regarding lead paint in the Ordinance to be more generic and to require only proof of compliance with the Maryland Department of the Environment lead paint regulations. He is not aware, however, that owner-occupied rentals are exempt from lead paint certification. He will ask the Code Supervisor to look into it. At 8:25 p.m., Mayor Jewitt closed the hearing.

## **2. Minutes**

Clerk Harper read a summary of the December 14 Town meeting minutes. On a motion by MPT Kulpa-Eddy and second by CM Dennison, the minutes were approved, with amendments, 4 to 0.

## **3. Mayor's Report – State of the Town**

Mayor Jewitt noted that the Council held an executive session on January 9, from 6:15 p.m. to 7:00 p.m. regarding a personnel matter. She then gave the state of the Town address. She said that, while some concerns that came before the 47<sup>th</sup> Council last year could not be resolved to everyone's satisfaction, this Council is committed to place the interests of the Town and its residents first in the context of a recently adopted mission and vision for the Town. The vision and mission statements were developed at a strategic planning workshop the Council and senior staff held last fall to identify long range goals on which to focus the activities of the Town government.

Mayor Jewitt highlighted the major accomplishments of the past year which include: a new position classification and pay plan that brings staff salaries up to the D.C. area's prevailing market rate, and a new employee handbook replacing an outdated personnel manual. She also noted that the Town continues to manage its finances responsibly and remains debt free. As a result, it can afford to make investments in upgrading its communication systems – a new telephone system and video streaming are coming soon – and to deliver essential services through the Town's own Police, Public Works, Code Compliance and Administration Departments.

Mayor Jewitt noted some of the challenges the Town faces. Despite communicating with residents in a number of ways through the Town Bulletin, cable TV, website, and Twitter, residents say they still do

not receive the information they need. A survey is being planned to find out how to best reach everyone. Other problems the Council plans to address is the relocation of the sub-par police station, which will require a big investment and long term planning; repairing Town streets, for which TA Cowles and Public Works Director Cox have begun to develop a plan; and strengthening community engagement. Town organizations host a full lineup of events throughout the year, but many are in need of new volunteers to help plan and hold these events.

Mayor Jewitt continued that the 47<sup>th</sup> Council held 24 meetings since May 2016 and in two instances drew enough interest to fill the chamber with guests: the promotion ceremonies of 3 police officers, and a meeting to discuss tree removals on Edmonston Road with Pepco and SHA representatives. The meeting made apparent a strong interest among residents to preserve the tree canopy. The Council will work to obtain and share better information from Pepco on their vegetation management program so that it can act more pro-actively in the future. It is hoped that residents who advocated for protecting trees will help with the re-planting program to occur this spring.

In conclusion, Mayor Jewitt thanked her fellow Councilmembers for being engaged in various Town and County initiatives and working together productively.

#### **4. Department Reports**

**Administration:** MPT Kulpa-Eddy gave a report on the state of the Administration Department. She highlighted the main accomplishments, which include the installation of emergency generators and a new air conditioning system at the Town Center, which leverage State funds for big savings, as well as the important human resources reforms. The FY 2016 audit was completed on time for the first time in years, a Town Council election was managed smoothly, and the department made a couple of personnel changes without disruptions.

For the coming year, the Administration Department will spearhead the implementation of the goals and objectives identified in the strategic planning exercise, and prepare the FY 2018 budget while following a new budget process. The information about upcoming insurance rates and potential merit increases will be available earlier than in previous years, making a more streamlined budget process possible. MPT Kulpa-Eddy commended the Administration Department's staff for all they have done and continue to do.

Treasurer Rodriguez gave the treasurer's report for December. The current general fund balance is \$2,974,000, with FY 2017 receipts totaling \$1,725,000 and expenditures totaling \$1,260,000. In response to questions, she added that the pension contribution of \$81,000 to the Maryland State Retirement Fund is regularly paid in December and has not varied much since last year. The current balance in the \$1 million Metroland reserve fund is \$440,000 after applying \$120,000 towards the sidewalks project in FY 2015.

Town Administrator Cowles gave the Administration Department report for December. She said that she has been busy meeting with senior staff preparing the FY 2018 budget. The budget process will be different this year. Multiple budget worksessions will be condensed into a one-day budget retreat on March 25, at which the Council and department directors will work through the entire proposed budget. This gives residents the opportunity to attend on a Saturday. She also worked with the Code Department on revising the Rental Housing Ordinance, and with the Town attorney on preparing a Charter amendment on the Town's boundaries.

**Code Compliance:** CM Rasmussen gave an overview of the state of affairs in the Code Department. The revision of the Rental Housing Ordinance has taken up much of the Council's and staff time and is nearing completion. The number of vacant homes in Berwyn Heights has gone down steadily, while building and remodeling activity is up. A few homes that have long been vacant are now for sale, including the site of one of two homes that were condemned and demolished last year. Ensuring the upkeep of private properties is one of the Code Department's main responsibilities and helps to ensure public health and wellbeing and maintain property values.

CM Rasmussen said he is pleased that Code Supervisor Glass is providing some stability to the Department, after a short tenure of the previous code supervisor, and has the support of experienced employees Adrian Forbes, Zelda Bell and Keelah Allen Smith. CM Rasmussen noted that the Department is currently addressing the issues of unlicensed and inoperable cars, commercial vehicles parked in the street, and problems with accessory structures. After the removal of a large number of mature trees last year, which were dead, diseased or obstructing utility wires, CM Rasmussen is happy to announce that the Council has decided to reconstitute the Shade Tree Board to help maintain the Town's urban forest. He hopes that some of the residents who came to protest the removal of Edmonston Road trees will decide to join.

Lastly, CM Rasmussen performed another weigh-in which showed a loss of 37 lbs. since last year. He had vowed to lose 40 lbs. as part of the University of Maryland and Prince George's County "lose it to win it" campaign.

Code Supervisor Glass gave his monthly report. He said that he took CM Rasmussen on a 2-hour ride-along through the Town, who noticed a number of different things, particularly issues relating to trees. Last month the Code Department issued 12 clean lot violations and is focusing on the commercial district, where a couple of businesses have a persistent trash problem.

**Parks and Recreation, Education and Civic Affairs:** Mayor Jewitt announced the winners of the holiday decorating contest: best house - 8627 Cunningham Drive; best yard - 8711 58th Avenue; best overall - 5723 Nevada Street.

**Public Health and Safety:** Chief Antolik gave the police activities report for December. There were only 2 Part I offenses, both larcenies, as compared to the 5-year average of 4.6. Total 2016 Part I offenses numbered 73, which is above the 5-year average of 69.4, but below the 10-year average of 90.5. The police issued 176 state and municipal citations and 183 speed camera tickets, all on Greenbelt Road. Chief Antolik commented that, of all the serious crimes reported to the FBI as Part I offenses, the most prevalent crime in Berwyn Heights is of the least violent kind, larcenies. By comparison, there were 21 murders, 37 rapes and 317 robberies in Northern Prince George's County in 2016. His 9 experienced officers continue to be proactive in suppressing crime by being visible and encouraging residents to help protect their community.

Looking back over the last year, Chief Antolik noted that 5 officers were promoted; that \$3,000 in Secret Service funds was received and \$2,000 from LGIT for equipping officers with body cameras; that the Department had all-hands-on deck during the first day of school, Halloween and National Night Out; that all seniors living alone in exigent circumstances were checked upon during the holidays; and that the MOU with the Town of Edmonston was invoked to carry out a high-visibility traffic check in Berwyn Heights. Chief Antolik also briefly recapped the emergencies during which the police kept the Town safe in the last 15 years, and encouraged seniors who may need special assistance to register with BHPD for regular checks.

**Public Works:** Public Works Director Cox reported that many changes have been made since his appointment as the new Public Works director in August 2016, and many new employees have been added, most of whom have worked for the Town less than a year. The exceptions are Dan Woodard, who had his 10<sup>th</sup> work anniversary, and Gary Stanton, who completed his 3<sup>rd</sup> year.

Director Cox summarized December's activities. Two new employees were selected from 129 applicants and are undergoing background checks. Senior staff held a hazardous weather preparedness meeting to plan how to respond to severe weather. He also noted that he attended an inter-municipal bikeways meeting in Greenbelt and advised residents to call WSSC directly if there is a water or sewer line break. The fastest way to report such a break is by using a WSSC app on a smart phone.

In response to CM Rasmussen, Director Cox said that recycling rates are usually higher than the 29% recorded for December. The trash to recycling ratio is higher during the holidays. The Town has not set a waste diversion goal.

## **5. Committee Reports**

**Green Team:** Diana Agonoy reported that the Green Team meets every 3<sup>rd</sup> Thursday of the month. All are welcome to attend. The next meeting is on January 19. An energy efficiency workshop is scheduled for February 11, 10:00 a.m. and a dog meet and greet is planned for March. A community garden planning meeting will be held on January 18. Sign-up for garden plots usually occurs in February, but there may not be plots available this year, due to many renewals. Ms. Agonoy also reported for the Recreation Council, which will host a Re-gifting Party on January 21, a Valentine's Party on February 11, and a Potluck Dinner on March 18. She thanked Boys & Girls Club Registrar Angela Wolfinger for all her help with Recreation Council events.

**Historical Committee:** Chanel Kopecky reported on the Historical Committee's (BHHC) oral history project. She said phase I of the project was completed with the production and showing of a highlights reel of oral histories that were taped more than 10 years ago. She thanked everyone who attended the showing at the BHHC fall reception. The Committee is considering installing a video player in the Town museum so that the oral histories can be viewed by visitors. In phase II, the Committee plans to interview a new set of residents about the Town's past. To do this, she and those working on the project plan to take training in how to operate a camera and edit footage, as well as recruit long-time residents to be interviewed. Former Councilmember Richard Ahrens and his wife will lead the way. Anyone interested in sharing their memories of an earlier Berwyn Heights may contact her at (301) 841-5000 or another member of the BHHC.

Clerk Harper added that the Historical Committee this year plans to forgo production of a historic street marker and instead spend its funds on improvements in the museum, such as a video player mentioned by Ms. Kopecky. In addition, the Committee is looking into additional storage and display solutions for its growing collection of documents and artifacts.

**Neighborhood Watch/Emergency Preparedness:** Co-chair of the NW-EP Committee, Mike Attick announced a Community Emergency Response Team (CERT) 2-day training class on February 4 and 5. This is an opportunity for residents to get readiness training and develop a disaster plan for their family. A CERT kit of emergency supplies will be provided to all attendees. Mr. Attick encouraged residents to consider joining the NW/EP and to mark their calendars for the Wine Festival fundraiser on April 29.

**Recreation Council:** Reported under Green Team.

## **6. Unfinished Business**

There was none.

## **7. New Business**

**Ordinance 120 – Rental Housing – 1<sup>st</sup> Reading & Introduction of Amendments:** Mayor Jewitt noted that a lengthy explanation of the purpose and scope of the amendments was given during the public hearing earlier in the meeting. CM Dennison moved to introduce the amended Ordinance 120, and CM Rasmussen seconded. Clerk Harper read the adopting language of the Ordinance. CM Rasmussen asked if the accompanying Fee & Fine Resolution will be introduced tonight. Mayor Jewitt said, since it was not posted for public viewing, it will not be introduced. With no further comments, Ordinance 120 was introduced in a 4 to 0 roll call vote.

## **8. Citizens Discussion**

Nathan Kight commented that many valuable trees were felled during Pepco's recent tree pruning and removals. The wood of white oaks, maples and cherry trees could be processed for resale as lumber or firewood. He has a small sawmill and asked the tree contractor Asplundh to leave some trunks in his yard. However, this has resulted in the Code Department issuing him clean lot violations. He asked if the Town could make special provisions to allow for processing the wood or designate a place where it could be stored. Mr. Kight further asked if there are any plans for under-grounding utilities so that trees would not have to be felled to clear around power lines in the future.

Mayor Jewitt replied that the Town had no jurisdiction over the trees cut down along Edmonston Road as they are not on Town property. Pepco did allow residents to take some of the tree trunks left by the wayside, but she does not know if they can be used in a profit making enterprise.

CM Rasmussen said that, ideally, utilities would be laid underground but it is a very expensive undertaking. In addition, it can lead to more tree removals as root systems are disturbed by the digging. He does not think undergrounding will happen in Berwyn Heights anytime soon. Further, the Town received complaints about scavengers taking the wood left by the side of the road. He asked TA Cowles for clarification on what may be done with remaining tree trunks.

TA Cowles said that Pepco plans to complete the cleanup of trunks and other debris early this year. She also reported that Joan Hayden, Seminole Street, called to ask when the new phone system will be installed and what the process is for adopting Ordinance 120. She told her that residents can send in their comments to the Town at any time, and that the Ordinance will probably be adopted either at the February or March Town meeting after being posted on the website for public inspection.

Katherine Hunter, Seminole Place, brought a complaint about health code violations at the Metropolitan Family Planning Clinic, located at Greenbelt Road and 60<sup>th</sup> Avenue. She and several other people have monitored activities at the clinic for 2 years, while offering crisis pregnancy aid to people frequenting the clinic. The clinic was cited for a number of health code violations in 2013, and it is unclear if they have been addressed. The biggest concern is the public dumpster, its contents and the proper disposal of the contents, as well as a family living next to the clinic in close proximity to the dumpster. She urged the Town to monitor the clinic and ensure that it conforms with community standards.

TA Cowles, who has been looking into the health code violations, said that the adjacent rental home belongs to the owners of the clinic and is in the process of being demolished. In response to CM Rasmussen, TA Cowles said that the owners of the clinic are subject to Town business and rental licensing.

Karen Handy said that she filed an official complaint about health code violations with Prince George's County in October 2016 and expects to hear back by January 14. She noted that her organization can provide model legislation to municipalities to help regulate this type of clinic. Annie Boyle said a family with children lives in rental home that is attached to the clinic, not in the home that is going to be demolished. The Mayor and Council said that they will look into the matter to verify the alleged violations.

Mike Attick, 62<sup>nd</sup> Avenue, asked what concerns the Town has about stake body dump trucks, a type of commercial vehicle. CM Rasmussen said that County code does not allow them to be parked in the street but requires them to be in a garage. He would like the Council to further discuss the issue of commercial vehicles.

Theresa Beck, Cunningham Drive, thanked the Town for all the support they have given to the Karate Club, which started exactly 8 years ago. CM Dennison was their first student. The Club plans to offer a women's self-defense class in the near future.

MPT Kulpa-Eddy received a comment from John Biddle, Berwyn Road, expressing disagreement with the State Comptrollers Office asking municipalities to pay back excess income tax revenue they were mistakenly provided. The Town should push for a forgiveness program. Mayor Jewitt received a comment about fire trucks being parked in the Staples parking lot overnight.

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

Signed: *Kerstin Harper, Town Clerk*