



Town of Berwyn Heights

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Minutes Town Meeting February 8, 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 Gerald Shields. CM Chris Rasmussen had an excused absence. Also present were Town Administrator (TA) Jessica Cowles, Code Supervisor Freddie Glass, Public Works Director Stevie Cox, Officer Yomayra Ramirez, Treasurer Michelle Rodriguez, Clerk Kerstin Harper, Recreation Council President Susan Jones, Green Team Representative Diana Agonoy, and NW/EP member Joan Hayden.

Mayor Jewitt led the Pledge of Allegiance.

1. Minutes

Clerk Harper read a summary of the January 11 Town meeting minutes. On a motion by CM Dennison and second by CM Shields, the minutes were approved as amended 4 to 0.

2. Mayor's Report

Mayor Jewitt reported that she attended her first Maryland Mayors' Association conference in Annapolis. She benefited from the opportunity to meet with and learn from the experiences of other mayors, as well as the presentations from a number of State officials and delegates. She sat with Delegate Gaines and discussed financial, technical and open space issues concerning Berwyn Heights. State Comptroller Franchot addressed the assembled and spoke about the income tax overpayment to certain Maryland municipalities that occurred between 2010 to 2014. Those municipalities affected by the overpayment, including Berwyn Heights, had been asked to pay back the excess revenues by 2024. When asked, Franchot said he would support a forgiveness program as the mistake was not the fault of the municipalities.

In January, the Council participated in a Four Cities meeting in College Park. Greenbelt's Community Animal Response Team (CART) which is in the process of organizing a team to assist citizens and communities take care of pets during an emergency, gave a presentation. CART is fundraising for an emergency trailer to help pets and asked the Four Cities for contributions.

In other news, the Town received a letter from the General Services Administration (GSA) inviting public comments on the relocation of the FBI Headquarters. The hearing for the

Greenbelt Station location will be on February 13 at the Greenbelt Library. Hearings for the Springfield, VA and Landover, MD sites will be held on February 14 and 15, respectively. The Town of Morningside was impressed with Berwyn Heights' new employee handbook and requested permission to copy it, which was granted. Mayor Jewitt had a productive meeting with the Police Chief and the Neighborhood Watch/ Emergency Preparedness Committee discussing events, needs and supplies. At its last worksession, the Council decided to move the start time for Town meetings to 7:00 p.m. beginning in March. The Council also approved a letter responding to a citizen complaint from the January 11 Town meeting about the Metropolitan Family Planning Clinic on Greenbelt Road. The letter informs that the rental home owned by the proprietor of the clinic is in compliance with the Rental Housing Ordinance, and the clinic is in compliance with *Ordinance 105 - Business Licensing*.

3. Department Reports

Administration: Town Administrator Cowles reported that she and Treasurer Rodriguez are busy finalizing the proposed FY 2018 budget for presentation to the Council on March 6. She is also working on making the latest changes to Ordinance 120 – Rental Housing and has prepared the Charter Amendment on the Town's boundaries for introduction tonight. The Department is getting ready to implement livestreaming of Council meetings and deploy a new VOIP telephone system. The Town's FY 2017 budget is in good shape, having received the latest real estate and income tax revenue disbursements that account for approximately 75% of projected revenues.

Treasurer Rodriguez gave the Treasurer's report for January. The General Fund balance stands at \$3,239,700, with FY 2017 receipts totaling \$2,144,600 and expenditures totaling \$1,379,600. The health reimbursement account, which is no longer needed under the new health insurance plan, was closed and the funds transferred to the payroll account. A designated reserve for purchasing a new emergency trailer was delineated, with a balance of \$6,956.

MPT Kulpa-Eddy asked residents to provide additional comments on particular changes made to *Ordinance 120 - Rental Housing* during the recent rewrite. The amended Ordinance 120 tightens regulations to exempt only renting to immediate family members from the licensing requirement. It deletes the long-standing exemption of renting to only one tenant in an owner-occupied home, the so-called owner-plus-one exemption.

MPT Kulpa-Eddy stated that the Council received a number of public comments in support of keeping the family and owner-plus-one exemptions. Some of those commenting have on occasion rented a room but are not interested in running a business. They were primarily trying to help a family member, friend or acquaintance find temporary accommodations. The majority of the Council chose not take these comments into account when deciding to proceed with ending the owner-plus-one exemption. MPT Kulpa-Eddy disagreed with the decision and would feel more comfortable with ending this exemption if she has a sense that it is supported by the residents. Residents are requested to call or email her with comments or drop off a statement at the Town office.

Code Compliance: Code Supervisor Glass gave the department report for January. The Department issued 56 violations and 9 commercial clean lot notices, collected 5 code fines, issued 13 rental licenses and inspected 8 rental properties. For March, the Department will focus on bringing accessory structures into compliance.

Parks and Recreation, Education and Civic Affairs: CM Shields reported that he was tasked by the Neighborhood Watch/ Emergency Preparedness Committee with drafting a social media policy. He submitted the draft policy to the Committee chairs for review. He continues to work on surveying all the volunteers that participate in Town organizations and thanks all those who have replied to his inquiries. At the last Four Cities meeting, he picked up some pointers on how to encourage volunteerism, which he will apply in his effort to broaden the Town's volunteer base. Lastly, CM Shields joined MPT Kulpa-Eddy's appeal for more public comments on Ordinance 120.

Public Health and Safety: Officer Yomayra Ramirez gave the police activities report for January. There were 8 Part I offenses including 1 robbery and 1 burglary. The officers issued 142 state and municipal citations and 127 speed camera tickets, all on Greenbelt Road.

MPT Kulpa-Eddy said that 2 Park Police vehicles responded to an incident at Lake Artemesia recently. She found it disconcerting that they had not notified Berwyn Heights police. Officer Ramirez said that Park Police will be called first because Lake Artemesia is their jurisdiction. They usually ask the dispatcher to also notify Berwyn Heights police. MPT Kulpa-Eddy suggested that Berwyn Heights police request that they be informed when County or Park police respond to an incident in or near the Town.

Public Works: Public Works Director Stevie Cox reported that in January he conducted interviews to fill 2 vacant Public Works positions, and filled one. The other position will be re-advertised. He and Foreman Cardenas recently met with officials of the Town of Morningside to share information about the Town's snow and ice removal program. On January 26, he held a pre-construction meeting with the contractor that will make repairs in the Senior Center. Construction is to begin around February 13 and be completed by March 13. February 10 will be the last day for Administrative Assistant Tracy Jones. She has taken another job with NOAA. She was a great asset and will be missed.

Director Cox said that there have been 3 minor snow events this winter. Another snowfall is predicted for tomorrow but he does not anticipate much accumulation as the weather has been mild. Foreman Cardenas will be on call tonight in case the Department needs to mobilize. Further, Director Cox thanked Mayor Jewitt for her assistance with a recent WSSC water line break on Natasha Drive.

Mayor Jewitt said that the line had broken in the same place before, suggesting that WSSC ought to replace rather than keep patching it. She spoke with the WSSC crew, who were forthcoming, but did not have a lot of information. She hopes, however, that Berwyn Heights has gained a good contact at WSSC as the WSSC foreman of the crew is a resident.

Director Cox replied that Natasha Drive is just one of several places in Town where WSSC has made repeated repairs to the same stretch of pipe. In his experience, pipes should be replaced if there are more than 3 leaks a year. It is critical that the Town has some idea what WSSC's plans for replacement of pipes are before launching a large scale road repair project. MPT Kulpa-Eddy said that the Town was notified 2 years in advance of the WSSC water main replacement project that was completed last year. She believes it should be possible to learn of WSSC's plans at least within a 2-year timeframe.

CM Dennison said that the Public Works Department continues to pick up trash and recycling and be prepared for weather-related events.

4. Committee Reports

Green Team: Diana Agonoy, a member of the Green Team, Recreation Council and Historical Committee, announced an upcoming energy efficiency workshop on February 11, community garden orientation on March 18, as well as a school garden spring cleanup on March 18. A dog walking meet & greet has been postponed to a later date.

Historical Committee: Clerk Harper announced a March 26 spring reception of the Historical Committee. The Committee will host a discussion about the post War years, 1950s through 70s.

Neighborhood Watch/Emergency Preparedness: NW/EP Committee member Joan Hayden announced that the next meeting will take place on March 1, during which Greenbelt's Community Animal Response Team will give a presentation.

CM Shields noted that some 30 people participated in the February 4 – 5 CERT training course, hosted by NW/EP. They learned how prepare for emergencies and save lives, were provided a free lunch and a much appreciated backpack of emergency supplies. Mayor Jewitt added that Mayor Emmitt Jordan of Greenbelt attended the workshop and said it was great. MPT Kulpa-Eddy said that NW/EP's April 29 wine tasting had to be postponed because some vendors could not attend.

Recreation Council: Recreation Council President Susan Jones announced a February 11 Valentine's party, and a March 18 potluck dinner. Those who bring a dish to share can participate for free, but others are asked for a \$5 contribution. The Recreation Council is in the midst of planning Berwyn Heights Day and urgently needs volunteers to sell tickets, snow cones, cotton candy and help in other ways. Any residents who make crafts or represent an organization are encouraged to have a booth and sell their wares or share information. Interested residents can attend a Recreation Council meeting on the first Tuesday of the month or contact her at violindreams@verizon.net.

CM Shields called on the Quilting Club to showcase their quilts on Berwyn Heights Day. Ms. Jones recommended from personal experience that vendors have cards to hand out. Interested buyers might contact vendors later.

5. Unfinished Business

Ordinance 120 – Rental Housing, continued: Mayor Jewitt explained that the adoption of Ordinance 120 had to be postponed to the next Town meeting because adoption of the Prince George's County Fire Code, set forth in the amended Ordinance, requires 3 weeks of notices to be published in a newspaper of general circulation. The notices will be published in the Prince George's Sentinel starting next week. CM Dennison moved and CM Shields seconded to postpone adoption of the amended Ordinance 120. The motion passed in a 4 to 0 roll call vote.

6. New Business

Charter Amendment on Town Boundaries – 1st Reading & Introduction: Clerk Harper read the adopting language of the Charter Amendment. MPT Kulpa Eddy moved to introduce it and CM Dennison seconded. MPT Kulpa-Eddy explained that the Charter Amendment process was taken

up last year to have the Charter reflect the latest changes in Berwyn Heights' municipal boundaries prior to a GSA decision on relocating the FBI headquarters. This will eliminate any confusion about which land belongs to Berwyn Heights and which land belongs to Greenbelt. The boundary changes adopted in the Charter Amendment include the 2005 annexation of properties on the north side of Branchville Road, and the 2016 cession of land in the north-east corner of block 45 to the City of Greenbelt. The land ceded to Greenbelt comprises the access ramp from Greenbelt Road to Edmonston Road and a small stand of trees immediately to the west. The 7 Eleven and Greenbelt Shell station will remain in Berwyn Heights. The Council voted 4 to 0 to introduce the Charter Amendment.

7. Citizens Discussion

Joan Hayden, Seminole Street, posed a number of questions about the amended Rental Housing Ordinance to clarify at which point friends and family staying at one's home might trigger the need to obtain a rental license. The Council responded that visits and extended stays by family and friends with a Berwyn Heights home owner do not require a license. The trigger point is when monetary compensation for allowing someone other than a family member to stay at one's home is received. This could include payment of utility or grocery bills. The Council may need to further clarify when sharing space in a home becomes a business. Short term renting to unrelated persons under the rubric of companies like Airbnbs requires a license.

In response to other questions by Ms. Hayden, Mayor Jewitt stated that the Council was not rushing to approve Ordinance 120 and gave residents plenty of opportunity for review and feedback. CM Rasmussen's leading the discussion on revising the Rental Housing Ordinance while being a rental home owner does not constitute a conflict of interest, as his vote has the same weight as that of other Councilmembers. Moving the start time for Town meetings to 7:00 p.m. is deemed preferable to allowing department directors to delay their arrival time when they have to stay late because that could disrupt normal departmental operations.

Further, the new Council chamber conference phone will be in place for the next Town meeting, allowing residents to call in with questions. Until then, the Council has opted to not have a phone in the Council chamber because a caller cannot be heard well on TV. Recycle bins on wheels are in the works but await the outcome of a forthcoming survey of Town services. Councilmembers who attend the MML conference and resign shortly thereafter have not been asked to repay the cost. The attendance of the conference is not a vacation in Ocean City but a valuable training and networking opportunity that benefits the Town. Materials from the conference can be made available to interested residents and are posted on the MML website.

Susan Jones, Pontiac Street, asked if the Council decided to revise the Rental Housing Ordinance because it wanted to crack down on undesirable rentals and Airbnbs or for other reasons. Mayor Jewitt replied that the Ordinance had become outdated since its last revision in 2004. New regulations on fire safety and lead paint have come into effect since last revised.

CM Shields commented that his goal for amending Ordinance 120 was to make it more compatible with Prince George's County codes and the International Housing Code by referencing them in the Ordinance. This obviates the need for having to update the Ordinance every time a new standard goes into effect, and such consistency makes it easier to attract new Code personnel when needed.

The meeting was adjourned at 9:26 p.m.

Signed: *Kerstin Harper, Town Clerk*