



# Town of Berwyn Heights

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## Minutes Worksession February 6, 2017

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 and Christopher Rasmussen. CM Gerald Shields had an excused absence. Also present were Town Administrator (TA) Jessica Cowles, Clerk Kerstin Harper, as well as McDonald's representatives Daniel Lynch and Gary Kilfeather.

### 1. Announcements

The Council received a letter from the General Services Administration (GSA) announcing public hearings on the relocation of the FBI headquarters. The hearing for the Greenbelt Station site will be on February 13, 6:00 p.m. at the Greenbelt library. Hearings for the Springfield, VA and Landover site will be held on February 14 and 15, respectively. At a recent Four Cities meeting in College Park it was learned that WMATA plans to end the B30 bus service from Greenbelt Station to BWI airport. Greenbelt will take the lead in writing a letter to oppose this plan. Further, Greenbelt's Community Animal Response Team (CART), an animal oriented disaster and emergency response team, gave a presentation and reported that it is working to obtain a \$22,000 grant to purchase an emergency trailer for helping animals in an emergency.

### 2. Presentation

**McDonalds restaurant site plan for reconstruction:** Mayor Jewitt welcomed David Lynch, Attorney, and Gary Kilfeather, McDonald's representative, for a presentation of detailed site plans (DSP) for the reconstruction of the McDonald's restaurant at Greenbelt Road and 63<sup>rd</sup> Avenue. TA Cowles explained that the Council first received a presentation on the conceptual plans in July 2013 and subsequently gave some input. Now, McDonald's has filed a detailed site plan and is ready to be filed with the County and is presented to the Council tonight for any additional comments.

Mr. Lynch said that the McDonald's restaurant in Berwyn Heights was constructed in the 1960s and is due for renovation. This is part of an area-wide effort of McDonald's Corporation to modernize its older restaurants to remain competitive in the fast food market. The plans call for reconfiguring the property to comply with the latest stormwater and landscaping regulations, and replacing the old structure with a new building that can handle more drive-through traffic. It is proposed to build 2 lanes with ordering stations, plus one escape lane exiting onto 63<sup>rd</sup> Avenue, and 3 service windows. Traffic will be directed from one entrance off Greenbelt Road to circle the building and exit back onto Greenbelt Road. Parking will be available on both sides of the restaurant but not in front.

In commenting on the site plan, MPT Kulpa-Eddy suggested to remove a sidewalk proposed to be built on the restaurant side of 63<sup>rd</sup> Avenue, as there is now a sidewalk on the east side of 63<sup>rd</sup> Avenue. A sidewalk on the west side might lead pedestrians to try crossing the drive-through lane to reach the front entrance. Mr. Kilfeather said that the sidewalk was added to the plans per an earlier request by the Council. Further, the parking lot is separated from the sidewalk by landscaping obstacles to direct pedestrians to a safer crosswalk nearer to Greenbelt Road. TA Cowles said that residents near the McDonald's have lately complained about an increase in tour buses parking on 63<sup>rd</sup> Avenue to drop off travelers at the restaurant. She asked if McDonald's has made accommodations for this. Mr. Lynch replied that they have no accommodations as this is the first time they have heard about it. Deleting the sidewalk along the west side of 63<sup>rd</sup> will not create enough room for tour buses. It was proposed that McDonald's approach the Presbyterian Church about an arrangement to park buses in its parking lot.

Mr. Lynch concluded by noting that they anticipate a hearing with Park & Planning in spring and a permit in approximately a year.

### **3. Minutes**

On a motion by CM Dennison and second by CM Rasmussen, the January 9 worksession minutes were approved 4 to 0. The January 11 Town meeting minutes were distributed.

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

CM Rasmussen reported that Upper Marlboro received a \$50,000 Community Legacy Grant for façade improvements in the downtown area. Berwyn Heights may want to explore what it takes to qualify for such a grant. In addition, the Maryland Preservation Society provides grants for rehabilitating historic properties to serve as community activity centers, another funding source the Town may research. Clerk Harper said the Town of Berwyn Heights applied for a \$300,000 Community Legacy Grant in 2002 for improvements in the commercial district. Although a lot of effort went into defining the project the application was not funded. Welcome banners along Greenbelt Road were among the proposed improvements proposed in the grant but funded from other sources. CM Rasmussen also reported that the Council received reports of fences that are in disrepair. The issue is a violation under Ordinance 107 – Clean Lot, but may require further clarification. CM Rasmussen received an inquiry as to whether the Town would issue a refund to rental home owners who were renting to just one tenant in the past, and paid for a license, but did not need one.

MPT Kulpa-Eddy reported that the Berwyn Heights CERT started a Facebook page using the Town seal. The Town may want to consider if there should be some guidance for committees on the content of their websites. On February 21, County Executive Baker will hold a listening session for municipalities on the Prince George's County FY 2018 proposed budget. This would be a good opportunity for Berwyn Heights to ask about a stormwater system feasibility study DPW&T was to conduct this year. She suggested a Berwyn Heights councilmember should attend. Lastly, the NW/EP's Wine Festival, scheduled for April 29, will be postponed.

Mayor Jewitt reported that she attended her first Maryland Mayors' Association (MMA) conference in Annapolis. It was attended by many high-level State officials, including Comptroller Franchot. He said that his office was responsible for the accounting error that resulted in an income tax overpayment to a number of Maryland municipalities, Berwyn Heights among them. Asked if his office would consider forgiveness of the debt, he replied it would. A call center has been set up to handle inquiries about the matter.

At the conference, Mayor Jewitt met with Delegate Gaines and discussed the Maryland Department of Disability Services, which coordinates delivery of services to individuals with disabilities, and Program Open Space. She also met with Governor Hogan, who offered to visit Berwyn Heights for a community event. Maryland Department of Transportation Deputy Administrator Slater gave a speech on the increase in air and road traffic and answered questions about self-driving cars. Lastly, Mayor Jewitt commended the Berwyn Heights CERT on a successful training course, which was attended by some 30 people, including the Mayor of Greenbelt.

#### 5. Action Items

There were none.

#### 6. Discussion Items

**Ordinance 120 – public comments:** CM Rasmussen said that there are some outstanding issues before the amended Rental Housing Ordinance can be adopted. The Council received several comments on the amendments to Ordinance 120 at the January 11 Town meeting. Two were opposed to requiring a rental license for owner-occupied homes with only one rental unit, and another suggested a differential fee structure for different types of rentals, with “owner-plus-one” and short-term rentals being charged a lower license fee.

TA Cowles and Code Supervisor Glass obtained answers to several questions raised at the last worksession. It was verified that all rentals, without exception, must comply with the Maryland lead paint, smoke detector and carbon monoxide detector requirements. New regulations normally become effective 20 days from the date of adoption of the Ordinance, but rentals may not necessarily be inspected for compliance until their license is renewed. The Town Attorney advises deleting Section 13 B, which authorizes the Council to waive provisions of the Ordinance under certain conditions. However, if the Council wishes to keep the waiver provision, alternate language is provided describing a waiver process. Further, the title of Section 14 can be changed from “Validity” to “Severability” without affecting the meaning.

The Council discussed whether to retain the owner-plus-one exemption from the rental license requirement. MPT Kulpa-Eddy argued in favor of keeping the exemption because a number of residents have submitted comments to support it. To close the loophole of non-resident landlords claiming the exemption, more information could be required of rental owners so that the Code Department can verify if the owner actually lives in the house where the room is rented. Short-term rentals (e.g., Airbnbs) would not qualify for the exemption since they are running a business. They can usually be identified by researching websites where they advertise. MPT Kulpa-Eddy proposed to change the language in Section 2 YY, the definition of a rental unit, to replace the words “receive a monetary payment” with “require a monetary payment” for renting rooms. This would indicate an intent to seek monetary compensation for renting rooms and disqualify a rental owner from the exemption.

Mayor Jewitt disagreed with the change in the definition of a rental unit and favored requiring a license for all types of rentals, exempting only immediate family. She said that it would be too difficult to prove whether a landlord requires rent payments. CM Rasmussen and CM Dennison also favored ending the owner-plus-one exemption. The Council voted 3 to 1, with MPT Kulpa-Eddy opposed, to include only with the changes proposed by the Town attorney and without the owner-plus-one exemption when the Ordinance is adopted at the upcoming Town meeting.

The Council also reviewed the fine schedule for rental license violations. Fines for missed inspection and re-inspection appointments were confirmed as \$50 for the first, \$75 for the second, and \$100 for the third missed appointment in a calendar year. Further, it was agreed that the effective date would be 60 days after adoption of the revised Ordinance, which will require a waiver of Council Rule 5. This will be explained in the “whereas” clauses of the amended Ordinance. The Town Attorney’s proposed language for Section 13 B and change of title of Section 14 to “Severability” were approved as well.

TA Cowles advised that the adoption of the Prince George’s County Fire Code in the amended Ordinance 120 carries a notice requirement of three weeks in a newspaper of general circulation. This would delay adoption of the amended Ordinance to the March 8 Town meeting.

***Charter Amendment resolution:*** MPT Kulpa-Eddy explained that the Council sought clarification on whether the revised municipal boundaries to be adopted with the Charter Amendment would result in the loss of any commercial property to the City of Greenbelt. TA Cowles confirmed that this is not the case. The only land to be ceded is the access ramp from Greenbelt Road to Edmonston Road and a small stand of trees immediately to the west. The access road is in bad shape and Berwyn Heights will need to work with Greenbelt to get it resurfaced. TA Cowles also found out that the Charter Amendment notice can be published in the Sentinel, a County-wide newspaper, at lesser cost than publication in the Washington Post. Without any further Council questions, the Charter Amendment can be introduced at the February 8 Town meeting.

***Follow-up on Town meeting citizen comments:*** Mayor Jewitt said that TA Cowles and Code Supervisor Glass have looked into whether the Metropolitan Family Planning Clinic at 5905 Greenbelt Road is in compliance with Town Ordinances in response to citizens’ concerns raised at the January Town meeting. It was determined that the rental home next to the clinic is in compliance with the Rental Housing Ordinance, and the clinic is in compliance with Ordinance 105 – Business Licensing. A letter to that effect has been drafted, and copies provided to the Council, to be sent to the resident who brought the complaint. The Council had no objections and the letter will be sent as drafted.

***Town meeting time change:*** Mayor Jewitt said that she is proposing to change the start time for Town meetings from 8:00 p.m. to 7:00 p.m. beginning in March. Clerk Harper checked to assure that this would not conflict with the Charter, Ordinances or Council Rules. Since department directors have been asked to give reports at the Town meeting it would be more convenient for them, if they do not have to stay until 8:00 p.m. after their regular workday concludes. The Council is requested to give input. CM Rasmussen wondered if this would make it more difficult for people who come home late from work to attend, including perhaps committee members, who report at Town meetings. This was not deemed to be a significant obstacle. CM Rasmussen moved, and CM Dennison seconded to start Town meetings at 7:00 p.m. starting in March on a trial basis. The motion passed 4 to 0. The decision could be revisited if CM Shields has difficulty attending the earlier meeting.

Mayor Jewitt said she was also considered holding worksessions at an earlier time but this would make it difficult for some Councilmembers to attend executive sessions held prior to regular worksessions; therefore, she will not pursue it at this time.

### **Town Council Schedule**

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

The meeting was adjourned at 9:38 p.m.

Signed: