

WORK SESSION OF THE GREENBELT CITY COUNCIL held Wednesday, February 3, 2010, for the purpose of discussing proposed Code Enforcement Changes to the City Code.

Mayor Davis called the meeting to order at 8:05 p.m. It was held in the MultiPurpose Room of the Community Center.

PRESENT WERE: Councilmembers Konrad E. Herling, Emmett V. Jordan, Leta M. Mach, Silke I. Pope, Edward V. J. Putens, Rodney M. Roberts and Mayor Judith F. Davis.

STAFF PRESENT WERE: Michael McLaughlin, City Manager; Celia Craze, Director of Planning and Community Development; and David E. Moran, Assistant City Manager.

ALSO PRESENT WERE: Sandra Roberts and Jon Aerts, News Review

Ms. Craze stated that Planning & Community Development staff had begun to review their codes and make changes based on input from Council, changes in national standards, and other issues that have arisen since the last Code update.

She began by discussing a proposed change in Chapter 4 that Ms. Roberts was interested in. Specifically, this change would apply to an owner who lives in their own home and rents out one room. Ms. Roberts thought the regular license fee was excessive. Ms. Craze stated staff was proposing a new Code section that would carry a license fee of \$50 rather than the \$135 currently charged.

Mayor Davis characterized this as a “roommate” situation. She asked about the precedent this might set. Ms. Craze responded that any rental beyond this one room, “roommate” situation would require the regular license.

Mr. Putens expressed concern that staff was “swatting a flea with a boulder”. He believed there would be more situations like this in the future, particularly related to seniors and health aides and questioned the need for these to be treated as rentals.

Mr. Roberts did not believe a resident should have to pay for a friend or roommate living in their home.

Ms. Roberts indicated she needed to make money through rental income to pay her taxes. She cited other jurisdictions’ practices and did not believe her situation should require licensure and inspection. Council stated that if her property was income producing, then she needed to follow the rules that apply to rentals.

Mr. Jordan asked what length of time was considered a rental and cited one day inauguration rentals as an example. Ms. Craze responded that this situation was not considered a rental.

Ms. Roberts asked if classification as a rental license property prevented her from declaring her home as her principal residence and getting the homestead tax credit. Ms. Craze responded that it would not and reported that an initial misclassification from the State which had caused a problem with Ms. Roberts’ tax credit had been corrected.

Ms. Mach stressed the need to protect the renter, the owner and the community and stated that licensing and the annual inspection accomplishes this objective.

Mayor Davis stated that the City and Ms. Roberts might just have to disagree on this matter. Ms. Roberts reiterated her belief that a homeowner who lives in their home and rents a room or rooms should not be considered a rental property.

Next Council discussed window guards (devices that prevent children from falling through windows, but can be open by adults if egress is needed). Ms. Craze stated that the ASTM F2090 provided the necessary standards for the City to follow. To meet this standard, a property owner could install a window opening limiting device or a window fall prevention device.

Ms. Pope expressed concern about applying this standard to privately owned homes.

It was noted that Empirian Village was the only complex identified so far with windows that require these devices. Mr. Jordan suggested a phase-in on the requirements given the cost for a large property like Empirian Village. Several other Council Members wanted the window guards installed right away. Ms. Pope noted the Public Safety Advisory Committee has raised this issue previously on several occasions.

Ms. Craze noted other proposed changes including: new mold standards, a provisional license for noncompliant properties, a tenant bill of rights and studying the possibility of establishing a City Landlord-Tenant Commission.

Ms. Craze then discussed potential animal control code changes. She summarized a change in the fee structure because \$25 was not a sufficient deterrent to prevent violation. There was discussion of hobby and wildlife permits. Ms. Craze noted that staff was considering the creation of a City Animal Control Commission as well.

Next, Ms. Craze described the proposed changes to the City's burglar alarm licensing program and proposed requiring residential alarms to be licensed. Mr. Putens expressed opposition to residential alarm licensing. Mr. Roberts also expressed concern about this provision. Ms. Craze stressed that registering residential alarms would provide needed information (alarm company, monitoring company, etc.) to allow Code Enforcement staff to resolve problems with alarms and excessive false alarms.

Ms. Craze discussed parking regulation changes. She proposed that vehicles which block sidewalks be impounded. Ms. Craze indicated that staff was also seeking permission to boot unregistered vehicles. Ms. Craze discussed possible changes to parking of commercial vehicles. Several Council members noted the need to accommodate U-Haul type vehicles for people who are moving.

Informational Items

Mayor Davis announced that Kay Jewelers at Beltway Plaza had closed. Mayor Davis expressed concern about the Greenbriar sewage spill and that WSSC had not notified the City. She shared legislation drafted by Delegate Neiman related to speed cameras. There was discussion about the MML volunteer award.

The meeting ended at 10:15 p.m.

Respectfully submitted,

*David E. Moran
Assistant City Manager*