



REGULAR MEETING OF THE CITY COUNCIL, HYATTSVILLE MD JULY 15, 2019 – 7:00 PM

Present: Candace Hollingsworth, Mayor
Kevin Ward, W1 (Council Pres.)
Carrianna Suiter, W3 (Council VP)
Bart Lawrence, W1 (*departed at 10:01 p.m.*)
Robert Croslin, W2
Danny Schaible, W2
Ben Simasek, W3
Edouard Haba, W4
Daniel Peabody, W4
Erica Spell, W5
Joseph A Solomon, W5

Absent: None

Also present were the following City staff members:

Tracey E. Douglas, City Administrator
Jim Chandler, Assistant City Administrator
Ron Brooks, City Treasurer
Chief Amal Awad, Hyattsville Police Department
Jake Rollow, Director of Community Services
Laura Reams, City Clerk
Hal Metzler, Department of Public Works Project Manager
Kate Powers, City Planner

1) **Call to Order and Council Roll Call**

Mayor Candace Hollingsworth called the meeting to order at 7:04 p.m.

2) **Pledge of Allegiance to the Flag**

3) **Approval of Agenda**

AMENDMENTS:

- 1) **MOVE** HCC-22-FY20 from Consent to Action.
- 2) **REMOVE** HCC-9-FY20 from the agenda; application withdrawn.
- 3) **AMEND** HCC-27-FY20 motion language to read:

I move the City Council authorize the Mayor to provide letter to the Prince George's County Board of Zoning Appeals, in support of a zoning variance, for the subject property at 7104 Claymore Avenue, Hyattsville, permitting: (1) A variance request of 1-foot front building line width and 1-foot front street line width, as the variance is minimal and is a validation of existing condition of the property. (2) The City supports the applicant's requested waiver of the parking area location requirement, with the condition that the total front yard impervious surface lot coverage shall not exceed 25% and shall include an existing front yard impervious surface.



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Ward 5 Councilmember Joseph Solomon moved to amend the agenda which was seconded by **Ward 4 Councilmember Edouard Haba** and approved unanimously.

RESULT:	APPROVED, AS AMENDED [UNANIMOUS]
MOVER:	Ward
SECONDER:	Croslin
AYES:	Hollingsworth, Ward, Suiter, Lawrence, Croslin, Schaible, Simasek, Haba, Peabody, Spell, Solomon
ABSENT:	None





4) Approval of the Minutes

4.a) Approval of the Minutes

HCC-30-FY20

Lead Sponsor: At the Request of the City Administrator

Co-Sponsor(s): N/A

- [Cover Page](#) 
- [Minutes_May 20 2019_CM 1.pdf](#) 
- [Minutes_May 20 2019_CM 2.pdf](#) 
- [Minutes_June 3 2019_PH.pdf](#) 

I move that the Mayor and Council approve the Council Meeting Minutes for May 20, 2019 and the Public Hearing of June 3, 2019.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Ward
SECONDER:	Solomon
AYES:	Hollingsworth, Ward, Suiter, Lawrence, Croslin, Schaible, Simasek, Haba, Peabody, Spell, Solomon
ABSENT:	None

5) Public Comment (7:10 p.m. – 7:20 p.m.) Limit 2 minutes per speaker

Ward 2 resident and Chair of the Educational Facility Task Force, Daniel Broder, addressed the Mayor and Council expressing concerns regarding two (2) issues. Mr. Broder cited a recent incident at the Edition Apartments and encouraged the Hyattsville Police Department to work with the Federal Bureau of Investigations (FBI) on how to deal with possible hate crimes. He expressed displeasure with the City’s working relationship with BB&T stating that the bank was underwriting \$1.6B in bonds for private industry including Core Civic, a company that built detention centers at the southern border of the United States. Mr. Broder encouraged the City to work to amend State law which obligates the Hyattsville to have an interest in any similar business.



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Ward 2 resident, Greg Smith, agreed with the comments of Mr. Broder and addressed the Mayor and Council thanking the Body for filing a petition for judicial review of the Magruder Pointe project. Mr. Smith stated that, on the previous Friday, two (2) nonprofit organizations and a group of residents also filed a petition for judicial review and expressed his discontent for the Werrlein development, the destruction of the facility on the site, and the Prince George’s County Council’s decision making process.

Ward 5 resident, Cliff Mayo, addressed the Mayor and Council thanking the Body for submitting legal challenge to the Werrlein development group and for establishing the Hyattsville Educational Facility Task Force (EFTF) stating that it was a demonstration of good governance. Mr. Mayo expressed his disappointment for the project in general and stressed the importance of a set of standards in the interest of residents for any development going forward.

6) Motion to Close (7:20 p.m. - 8:20 p.m.)

6.a) Motion to Close (60 minutes)

HCC-8-FY20

Lead Sponsor: At the Request of the City Administrator

Co-Sponsor(s): N/A

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I move that the Mayor and Council close the Council Meeting of July 15, 2019 consult with the City Attorney to receive legal advice, discuss potential litigation, and to discuss confidential personnel matters related to a specific employee.

The reason for closing the meeting under these exceptions is to protect attorney/client privilege.

This session will be closed under the authority of the Annotated Code of Maryland State Government General Provisions Article Section 3-305(b)(7) consult with counsel to obtain legal advice; 3-305(b)(8) consult with staff, consultants, or other individuals about pending or potential litigation and 3-305(b) (1) discuss a personnel matter that affects one or more specific employees.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Ward
SECONDER:	Lawrence
AYES:	Hollingsworth, Ward, Suiter, Lawrence, Croslin, Schaible, Simasek, Haba, Peabody, Spell, Solomon
ABSENT:	None

Pursuant to the requirement of the Annotated Code of Maryland State Government Article 3-306(C)(2); this statement is included in these minutes:

A closed session of the Council of the City of Hyattsville was held at 7:18 p.m. on Monday, July 15, 2019.



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In addition to the City Council, the following staff members were present: **City Administrator Tracey E. Douglas, Assistant City Administrator Jim Chandler, Chief of Police, Amal Awad, Director of Community Services, Jake Rollow, City Clerk Laura Reams, and City Attorney E.I. Cornbrooks, IV.**

The authority under which the session was closed was the Annotated Code of Maryland State Government General Provisions Article Section 3-305(b)(7) consult with counsel to obtain legal advice; 3-305(b)(8) consult with staff, consultants, or other individuals about pending or potential litigation and 3-305(b) (1) discuss a personnel matter that affects one or more specific employees. Topics Discussed: The Council discussed a personnel matter, an amicus briefing, potential name change of Magruder Park, and the Magruder Pointe development appeal.

Action Taken: The following two (2) actions were taken by the Body in closed session:

1. **Councilmember Solomon** moved that the Mayor and Council authorize the City Attorney to join, on behalf of the City, a friend of the Court brief filed in the United States Supreme Court contending the Department of Homeland Securities action to terminate Deferred Action for Childhood Arrivals (DACA). The motion was seconded by **Council Vice President Carrianna Suiter**. The motion passed; unanimously.
2. **Councilmember Solomon** moved that the City Council direct the City Attorney to proceed with filing of a Petition for Judicial Review of the Final Decision and Order of the County Council of Prince George's County, Maryland, Sitting as the District Council, in the case of CSP-18002. The motion was seconded by **Ward 2 Councilmember Danny Schaible**. The motion passed; 8-3, with **Ward 2 Councilmember Robert Croslin, Councilmember Haba, and Ward 5 Councilmember Erica Spell** voting against the motion.

Councilmember Haba made a motion to adjourn the closed session at 9:01 p.m. which was seconded by **Councilmember Croslin** and approved unanimously by the Council.

Council returned to open session at 9:10 p.m.

7) **Presentations (8:20 p.m. - 8:50 p.m.)**

7.a) **City Administrator Update (5 minutes)**

HCC-14-FY20

Lead Sponsor: At the Request of the City Administrator

Co-Sponsor(s): N/A

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City Administrator Tracey Douglas addressed the Mayor and Council providing updates regarding changes to the bulk trash retrieval schedule, and traffic calming petitions received. Ms. Douglas cited recognition from the American Association for Retired Persons (AARP) for the City's effort in age-friendly initiatives and the receipt of nearly \$600k in grants within the fiscal year. City Administrator Douglas concluded her presentation reporting that parks and recreation areas continue to be developed and improved.



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7.b) City Treasurer Update (5 minutes)

HCC-15-FY20

Lead Sponsor: At the Request of the City Administrator

Co-Sponsor(s): N/A

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City Treasurer Ron Brooks addressed the Mayor and Council with an update of the City's financial position stating that the fiscal year 2017 (FY17) audit had been completed and that Council had been supplied with the coinciding report. Treasurer Brooks reported that the FY18 audit was ongoing with completion expected by the end of September and the FY19 audit would begin in mid-August with completion expected in mid-January 2020. Mr. Brooks stated that discussions of bonds for the City's major construction projects would return and a resolution would likely be reached by August.

Councilmember Solomon inquired about the signature threshold for traffic calming petitions and noted that more petitions may be filed including one for Lancer Drive which he stated was an area of increasing resident concern. He referenced a shortage of recycling receptacles within the City to which City Administrator Douglas responded that was a responsibility of the County, but she would be in contact with the Department of Public Works, to investigate options to resolve the issue and report back to Council at a following meeting.

7.c) Miller's Ale House: DSP-99044-17 (20 minutes)

HCC-24-FY20

Lead Sponsor: At the Request of the City Administrator

Co-Sponsor(s): N/A

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[DSP 99044-17 Applicant Presentation Packet.pdf](#)

[A-SOJ-DSP 99044-17.pdf](#)

Assistant City Administrator Jim Chandler introduced the presentation and attorney Andre Gingles and engineer Nick Speach from the project team for the development of Miller's Ale House at the Prince George's Plaza. Mr. Chandler noted that the statement of justification and site plan had been submitted to Council and the visual presentation would follow.

Attorney for the applicant, Andre Gingles, addressed the Mayor and Council introducing colleagues on the project and providing a brief background and summary of the development. Mr. Gingles detailed the placement of the building and how it was affected by stormwater management in the area and showcased plans for open space, aesthetics, and connectivity to the building.

Engineer Nick Speach addressed the Mayor and Council detailing some of the infrastructure elements of the project stating that there was a desire from the County to place the structure closer to the adjacent roadway and described how the project would address stormwater flow and mitigation. Mr. Speach cited several challenges with moving the building to the County's preferred proximity to the street including the labor involved to remove and reset commercial stormwater materials, substantial additional costs, and an extended timeline.



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Representative from Miller's Ale House, Shane Feemster, addressed the Mayor and Council thanking the Body for their time and attention to the project and stated that the company was very interested and excited to become a part of the area. Mr. Feemster relayed that the initial date for completion was November 2019, but that due to requirements and requests from the County the project would likely be completed in the first quarter of 2020. He continued that if approval was sought from the State that it would push that date further, likely into 2021, and expressed eagerness to have the business functional as soon as possible.

Mr. Gingles returned to address Council referencing a notable difference of opinion with the recommendations provided in the staff report regarding the placement of the building stating that the requested distance of 35 feet from the street would incur an approximately \$250k increase in cost and substantial increase in time and labor as well as creating new development and construction requirements.

Councilmember Croslin sought clarity regarding the pipe materials that would be used should the applicant be forced to augment the placement of the building to which Mr. Speech clarified that the entirety of pipe measuring 18" in diameter would have to be replaced to mitigate stormwater adequately.

Ward 3 Councilmember Ben Simasek asked whether the proposed placement of the building would result in 35 feet of net loss of permeable bioretention area to which Mr. Speech confirmed and stated that the County proposed moving the bioretention area to the back of the building, but that they were in the process of determining whether it would be feasible due to the differences in land grading.

Councilmember Solomon noted that the long-term intentions for the Prince George's Plaza was to redefine the area as "downtown" and to have a metropolitan shopping experience and questioned how the activated space would be implemented to help achieve that vision to which Mr. Gingles replied that you would see building height and density on the opposite side of the plaza and that the intention for the side in which the project was located was to be transitional to allow for a 15% increase of the area, parking, and pedestrian access.

Ward 2 Councilmember Danny Schaible sought clarity regarding the opinion of the Planning Committee and Community and Economic Development staff to which Assistant City Administrator Chandler responded that the information would be presented later in the meeting during the action portion of the meeting. Mr. Gingles added that members of the Planning Committee expressed concerns about certain aspects of the development but were understanding of the required standards' need and purpose.



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8) Consent Items (8:50 p.m. - 8:55 p.m.)

~~**8.a) Appointment to the Educational Facilities Task Force**~~

~~**HCC-9-FY20**~~

~~**Lead Sponsor: Suiter**~~

~~**Co-Sponsor(s): Haba, Solomon**~~

~~[Committee Application EFTF Emily Strab W2](#)~~

~~I move that the Mayor and Council appoint Emily Strab (Ward 2) to the Educational Facilities Task Force for a term of two (2) years to expire on July 15, 2021.~~

8.b) Appointment to the Ethics Commission

HCC-10-FY20

Lead Sponsor: Hollingsworth

Co-Sponsor(s): N/A

[Cover Page](#)

[Committee Application_Ferguson_Ethics_Redacted.pdf](#)

I move that the Mayor with Council approval appoint Ralph Ferguson (Ward 2) to the Ethics Commission for a term of three (3) years to expire on July 15, 2022.

8.c) Appointment to the Education Advisory Committee

HCC-11-FY20

Lead Sponsor: Haba

Co-Sponsor(s): Schaible

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[Committee Application_Ferguson_EAC_Redacted.pdf](#)

I move that the Mayor and Council appoint Ralph Ferguson (Ward 2) to the Education Advisory Committee for a term of two (2) years to expire on July 15, 2021.

8.d) Schedule Public Hearing on Charter Amendment Resolution 2019-01

HCC-12-FY20

Lead Sponsor: At the Request of the City Administrator

Co-Sponsor(s): N/A

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[Resolution 2019-01 - Amending Charter -Compensation Review Committee 4.9.19.docx](#)

I move that the Mayor and Council schedule a Public Hearing on proposed Charter Amendment Resolution 2019-01 for August 5, 2019 at 7:30 p.m.



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8.e) Proclamation in Support of the Mayors' Monarch Pledge

HCC-13-FY20

Lead Sponsor: Hollingsworth

Co-Sponsor(s): N/A

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[Proclamation Mayors_Monarch_Pledge_2019.docx](#)

I move that the Mayor and Council adopt a proclamation in support of the Mayor's Monarch Pledge. The pledge affirms the City's commitment to increasing wildlife habitat and public awareness for the monarch butterfly in support of our objectives for sustainability communities.

8.f) FY20 Budget Amendment: Accept and Appropriate Maryland Department of Natural Resources Community Parks and Playground Grant

HCC-16-FY20

Lead Sponsor: At the Request of the City Administrator

Co-Sponsor(s): N/A

[Cover Page](#)

[Scanned from a Xerox Multifunction Printer \(34\).pdf](#)

I move that the Mayor and City Council amend the FY20 CIP budget to accept and appropriate the grant award from the Maryland Department of Natural Resources Community Parks and Playground program in the amount of \$125,000 for the Hyatt Park Placemaking project, upon the review and approval of the City Attorney for legal sufficiency.

8.g) FY20 CIP Budget Amendment: Accept and Appropriate the Chesapeake Bay Trust Grant Award

HCC-18-FY20

Lead Sponsor: At the Request of the City Administrator

Co-Sponsor(s): N/A

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[16962 \(1\).pdf](#)

I move that the Mayor and Council amend the FY20 CIP to accept and appropriate the Chesapeake Bay Trust award in the amount of \$100,000 for implementation of the Wells Boulevard Green Street Project in University Hills, upon the review and approval of the City Attorney for legal sufficiency.

8.h) FY20 Budget Appropriation: Maryland Criminal Intelligence Network (MCIN) Grant

HCC-19-FY20

Lead Sponsor: At the Request of the City Administrator

Co-Sponsor(s): N/A

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[MCIN Official Notice of Acceptance City of Hyattsville.pdf](#)



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I move that the Mayor and Council accept and appropriate into the FY20 budget the Grant Award from the Governor's Office on Crime Control and Prevention in the amount of \$354,988 for the 'Maryland Criminal Intelligence Network' program.

8.i) FY20 Special Revenue Funds Budget Amendment HCC-20-FY20

Lead Sponsor: At the Request of the City Administrator

Co-Sponsor(s): N/A

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I move that the Mayor and Council amend the FY20 Special Revenue Funds Budget and appropriate \$10,500 in remaining unencumbered FY19 LGIT training grant funds to complete the Heavy Equipment Operator Safety training in July 2019.

8.j) FY20 Budget Amendment: Accept and Appropriate Grant for Summer Reading Program HCC-26-FY20

Lead Sponsor: At the Request of the City Administrator

Co-Sponsor(s): N/A

[Cover Page](#)

I move that the Mayor and Council amend the FY20 budget to accept \$2,000 in grant funding from Prince George's County for the summer reading program, upon the review and approval by the City Attorney for legal sufficiency.

8.k) Purchase of Body-Worn Camera and In-Car Video Data Storage HCC-21-FY20

Lead Sponsor: At the Request of the City Administrator

Co-Sponsor(s): N/A

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[BWC Server Justification.pdf](#)

I move that the Mayor and Council authorize the Police Department to purchase additional data storage for the Body-Worn Camera (BWC) and In-Car Video (ICV) programs from DATAPRISE at a cost not to exceed \$25,739.96.

8.m) Repair of Solid Waste Vehicle #0565 HCC-1-FY20

Lead Sponsor: At the Request of the City Administrator

Co-Sponsor(s): N/A

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[estimate_2319458_0\(1\).pdf](#)

I move that the Mayor and Council authorize an expenditure from the FY20 Operating Budget in an amount not to exceed \$30,000, for the purpose of repairing the 2005 International using the proposal submitted by KD Neil, a sole source provider for International equipment repair.



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8.n) Zoning Variance Request V-55-19 – 3500 Jefferson Street, Hyattsville
HCC-25-FY20

Lead Sponsor: At the Request of the City Administrator

Co-Sponsor(s): N/A

[Cover Page](#)

[Memo - V-55-19.docx](#)

[Fulgencio Application - V-55-19.pdf](#)

[City of Hyattsville Zoning Variance Policy Statement & Variance Process_ENGLISH.pdf](#)

I move the City Council authorize the Mayor to provide letter to the Prince George's County Board of Zoning Appeals, in support of a zoning variance, for the subject property at 5709 40th Place, Hyattsville, validating the existing conditions permitting:

- (1) A variance request of 15 feet rear yard depth/width and 16 feet set back from the front street line;
- (2) A waiver of the rear yard location requirement for an accessory building, as relocating structures to comply with zoning would create significant hardship on the property-owner and/or be physically infeasible based on the lot size and current orientation of the house.

Councilmember Haba confirmed that Ralph Ferguson was aware that he was being appointed to two (2) Committees and that the motion language for HCC-25-FY20 should cite 3500 Jefferson Street. **Council President Kevin Ward** read the motion into the record with the correct language.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Ward
SECONDER:	Solomon
AYES:	Hollingsworth, Ward, Suiter, Lawrence, Croslin, Schaible, Simasek, Haba, Peabody, Spell, Solomon
ABSENT:	None

9) Action Items (8:55 p.m. - 9:55 p.m.)

8.l) Resolution 2019-05: Purchase of 5812 40th Avenue (Teen Center)
HCC-22-FY20

Lead Sponsor: At the Request of the City Administrator

Co-Sponsor(s): N/A

[Cover Page](#)

[Resolution_Purchase_of_5812_40th_Ave_For_Adoption \(2\).docx](#)

I move that the Mayor and Council introduce and adopt Hyattsville Resolution 2019-05, a resolution of the City Council of Hyattsville, Maryland, whereby the purchase the property at 5812 40th Avenue is authorized, including the approximately 3,000-square-foot building and the adjacent 25,000 square feet of green space for \$500,000.

Councilmember Haba stated for the record that he was supportive of the Teen Center and ownership by the City but had reservations regarding the site expressing concerns regarding the location, layout, and maintenance required.



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RESULT:	APPROVED [10-1]
MOVER:	Ward
SECONDER:	Spell
AYES:	Hollingsworth, Ward, Suiter, Lawrence, Croslin, Schaible, Simasek, Peabody, Spell, Solomon
NAYS	Haba
ABSENT:	None

9.a) FY20 CIP Budget Amendment and Appropriation of FY19 Unencumbered Account Balances (5 minutes)

HCC-23-FY20

Lead Sponsor: At the Request of the City Administrator

Co-Sponsor(s): N/A

[Cover Page](#)

I move that the Mayor and Council amend the FY20 CIP Budget and appropriate \$9,940,524 of remaining FY19 unencumbered funds in various accounts for the previously approved renovation of 3505 Hamilton Street.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Ward
SECONDER:	Solomon
AYES:	Hollingsworth, Ward, Suiter, Lawrence, Croslin, Schaible, Simasek, Haba, Peabody, Spell, Solomon
ABSENT:	None

9.b) Zoning Variance Request V-33-19 – 7104 Claymore Avenue, Hyattsville (10 minutes)

HCC-27-FY20

Lead Sponsor: At the Request of the City Administrator

Co-Sponsor(s): N/

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[Memo - V-33-19 FINAL.docx](#)

[7104 Claymore Ave - Google Maps.pdf](#)

[Hu Application - V-33-19.pdf](#)

[City of Hyattsville Zoning Variance Policy Statement & Variance Process_ENGLISH.pdf](#)

I move the City Council authorize the Mayor to provide letter to the Prince George's County Board of Zoning Appeals, in support of a zoning variance, for the subject property at 7104 Claymore Avenue, Hyattsville, permitting:

- (1) A variance request of 1-foot front building line width and 1-foot front street line width, as the variance is minimal and is a validation of existing condition of the property.
- (2) The City supports the applicant's requested waiver of the parking area location requirement, with the condition that the total front yard impervious surface lot coverage shall not exceed 25% and shall include an existing front yard impervious surface.



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~~The City does not support the applicant's requested waiver of the parking area location requirement, as the applicant has not demonstrated significant hardship. Neighboring properties include driveway dimensions similar to the applicant's existing 10' x 30' driveway, so the requested additional impervious surface, if approved, would be inconsistent with the front yard impervious surfaces area of similar residential properties and the overall character of the neighborhood.~~

Council President Ward made a motion to amend the language which was seconded by **Councilmember Solomon** and approved unanimously.

Ward 1 Councilmember Bart Lawrence departed at 10:01 p.m.

Councilmember Simasek asked whether Claymore Avenue was a residential parking zone (RPZ) to which Assistant City Administrator Chandler confirmed that it was not and would not significantly affect street parking.

RESULT:	APPROVED, AS AMENDED [UNANIMOUS]
MOVER:	Ward
SECONDER:	Solomon
AYES:	Hollingsworth, Ward, Suiter, Croslin, Schaible, Simasek, Haba, Peabody, Spell, Solomon
ABSENT:	Lawrence

9.d) Zoning Variance Request V-39-19 – 5227 42nd Place, Hyattsville (10 minutes)

HCC-28-FY20

Lead Sponsor: At the Request of the City Administrator

Co-Sponsor(s): N/A

- [Cover Page](#) 
- [Memo - V-39-19 Final.docx](#) 
- [Mackie Application - V-39-19.pdf](#) 
- [Mackie site plan - V-39-19.pdf](#) 
- [City of Hyattsville Zoning Variance Policy Statement & Variance Process_ENGLISH.pdf](#) 
- [42nd PLACE_CONCEPT 100 CY \(1\) For SCD.pdf](#) 

I move the City Council authorize the Mayor to provide a letter to the Prince George's County Board of Zoning Appeals in support of a zoning variance for the subject property at 5227 42nd Place Hyattsville, permitting:

- (1) A variance request of 693 square feet net lot area, as the variance addresses a pre-existing condition of the property and incorporating additional square footage to the property is impractical.
- (2) A variance request of 2.7% net lot coverage, as the variance is minimal, and staff does not anticipate any major negative impacts from this addition.
- (3) A variance request of 5 feet front yard depth, as it is consistent with the existing neighboring properties.







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RESULT:	APPROVED [UNANIMOUS]
MOVER:	Ward
SECONDER:	Solomon
AYES:	Hollingsworth, Ward, Suiter, Croslin, Schaible, Simasek, Haba, Peabody, Spell, Solomon
ABSENT:	Lawrence

9.c) Zoning Variance Request V-38-19 – 4605 Burlington Road, Hyattsville (10 minutes)
HCC-4-FY20

Lead Sponsor: At the Request of the City Administrator

Co-Sponsor(s): N/A

- [Cover Page](#) 
- [Memo - V-38-19 FINAL.docx](#) 
- [Neway Application - V-38-19.pdf](#) 
- [V-38-19 Site Photo.pdf](#) 

I move the City Council authorize the Mayor to provide letter to the Prince George's County Board of Zoning Appeals, in support of a zoning variance, for the subject property at 4605 Burlington Road, Hyattsville, permitting the following subject to conditions:

- (1) The applicant’s variance request of a 200 square feet net lot area, 25 feet front building line width, and 5 feet front street line width, as these conditions are pre-existing to the property and it is the City's opinion that there is no practical way to incorporate additional frontage or square footage to the lot.
- (2) The applicant’s variance request of a 13 feet front yard depth and 4 feet side yard width, as these conditions are pre-existing to the property with the condition that the applicant be required to remove the existing chain-link fence and replace it with a 3- to 4-foot wood or decorative fence, similar to adjacent residential properties;
- (3) The applicant’s variance request of a 4.3% net lot coverage, as the additional lot coverage is minimal, is consistent with the coverage of adjacent properties and the proposed improvements to the residential property will be beneficial to the homeowner and the aesthetics of the neighborhood. As a condition of this variance approval and for the purposes of providing a safe, livable residence, the Board of Zoning Appeals shall consider a condition requiring the applicant install a sprinkler system in the proposed basement dwelling unit.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Ward
SECONDER:	Solomon
AYES:	Hollingsworth, Ward, Suiter, Croslin, Schaible, Simasek, Haba, Peabody, Spell, Solomon
ABSENT:	Lawrence



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9.e) DSP-99044-17: Miller's Ale House (15 minutes)

HCC-6-FY20

Lead Sponsor: At the Request of the City Administrator

Co-Sponsor(s): N/A

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[Miller_s_Ale_House_-_Memo_to_City_Council_-_7.15.2019.docx](#)

[Planning Committee Minutes - 06.18.2019 DRAFT.docx](#)

[DSP 99044-17.pdf](#)

[A-SOJ-DSP 99044-17.pdf](#)

[A-CRL-DSP 99044-17.pdf](#)

[TCP2-DSP 99044-17.pdf](#)

[MB1220679 - Section Perspective Render Board - 2019-07-01.pdf](#)

[Page from Detailed Site Plan.pdf](#)

[DSP-99044-17_072519.doc](#)

[DSP-99044-17, Exhibits.pdf](#)

I move the City Council authorize the Mayor to provide correspondence to the Maryland-National Capital Park & Planning Commission in support of Miller's Ale House Detailed Site Plan (DSP-99044-17), subject to the following conditions:

1. The applicant shall revise their DSP to include an outdoor seating area to the west of the pad site, eliminating the proposed landscape island at the south end of the parking lot and requiring the subsequent relocation of the proposed micro-bioretenion #1. Architectural renderings of the outdoor seating area shall be submitted to the City.
2. The applicant shall revise the DSP to include a prominent pedestrian plaza to the southwest of the building, along MD 410, to include ground lighting, landscaping, benches, and prominent artistic/sculptural elements. This revision should include the removal of the amenity wall adjacent to the proposed plaza. Renderings of the pedestrian plaza shall be submitted to the City.
3. The applicant shall revise their architectural design so the left (west) elevation matches the large windows currently present along the right (east) elevation of the building.

Councilmember Schaible sought clarity regarding the Planning Committee's recommendations to which Mr. Chandler stated that Council received a document from the applicant and another from Park and Planning which had been discussed earlier that evening. He explained that the applicant was attempting to grandfather in stormwater mitigation, but that there were restrictions on what was permissible. Mr. Chandler reported that the applicant had developed their own stormwater management means; there was some dispute over whether it was allowable and, as of the previous Friday, had discussed the issue with the Department of Permits and Inspections and it had been determined that if they moved the building to the Department's specifications they could do so under the old regulations. Mr. Chandler further described conversations regarding the applicant's preferences and their pertinence to the Transit District Development Plan (TDDP).



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Attorney for the applicant, Andre Gingles, addressed the Mayor and Council stating that condition 2 was acceptable and he felt confident that the applicant could work with the request. Regarding condition number 3, Mr. Gingles stated that the request may not be feasible and sought clarity regarding condition 1.

Assistant City Administrator Jim Chandler clarified that condition 1 assumed a 70’ setback that included outdoor seating and open space and was more significant than the Detailed Site Plan (DSP).

Designer Shane Feemster described structural aspects that would prevent recommendations for windows in condition 3 from being feasible to which Mr. Chandler stated disagreement.

Council Vice President Carrianna Suiter posed questions regarding the outdoor plaza area to which Mr. Chandler answered that the area would be for the restaurant and not for public use.

Councilmember Solomon stated his support for the proposal made to reverse the build specifications on the east and west side of the building.

Mayor Hollingsworth requested that Mr. Chandler reiterate the intentions surrounding item 3 of the motion to which he explained that the intent was to activate the western side of the property for pedestrian flow and they would like the roll-up doors to be on the west side. Mr. Chandler added that it would be difficult to activate three (3) to four (4) sides of the property and disagreed with the concept of a mixture of vehicular and pedestrian access on three (3) sides of the building.

Councilmember Haba asked if an exhibit in the documentation mirrored the recommendations of the Planning Committee to which Mr. Chandler responded that the area in question was very minimal and staff would like to activate the streetscape.

Councilmember Schaible discussed some of the details regarding setback distances and historical regulations and asked if any more pad sites were anticipated to which Mr. Gingles answered in the negative.

RESULT:	APPROVED [9-1]
MOVER:	Ward
SECONDER:	None
AYES:	Hollingsworth, Ward, Suiter, Croslin, Simasek, Haba, Peabody, Spell, Solomon
NAYS	Schaible
ABSENT:	Lawrence

9.f) Armory Apartments – Maryland Historical Trust MOU (10 minutes)

HCC-5-FY20

Lead Sponsor: At the Request of the City Administrator

Co-Sponsor(s): N/A

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[Memo_-_Armory_Apartments_MHT_MOU_-_July_2019.docx](#)

[Hyattsville_MOA_draft_7.9.19 MHT Final Draft.docx](#)



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I move the City Council authorize the City Administrator to execute a Memorandum of Understanding with the Maryland Historical Trust and Urban Investment Partners for the purpose of detailing specific mitigation requirements for the Armory Apartments project, to be located along the 5300 block of Baltimore Avenue, Hyattsville.

Councilmember Haba left Council Chambers at 10:34 p.m.

Mayor Hollingsworth inquired as to “vegetative panels” to which Mr. Chandler recalled that there was lengthy discussion regarding the treatment of the west wall of the parking garage and how it would visually impact the surrounding buildings that resulted in the suggestion of including greenery that would not compromise the structure or design. He stated that one of the recommendations was to incorporate vegetative panels or something similar to a living wall that has appeased most involved parties.

Mayor Hollingsworth asked that it be included in the recommendation language that any art not be of any individuals or individuals’ faces to which Mr. Chandler stated that the preference would be noted and provided some insight as to the history of the regulations and their original intent.

Councilmember Croslin suggested including vines in the living wall to which Mr. Chandler responded that there had been many discussions about the type of foliage and it was determined that vines could not be used due to the detriment they cause to a building’s foundation and structure.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Ward
SECONDER:	Schaible
AYES:	Hollingsworth, Ward, Suiter, Croslin, Schaible, Simasek, Peabody, Spell, Solomon
ABSENT:	Lawrence, Haba

10) Discussion Items (9:55 p.m. - 10:10 p.m.)

10.a) General Fund Budget Stabilization Fund (15 minutes)

HCC-3-FY20

Lead Sponsor: At the Request of the City Administrator

Co-Sponsor(s): N/A

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[Hyattsville Stabilization Fund_Item Packet.pdf](#)

[General_Fund_Budget_Stabilization_Fund \(1\).docx](#)

Councilmember Solomon introduced the motion and provided background stating that several cities and towns were exercising the process of developing a budget stabilization fund in expectation of market downturns. He compared the establishment of a stabilization fund with the bond market.

Mayor Hollingsworth left Council Chambers at 10:41 p.m. and returned at 10:44 p.m.



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City Treasurer Brooks provided a brief summary of the parameters of the stabilization fund as well as logistics, costs, and accessibility requirements.

Councilmember Haba returned to Council Chambers at 10:50 p.m.

Councilmember Solomon reiterated the purpose of the fund and how it would serve the City and asked about the remaining obligation with the City's current bank to which Treasurer Brooks pondered that the contract would reach the end of its term at the end of the year, but stated he would need to confirm that statement and report back to the Councilmember.

Council Vice President Suiter asked if there was a specific instance in the past in which this fund could have been used to which Mr. Brooks referenced previous years' snowstorms which affected commerce and revenues.

Councilmember Schaible inquired as to the amount of time required for the City to reach its \$3.5M cap to which Mr. Brooks recommended that 10-15% should be set aside each year to accumulate the budget line item.

Councilmember Croslin questioned the importance of the fund in question stating that the City already had reserve funds to which Mr. Brooks explained that the fund would be used in times of extreme economic downturn and emergency and would be used as a last resort.

11) **Council Dialogue (10:10 p.m. - 10:20 p.m.)**

Ward 4 Councilmember Daniel Peabody thanked the City Administrator and City staff for their continued efforts.

Councilmember Schaible stated dates and times for specific events in the City and invited all to attend.

Council Vice President Suiter thanked everyone for their hard work and expressed appreciation for participation.

Councilmember Haba stated dates and times for specific events in the City and invited all to attend.

Councilmember Croslin commended the Health, Wellness, and Recreation Advisory Committee on their recent event and passed along congratulations.

Councilmember Simasek echoed the sentiments of his colleagues and expressed his appreciation for the Ward 3 residents, the Hyattsville Police Department, and City of Hyattsville staff.



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12) Community Notices and Meetings


12.a) Main City Calendar: July 16 - August 5, 2019

HCC-450-FY19

Lead Sponsor: At the Request of the City Administrator

Co-Sponsor(s): N/A

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[Main City Calendar_ Jul 16-Aug 5 2019.docx](#) 

13) Motion to Adjourn

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Croslin
SECONDER:	Schaible
AYES:	Hollingsworth, Ward, Suiter, Croslin, Schaible, Simasek, Haba, Peabody, Spell, Solomon
ABSENT:	Lawrence

The meeting adjourned at 11:05 p.m.

ATTEST:

May 8, 2020



Laura Reams, City Clerk