



REGULAR MEETING OF THE CITY COUNCIL, HYATTSVILLE MD
FEBRUARY 18, 2020 – 8:00 p.m.

Present: Candace Hollingsworth, Mayor
Kevin Ward, W1 (Council President)
Bart Lawrence, W1
Robert Croslin, W2
Danny Schaible, W2
Ben Simasek, W3
Edouard Haba, W4 (departed at 11:29 p.m.)
Daniel Peabody, W4
Joseph A. Solomon, W5 (departed at 11:29 p.m.)
Erica Spell Wolf, W5

Absent: Carrianna Suiter, W3 (Council Vice President)

Also present were the following City staff members:

Tracey E. Douglas, City Administrator
Jim Chandler, Assistant City Administrator
Ron Brooks, City Treasurer
Lesley Riddle, Director of Public Works
Laura Reams, City Clerk
Sean Corcoran, Deputy City Clerk
Deputy Chief Scott Dunklee, City of Hyattsville Police Department

1) Call to Order and Council Roll Call

Mayor Candace Hollingsworth called the meeting to order at 8:05 p.m.

2) Pledge of Allegiance to the Flag

3) Approval of Agenda

Amendments to the Agenda

1. ADD Motion #HCC-229-FY20 to the CONSENT agenda:

Letter of Support: SB0737/HB1520 Sustainable Maryland Program Fund - Establishment

I move the City Council authorize the Mayor to send a letter to the City's Maryland Delegation, the Maryland Senate Education, Health and Environmental Affairs Committee and the Maryland House Appropriations Committee in support of bills SB0737/HB1520 to establish the Sustainable Maryland Program Fund. The Fund may be used for educating communities in the development of strategies to achieve green community certification; requiring, beginning with fiscal year 2022, for the Governor to include in the annual budget bill an appropriation of \$750,000 to the Fund.



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2. REMOVE Motion #HCC-210-FY20 (Item 10.a) “Magruder Pointe PPS-4-18001 Correspondence to M-NCPPC Legal Counsel” from the Agenda.

3. ADD Motion # HCC-225-FY20 Magruder Pointe Development – Preliminary Plan of Subdivision 4-18001 to the DISCUSSION agenda.

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

4) Approval of the Minutes

4.a) Approval of the Minutes

HCC-221-FY20

Lead Sponsor: At the Request of the City Administrator

Co-Sponsor(s): N/A

Cover Page: [Approval of the Minutes](#)

[Minutes Feb 3 2020 FINAL.pdf](#)

[Minutes March 4 2019 CM FINAL.docx](#)

[Minutes March 18 2019 PH FINAL.docx](#)

[Minutes March 18 2019 CM FINAL.docx](#)

I move that the Mayor and Council approve the Council Meeting Minutes of March 4 and March 18, 2019, the Public Hearing of March 18, 2019, and the Council Meeting of February 3, 2020.

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

5) Public Comment (8:10 p.m. – 8:20 p.m.) Limit 2 minutes per speaker

Ward 5 resident, Kurt Brintzenhofe, addressed the Mayor and Council in opposition of the Backyard Chickens Act and provided documentation that cited potential concerns of domesticated chickens within urban areas. Mr. Brintzenhofe stated that he was providing the studies and reports to Council so that they could make their own determinations from the data and commended **Ward 4 Councilmember Edouard Haba** on his preference of working with the County on the issue. He suggested requiring a special license or permit for ownership and encouraged all to review the information provided.



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Ward 2 resident, Daniel Broder, addressed the Mayor and Council with remarks regarding Magruder Pointe stating that he opposed moving forward on the conceptual site plan (CSP) for the upper lot and sending correspondence related to the project until litigation had completed. Mr. Broder stated that there were more allies and benefits for developers and equivalent attention and involvement was given to residents and the environment and urged Council to continue to work for the community.

Ward 1 resident, Greg Smith, addressed the Mayor and Council in opposition to the Magruder Pointe project stating that the project had been a subject of discussion for over two (2) years and that items that Werrlein promised to address had still not been addressed. Mr. Smith recalled several meetings that took place during planning and cited details in the plan and that were not consistent with City regulations. He opined that the developers had no intention of addressing any of the concerns they agreed to review.

Ward 1 resident, Sandra Rodriguez, addressed the Mayor and Council with comments regarding Sacred Heart home redevelopment stating that communication from the developers to residents had been extremely limited leaving residents unaware of any details regarding the project or its timeline. Ms. Rodriguez spoke specifically about utility infrastructure and how it would impact her property and identified potential code violations.

6) City Administrator Update (8:20 p.m. - 8:30 p.m.)

City Administrator Tracey Douglas addressed the Mayor and Council with an update of happenings in the City. Ms. Douglas noted the continued work of the Department of Public Works in maintaining the streets keeping them clear of leaves and debris and announced that April 4th would be Census Day which would entail events throughout the day designed to bring attention and participation to the 2020 Census and reach hard to count areas. She invited residents and staff to join the Mayor and Council at the Black History Month panel discussion and art event that would highlight the achievements and impact of African Americans. City Administrator Douglas noted areas of needed improvement on City roadways and explained while it was the responsibility of the County and State, the City would be recording the incidents and transferring them to the appropriate body.

7) Presentations (8:30 p.m. – 9:00 p.m.)

7.a) Dewey Property - Parcel 5: Detailed Site Plan (DSP) 19050 (15 minutes)

HCC-222-FY20

Lead Sponsor: At the Request of the City Administrator

Co-Sponsor(s): N/A

Cover Page: [Dewey Property - Parcel 5: Detailed Site Plan \(DSP\) 19050 \(15 minutes\)](#)
[Memo - DSP-19050 - Dewey Parcel 5 - Presentation and Discussion.docx](#)
[Presentation_DSP_19050.pdf](#)



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Assistant City Administrator Jim Chandler provided an introduction and brief history of the Dewey Property project stating that the item would be revisited at the following Council meeting and introduced Thomas Haller; counsel for the developers of the project: Fairfield Residential. Mr. Haller addressed the Mayor and Council by introducing members of his team and providing an overview and update of the project. He gave a short history of Fairfield Residential and detailed the changes in the project since the last presentation including adjustments to the roadways and sidewalks, installation of traffic signals and signage, cyclist and pedestrian considerations, and how the plan complies with the Transit District Development Plan (TDDP). He elaborated on other components of the project stating that upon completion there would be more parking available, street access points, and a courtyard on the interior of the structures.

Fairfield Residential representative, Brian Condley, addressed the Mayor and Council presenting details regarding the proposed facades of the structures, the locations of retail and corporate offices, and the incorporation and regulations of the loading zones of the buildings. Mr. Condley stated that the team addressed most of the concerns that were identified and was confident that they would resolve any other issues brought forward.

Thomas Haller recalled the issue of power transformers and explained that they attempted to address the recommendations of Council to limit their visibility by housing the transformers just outside the building shielded by metal screening. Mr. Haller stated that it was not feasible to bury the transformers and that the alternative was to design an aesthetically pleasing metal fencing around the units.

Ward 3 Councilmember Ben Simasek inquired as to whether there were any considerations for improvements for cyclists on any of the adjacent or through streets to which Mr. Haller responded that the conceptual site plan does not include any adjustments and that the roads were under State jurisdiction and he was not aware of any from another entity.

Ward 1 Councilmember Bart Lawrence requested details as to the dimensions of a side of the building and where crosswalks would be instituted to which Mr. Haller provided the specifics of the dimensions and stated that it was not included in the plan but confirmed that they would be required for safety before completion.

Mayor Hollingsworth raised a series of questions regarding the types of dwellings to be included, potential noise pollution in the courtyard area of the buildings, accessibility and American Disabilities Act (ADA) compliance, and how the determination of types of dwellings was made. She expressed her contentment for certain amenities including outdoor stoops on the first level of the structure. Mr. Condley responded that there would be 321 units consisting of 30 two-bedroom apartments, nine (9) three-bedroom apartments, 47 studio apartments, and 162 one-bedroom apartments determined by the site lying in an urban area and reflective of the demographic of the region. He stated that the materials used for the interior courtyard are the same materials used for the exterior to quell the sound of vehicles, construction, and the like and that they were required by law to make aspects of the construction ADA compliant, but noted that the company made every effort to allow individuals of varying capability restrictions.



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7.b) Sacred Heart Home Redevelopment Project Update (15 minutes)

HCC-198-FY20

Lead Sponsor: At the Request of the City Administrator

Co-Sponsor(s): N/A

Cover Page: [Sacred Heart Home Redevelopment Project Update \(15 minutes\)](#)

Assistant City Administrator Jim Chandler provided background and summary regarding the Sacred Heart Home Redevelopment Project and introduced Larry Taub, attorney for Sacred Heart. Mr. Taub introduced himself, provided a short synopsis of the work of his firm and their partnership and history with Sacred Heart, and introduced the administrator for the property and Joe Welke, construction manager for the project. Mr. Taub stated that a grading permit had been issued the previous November, but they were still awaiting a building contract which was proving to be a lengthy process.

Mr. Welke addressed the Mayor and Council stating that they expected to be approved for the issuance of a building permit in the following few days and upon receipt they will begin construction on the convent; once completed they will begin construction on a nursing home, both of which were scheduled to be completed by the Spring of 2021. He addressed resident comments citing the flooding of sediment into the street as a result of heavy rains and explained that all of the required regulations for the mitigation of stormwater were in place and, in this case, the regulations were unable to accommodate the volume of stormwater produced. Mr. Welke assured the Body that the contractor of the project was diligent in addressing the necessary rehabilitation after the overwhelming influx of sediment runoff.

Mr. Taub announced the ceremonial groundbreaking of the project and invited the Mayor and Council to attend requesting their assistance in reaching out to community residents.

Mayor Hollingsworth raised the issue of communications expressing concern that residents were not regularly, adequately apprised of instances that could potentially impact nearby properties to which Mr. Taub replied that they attempted to establish lines of communications but were unable to reach a satisfactory population. He acknowledged that, previously, a number was provided to offer an outlet where residents could share comments and questions and committed to working with staff to establish a more effective means of communication.

Ward 2 Councilmember Robert Croslin relayed that there were concerns from many about the project and stated that a visual aid should have been prepared to aid the description of the subject area and its characteristics. He referenced large mounds of earth on the site and inquired to their purpose to which Mr. Welke answered that a portion was due to the mass grading on the site and a significant portion would be used to backfill retaining walls. He added that the mounds were temporary and would not be evident early into the construction of the convent.



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Ward 2 Councilmember Danny Schiabe cited the concerns of which he had been made aware from long-time residents and expressed the importance of being sympathetic to their interests and to providing them information as it became available. He adduced the sediment runoff as an example of an instance in which it was imperative to provide information to the community and offered to be the point of contact for outreach and updates provided to adjacent and nearby occupants.

8) Appointments (9:00 p.m. - 9:05 p.m.)

8.a) Appointment to the Hyattsville Environment Committee

HCC-219-FY20

Lead Sponsor: Simasek

Co-Sponsor(s): Schaible

Cover Page: [Appointment to the Hyattsville Environment Committee HEC Application Messenger W1 redacted.pdf](#)

I move that the Mayor and Council appoint Jared Messinger (Ward 1) to the Hyattsville Environment Committee for a term of 2 years to expire on February 18, 2022.

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

9) Consent Items (9:00 pm. - 9:05 p.m.)

9.a) Letter of Support: SB0737/HB1520 Sustainable Maryland Program Fund - Establishment

HCC-229-FY20

Lead Sponsor: At the Request of the City Administrator

Co-Sponsor(s): N/A

I move the City Council authorize the Mayor to send a letter to the City's Maryland Delegation, the Maryland Senate Education, Health and Environmental Affairs Committee and the Maryland House Appropriations Committee in support of bills SB0737/HB1520 to establish the Sustainable Maryland Program Fund. The Fund may be used for educating communities in the development of strategies to achieve green community certification; requiring, beginning with fiscal year 2022, for the Governor to include in the annual budget bill an appropriation of \$750,000 to the Fund.



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9.b) Allocate Ward 3 Funds in Support of Kirwan Commission Community Engagement Meeting

HCC-207-FY20

Lead Sponsor: Suiter

Co-Sponsor(s): Simasek

Cover Page: [Allocate Ward 3 Funds in Support of Kirwan Commission Community Engagement Meeting](#)

I move that the Mayor and Council authorize the expenditure of \$200 in Ward 3 funds in support of a community meeting to update the community on the status of the recommendations of the Kirwan Commission, and next steps. The funds may be used to cover costs associated with providing childcare, refreshments, and printing materials.

9.c) Adirondack Tree Experts - Contract Amendment

HCC-208-FY20

Lead Sponsor: At the Request of the City Administrator

Co-Sponsor(s): N/A

Cover Page: [Adirondack Tree Experts - Contract Amendment](#)

I move that the Mayor and Council authorize the City Administrator to approve an increase in an amount not to exceed \$25,000 to the current contract with Adirondack Tree Expert for tree work in the City.

9.d) Zoning Variance Request (V-170-19): 5225 42nd Place, Hyattsville

HCC-211-FY20

Lead Sponsor: At the Request of the City Administrator

Co-Sponsor(s): N/A

Cover Page: [Zoning Variance Request \(V-170-19\): 5225 42nd Place, Hyattsville Memo - V-170-19.docx](#)
[Application V-170-19.pdf](#)
[Site Plan V-170-19.pdf](#)

I move that the City Council authorize the Mayor to send correspondence to the Prince George's County Board of Zoning Appeals stating the City's support for variance request V-170-19, requests of 567 square feet net lot area, 3.34 feet front building line width, 12 feet front yard depth, and 10% net lot coverage, to permit a validation of existing conditions and allow the applicant obtain a building permit for the proposed construction of a driveway at the subject property at 5225 42nd Place, Hyattsville.

9.e) FY20 Budget Appropriation: MNCPPC Grant for Recreation Activities

HCC-220-FY20

Lead Sponsor: At the Request of the City Administrator

Co-Sponsor(s): N/A

Cover Page: [FY20 Budget Appropriation: MNCPPC Grant for Recreation Activities](#)



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I move that the Mayor & Council amend the FY20 Special Revenues Funds Budget to accept and appropriate the grant award in the amount of \$19,000 from the Maryland National Capital Park and Planning Commission and authorize the City Administrator to sign the contract, upon the review and approval by the City Attorney for legal sufficiency.

9.f) FY20 Grant Award & Budget Amendment: Accept 2020 Census Grant Award and Amend the FY20 Special Revenues Funds Budget

HCC-213-FY20

Lead Sponsor: At the Request of the City Administrator

Co-Sponsor(s): N/A

Cover Page: [FY20 Grant Award & Budget Amendment: Accept 2020 Census Grant Award and Amend the FY20 Special Revenues Funds Budget 2020 CENSUS GRANT PROGRAM AGREEMENT \(1\).pdf](#)

I move that the Mayor and Council accept the 2020 Census Grant award and amend the FY20 Special Revenues Funds Budget to appropriate an amount not to exceed \$19,000 to support the City of Hyattsville's efforts in facilitating the accurate counting of the population and the collection of basic demographic and housing information and to fund the activities exclusively for outreach efforts that focus on promoting and facilitating responses to the 2020 Census as required in Exhibit A of the grant agreement.

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

10) Action Items (9:05 p.m. – 10:30 p.m.)

10.a) Magruder Pointe Development – Preliminary Plan of Subdivision 4-18001: Communication to the Chairman and Counsel (45 minutes)

HCC-227-FY20

Lead Sponsor: At the Request of the City Administrator

Co-Sponsor(s): N/A

Cover Page: [Magruder Pointe Development – Preliminary Plan of Subdivision 4-18001: Communication to the Chairman and Counsel \(45 minutes\)](#)

I move the Mayor and Council authorize the City Attorney to send correspondence to Maryland-National Capital Park & Planning Chairman Elizabeth Hewlett and legal counsel advising that the Conceptual Site Plan for the Magruder Pointe project includes the subject parcel within application PPS 4-18001 and that the entirety of the CSP is the subject of a petition for judicial review and requesting the public hearing be postponed until judicial review has concluded.



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RESULT:	APPROVED [9 - 1]
MOVER:	Ward
SECONDER:	Lawrence
AYES:	Hollingsworth, Ward, Lawrence, Croslin, Schaible, Simasek, Haba, Peabody, Solomon
NAYS	Spell Wolf
ABSENT	Suiter

10.b) 5600 Ager Road: Amendment to the West Hyattsville TDDP Table of Uses: CSP-19009-001 and DSP-19053-001 (15 minutes)

HCC-212-FY20

Lead Sponsor: At the Request of the City Administrator

Co-Sponsor(s): N/A

Cover Page: [5600 Ager Road: Amendment to the West Hyattsville TDDP Table of Uses:CSP-19009-001 and DSP-19053-001 \(15 minutes\)](#)

[Memo - DSP-19053 - 5600 Ager Road.docx](#)

[A-SOJ-CSP-19009.pdf](#)

[CSP-19009-001.pdf](#)

[DSP-19053-001.pdf](#)

I move the City Council authorize the Mayor to send correspondence to the Maryland-National Capital Park & Planning Commission regarding CSP-19009-001 and DSP-19053-001, a request to amend the West Hyattsville TDDP Table of Uses: CSP-19009-001 and DSP-19053-001. The correspondence shall state the City's concerns regarding the long-term use and its alignment with the City's Sustainability Plan, transit-oriented development and West Hyattsville Transit District Development Plan. The correspondence shall also request that the Planning Board limit the permitted uses of the site to the following:

1. Eating or drinking establishment without drive-thru uses;
2. Food or beverage goods preparation on the premises of a food and beverage store;
3. Barber/hair salon and beauty shop;
4. Hardware store, clothing, dry goods;
5. Offices;
6. Pet grooming shop;

A use of 'Repair shop' shall be limited to small electronics and/or appliances **and a use of banks savings and loan association or other savings and lending institutions** and shall be limited to approval through a 'Special Permit'.

Assistant City Administrator Jim Chandler introduced the measure and provided background stating that the property had been vacant for some time and the applicant wanted to amend the table of uses to permit a wider array of commercial uses proposing minor changes to the site including updated signage, lighting, and pavement treatment intended as an interim use until the West Hyattsville Transit District was redeveloped. Mr. Chandler noted that until the uses for the property are officially authorized it is difficult to obtain tenants for the building which prompted the variety of uses specified in the motion. He elaborated on the details regarding right-by-use and circumstances that would require a special permit and explained that Council had the option to table the motion and address it at the following Council meeting should they so choose.



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Councilmember Haba and **Ward 5 Councilmember Erica Spell Wolf** expressed their support of the motion and the uses proposed.

Ward 5 Councilmember Joseph Solomon inquired as to whether the TDDP was undergoing a revision to which Mr. Chandler stated that he believed that was the case, but they had not received any notification and updates were expected in late spring or early summer.

Mayor Hollingsworth raised questions regarding item “5” and expressed concerns about definitions of terms in the language to which Mr. Chandler confirmed that a requirement could be invoked that businesses categorized as “lending institutions” would have to apply for a special permit that would spur a more public process that could be closely scrutinized to prevent the approval of unwanted businesses at the site.

Councilmember Solomon expressed concerns with the lack of specificity of “offices” and stated that vendors could simply change their terminology to project that an undesirable business was classified as an “office” thereby making it permissible to which Mr. Chandler clarified that there was discerning language in place that would prevent that type of instance and reiterated requiring a special permit as due diligence to prevent any unforeseen obstacles.

Mayor Hollingsworth stated that item “5” should be struck from the motion and included in the final sentence to reflect that “...a use of banks savings and loan association or other savings and lending institutions shall be limited to approval through...a 'Special Permit'”.

Councilmember Lawrence sought clarity regarding the reason for the inclusion of “repair shops” to which Mr. Chandler explained that the repair shop requested by the applicant was not specific and staff wanted to request that it was only pertinent to items that could be carried by pedestrians and of a certain scale to remain within the scope of the vision for the developing area. He added that the City’s suggestion was appropriate and that it was exercised to secure site control and monetize the investment.

Councilmember Solomon asked whether a bike shop would be permitted to which Mr. Chandler clarified that it would likely be classified as retail which was not requested by the applicant and cautioned that using a category of “retail” would be too broad.

Mayor Hollingsworth moved to amend the motion in accordance with her comments which was seconded by **Councilmember Spell Wolf** and passed unanimously.

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



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10.c) Letter to Board of License Commissions: Transfer of Class B+ License from Lee's Liquors and Restaurant to Hyattsville Fine Wine & Spirits (15 minutes)

HCC-224-FY20

Lead Sponsor: Hollingsworth

Co-Sponsor(s): Solomon, Spell

Cover Page: [Letter to Board of License Commissions: Transfer of Class B+ License from Lee's Liquors and Restaurant to Hyattsville Fine Wine & Spirits \(15 minutes\) Letter from BLC re Liquor Hut.pdf](#)
[Liquor Hut Application - date stamped.pdf](#)
[Report Hamilton Street Area 162020 Mayor and Council \(1\).pdf](#)
[Hyattsville Fine Wine & Spirits response letter.PDF](#)

I move the City Council authorize the Mayor to send a letter to the Prince George's County Board of License Commissioners acknowledging the applicant's revisions to its Application for Transfer of Location of Class B+, BWL License and Special Sunday Off-Sale Permit for Lee's Liquors and Restaurant, 2903 Hamilton Street, Hyattsville Restaurant LLC to Liquor Hut, 5350 Queens Chapel Road, Hyattsville.

The letter shall state the City remains concerned that the applicant has not made adequate progress regarding public safety, specifically violations of Maryland Law, such as public intoxication, assaults in the first and second degree and disorderly conduct, in-part due to the applicant's lack of proactive management and inability to responsibly manage point of sale.

The letter shall state the City of Hyattsville's reaffirmation of the request to deny the transfer location of Class B+, BWL License and Special Sunday Off-Sale Permit for Lee's Liquors and Restaurant and attach supporting documentation for justification.

Ward 4 Councilmember Daniel Peabody sought clarification regarding the proposed opening hours of the store stating that there was a nearby business with the same type of inventory in which the same time parameters were not applied to which Assistant City Administrator Jim Chandler explained that the business referenced by the Councilmember was a continuing unchanging business whereas the proprietors of Lee's Liquor were pursuing a new license, location, ownership, and business structure changing what was being requested by the City.

Mayor Hollingsworth requested that the representatives from the establishment move to the presentation podium to address Council comments and questions.

General Manager of Lee's Liquor, Nathaniel Hicks, stated that they did not adhere to the proposed time change due to the demands of the market.

Councilmember Haba recalled that the revised letter included commercial fencing to which Mr. Hicks explained that the fencing would be used to help show and accentuate the property lines and to help contain the elements of the business. Mr. Hicks welcomed the comments and suggestions of Council and City staff regarding the specifics of the proposed fence.



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Councilmember Croslin expressed support for changing the name of the establishment and asked whether the quality of inventory would improve to better reflect “fine wine and spirits” to which Mr. Hicks responded that the inventory would feature more specialized items and stated that Lee’s staff was willing to work with local police to minimize loitering and public intoxication.

Mayor Hollingsworth clarified that the name “Hyattsville Fine Wine and Spirits” was not suggested by the Mayor’s office, rather, she previously expressed that the original proposed name did not “convey a luxury retail experience” and the name was proposed by Lee’s ownership in response.

Councilmember Peabody relayed that a quick search indicated that similar establishments in the area opened between 8:00 a.m. and 10:00 a.m. and sought clarity regarding staff’s rationale for a later opening hour. City Administrator Douglas referred the inquiry to Deputy Chief of Police Scott Dunklee who provided details of previous analyses performed regarding crime in association with the store but stated that the time of day was not a factor considered or recorded in any of the observations.

Councilmember Solomon reiterated the purpose for the motion and stressed that the time change was part of a bigger effort to clean up the area and rid it of as many instances of unfavorable activities and businesses as possible. He stated that he did not agree with allowing a place that caters to loitering and public intoxication to continue to operate in the same fashion without impressing new regulations as they sought a new business model and location.

Councilmember Peabody stated that the responsibility of the behavior of the clientele did not rest solely on the owners of the business and while changing the type of business is important, it would take more than changing the hours of business to make a significant improvement.

Mayor Hollingsworth noted that the previous correspondence directed Council to disapprove the application. She reiterated the City’s position further detailed the original correspondence and explained that the establishment’s representatives had not made changes in compliance with the requests of the City.

Councilmember Solomon posed a response to **Councilmember Peabody** expressing that the clientele contributed to additional problems outside of public intoxication and loitering such as increased litter and vagrancy.

Councilmember Simasek sought clarity regarding the motion stating that there were other liquor stores in the area that opened as early as 8:00 a.m. and asked whether the compliance of all issues stated in the motion was required for approval by Council to which **Mayor Hollingsworth** reiterated the purpose of the motion.

Councilmember Haba recalled that in previous conversations the requirements were not clear and asked for Council to clarify whether the language was intended to deny the application or if it was requesting further changes. He expressed that the language should be discernable and declared that to be the reason for abstention from previous votes on the matter.



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Mayor Hollingsworth read a portion of the previous letter sent by Council to the Liquor Board and explained the original intention and how it was applicable to the language provided for that day's Council meeting.

Councilmember Simasek stated contentment with the language that was provided in the motion and his potential support, but expressed confusion explaining that some of the requests could not be fulfilled until after the approval of the correspondence and there is an opportunity to fulfill them.

Councilmember Lawrence expressed that the application was wholly inadequate and made a number of promises that, if gone unfulfilled, invoked no real consequence to the applicant to which Mr. Chandler responded that several conversations were held with the applicant requesting the details of a plan of operation and efforts to mitigate issues deemed problematic by Council, but the response from the applicant was vague. He stated that the hours of operation were important to the Board because it was under their purview and allowed them some control over how the business was operated.

Mayor Hollingsworth stated that she was receptive to the varying perspective and reminded colleagues that the proposal was for a new business in a new location and it should be treated in the same manner and held to the same standards of any new business in the City.

Councilmember Peabody thanked the Mayor for her comments and expressed his inclination to oppose two liquor stores in such close proximity and would support a letter expressing the concerns of Council, but also stated that there was value in being in business with an entity that was willing to address the concerns and make augmentations in line with the position of the City.

Councilmember Haba noted that the business resided in Ward 5 and the item was of interest to him, but stated that he did not feel as though he had enough clarity to formulate an adequate opinion. He reiterated that he was not interested in accommodating an unwanted business, but he would like more information.

Councilmember Solomon responded to the comments of **Councilmember Haba** and stated that the business and similar businesses do not fit with the vision of the City and if were simply a vote of whether or not have an additional liquor store in Hyattsville that he would oppose and sought the comments of his colleagues.

Councilmember Schaible stated that he had witnessed evidence of the concerns described in the motion and expressed his opposition to a simplified version of the motion explaining that he was content with a direct disapproval.

Ward 5 Councilmember Erica Spell Wolf agreed with the prior comments and expressed her support for denial of the application.



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Mayor Hollingsworth addressed Council to evaluate if Council should make a motion to add a sentence to the language requesting denial of the application for the transfer of the Class B license to which **Councilmember Solomon** offered to make the motion which was seconded by **Councilmember Spell Wolf**. The amendment to the motion was passed by a vote of 7-0-2 with abstentions from **Councilmember Croslin** and **Councilmember Haba**.

Council discussed the way in which the denial would be administered citing an option to state either specific conditions or broad and the importance of determining a collective opinion of the whole Body to project in the new motion.

Councilmember Haba opined that the approach would not address the root cause of the concerns of Council and that if the establishment was prohibited to build in the area, the customers would patronize the closest liquor store. He expressed that Council would be better served by working with the business to mitigate the core issues.

Mayor Hollingsworth cited the newly implemented Clean and Safe team stating that it was a \$240K annual investment that would be undermined by allowing establishments to conduct business as usual rather than making proactive changes to further improve the cleanliness and security of Hyattsville.

Councilmember Solomon responded to the comments of **Councilmember Haba** stating that addressing the underlying issues had always been an aspect of addressing the larger problem as a whole and disagreed with the statement that should the liquor store become unavailable patrons would simply move to another store. He continued describing instances in which the applicant was not putting forth the communicative efforts requested by Council. Assistant City Administrator Jim Chandler referenced a meeting that was requested by the City that resulted in a brief conversation with the applicant's hired lobbyist that did not result in any productive discussion or actions.

Mayor Hollingsworth returned the discussion to the specifics of the language of the intended correspondence requesting that staff provide comments to whether it was preferred to cite specific items or frame the language from a broader perspective.

Councilmember Peabody questioned the value and benefit of softening the City's position on the business inquiring as to what the difference of impact would be stating opposition to the semantics of the way in which the business was run or the nature of the business itself.

Councilmember Simasek provided clarity regarding **Councilmember Peabody's** inquiry stating that the language was not necessarily a "softening" of the language but a recognition that the City has no authority over licensing and were making an attempt to identify the best method to communicate opposition to the continuance of the business unless said business shows progress in resolving issues that concern Council.



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Councilmember Peabody explored other approaches to the language suggesting that the major concerns were being direct about the intent for the type of community envisioned for the future and explained that it would be more prudent to cite that the City held serious concerns regarding safety and security and to ask the Board to direct the applicant to collaborate with City officials to establish an agreement regarding regulations invoked by the retailer itself.

Councilmember Solomon and **Councilmember Croslin** agreed that the conversation was cyclical; becoming repetitive and it was imperative to come to a decision on the matter.

Mayor Hollingsworth stated that she understood all of the perspectives and suggested creating correspondence that stated support for the denial of the license with an attached addendum that provided a timeline of events that would provide a clear history the interaction between the City and the applicant. Mr. Chandler provided logistics about the process and Council agreed with the Mayor’s proposal.

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

11) Discussion Items (10:30 p.m. – 11:00 p.m.)

11.a) Magruder Pointe Development – Preliminary Plan of Subdivision 4-18001 HCC-225-FY20

Lead Sponsor: At the Request of the City Administrator

Co-Sponsor(s): N/A

- [Memo - PPS 4-18001 - Magruder Pointe - Action - Final .docx](#)
- [Magruder Pointe Lot Pattern.pptx](#)
- [Magruder Pointe Density Upper Parcel.pptx](#)
- [Planning Committee - Jan 28, 2020 - Minutes Draft.doc](#)
- [City Staff Exhibit_Revised Plans_Feb18.pptx](#)
- [Magruder Pointe Presentation .pptx](#)
- [Gateway Arts District Sector Plan - Min. Lot Size TRN.pdf](#)
- [1-10-20. SDRC Comments.pdf](#)

I move the City Council authorize the Mayor to provide correspondence to the Maryland National Capital Park & Planning Commission regarding Preliminary Plan of Subdivision 4 18001. The correspondence shall express that, if the Planning Board chooses to proceed with consideration of this subdivision application, the City requests the Planning Board incorporate and adopt in its resolution the following conditions:

1. The applicant shall eliminate Lot 26 from the application, reducing the number of proposed single-family homes from sixteen to fifteen. All lots shall meet the minimum lot size standard of 5,000 SF.



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2. The applicant shall align the property borders of Lots 21 and 22 and the property borders of Lots 19 and 20 to allow for a more uniform lotting pattern.
3. The applicant shall use Lots 11 & 12 for open green space and/or supplemental stormwater management. Lots 11 & 12 shall not contain townhouse units.
4. All townhouse units shall front Parcel A1 without obstruction.
5. The upper parcel of the Magruder Pointe project shall contain no more than ten (10) single family attached (townhouse) units total. The applicant's proposed townhouse density exceeds that which has been approved by the District Council. The reduction in unit count will bring the development into compliance with the District Council's decision, as well as allow for wider townhouses and increased interior parking.
6. The internal alleyway shall be designed and constructed to a public standard and dedicated to the City as a public right-of-way. The site plans and any future dedication of plat shall incorporate language stating that the alleyway shall be publicly dedicated to the City of Hyattsville.
7. Overhead lighting shall be designed and constructed to Pepco standards for acceptance into the public utility system. The lighting shall be placed at the entrance/exit of the site at Hamilton Street, at the corner closest to lot 11, and at the entrance/exit of the site on Gallatin Street.
8. The applicant shall provide adequate Public Utility Easements (PUEs) for the provision of public utilities to ensure all proposed lots receive both wet and dry utility services. If public utility services can be provided through the existing utility systems and/or within the existing public utility easement, no additional land dedication or easement is required.
9. The stormwater management plan for the upper parcel of the Magruder Pointe Project shall be limited to the boundaries of the upper parcel and not reliant upon compensatory storage on the lower parcel.
10. The applicant shall include the replacement of a current Magruder Park bridge as an off-site facility improvement within their Bicycle and Pedestrian Impact Statement.

Mayor Hollingsworth acknowledged the challenge of receiving information on a motion only hours before discussion and introduced the changes to the language.

Assistant City Administrator Jim Chandler provided background and summary of the measure stating that the memo was designed to provide updates to Council and the intention was to respond to all concerns in their entirety. Mr. Chandler explained that the City of Hyattsville is exempt from the R55 standard under the Gateway Arch District Site Plan, but regarding the development in question, the R55 standards were applied and they would have to rely on what was previously adopted in the Conceptual Site Plan (CSP). He continued that for the purposes of the application the publicly dedicated areas were included in the density calculation and they were confident they resolve all the issues that could be resolved, but stated that some unsolvable issues remained.

City Planner Kate Powers relayed that the applicant provided a revised site plan removing one of the single-family lots leaving 15 units that all met the required minimum square footage. Ms. Powers stated that the applicant did not address the boundaries of three (3) lots and did not remove Lot 11 from the plan which had been previously requested by staff. She continued that the applicant did not calculate density, however City staff had done so and detailed the method of calculation. City Planner Powers reported that the applicant met the regulation for single-family



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homes, but exceeded regulations for townhouses and she recommended decreasing the number of townhomes from 15 to 10 in order to comply with density standards.

Mr. Chandler stated that the staff report was due the following day and if a decision was made by Council at any point beyond that evening the recommendation would have to be submitted as an exhibit instead of being included in the report which was the preferred outcome. He provided available options for moving forward and explained that staff had simplified the language and appeased the concerns of Council.

Councilmember Lawrence referenced an earlier Council meeting in which he requested the minimum lot size for the development to which Mr. Chandler responded that in that instance there was no standard because it was a townhouse in an R55 zone for which a standard did not exist, therefore, regulations reverted back to City code requirements. He added that they were functioning under an old code which was proving problematic but confirmed confidence that the recommendations were well thought out and were supported by strong reasoning that would be included with the recommendations.

Mayor Hollingsworth confirmed with Mr. Chandler that the density calculation determined by planning staff was the same method of calculation being applied throughout the project and stated that it was important to specify that in the correspondence offering recommendations.

Councilmember Haba asked whether a table within the plan was made before the plan had been updated to which Ms. Powers explained that there was no change regarding townhouses in the updated version and the changes only applied to single-family homes. She added that all of the lots met the minimum standard.

Councilmember Simasek cited language in the application asking if it was implied that a plan would be submitted with the Conceptual Site Plan (CSP) to which Mr. Chandler replied that it did not and it provides direction and options regarding compliance.

Councilmember Schaible questioned whether the language was too confusing and should be augmented for clarity and to state disapproval for continuance to which Mr. Chandler commented that it would be problematic should the language be overturned and it was in the best interest to move forward rather than experience a lengthy waiting period. He expressed that it was the staff's intention to communicate the position of approving previous language and being more specific in that position.

Councilmember Schaible inquired as to whether the stormwater management would require a method of on-site retention to allow water to drain naturally instead of treating and whether the site was meeting requirements to which Mr. Chandler stated that it appeared to meet regulation and that communication to the Board states the preference to minimize the impacts of the stormwater effect and prohibit use of off-site facilities. **Councilmember Schaible** stated that he expected to see a retention facility or some sort of improvement to which Mr. Chandler explained that the site was using a method that was approved by the County.



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Councilmember Croslin expressed his understanding that the requirement for stormwater was to capture and release water at the same rate to which Ms. Powers commented that the applicant’s revised site plan provides micro retention and bioretention, but nothing further.

Mayor Hollingsworth stated that it was important to recognize that it was an unusual situation with a great number of influential variables. She relayed that the next action would be at the following Council meeting unless the Body chose to pass the measure that evening in order for the language to be included in the staff report.

Note for the Record: Councilmembers Haba and Solomon departed at 11:29 p.m.

Councilmember Lawrence expressed his preference to move the legislation and made a motion to amend the second sentence of the language to read that until the appeal of the CSP is resolved the Planning Board not consider the subdivision. The motion was seconded by **Councilmember Schaible** and approved unanimously.

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

11.b) Dewey Property - Parcel 5: Detailed Site Plan (DSP) 19050: Discussion Item (15 minutes)
HCC-223-FY20

Lead Sponsor: At the Request of the City Administrator

Co-Sponsor(s): N/A

Cover Page: [Dewey Property - Parcel 5: Detailed Site Plan \(DSP\) 19050: Discussion Item \(15 minutes\)](#)

[Memo - DSP-19050 - Dewey Parcel 5 - Presentation and Discussion.docx](#)

[1 CIVP-DSP-19050.pdf](#)

[2 A-SOJ-DSP-19050.pdf](#)

[3 A-SOJ-DDS-660.pdf](#)

[4 ARCH Plan-DSP-19050.pdf](#)

[5 BPIS DSP-19050.pdf](#)

[6 Recreational Facilities.pdf](#)

[7 UTC Parking Memo 11-05-2019.pdf](#)

[8 Illustrative Renderings.pdf](#)

[9 Relevant TDDP pages.pdf](#)

Assistant City Administrator Jim Chandler reported that the application brought forth only a few concerns stating that there were some lingering issues that the applicant would address and apply changes for the Council’s review.



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Mayor Hollingsworth apologized to representatives of the Dewey Property development and expressed that it was Council’s intention to give the matter proper attention and that they would have to discuss the matter further at a later date. She thanked the representatives for their patience and willingness to work with City officials.

11.c) Backyard Chicken Act (15 minutes)

HCC-226-FY20

Lead Sponsor: Schaible

Co-Sponsor(s): N/A

Cover Page: [Backyard Chicken Act \(15 minutes\)](#)

I move that the Mayor and Council direct the City Attorney to draft an ordinance amending Chapter 52 of the Hyattsville Charter and Code to amend section §52-10 by striking the inclusion of “domestic fowl”, and “poultry and game birds” from the list of prohibited animals. Roosters will remain on the list of prohibited animals in the Code.

Discussion of item 11.c, the Backyard Chicken Act, was postponed due to time constraints.

12) Council Dialogue (9:35 p.m. - 9:45 p.m.)

13) Community Notices and Meetings

13.a) Main City Calendar: February 4 - 18, 2020

HCC-205-FY20

Lead Sponsor: At the Request of the City Administrator

Co-Sponsor(s): N/A

Cover Page: [Main City Calendar: February 4 - 18, 2020](#)
[Main City Calendar_Feb 4-Feb 18.docx](#)

14) Motion to Adjourn

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

The meeting adjourned at 11:48 p.m.

ATTEST:

Laura Reams, City Clerk