

City of Hyattsville

*Hyattsville Municipal Building
4310 Gallatin Street, 3rd Floor
Hyattsville, MD 20781
(301) 985-5000
www.hyattsville.org*



Meeting Minutes

Monday, January 10, 2022

7:00 PM

Agenda Revised - January 7, 2022

Register for the webinar in advance:

https://us06web.zoom.us/webinar/register/WN_w1sHoWcZS0qx_mZAWH6pDQ

Council Chambers

City Council

Kevin Ward, Mayor

Robert Croslin, Council President, Ward 2

Danny Schaible, Council Vice President, Ward 2

Sam Denes, Ward 1

Joanne Waszczak, Ward 1

Ben Simasek, Ward 3

Jimmy McClellan, Ward 3

Daniel Peabody, Ward 4

Edouard Haba, Ward 4

Joseph Solomon, Ward 5

Rommel Sandino, Ward 5

ADMINISTRATION

Tracey E. Douglas, City Administrator

Laura Reams, City Clerk, 301-985-5009, cityclerk@hyattsville.org

WELCOME TO THE CITY OF HYATTSVILLE CITY COUNCIL MEETING!
Your participation at this public meeting is valued and appreciated.

Present: Mayor Kevin Ward
Council President Robert Croslin
Council Vice-President Danny Schaible
Councilmember Sam Denes
Councilmember Joanne Waszczak
Councilmember Ben Simasek
Councilmember Jimmy McClellan
Councilmember Edouard Haba
Councilmember Daniel Peabody
Councilmember Joseph Solomon
Councilmember Rommel Sandino

AGENDA/PACKET: The Agenda/Packet is available for review at the Hyattsville Municipal Building and online at www.hyattsville.org prior to the scheduled meeting (generally available no later than the Friday prior to the scheduled Monday meeting). Please note, times given for agenda items are estimates only. Matters other than those indicated on the agenda may also be considered at Council discretion.

AMERICANS WITH DISABILITY ACT: In compliance with the ADA, if you need special assistance to participate in this meeting or other services in conjunction with this meeting, please contact the City Clerk's Office at (301) 985-5009. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

AUDIBLE DEVICES: Please ensure all audible devices are turned off or otherwise not audible when the City Council is in session. Thank you.

PUBLIC INPUT: If you wish to address the Council during the Public Comment period, please use the "Raise Hand" feature in the virtual meeting interface. Participants may also submit statements electronically using the eComment feature at www.hyattsville.org/meetings or via email to cityclerk@hyattsville.org no later than two (2) hours prior to the start of the meeting. All participants shall remain respectful in their contributions and associated functions of the virtual meeting interface are not intended for public dialogue or discussion.

WAYS TO WATCH THE MEETING LIVE: City Council meetings are broadcast live on cable television channel 71 (Comcast) and channel 12 (Verizon). You may also view meetings live online at hyattsville-md.granicus.com/MediaPlayer.php?camera_id=2

REPLAY SCHEDULE: The meetings will be re-broadcast on cable television, channel 71 (Comcast) and channel 12 (Verizon) daily at 7:00 a.m., 1 p.m., and 8 p.m. Meetings are also able for replay online at www.hyattsville.org/meetings.

CITY INFORMATION: Sign up to receive text and email notifications about Hyattsville events, government, police and programs at www.hyattsville.org/list.aspx

INCLEMENT WEATHER: In the event of inclement weather, please call 301-985-5000 to confirm the status of the Council meeting.

Meeting Notice:

As we continue to take precautions due to the COVID-19 (Coronavirus) pandemic, the Hyattsville City Council will hold its meeting on Monday, January 10, 2022 remotely via video conference. The Council meeting will be conducted entirely remotely; there will be no in-person meeting attendance.

The meeting will be broadcast live on cable television channel 71 (Comcast), channel 12 (Verizon), and available via live stream at www.hyattsville.org/meetings.

PUBLIC PARTICIPATION:

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Members of the public who wish to comment during the virtual Council meeting must register in advance using the link below.

https://us06web.zoom.us/webinar/register/WN_w1sHoWcZS0qx_mZAWH6pDQ

1. Call to Order and Council Roll Call

The meeting was called to order at 7:05 p.m.

Also present:

City Administrator-Tracey Douglas

Assistant City Administrator/Director of Community & Economic Development-Jim Chandler

Chief of Police-Jarod Towers

Treasure-Ron Brooks

Director of Public Works-Lesley Riddle

Deputy Director of Public Works-Hal Metzler

Director of Community Services-Sandra Shephard

City Clerk-Laura Reams

Present:

Mayor Kevin Ward

Mayor Robert Croslin

Council President Joseph Solomon

Council Vice-President Danny Schaible

Councilmember Sam Denes

Councilmember Joanne Waszczak

Councilmember Ben Simasek

Councilmember Jimmy McClellan

Councilmember Edouard Haba

Councilmember Daniel Peabody

Councilmember Rommel Sandino

2. Pledge of Allegiance to the Flag

3. Approval of Agenda

A motion was made by Council President Croslin, seconded by Councilmember Haba, that this agenda item be Approved. The motion carried by the following vote:

Aye: Ward, Croslin, Schaible, Denes, Waszczak, Simasek, McClellan, Haba, Peabody, Solomon, and Sandino

4. Public Comment (7:10 p.m. – 7:20 p.m.) Complete Speaker Card, Limit 2 minutes per speaker

Stephen Price submitted comment in opposition to the Adelphi Road Sector Plan.

Amy Sapkota submitted comment in opposition to the Adelphi Road Sector Plan.

Elisabeth H. submitted comment in opposition to the Adelphi Road Sector Plan.

Louliqa Raschid submitted comment in opposition to the Adelphi Road Sector Plan.

Helen Kaiser submitted comment in opposition to the Adelphi Road Sector Plan.

Nancy Barrett submitted comment in opposition to the Adelphi Road Sector Plan.

Chuck Perry submitted comment regarding the proposed Civilian Oversight Committee. While he supported the committee, he recommended that the City have the authority to override findings of the local committee.

Caitlin Fitzpatrick submitted comment regarding the proposed Civilian Oversight Committee. She recommended that the committee should have independence from HPD, ensure the structure of the board include representative from a racial justice organization, and provide allocation of sufficient resources to support the committee.

Cliff Mayo submitted comment in favor of Item 10.b. (Letter to Maryland Department of Environment opposing Suffrage Pointe Nontidal Wetlands Permit).

A joint letter submitted by 30 residents and Sustainable Hyattsville stated support for Item 10.b. (Letter to Maryland Department of Environment opposing Suffrage Pointe Nontidal Wetlands Permit) and made recommendations to provide additional opportunities for public comment.

Daniel Muth submitted comment in favor of Item 10.b. (Letter to Maryland Department of Environment opposing Suffrage Pointe Nontidal Wetlands Permit).

Brian Banks spoke in support of the proposed Civilian Oversight Committee.

Sarah Harper spoke in regard to the proposed Civilian Oversight Committee, and questioned how transparent the Police Department would be with findings from the committee. She advocated for increased transparency from the department.

Ellen Royce spoke in regard to the proposed Civilian Oversight Committee and advocated for changes to the motion including ensuring that public finding reports came from the committee as opposed to the police department, the inclusion of a non-voting member of the committee from a racial justice organization, and ensuring that the findings from the committee were independent of the police department.

Dan Broder spoke in support of Item 10.b. and the proposed Civilian Oversight Committee. In regard to the committee, he advocated for funding and operations to be independent from the police department and for the police to remove the response of armed officers to certain calls for service which may be better served by other agencies.

Amy Sapkota spoke in opposition to the Adelphi Road Sector Plan, reiterating her written comments.

Greg Smith spoke in support of Item 10.b. and expressed concerns regarding the Werrelin Development and the notice for public comment on the permit.

Nancy Barrett spoke in opposition to the Adelphi Road Sector Plan, reiterating her written comments.

David Marshall submitted a comment via the Q&A in opposition to Item 10.a. (David C. Driskell Community Park Re-imagination: Phase 1), and in support of the Civilian Oversight Committee, noting that it would need to be well balanced to ensure fairness.

Dale Crowell submitted a comment regarding the proposed Civilian Oversight Committee, stating support and citing his past experience on a civilian oversight committee for the County.

5. Community Notices and Meetings

5.a) Main City Calendar: January 11 - January 18, 2022

[HCC-212-FY22](#)

N/A

Sponsors: City Administrator

Attachments: [Main City Calendar January 11 - January 18, 2022](#)

6. City Administrator Update (7:20 p.m. - 7:30 p.m.)

City Administrator Douglas provided updates on City programs and events. Deputy Director of Community Services Cheri Everhart presented the Claus Applause Holiday Decorating contest awards.

7. Presentations (7:30 p.m. - 7:55 p.m.)

7.a) Preliminary Adelphi Roads Sector Plan[HCC-213-FY22](#)

Presentation Only

Sponsors: City Administrator

Attachments: [Presentation Memo - Preliminary Adelphi Road Sector Plan FINAL](#)
[ARSP Boundary Map](#)
[Adelphi Road Sector Plan Briefing to Hyattsville City Council](#)

M-NCPPC Project Manager Shyubha Punase shared an overview on the Adelphi Roads Sector Plan.

Councilmember McClellan asked about boundaries. Ms. Punase said those were determined by County Council.

Councilmembers Sandino and Solomon spoke about policies related to affordable housing. Ms. Punase responded that zoning within the Sector Plan area supports development that will include affordable housing.

Councilmember Waszczak expressed her interest in the University Park and College Park perspective on this plan. She and Councilmember Simasek expressed concerns for universal design elements for safety between pedestrians, cyclists, and the Purple Line to minimize injuries and fatalities.

Councilmember Schaible expressed his concern about environmental impact.

Councilmember Denes asked if houses of worship had been included in discussions and about the impact of the plan on schools. Ms. Punase said that many religious institutions have been included in discussions about the opportunities and information in the sector plan.

Councilmember Solomon advocated for the inclusion of affordable housing in the sector plan and for the consideration of a circulator service between the purple line and the Prince George's Plaza metro as well as wayfinding signage from both vehicular and pedestrian pathways.

Mayor Ward concluded the discussion by advocating for the Planning Board to consider additional opportunities to solicit public input on the sector plan.

8. Appointments (7:55 p.m. - 8:00 p.m.)

8.a) Council of Governments Policy Committee Appointments[HCC-202-FY22](#)

I move that the Mayor and Council make the following appointments to the Council of Governments (COG) Policy Committees for a term of one (1) year, beginning on January 3, 2022:

- Region Forward Coalition: Mayor Kevin Ward, with staff alternate Jim Chandler
- Human Services and Public Safety Policy Committee: Mayor Kevin Ward, with staff alternate Police Chief Jarod Towers and Sandra Shephard
- Climate Energy and Environment Policy Committee: Mayor Kevin Ward, with staff alternate Lesley Riddle
- Chesapeake Bay and Water Resources Policy Committee: Mayor Kevin Ward, with staff alternate Lesley Riddle

Sponsors: City Administrator

Attachments: [MWCOG Policy Committees](#)

A motion was made by Council President Croslin, seconded by Councilmember Peabody, that this agenda item be Approved. The motion carried by the following vote:

Aye: Ward, Croslin, Schaible, Denes, Waszczak, Simasek, McClellan, Haba, Peabody, Solomon, and Sandino

8.b) Appointments to Board of Supervisors of Elections[HCC-203-FY22](#)

I move that the Mayor, with Council approval, appoint Juan Castillo and Erin Payne to the Board of Supervisors of Elections to fill two (2) vacant positions on the Board for a term to expire on January 12, 2023.

Sponsors: Ward

Attachments: [Castillo BOSE Application](#)
[Payne BOSE Application](#)

A motion was made by Council President Croslin, seconded by Councilmember Peabody, that this agenda item be Approved. The motion carried by the following vote:

Aye: Ward, Croslin, Schaible, Denes, Waszczak, Simasek, McClellan, Haba, Peabody, Solomon, and Sandino

8.c) Re-appointment to the Ethics Commission[HCC-208-FY22](#)

I move that the Mayor, with Council approval re-appoint T. Carter Ross to the Hyattsville Ethics Commission for a term of three (3) years to expire on January 3, 2025.

Sponsors: Ward

Attachments: [T. Carter Ross redac](#)

A motion was made by Council President Croslin, seconded by Councilmember Peabody, that this agenda item be Approved. The motion carried by the following vote:

Aye: Ward, Croslin, Schaible, Denes, Waszczak, Simasek, McClellan, Haba, Peabody, Solomon, and Sandino

9. Consent Items (7:55 p.m. - 8:00 p.m.)

Items listed on the Consent Agenda are considered routine in nature, and are approved in one motion. There will be no separate discussion of these items unless the Mayor/Council request specific items be removed from the Consent agenda for separate action.

A motion was made by Council President Croslin, seconded by Councilmember Denes, to approve the Consent Agenda. The motion carried by the following vote:

Aye: Ward, Croslin, Schaible, Denes, Waszczak, Simasek, McClellan, Haba, Peabody, Solomon, and Sandino

9.a) Casey Trees Residential Tree Plantings[HCC-204-FY22](#)

I move that the Mayor and Council authorize an expenditure to Casey Trees in an amount not to exceed \$40,000 for the 2021 Residential Tree Planting program funded by a grant from Chesapeake Bay Trust.

Sponsors: City Administrator

Attachments: [Hyattsville 20211007- Invoice #764](#)

This agenda item was Approved.

9.b) Purchase of EnergiPlant System[HCC-205-FY22](#)

I move that the Mayor and Council authorize the City Administrator to facilitate the purchase of an EnergiPlant system from Primo Energy for an expenditure not to exceed \$15,000, pending legal review. The cost of this system may qualify for reimbursement under ARPA Fund guidelines and will be submitted for consideration.

Sponsors: City Administrator

Attachments: [SpecSheet-EnergiPlant-2021](#)
[Estimate 1141 from Primo Energy Inc](#)
[terms and conditions 2021](#)
[Sole Source Letter 11-22-21 \(1\)](#)

This agenda item was Approved.

9.c) FY22 Budget Amendment: Special Revenues Budget and Appropriation of Remaining FY21 Grant Funds[HCC-209-FY22](#)

I move that the Mayor and Council amend the FY22 Special Revenues Budget and appropriate the remaining FY21 unencumbered fund balance of \$40,078 in fund 43 of the FY21 Chesapeake Bay Trust Stewardship Grant account.

Sponsors: City Administrator

This agenda item was Approved.

- 9.d)** FY22 Budget Appropriation Amendment: FEMA COVID-19 Reimbursement Grant for COVID-19 Home Test Kits [HCC-215-FY22](#)

I move that the Mayor and Council amend the FY22 Special Revenues Funds Budget to amend the FEMA Reimbursement Grant Fund and appropriate an additional amount not to exceed \$250,000 for costs related to the purchase and distribution of COVID-19 home test kits through June 30, 2022. The cost for the home test kits will be 100% reimbursed by FEMA.

Sponsors: City Administrator

This agenda item was Approved.

10. Action Items (8:00 p.m. - 8:20 p.m.)

- 10.a) David C. Driskell Community Park Re-imagination: Phase 1** [HCC-207-FY22](#)

I move that the Mayor and Council authorize the expenditure of \$28,000 for the Phase 1 Re-imagination of David C. Driskell Community Park to Neighborhood Design Center (NDC) on their existing contract.

Sponsors: City Administrator

Attachments: [David C Driskell Community Park - NDC - Phase 1](#)

There was no Council discussion on this item.

A motion was made by Council President Croslin, seconded by Council Member Simasek, that this agenda item be Approved. The motion carried by the following vote:

Aye: Ward, Croslin, Schaible, Denes, Waszczak, Simasek, McClellan, Haba, Peabody, Solomon, and Sandino

- 10.b)** Letter to Maryland Department of Environment opposing Suffrage Pointe Nontidal Wetlands Permit [HCC-214-FY22](#)

I move that the Mayor and Council submit correspondence to the Maryland Department of Environment requesting 1) That Werrlein WSSC LLC's application for a Maryland Wetlands and Waterways Permit be rejected,
2) That adjoining Hyattsville property owners to Suffrage Point's 4017 Hamilton Street address receive the required notification of the hearing and,
3) That the public comment period be extended at least another 30 days to allow reasonable time for interested parties to participate in the public process.

Sponsors: Simasek, Schaible and Ward

Councilmember Waszczak expressed her support for the motion and encouraged residents to engage in the issue as well.

A motion was made by Council President Croslin, seconded by Council Member Denes, that this agenda item be Approved. The motion carried by the following vote:

Aye: Ward, Croslin, Schaible, Denes, Waszczak, Simasek, McClellan, Haba, Peabody, Solomon, and Sandino

11. Discussion Items (8:20 p.m. - 8:50 p.m.)

11.a) Civilian Oversight Committee[HCC-206-FY22](#)

For discussion:

I move that the Hyattsville City Council establish a Civilian Oversight of Law Enforcement Committee as described in the attached Civilian Oversight of Law Enforcement Committee Worksheet. The work of this Committee will help ensure that investigations into complaints against officers of the Hyattsville City Police Department (HCPD) carried out by the HCPD internal affairs unit are fair, impartial, thorough and that the recommended dispositions are appropriate. This will increase transparency, strengthen relations between the HCPD and the community, and support continuous improvement of the agency.

Sponsors: Schaible, Peabody, Solomon, McClellan, Croslin and Simasek

Attachments: [Civilian Oversight Committee Worksheet, Final for Council Consideration](#)
[Civilian Oversight, Memo of Support from PPSAC](#)

Council Vice President Schaible introduced the proposal for a Civilian Oversight Committee and provided background on the motion, and the collaborative process by which the motion had been brought forth. He also noted that the Council had heard the feedback during public comment and that there was time to address concerns on the motion. Council Vice President Schaible highlighted other similar committees which had been created and the potential benefits to the community.

Council President Croslin inquired how the City's committee would interact with the oversight committee enacted by the County and State.

Council Vice President Schaible acknowledged the reform measures occurring at the State and County level, noting they were in various stages of readiness. He advocated for the City to retain local oversight and find ways to work with the State and County and establish parameters for interaction.

Council President Croslin inquired how investigatory information may be passed along to the committee, noting that the material may be required to be routed through the State or County first.

Councilmember Solomon said the committee was not set up to be investigatory and acknowledged that it was likely that investigations would be procedurally required to be sent initially to the State or County.

Councilmember Sandino asked what enforcement mechanisms would be available to the committee. He noted that the committee may be able to handle independent complaints from residents. He also spoke to the need for balancing finding reports to ensure they came directly from the committee. Councilmember Sandino additionally advocated for lowering the age requirement for membership on the committee to 18.

Council Vice President Schaible responded to the question regarding enforcement mechanisms, noting that the Chief of Police would be required to weigh the committee's findings equally with any findings from an internal affairs investigation. He also noted the soft power of transparency and increased accountability. Regarding the proposal for independent complaints coming directly to the committee, Council Vice President Schaible said that while the committee may meet in closed session at times, it would be subject to the Open Meetings Act law and the proceedings would be largely public providing one venue for direct interaction. Regarding the findings letter, he acknowledged that the motion makers would need to review the proposed process, consider the public feedback and internal

operational needs, and make changes as appropriate. He also spoke to the need for timely findings by the oversight committee. In regard to the age limit, he indicated a willingness to review the proposal and make changes to the age requirement. He noted that the proposed age limit of 21 came from discussions with the Police and Public Safety Advisory Committee and was an effort to align with the age requirement to serve as a police officer.

Councilmember Solomon said he believed the strongest enforcement mechanism of the committee may be their accountability to the City Council.

Councilmember Simasek noted limitations of the committee, stating that the committee would not receive matters for criminal investigation and that the Chief of Police would retain authority to make determination on potential personnel actions. He acknowledged the concerns regarding the independence of the committee but said it was also important to recognize that the committee will need to work with the police department particularly to provide clarity in cases which may involve police general orders. He advocated for including the scope of the committee the ability of the committee to hear whistleblower complaints from officers. Councilmember Simasek also expressed concern for ensuring personal information be redacted from investigatory reports to protect witnesses or victims.

Councilmember Waszczak advocated for including the City's Race and Equity Task Force in the motion as a consulting body and for the inclusion of an advising expert on racial justice on the committee. She also suggested that the City's Equity Officer could be assigned as the staff liaison. On the committee worksheet, Councilmember Waszczak recommended including the requirement of disclosure of potential conflict of interests. She also asked for clarification of the role of the proposed committee in making policy recommendations to the police department.

Council President Croslin inquired about how the committee would work within the requirements of the Open Meetings Act while handling confidential materials, the term for committee members, and what type of cases would come before the committee. He made recommendations for ensuring balance during the appointment process, and suggested the Council reconsider the provision for membership to not include individuals who worked in law enforcement or had immediate family members who worked in law enforcement.

Council Vice President Schaible responded that the committee would work with staff and the City Attorney to ensure compliance with the Open Meetings Act when holding closed sessions. He said the committee would deal with external complaints regarding the police department and noted that longer terms were initially conceived due to the required time investment in training committee members but there was flexibility for Council to make changes. Regarding the provision for membership to not include individuals who worked in law enforcement or immediate family members was that the intent was to remove potential bias issues but there was also flexibility to consider making changes to the membership requirements.

Councilmember Denes said he was in support of four year terms for committee members given the investment in training from the City. He asked if any thought had been given to providing compensation to committee members.

Council Vice President Schaible said he was supportive of considering compensation for committee members and wondered about how the City would balance prioritizing the compensation of one committee over another while preserving the volunteer nature of city committees.

Council President Croslin inquired about the process by which the motion was drafted. Council Vice President Schaible said an informal police reform group was formed with five (5) councilmembers to discuss the proposal along with other possible police reforms. Council President Croslin advocated for additional collaboration on the motion to include input from Chief Towers.

Councilmember Haba said he was supportive of lowering the age for participation on the committee to 18. He asked for clarification on the process and timeline by which the committee would receive investigatory materials and a findings memo from internal affairs. Council Vice President Schaible said he believed the materials would be provided at the same time, when internal affairs findings were complete. Councilmember Haba expressed concern that if the committee's review was based on the findings from internal affairs, and the lack of investigative authority for the committee may limit their independent evaluation. Council Vice President Schaible noted the difficult task of balancing the committee to suit the needs of the City. He also noted that the review boards at the County level would be empowered with investigative authority. Councilmember Simasek said he thought the committee could serve as a quality check of the internal process as well as identifying gaps in information or opportunities for policy changes. Councilmember Haba experienced technical difficulties and exited the meeting.

There was a brief discussion regarding how the committee's findings would be defined and if there were opportunities for edits in the motion to provide clarity to the process.

Chief Towers thanked Council for the proposal and robust discussion. He asked that the Council consider the complexities and often lengthy timeline of investigations particularly when outside or independent agencies were involved.

12. Council Dialogue (8:50 p.m. - 9:00 p.m.)

12. Motion to Adjourn

The meeting was adjourned at 11:27 p.m.

A motion was made by Council President Croslin, seconded by Councilmember Sandino, that this meeting be adjourned. The motion carried by the following vote:

Aye: Ward, Croslin, Schaible, Denes, Waszczak, Simasek, McClellan, Peabody, Solomon, and Sandino

Absent: Haba