

City of Hyattsville

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



Agenda Regular Meeting

Register in advance for this webinar:

https://zoom.us/webinar/register/WN_xTisLCwHRdWU2DTVyl6Oew

Monday, December 21, 2020

6:00 PM

Virtual

City Council

Mayor Candace B. Hollingsworth
Kevin Ward, Council President, Ward 1
Carrianna Suiter, Council Vice President, Ward 3
Bart Lawrence, Ward 1
Robert S. Croslin, Ward 2
Danny Schaible, Ward 2
Ben Simasek, Ward 3
Edouard Haba, Ward 4
Daniel Peabody, Ward 4
Joseph Solomon, Ward 5
Erica Spell Wolf, 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.

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 submit an Audience Participation Form to the City Clerk prior to the beginning of the meeting. Matters identified during Public Comment that are not on that meeting's agenda will be referred to staff for follow-up or considered on a future agenda. Issues that require a response will be addressed publicly at the next regular Council meeting. Speakers are requested to keep their comments to no more than two (2) minutes per speaker. Written comments or supporting documents may be turned in to the City Clerk for distribution to the Mayor and Council.

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, December 21, 2020 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:

Public comment may be made using the e-comment feature at www.hyattsville.org/meetings or by emailing cityclerk@hyattsville.org. All electronic comments must be submitted by 4 PM on December 21, 2020. Comments received will be read by City staff during the public comment portion of the meeting.

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

https://zoom.us/webinar/register/WN_xTisLCwHRdWU2DTVyl6Oew

- 1. Call to Order and Council Roll Call**
- 2. Pledge of Allegiance to the Flag**
- 3. Approval of Agenda**
- 4. Motion to Close (6:10 p.m. - 7:10 p.m.)**

4.a) Motion to Close[**HCC-179-FY21**](#)

I move the Mayor and Council close the Council Meeting of December 21, 2020 to consult with the City Attorney and staff about litigation. The reasons for closing the meeting under these exceptions are to maintain legally required confidentiality regarding ongoing and pending litigation.

This session will be closed under the authority of the Annotated Code of Maryland State Government General Provisions Article Section 3-305 (b)(8) consult with staff, consultants, or other individuals about pending or potential litigation.

Sponsors: City Administrator

Department: City Clerk

- 5. Approval of the Minutes**

5.a) Approval of the Minutes [HCC-178-FY21](#)

I move that the Mayor and Council approve the minutes of the Council Meeting of December 7, 2020.

Sponsors: City Administrator

Attachments: [Minutes Dec 7, 2020 CM FINAL](#)

6. Public Comment (7:10 p.m. – 7:20 p.m.) Complete Speaker Card, Limit 2 minutes per speaker**7. Workshop (7:20 p.m. - 8:50 p.m.)****7.a) Affordable Housing Action Plan: Phase II [HCC-170-FY21](#)**

Presentation Only

Sponsors: City Administrator

Department: Community & Economic Development

Attachments: [Hyattsville City Council Workshop Part 3 v2](#)
[Hyattsville Council Workshop Part3 Background Memo 121520 cln](#)

8. City Administrator Update (8:50 p.m. - 9:00 p.m.)**9. Presentations (9:00 p.m. - 9:20 p.m.)****9.a) Federalist Pig Restaurant - Detailed Site Plan (DSP-19072) Presentation [HCC-172-FY21](#)**

Presentation Only

Sponsors: City Administrator

Department: Community & Economic Development

Attachments: [Memo - Federalist Pig - 12.21.20 - Final](#)
[Federalist Pig Reference Documents 12.21.20](#)

10. Appointments (9:20 p.m. - 9:25 p.m.)

10.a) Appointment to the Ethics Commission[HCC-177-FY21](#)

I move that the Mayor, with Council approval, appoint Michael Horlick (Ward 2) to the Ethics Commission for a term of three (3) years to begin on January 4, 2021 and expire on January 4, 2024.

Sponsors: Hollingsworth

Attachments: [Ethics Commission Michael Horlick Application redacted](#)

11. Consent Items (9:25 p.m. - 9:30 p.m.)**11.a) DPW New Facility Project - Parking Lot Paving**[HCC-163-FY21](#)

I move that the Mayor and Council authorize an expenditure not to exceed \$33,000 to Keller Construction Management to complete the paving restoration of the Department of Public Works (DPW) facility.

Sponsors: City Administrator

Department: Public Works

Attachments: [Mill & Overlay Proposal](#)

11.b) Approval of Election Equipment Vendor for Election 2021[HCC-164-FY21](#)

I move that the Mayor and Council approve the recommendation of the Board of Supervisors of Elections to select Election Systems and Software (ES&S) to be the City's election equipment vendor for the Biennial Election to be held on Tuesday, May 11, 2021 and to authorize the City Administrator to execute a contract in an amount not to exceed \$13,000, upon the review and approval by the City Attorney for legal sufficiency.

Sponsors: City Administrator

Department: City Clerk

Attachments: [ESS Quote Hyattsville Election 2021](#)

11.c) Council of Governments Policy Committee Appointments [HCC-166-FY21](#)

I move that the Mayor and Council make the following appointments to the Council of Governments (COG) Policy Committees for a term of one-year, beginning on January 1, 2021:

- Region Forward Coalition: Interim Mayor Kevin Ward, with staff alternate Jim Chandler
- Human Services & Public Safety Policy Committee: Interim Mayor Kevin Ward, with staff alternate Acting Police Chief Scott Dunklee and Marci LeFevre
- Climate Energy & Environment Policy Committee: Interim Mayor Kevin Ward, with staff alternate Lesley Riddle
- Chesapeake Bay & Water Resources Policy Committee: Interim Mayor Kevin Ward, with staff alternate Lesley Riddle

Sponsors: City Administrator

Department: City Clerk

Attachments: [MWCOG Policy Committees](#)

11.d) MOU with Maryland Department of the Environment for Funding from the Volkswagen Environmental Mitigation Trust [HCC-168-FY21](#)

I move that the Mayor and Council authorize the City Administrator to enter into a grant agreement with the Maryland Department of the Environment for Funding from the Volkswagen Environmental Mitigation Trust for the purchase of an all-electric 14 passenger bus, upon the review and approval of the City Attorney for legal sufficiency.

Sponsors: City Administrator

Attachments: [Hyattsville MOU](#)
[2021 Ford E450 Electrified Challenger Proposal \(1\)](#)

11.e) Distribution Agreement with Capital Area Food Bank [HCC-173-FY21](#)

I move that the Mayor and Council authorize the City Administrator to enter into an agreement with the Capital Area Food Bank for the weekly receipt and distribution of non-perishable food boxes through March 2021, upon the review and approval of the City Attorney for legal sufficiency, in support of the City's efforts to provide food to families in need during COVID-19.

Sponsors: City Administrator

Attachments: [Distribution Agreement Final COVID-19 January 2021-March2021](#)

11.f) Hyattsville Ordinance 2020-07: Processing of Vote-by-Mail Ballots [HCC-175-FY21](#)

I move the Mayor and Council adopt Hyattsville Ordinance 2020-07, an ordinance whereby the City Council amends Section 8-4, Article V, Chapter 8 of the Hyattsville Code to change the time for which the Board may begin to process ballots received before the closing of the polls on Election Day in an election that is conducted primarily by mail (SECOND READING & ADOPTION).

Sponsors: City Administrator

Department: City Clerk

Attachments: [HO 2020-07_VBM - Processing Ballots 15 Days Prior](#)

11.g) Schedule Public Hearing for Hyattsville Charter Amendment Resolution 2021-01: Adjusting Date for Close of Candidate Registration [HCC-176-FY21](#)

I move the Mayor and Council schedule a Public Hearing on Tuesday, January 19 at 7:00 PM for Hyattsville Charter Amendment Resolution 2021-01, a resolution amending Article II of the City of Hyattsville's Charter to adjust the date for the close of candidate registration to accommodate the required timeframe necessary to print and mail ballots to all registered voters.

Sponsors: City Administrator

Department: City Clerk

12. Action Items (9:30 p.m. - 9:50 p.m.)**12.a) FY2021 Legislative Item - Parking Schedule Maximum Fine Modification** [HCC-162-FY21](#)

I move that the Mayor and Council restrict the maximum fine for nonpayment of parking violations to no more than one and a half (1.5) times the value of the original fine after thirty (30) days of nonpayment. I further move that the Mayor and Council authorize the City Administrator or her designee to negotiate amendments to any agreements impacted by this adjustment provided that such negotiations do not modify the existing base fee/fine schedule.

Sponsors: Hollingsworth

Department: Community & Economic Development

Attachments: [Chapter 114 Vehicles and Traffic](#)
[Memo - FY2021 Legislative Item – Parking Schedule Maximum Fine Modification](#)

13. Discussion Items (9:50 p.m. - 10:10 p.m.)

13.a) Multi-Family Property Improvement Program[HCC-174-FY21](#)

I move that the Mayor and Council authorize the City Administrator (or her designee) and the City Attorney to draft an ordinance to create the Multifamily Improvement Rebate Program. The ordinance shall provide for the following:

- Offering a rebate of \$1 for every \$2 invested in critical multifamily upgrades and improvements that increase energy efficiency, remediate environmental toxins, improve air quality and circulation, and/or increase reliability of heating and cooling systems, up to \$50,000.
- The Mayor and Council to authorize the cumulative award ceiling for each fiscal year.
- Prioritization for funding of multifamily properties designated affordable and/or for senior and disabled residents.
- Eligibility limited to multifamily buildings of more than four (4) units.
- Rebate to begin upon commencement of improvement project.

Sponsors: Hollingsworth

Department: Legislative

Attachments: [Memo - MF Property Improvement Program](#)

14. Council Dialogue (10:10 p.m. - 10:20 p.m.)**15. Community Notices and Meetings****15.a) Main City Calendar December 22, 2020 - January 4, 2021**[HCC-171-FY21](#)

N/A

Sponsors: City Administrator

Attachments: [Main City Calendar Dec 22 2020 - Jan 4 2021 FINAL](#)

16. Motion to Adjourn



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Agenda Item Report

File #: HCC-179-FY21

12/21/2020

4.a)

Submitted by: Laura Reams
Submitting Department: City Clerk
Agenda Section: Motion to Close

Item Title:
Motion to Close

Suggested Action:

I move the Mayor and Council close the Council Meeting of December 21, 2020 to consult with the City Attorney and staff about litigation. The reasons for closing the meeting under these exceptions are to maintain legally required confidentiality regarding ongoing and pending litigation.

This session will be closed under the authority of the Annotated Code of Maryland State Government General Provisions Article Section 3-305 (b)(8) consult with staff, consultants, or other individuals about pending or potential litigation.

Summary Background:

N/A

Next Steps:

N/A

Fiscal Impact:

N/A

City Administrator Comments:

Recommend support.

Community Engagement:

N/A

Strategic Goals:

Goal 2 - Ensure the Long-Term Economic Viability of the City

Legal Review Required?

Complete



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Agenda Item Report

File #: HCC-178-FY21

12/21/2020

5.a)

Submitted by: Corcoran
Submitting Department: City Clerk
Agenda Section: Approval of the Minutes

Item Title:
Approval of the Minutes

Suggested Action:
I move that the Mayor and Council approve the minutes of the Council Meeting of December 7, 2020.

Summary Background:
Action summaries for Council meetings are posted to the City website within 48 hours of the meeting. Please see attached minutes

Next Steps:
Upon approval, approved minutes will be posted on the City's website.

Fiscal Impact:
N/A

City Administrator Comments:
Recommend approval.

Community Engagement:
Minutes are posted to the City website.

Strategic Goals:
Goal 1 - Ensure Transparent and Accessible Governance

Legal Review Required?
N/A



REGULAR MEETING OF THE CITY COUNCIL, HYATTSVILLE MD MONDAY, DECEMBER 7, 2020 7:00 PM

Candace Hollingsworth, Mayor
Kevin Ward, W1, Council President
Bart Lawrence, W1
Robert Croslin, W2
Danny Schaible, W2
Ben Simasek, W3
Edouard Haba, W4
Daniel Peabody, W4
Joseph A. Solomon, W5 (*departed at 9:19 p.m.*)
Erica Spell Wolf, W5

Absent: Carrianna Suiter, W3, Council Vice President

Also present were the following City staff members:

Tracey Douglas, City Administrator
Jim Chandler, Assistant City Administrator
Ron Brooks, City Treasurer
Deputy Chief Scott Dunklee, City of Hyattsville Police Department
Lesley Riddle, Director of Public Works
Laura Reams, City Clerk
Sean Corcoran, Deputy City Clerk
Cheri Everhart, Recreation, Programs, and Events Manager
Gary Bullis, Parking Enforcement Manager

MEETING NOTICE:

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

PUBLIC PARTICIPATION:

Public Comment may be made using the e-comment feature at hyattsville.org/meetings or emailing cityclerk@hyattsville.org. All electronic comments must be submitted by 5 PM on December 7, 2020. Comments received will be read by City staff during the public comment portion of the meeting.

Members of the public who wish to attend the virtual council meeting must register in advance using the link below.

Register in advance for this webinar:

https://zoom.us/webinar/register/WN_r2QkxXQ3QEWtgbpstpzQ

1. Call to Order and Council Roll Call

Mayor Candace Hollingsworth called the meeting to order at 7:06 p.m.



**REGULAR MEETING OF THE CITY COUNCIL, HYATTSVILLE MD
MONDAY, DECEMBER 7, 2020 7:00 PM**

2. Pledge of Allegiance to the Flag

3. Approval of Agenda

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Ward
SECONDER:	Solomon
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-158-FY21](#)

Sponsor: At the Request of the City Administrator

Co-Sponsor(s): N/A

[Minutes Nov 16, 2020 PH FINAL](#)

[Minutes Nov 16, 2020 CM FINAL](#)

I move that the Mayor and Council approve the minutes of the Public Hearing and Council Meeting of November 16, 2020.

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

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

City Clerk Laura Reams read the public comments submitted electronically.

Ward 1 resident Chris Niebling addressed the Mayor and Council expressing support for the Animal Welfare and Community Safety Act but noted discontent for the definition of “Public Threat Category 1” as it was written because he felt that it should be more specific as not to leave an opportunity for bias among involved parties.

Ward 3 resident Chuck Perry addressed the Mayor and Council expressing agreement with the comments of Mr. Liebling and added that the definition of “excessive barking” should be more specific and that barking can be caused by many things including modified car exhaust systems which he was supporting of prohibiting in the City of Hyattsville.



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Ward 1 resident Maureen Ritz addressed the Mayor and Council in support of the Animal Welfare and Community Safety Act relaying several potentially dangerous instances involving animals and pets within the City. She stated that she did not feel an adequate system was in place and no specific authority existed to assist in resolving issues regarding dangerous animal situations and that such a mechanism was greatly needed.

Ward 2 resident David Marshall addressed the Mayor and Council through the Q&A function of the virtual meeting expressing opposition to the Animal Welfare and Community Safety Act stating that he felt that it would cause animosity among neighbors. He expressed his opposition to the Vote-by-Mail (VBM) initiative, thanked the outgoing Chief of Police Amal Awad for her service to the City, and offered his wishes for the recovery of Hyattsville staff who were personally suffering from the COVID-19 virus.

6. City Administrator Update (7:20 p.m. - 7:35 p.m.)

City Administrator Tracey Douglas addressed the Mayor and Council with updates regarding events and programming within the City beginning her comments by thanking all who reached out with well wishes regarding City staff who were contending with the Coronavirus.

Administrator Douglas introduced the City of Hyattsville's new Parking Compliance Supervisor Gary Bullis who would be working under the Community and Economic Development (CED) Department. She relayed that Mr. Bullis had more than 20 years of experience in the profession and was a welcome addition to the City's team.

Ms. Douglas addressed the departure of Chief of Police Amal Awad announcing that she would be resigning her position on December 16, 2020 to become the new Chief of Police for Anne Arundel County. Ms. Douglas stated that Chief Awad was a respected and valued part of the community and expressed her gratitude for her recruitment and retention of officers in which she developed a team reflective of the demographics in the community which gave an increase of 20% representation of minority officers for the law enforcement department. Ms. Douglas explained that Deputy Chief Scott Dunklee would serve as the interim Chief until a new Chief was selected expectedly in late February to early March 2021.

Ms. Douglas announced the departure of Ellarose Preston who served as the executive assistant to the City Administrator for 13 years and in that time had earned her master's degree in Integrated Health and Wellness and helped develop the Healthy Eating Active Living (HEAL) program in which the City was the first to be awarded platinum status by Kaiser Permanente in the State of Maryland. She added that Ms. Preston compelled several policies, oversaw the City's farmer's market, and assisted in multiple events and would be returning to her hometown of Detroit, MI.

City Administrator Douglas announced the implementation of a new holiday program in which children received a phone call from Santa and Mrs. Claus to make sure they were behaving and exciting young people in preparation of the holidays. She recognized the efforts of Cheri Everhart and Hyattsville Aging in Place (HAP) in establishing the program.



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Ms. Douglas recognized the teen programming team for continuing to come up with creative alternatives for the City's youth to time spent on a computer or mobile device. She described that the team was making craft and activity bags available for pickup in which an entire family could participate. She also noted that the Claus Applause decorating competition application was available.

Ms. Douglas reported on the activity of the Communications team stating that the department had released a survey to collect resident feedback to improve outreach methods and methods to keep residents informed. She announced that the Mayor would host a tree lighting in honor of the holiday season the following Friday and made mention of the Shop Local initiative. She supplemented that the City building was closed to the public, but work continued as staff and programming were still readily available.

Ms. Douglas presented pictures of the new Department of Public Works (DPW) building stating that progress was being made and with permits pending, she expected the department to be moved into the new facility after the holiday season. She anticipated creating a display for viewing by residents as well as a ribbon cutting ceremony to commemorate the event.

City Administrator Douglas remarked about the temporary delay of leaf pickup and thanked all who helped their neighbors collect yard waste during the delay. Ms. Douglas explained that leaf and debris was building up over storm drains and that the City would be working with contractors to remove the remainder of leaves, branches, and other removable natural waste. She announced that Hyattsville had been selected by the Department of Environment and the Keep Prince George's Beautiful Plan as the winner of the Waste and Recycling award for Prince George's County.

Ms. Douglas spoke about continuing police training, specifically Integrating Communications, Assessment, and Tactics (ICAT) training referencing an all-day training session the previous week in which the trainees encountered an individual with mental illness the next day. She stated that, using the training that was recently provided, the officers were able to calm the subject more than once from a manic and threatening state. The City Administrator expressed that she was very proud of the team's handling of the situation.

She reported that the City had received grant funding for the purchase of a 14-seat electric bus that would be incorporated for teen and senior programming when the City resumes normal operating procedures.

Ms. Douglas reported that the COVID-19 testing site continued to serve residents with about 300 tests each Monday, Thursday, and Saturday and the response was so great they had to start turning people away as early as 11:00 a.m. because they would not be seen before the close of the testing site at 3:00 p.m. She commended Emergency Operations Manager Reggie Bagley for his management of the testing site and relayed that he was in the process of securing funds for the reimbursement of funds spent for keeping the site up and functional and that further funding requests would be made for reimbursement in other areas. Ms. Douglas noted that more information would be available regarding food distributions and reiterated her appreciation for the generous donation from Dick Patterson to provide turkeys to needy families for the holidays.



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Administrator Douglas closed her update by announcing that the metro station known as PG Plaza was being rebranded to Hyattsville Crossing or HVX. She recalled the work that had taken place in prior years to accomplish the name change and expressed the satisfaction of the entire staff in its successful transition. She noted that the change should be implemented in Summer 2021.

7. **Treasurer Update (7:35 p.m. - 7:40 p.m.)**

City Treasurer Ron Brooks addressed the Mayor and Council with an update of the City's financial position stating that the Fiscal Year 2019 (FY19) audit had been completed and signed and he expected to complete the audit before the preferred deadline of December 31, 2020. Mr. Brooks reported that productive discussions had been held regarding the Management Discussion and Analysis (MD&A) and the financial statements, but concerns remained regarding revenues.

Treasurer Brooks reported that delayed property taxes had been accounted and they were higher than expected and were on par with the amounts of the previous year. He noted that operating taxes were behind the regular schedule with an expectation of receiving the funds in their entirety by the end of the third quarter of FY21.

Mr. Brooks reiterated that he was watching revenues very closely projecting income taxes amounting to about \$300K below average and the aggregate amounting to approximately \$550K below average. He stated that the calculated revenues would give a better picture of the City's financial position going forward and would determine budget balancing for the coming months.

Council President Kevin Ward asked how the City's percentages compared with other municipalities to which Treasurer Brooks responded that he could not speak for other municipalities but reiterated that the property tax was strong and higher than expected, income tax was level with the previous year, but cautioned that activity of the third and fourth quarters would provide a better idea of the financial perspective. He offered to research nearby areas to provide a detailed answer to the Council President.

8. **Proclamations (7:35 p.m. - 7:40 p.m.)**

8.a) Proclamation Honoring Hyattsville Chief of Police Amal Awad

[HCC-155-FY21](#)

Sponsor: At the Request of the City Administrator

Co-Sponsor(s): N/A

[Chief Amal Awad 2020](#)

I move that the Mayor and Council adopt a proclamation recognizing the accomplishments and leadership of Chief Amal Awad.



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

9. Consent Items (7:40 p.m. - 7:45 p.m.)

9.a) FY21 Budget Appropriation: MNCPPC Grant for Recreation Activities

[HCC-151-FY21](#)

Sponsor: At the Request of the City Administrator

Co-Sponsor(s): N/A

[FY21 Project Charge Contract - 410008 City of Hyattsville - \\$19000 \(1\)](#)

I move that the Mayor and Council amend the FY21 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.b) Memorandum of Understanding with the Metropolitan Police Department of Washington D.C.

[HCC-152-FY21](#)

Sponsor: At the Request of the City Administrator

Co-Sponsor(s): N/A

[MPDC MOU 20201203](#)

I move that the Mayor and Council authorize the City Administrator to enter into a Memorandum of Understanding (MOU) with the Metropolitan Police Department of Washington DC (MPD) to fund overtime costs to provide police and/or traffic support during the inauguration.

9.c) Hyattsville Charter Amendment Resolution 2020-01: Election Day, Certification of Election, and Council Organizational Meeting (Introduction & Adoption)

[HCC-153-FY21](#)

Sponsor: At the Request of the City Administrator

Co-Sponsor(s): N/A

[Charter Resolution - Changing Day of Election 10.14.20](#)

[Election Presentation - Nov 16](#)

I move that the Mayor and Council adopt Hyattsville Charter Amendment Resolution 2020-01, a Resolution amending Article II of the City of Hyattsville’s Charter to alter the day when the newly elected Mayor and Council take office and alter the day of the Mayor and Council’s organizational meeting; amending Article IV of the City’s Charter to alter Election Day, change the time by which certification of the Election must take place, and include related clarifying language (INTRODUCTION & ADOPTION).



REGULAR MEETING OF THE CITY COUNCIL, HYATTSVILLE MD
MONDAY, DECEMBER 7, 2020 7:00 PM

9.d) Hyattsville Resolution 2020-09: Designating the 2021 City Election as a Vote-by-Mail Election

[HCC-154-FY21](#)

Sponsor: At the Request of the City Administrator

Co-Sponsor(s): N/A

[Resolution - Vote by Mail 11.10.20](#)

[Election Presentation - Nov 16](#)

I move that the Mayor and Council introduce and adopt Hyattsville Resolution 2020-09, a Resolution whereby the City Council declares the City’s 2021 election to be a Vote-by-Mail election (INTRODUCTION & ADOPTION).

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

10. Action Items (7:45 p.m. - 7:55 p.m.)

10.a) Hyattsville Ordinance 2020-07: Processing of Vote-by-Mail Ballots

[HCC-159-FY21](#)

Sponsor: At the Request of the City Administrator

Co-Sponsor(s): N/A

[HO 2020-07 VBM - Processing Ballots 15 Days Prior](#)

I move the Mayor and Council introduce Hyattsville Ordinance 2020-07, an ordinance whereby the City Council amends Section 8-4, Article V, Chapter 8 of the Hyattsville Code to change the time for which the Board may begin to process ballots received before the closing of the polls on Election Day in an election that is conducted primarily by mail (INTRODUCTION).

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

11. Discussion Items (7:55 p.m. - 9:20 p.m.)

11.a) Hyattsville Shade Tree Board Writing Contest

[HCC-160-FY21](#)

Sponsor: Croslin

Co-Sponsor(s): Ward, Simasek



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I move that the Mayor and Council approve the use of ~~\$950~~ \$1,100 to support the Shade Tree Board's efforts to celebrate the 135th anniversary of the founding of Hyattsville with a writing contest, a physical artistic expression in accordance with the contest, and the Heritage Tree program.

Ward 2 Councilmember Robert Croslin introduced the item explaining that he had been in discussions with members of the Hyattsville Shade Tree Board and they proposed a writing contest for the City's youth in honor of the 135th Anniversary of the founding of Hyattsville. He described that theme of the essay would be written from the point of view of the City's trees recalling what they have seen in their lifetime and their assessment of current events and would be coupled with an initiative to identify trees that were present 135 years prior and provide a commemorative plaque to be affixed to the tree for display.

Secretary of the Hyattsville Shade Tree Board Tyler Johnson addressed the Mayor and Council stating that he proposed the idea, reiterated the details, and announced that the contest would be held during March and April to overlap with the City's anniversary.

Mayor Hollingsworth asked whether staff had the opportunity to review the item to which Director of DPW Lesley Riddle responded that staff were in support of the item and agreed that it was a worthwhile pursuit.

Ward 2 Councilmember Danny Schaible inquired as to the method in which each tree's age would be assessed to which Mr. Johnson replied that residents would be supplied with a chart that would identify the genus of the tree and measure the circumference after which members of DPW, including the City's arborist Dawn Taft, would go to the site and make a final determination whether the tree qualifies as being 135 years old or more. He stated that a core sample was not an option as it would damage trees.

Ward 4 Councilmember Daniel Peabody sought clarity regarding the locations of the specific trees to which Ms. Riddle answered that they could be found in every part of the City and that some species, such as cedar, could be rather small but still be over 135 years old. **Councilmember Peabody** asked if any other artistic submissions could be accepted to which all were amenable.

Mayor Hollingsworth polled her peers to identify any reluctance to pass the item that evening to which there was no opposition. The motion was read into the record by **Council President Ward**, seconded by **Ward 5 Councilmember Erica Spell Wolf**.

Councilmember Peabody offered an amendment to add a contest for a physical art expression with a prize of \$150 which was seconded by **Councilmember Spell Wolf** and approved unanimously.

Taylor Johnson endorsed **Councilmember Peabody's** addition and invited him to participate in the criteria establishment to which he agreed.



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

11.b) Multi-Family Property Improvement Program

[HCC-161-FY21](#)

Sponsor: At the Request of the City Administrator

Co-Sponsor(s): N/A

[Memo - MF Property Improvement Program](#)

I move that the Mayor and Council authorize the City Administrator (or her designee) and the City Attorney to draft an ordinance to create the Multifamily Improvement Rebate Program. The ordinance shall provide for the following:

- Offering a rebate of \$1 for every \$2 invested in critical multifamily upgrades and improvements that increase energy efficiency, remediate environmental toxins, improve air quality and circulation, and/or increase reliability of heating and cooling systems, up to \$50,000.
- The Mayor and Council to authorize the cumulative award ceiling for each fiscal year.
- Prioritization for funding of multifamily properties designated affordable and/or for senior and disabled residents.
- Eligibility limited to multifamily buildings of more than four (4) units.
- Rebate to begin upon commencement of improvement project.

Mayor Hollingsworth introduced the item describing that the initiative was designed to develop a rebate program for multi-family buildings of four (4) units or more to receive up to \$50K in which the City would contribute \$1 to every \$2 an owner invests in a building that results increased energy efficiency, remediation of toxins, improvement of air quality and improve the reliability and resiliency of heating and cooling systems.

She continued that the Council would establish a limit for the funds each year and they would be required to have priority placed on buildings with senior, disabled, or multi-family residents, or properties designated as affordable. The Mayor proposed the possible inclusion of an ordinance or regulation in which additional expenses could not be passed down to the tenant due to the improvements.

Ward 1 Councilmember Bart Lawrence raised a question regarding minimum standards that were in place for heating, ventilation, and air-conditioning (HVAC) systems to which Assistant City Administrator Jim Chandler addressed by stating that if Code Compliance staff were to discover an issue during an inspection, the owner would be directed to make the repair which was typically carried out by the owner hiring a licensed HVAC professional to make an assessment and provide a report of findings. Mr. Chandler added that, at that point, the City would instruct the owner to



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make any changes mandated by the HVAC technician. He explained that different variables had to be considered when managing a building with a central system or buildings of advanced age.

Councilmember Schaible cited language in the proposal that stated that an HVAC system could be anything that improved the reliability of the system and suggested that there be specific language included that ensured that improvements to the HVAC units emphasized efficiency and sustainability rather than any unspecified improvement.

Councilmember Schaible inquired as to the rationale behind the motion asking what his colleagues had seen that would compel such a motion suggesting the unlikelihood of an owner being unable to make said improvements without financial assistance from the City to which **Mayor Hollingsworth** clarified that the motion focused more on addressing owners that would prefer to continue to expend the least amount possible in order to maintain their facilities and be in compliance rather than make more expensive, substantive improvements that would be sustainable for several years. She noted that the practices at that time regularly resulted in heating and cooling failures that left residents without power or minimal utilities during times of necessity.

Ward 3 Councilmember Ben Simasek requested elaboration on the level of staff burden to assist in developing the program and maintaining it once established to which Assistant City Administrator Chandler recollected that in 2009 to 2010 the City was provided federal funding for energy efficiency in which the funds were used by the City to perform pre and post-assessments of properties followed by the purchase of materials of actual improvement which helped develop a baseline for energy efficiency. Mr. Chandler described that a second important factor was to interpret the scale of the program to determine if City resources would be sufficient.

City Administrator Tracey Douglas supplemented that this would not come to fruition until approximately 2023 and the City would contract with an expert to define criteria and lay out the parameters of the program and how it would be implemented.

Ward 4 Councilmember Edouard Haba made a recommendation to pass the legislation in short order and then delay implementation after restrictions from the health crisis had been lifted to which **Mayor Hollingsworth** agreed and reiterated that Council would return to the item annually and adjust aspects as they deemed fit.

Council President Ward referenced that when individuals retrofit utilities, many times they would qualify for a state or federal rebate and asked if there were any administrative challenges that might arise if the City was also offering financial assistance. He then queried about whether the program would be similar to the Commercial Façade Improvement (CFI) program in which owners could only provide partial funding and the City would review applications to which Mr. Chandler answered that he was not aware of any case in which money received from a municipality would cause a negative effect on a state or federal rebate. Mr. Chandler clarified the differences from CFI where an owner could essentially pick and choose the improvements whereas the proposed program dealt with far-reaching units that would either have to be done in their entirety or not at all.



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Mr. Chandler pointed out that the application cycles would be important because the repairs of an HVAC unit, or the like, would have to be planned months to years in advance and the City would need to be prepared to accept an application and have the ability to fund it much later.

Councilmember Croslin cautioned about abuse of the program speculating that owners could make improvements, discover the opportunity to use municipal funds after the fact, and use those funds instead of their own to make the upgrades or repairs. Mr. Chandler noted that there were no policies or actions to curtail such incidents and that the possibility was seemingly unavoidable.

Ward 5 Councilmember Joseph Solomon inquired as to witnessed instances in which apartment owners were unable to make necessary improvements due to a lack of funds to which **Mayor Hollingsworth** explained that the program was designed with the intention of encouraging or providing incentive to those who consistently delay or ignore necessary improvements.

Councilmember Solomon asked whether any record was kept regarding fines or code violations that would reflect need for improvement or repeated delays and inaction to which Mr. Chandler reiterated the process by which Code Compliance would process improvement needs and stated that he was unable to remember an instance in which an owner refused to make improvements due to a lack of capital funds.

Councilmember Solomon expressed concerns about the abuse of the program in the manner brought forth by **Councilmember Croslin** speculating that the program would be taken advantage of as a regular practice and questioned the need for the initiative and asking if a different approach could be entertained that would provide the same result.

Mayor Hollingsworth explained that City Code Compliance had certain steps that they were required to carry out that did not necessarily mandate the level of improvement she sought to employ and that owners repeatedly addressed the bare minimum required leaving residents to have repeated, consistent, problems. She recognized that some owners could take advantage of the program but relayed that her interest lied more in consideration of residents who were unable to afford an alternative living space and suffered through inadequate, short-lived, repairs every year. **Mayor Hollingsworth** expressed that she did not discount the Body's diverse opinions but wanted to include her perspective and justifications.

Councilmember Peabody expressed that he would support this as an incentive for affordable housing and requested any records or an outline of complaints and requests be provided to gauge the need for the measure to which **Mayor Hollingsworth** responded that the motion was written to prioritize funding of multi-family properties without specific designations of "affordable" in consideration of many units that were not technically categorized as affordable housing but still offered rent levels that were comparable to buildings designated as affordable housing. She suggested designating 60% average median income (AMI) as the threshold for low-income designations to which the Councilmember was amenable.

Councilmember Peabody requested further detail about obtaining records of complaints to which Mr. Chandler replied that records existed for violations and warnings, but they were kept in different ways. He stated that the information would be organized and provided to the Body.



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11.c) FY2021 Legislative Item - Parking Schedule Maximum Fine Modification

[HCC-162-FY21](#)

Sponsor: At the Request of the City Administrator

Co-Sponsor(s): N/A

[Memo - FY2021 Legislative Item – Parking Schedule Maximum Fine Modification](#)
[Chapter 114 Vehicles and Traffic](#)

I move that the Mayor and Council restrict the maximum fine for nonpayment of parking violations to no more than one and a half (1.5) times the value of the original fine after thirty (30) days of nonpayment. I further move that the Mayor and Council authorize the City Administrator or her designee to negotiate amendments to any agreements impacted by this adjustment provided that such negotiations do not modify the existing base fee/fine schedule.

Mayor Hollingsworth introduced the item and Jim Chandler provided details stating that parking violations received an initial penalty that was double the original fine amount after 15 days followed by a quadrupling of the original fine after 30 days.

Councilmember Haba began the discussion by suggesting that instead of doubling the fine after 15 days and doubling the original fine again after 30 days, staff should consider charging 1.5 times the amount of the original fine after 15 days and then doubling the sum of 1.5 times the original amount after 30 days. He explained that the first fine would be lessened and the second would be far more significant, yet the end revenue collected by the City would remain the same.

Parking Enforcement Manager Gary Bullis interjected that the wording of the process should be adjusted to say “application of the original fine” as opposed to “doubling” to which **Councilmember Haba** responded that his concern did not lie with the wording and reiterated his proposal stating that it would provide a greater incentive for the violation to be paid before 30 days, but still have an increase at 15 days.

Assistant City Administrator Chandler explained that since 2014 the City implemented a system that allowed staff to keep better track of parking violations and provide more detail. He stated that staff make an effort to work with those who have difficulty paying citations and removing the doubling fee can allow the City to provide waivers of portions of fines and resolve outstanding payments so that drivers can register vehicles and proceed, in general, without further hindrance.

Councilmember Simasek expressed concerns regarding the funding gap and the possibility of using general funds to subsidize operations and the structure with which the parking enforcement department was staffed to which City Treasurer Ron Brooks confirmed that loss of revenue could result in using money from the general fund to make up the difference and Mr. Chandler outlined that the City contracted for the operating system that they worked with and there were two and a half (2.5) positions in the field and one (1) supervisor. Mr. Chandler noted that the department used automatic license plate readers with the intention of maintaining staff levels rather than hiring additional staff.

Councilmember Schaible noted concern with the time period for payment before the first increase stating that he believed 15 days to be too brief and he would be supportive of increases



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at 30 days and 60 days. He suggested a proposal in which those who are unable to pay or may only have partial payment be given the option to pay their collective fines through volunteering in the City as he believed it would be a segue to more volunteering and would be helpful to the City in alternative ways aside from revenue collection.

Mayor Hollingsworth addressed the Body recognizing that the Parking Enforcement Department functions at a cost and mitigating the issues to serve all parties best provided only a few sound options. She explained that some of the fees could be the result of not paying an initial fee of 75 cents at a cost of as much as \$140 and wanted to ensure that all were aware of what was being asked. The Mayor agreed with the suggestion from **Councilmember Schaible** regarding 30 days for the first penalty acknowledging residents who live paycheck to paycheck and need all of their money to conduct day-to-day functions.

Councilmember Solomon expressed support for extending the deadline for the first penalty and asked if the City's fines were tied to any court summons to which Mr. Chandler answered that it was to the discretion of Prince George's County and, typically, the county allowed for 60 to 90 days before payment enforcement.

Councilmember Solomon asked why the fees would increase at the increments they were if the tickets are managed by a third party and why increased fees would be required to which Mr. Bullis answered that many of the time frames for violation payment were similar throughout the area due to the fact that the process returned results. He continued that the first 15 days after a violation is also the time allowed to request a court case to contest the citation.

Councilmember Solomon inquired as to the percentage of nonpayment within the first 15 days to which Mr. Chandler relayed that approximately one-third (1/3) would pay between days one (1) and 12; approximately 2400 would be paid on days 13 to 15; and that only 713 citations were paid between days 28 and 30. Mr. Chandler explained that violations outside of those payments moved to collections or to the court system.

Councilmember Solomon expressed dissatisfaction with the process stating that he understood that the department would need to continue to be financed but that some of the parameters of the system should be changed and that a middle ground should be sought to lessen the burden on residents while still providing enough revenue and funding to sustain the department. He emphasized the need to identify specifics regarding a new system and the impact it would have on the parking enforcement department before the Council could make a sound decision on the item.

Mr. Chandler reported that he and the Treasurer held discussions concerning the measure stating that the parking department only gained revenue through meter charges and citations and if they wanted to assess how to conduct the changes while keeping services as they are, they would need to reassess different fee amounts for meters.

Councilmember Solomon expressed his content with taking small steps in the process to determine a parking scheduling fee and subjecting it to change each following month to assess the impact on the budget and identify any revenue or policy gaps.



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City Administrator Tracey Douglas contributed that it was not the City's intention to burden residents or visitors, but a public safety issue remained and there were other alternatives to be researched and reviewed that would be presented to Councilmembers as they had been deemed a possibility for implementation in the City.

Councilmember Haba confirmed that the first penalty is received in 15 days and doubled the original fee and suggested that he would be supportive of changing the timeline to 30 days to curtail the cases in which residents receive a fine when they may have not seen the initial ticket. He stated that it would be a more manageable method and confirmed that there was no administrative fee added.

11.d) Animal Welfare and Community Safety Act **[HCC-157-FY21](#)**

Sponsor: At the Request of the City Administrator

Co-Sponsor(s): N/A

[Animal Welfare and Community Safety Act Overview - Staff Comments, DS Response Charter and Code March 2019 Ch 52](#)

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 include the following:

Definitions

"Bite"

A puncture or tear of the skin.

"City Agent"

City of Hyattsville person or persons responsible for implementing and responding to animal control regulations contained in Chapter 52.

Dangerous Animal"

A "Dangerous Animal" is a designation given by Prince Georges County Animal Services Division for animals who have a history of aggressive behavior.

"Dangerous Animals" have restrictions placed upon them by the County, which can include a confinement order.

"PGCASD"

Prince George's County Animal Services Division

"Public Nuisance Category 1"

"Public Nuisance Category 1" violations include excessive, continuous, or untimely barking, howling, or making of other noises, and defecating on property other than that of the owner without the defecation being cleaned up immediately.

"Public Nuisance Category 2"

"Public Nuisance Category 2" violations occur when a dog is off leash in public spaces or trespassing on private property.

"Public Threat Category 1"

"Public Threat Category 1" violations occur when an animal without provocation engages in threatening and menacing behaviors including growling, charging at, and snapping at humans or animals.



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“Public Threat Category 2”

“Public Threat Category 2” violations occur when an animal without provocation (i) inflicts injury on a human on private or public property; (ii) kills, “bites”, or attacks an animal.

“Protocol” (also called “Standard Response Protocol”)

Tool developed by City to guide appropriate responses in implementing and responding to animal control regulations contained in Chapter 52.

“Severe Weather”

Severe weather is temperatures below 40 and above 90 degrees Fahrenheit.

“Tethering”

Attaching a dog to a stationary object or pulley run by means of a chain, rope, tether, cable, or similar restraint. Tethering does not include the use of a leash to walk a dog.

City Code Chapter 52 Implementation

Unless and until the City of Hyattsville hires a dedicated Animal Warden, The City shall designate a City Agent or City Agents for municipal implementation of Chapter 52, including amendments to Chapter 52 specified in this Motion. Possible City Agent(s) include staff from the Hyattsville Police Department or Office of Code Compliance.

The City shall, on its website, specify who the City Agent(s) are and how to contact them. This shall occur within 60 days of the passage of this motion.

Animal Welfare

Chapter 52 shall be amended to include:

*** Tethering of Dogs - Restrictions on**

Animal behaviorists have warned that unattended tethered dogs are a risk to themselves and to communities. (See Definitions for “tethering.”) Long-term tethered dogs can become stressed, territorial, and aggressive. They can also engage in self-harming behavior.

Unattended tethering of a dog longer than one cumulative hour in a 24-hour period is prohibited.

Tethering during severe weather (temperatures below 40 and above 90 degrees) is prohibited. (See Definitions.)

***Severe Weather - Restrictions on Exposure to**

Many jurisdictions are recognizing the danger to companion animals by protracted exposure to severe weather and are creating laws to improve animal welfare requirements.



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Severe weather restrictions shall include a prohibition on leaving an animal outdoors without human accompaniment or adequate shelter for more than 15 minutes during periods of severe weather (temperatures below 40 and above 90 degrees).

Violations of the severe weather ordinance shall receive a written warning for the first violation and require a **mandatory** citation for subsequent violations by the City to the owner, pursuant to Section 9 of Code Chapter 52.

Animal Behavior

Current Code labels as “Public Nuisance” behavior a series of behaviors that range from barking to severe damage to people. The code shall be amended to include two categories of behavior: “Public Nuisance” and “Public Threat” behaviors.

A. Public Nuisance

Pet owners shall provide effective care and control of their animals to prevent them from becoming a “Public Nuisance”.

Depending on severity of the violation, “Public Nuisance” infractions are divided into two categories: Category 1 and Category 2.

“Public Nuisance Category 1” violations include excessive, continuous, or untimely barking, howling, or making of other noises, and defecating on property other than that of the owner without the defecation being cleaned up immediately. “Public Nuisance Category 2” violations include dogs off leash in public spaces or trespassing on private property, unattended tethering violations, or severe weather exposure violations.

B. Public Threat

Pet owners shall provide effective care and control of their animals to prevent them from becoming a “Public Threat”.

Depending on severity of the violation, “Public Threat” infractions are divided into two categories: Category 1 and Category 2.

An animal control violation shall be deemed a “Public Threat” if it harms or threatens to harm humans or animals. “Public Threat Category 1” violations occur when an animal without provocation engages in threatening and menacing behaviors including growling, charging at, and snapping at humans or animals. “Public Threat Category 2” violations occur when an animal without provocation (i) inflicts injury on a human on private or public property; (ii) kills, “bites”, or attacks an animal.

Violations - Response To

Chapter 52 shall be amended as follows:



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Code violations that are a “Public Nuisance Category 1” can receive a written warning for the first violation and require a **mandatory** citation for second and subsequent violations by the City to the owner, pursuant to Section 9 of Code Chapter 52.

Code violations that are a “Public Nuisance Category 2” shall receive a written warning for the first violation and require a **mandatory** citation for subsequent violations by the City to the owner, pursuant to Section 9 of Code Chapter 52.

Code violations that are a “Public Threat Category 1” shall receive a written warning for the first violation and require a **mandatory** citation for subsequent violations by the City to the owner, pursuant to Section 9 of Code Chapter 52.

Code violations that are a “Public Threat Category 2” shall require a **mandatory** citation by the City to the owner, pursuant to Section 9 of Code Chapter 52.

A Public Safety Alert will be issued within 72 hours informing Hyattsville residents of the bite/injury incident and the address where the animal resides. Follow-up public safety alerts will be issued to keep citizens informed.

Code Conformity, Standardization, and Training

Code Conformity

Hyattsville will conduct a review of Hyattsville Police General Orders related to animal control to ensure that these General Orders (1) mirror Chapter 52 of the Hyattsville City Code as amended, and (2) align the City’s obligations to the requirements of applicable Prince George’s County Codes on animal control.

Standard Response Protocol

Hyattsville shall develop a “Standard Response Protocol” (Protocol) within ninety days to inform appropriate responses by all “City Agents” responsible for implementing and responding to Chapter 52 and in meeting the requirements of the Prince George’s County Codes on animal control. This will include requirements to provide county reporting, issue written warning or citations, log and track data for annual reporting, and share incident in police log.

Training

Hyattsville will require appropriate training/orientation for all “City Agents” responsible for implementing or responding to animal control regulation. Hyattsville will also train newly hired personnel, within ninety days of their hire, if they will serve as a “City Agent.” This will include education on City and County animal control laws and best practices and on how to use the “Protocol.” Training standards and frequency to be determined by City Staff.



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Data Collection, Sharing, Reporting

Chapter 52 exists to protect the safety of Hyattsville residents, companion animals, and City staff. Systematic data collection, sharing, and reporting is essential to evaluate how well our animal control regulations are working to protect public safety. Currently, little reliable data is available to evaluate the effectiveness of Chapter 52 in achieving its goal of public safety.

City Data

Hyattsville will record all “Public Threat” violations and written warnings occurring within City boundaries in a prompt and timely manner.

Hyattsville will report “Public Threat” violations to the Prince George’s County Animal Services Division (PGCASD) within 24 hours, which may lead PGCASD to issue a quarantine or confinement order and identify an animal as “Dangerous”.

Hyattsville will make this data available to residents via the City Website and via Crime Reports, on a bi-monthly basis.

County Data

Hyattsville personnel sometimes report “Public Threat” violations to PGCASD. Also, Hyattsville residents sometimes report these violations directly to PGCASD without reporting these incidents to Hyattsville personnel.

Currently, Hyattsville lacks a systematic method to become aware of actions taken by PGCASD regarding these violations. This lack of information includes PGCASD designations of animals as “dangerous” and PGCASD orders requiring animal quarantine or confinement.

Gaining access to PGCASD animal control software can help fill these gaps. This software will provide the City with data regarding the location of dogs identified as “dangerous” and allow the City to comply with annual reporting requirements. As such, Hyattsville shall obtain a “read-only” license from PGCASD to their animal control software system “Chameleon” within ninety (90) days of passage of this motion. (See “Background” for PGCASD’s offer to share Chameleon software with Hyattsville.)

Annual Report

By January 31st of each year, Hyattsville shall prepare an Annual Report including pertinent data from the previous calendar year. This report shall also be made available to the general public and be presented to Hyattsville’s Mayor and City Council.

At the Municipal and County level, this data shall include all “Public Nuisance” incidents (e.g., at-large dog incidents) and all “Public Threat” incidents. It will also include City and PGCASD actions taken in response to the violations, including but not limited to citations, animals reported by



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Hyattsville to PGASD following “Public Threat” violations, an inventory of dogs identified as “Dangerous” by the County, and any animals under quarantine or confinement orders by the County. The report shall include all “Public Threat, Category 2” Public Safety Alerts issued. The report shall include a list of all “City Agents”, including the completed animal control training/orientation.

Councilmember Schaible introduced the item noting that it was in collaboration with Residents United for Furry Friends (RUFF) which was formed to propose improvements to regulations for animal welfare and that the group had previously met with staff and the Police and Public Safety Citizens’ Advisory Committee (PPSCAC) and staff to have a voice in the legislation presented to Council.

Councilmember Schaible described that the focus of the measure was modernizing and strengthening animal control throughout the City and the legislation included restrictions on long-term tethering, animal exposure to extreme weather, and many other common issues that were a potential danger to pets as well as residents. He categorized some of the infractions and explained that the Act would require the City to designate a person responsible for responding to animal control issues and reporting as well as providing a public database and annual reports. **Councilmember Schaible** relayed that Hyattsville would still rely on the county for most animal control services, but the motion would not expand the City’s services, rather, hold the services it provides accountable.

Councilmember Lawrence asked whether any of the incidents regarding animals would be included in the annual crime report to which Deputy Chief of Police Scott Dunklee responded that the incidents would be categorized under animal complaints, which they generally received about two (2) a week but was unsure if they were included in the annual report.

Councilmember Lawrence sought clarity regarding the compilation and distribution of the report to which **Councilmember Schaible** answered that, while flexible with the details of the reports, he would like to see a protocol in place for accountability and a penalty structure that began with a warning for second offenses, followed by citations and noted that he would like to be able to view the incidents in great detail.

Councilmember Haba suggested amending the definition of “Public nuisance” and the use of the word “untimely” as the language was too vague and questioned the inclusion of “growling” in the “Public threat” aspect as he deemed it as a natural occurrence among animals and not grounds for calling authorities or City staff. He added that the agent should be designated from City staff such as a member of the Code Department and the Police Department should only be deployed in emergencies.

Councilmember Simasek agreed with the comments of **Councilmember Haba** stating that definitions within the language were vague and subjective which could allow the opportunity for elaboration or fabrication of an event to serve a resident’s personal vendetta against another. He expressed concern for the issuance of citations by a representative who did not witness the



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incident for which he or she is citing and suggested that there be a method of documentation established that would warrant a progression to citations and fines.

Councilmember Croslin agreed with the remarks of his colleagues and projected a scenario where one could report another for a barking dog due only to personal grievances referencing the need for edits to the language to provide more specificity.

Councilmember Peabody stressed the importance of discerning enforcing code and protecting public safety requesting details about the process when an emergency call involving an animal or animals is reported to which Deputy Chief Dunklee answered that the usual course of action was to contact County officials as they possessed expertise on animal control as well as resources and training. Deputy Chief Dunklee supplemented that if the department were to receive a report of a dog bite, they would report that to the County and the dog would be placed in quarantine per county regulations. He stated that other incidents, such as barking dogs, would be handled in the same way as a noise complaint.

Councilmember Peabody inquired as to how operations may change as a result of the proposed training to which the Deputy Chief responded that training is always positive, and the Police Department and Code Department would receive training on handling such situations and the process of citation. He stated that methods and processes would be adjusted as the ordinance evolved.

Councilmember Schaible agreed with the importance of training and supported training to the extent that is given at the county level for animal control. Assistant City Administrator Chandler recalled some initiatives in the past in which training was mandated in the Code that caused complications and explained that the motion consisted of Code updates, an actionable piece, and a reporting piece. He opined that the reporting piece could be the transfer of information on a defined schedule from the county's database and that a Geographic Information System (GIS) map could be implemented for transparency and communication. Mr. Chandler supported working with Prince George's County and described a collaborative process in which the City could cite according to Chapter 52 of the City Charter and Code.

12. Council Dialogue (9:20 p.m. - 9:30 p.m.)

Councilmember Haba sent best wishes and advised all to adhere to safety guidelines.

Councilmember Croslin wished happy holidays to all and reminded residents of the next book club meeting.

Councilmember Peabody sent best wishes to staff and residents and thanked City staff for their unrelenting work amid challenging times.

Councilmember Simasek echoed the sentiments of his colleagues.

Council President Ward acknowledged the comments of his peers and expressed his appreciation for the work and contributions of Chief Amal Awad.



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Mayor Hollingsworth recalled that it was around the time the City would normally be honoring volunteers but was unable to do so due to the COVID-19 health crisis. She expressed her appreciation for City Administrator Douglas and the entire City of Hyattsville staff.

13. Community Notices and Meetings

13.a) Main City Calendar December 8 - December 21, 2020

[HCC-156-FY21](#)

Sponsor: At the Request of the City Administrator

Co-Sponsor(s): N/A

[Main City Calendar Dec 8 - Dec 21 2020 FINAL](#)

14. Motion to Adjourn

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

ATTEST:
December 21, 2020

Laura Reams, City Clerk

Sean Corcoran, Deputy City Clerk



City of Hyattsville

Hyattsville Municipal Bldg
4310 Gallatin Street, 3rd Flr
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Agenda Item Report

File #: HCC-170-FY21

12/21/2020

7.a)

Submitted by: At the Request of the City Administrator
Submitting Department: Community & Economic Development
Agenda Section: Presentation

Item Title:

Affordable Housing Action Plan: Phase II

Suggested Action:

Presentation Only

Summary Background:

The workshops for the development of the City's Affordable Housing Action Plan were completed in three parts, which are explained in more detail below. In the third and final stage of this evaluation, 24 proposed housing tools were categorized by their anticipated impact and level of effort to implement locally. Through this evaluation, five (5) housing tools were identified as high effort, high impact tools. These tools will be prioritized into a short list (2-3 priority tools) by Hyattsville City Council at their meeting on December 21, 2020. This evaluation builds on the analysis completed and input collected for the Housing Action Agenda since its start in January 2020 from City staff, local housing partners, and community members; and the initial strategic priorities discussed by City Council at its November 2020 meeting.

Next Steps:

The project team intends to produce the draft Affordable Housing Action Plan in January 2021 for adoption by the City Council.

Fiscal Impact:

Costs related to actionable policy will be presented as part of the strategy document.

City Administrator Comments:

For presentation followed by discussion.

Community Engagement:

Presentation materials will be posted on the City's website.

Strategic Goals:

Goal 2 - Ensure the Long-Term Economic Viability of the City

Legal Review Required?

N/A

THIS SLIDE IS HIDDEN.

WORKSHOP TIMING & PROPOSED ROLES

Slides	Timing	Role(s)
2-5	5 minutes	Laura
6-21	35 minutes (25-minute presentation + 10 minutes for Q&A)	Laura (6-11) Zack (12-15) David (16-19) Zack (20-21)
22-25	45 minutes	Facilitated by Enterprise
26	5 minutes	Laura

Other roles:

Screenshare: David

Menti Manager (during discussion): Laura

Electronic notetaker: Sam



HOUSING ACTION AGENDA

CITY OF HYATTSVILLE | CITY COUNCIL WORKSHOP PART 3
MONDAY, DECEMBER 21, 2020

TONIGHT'S WORKSHOP

PURPOSE

Agree on up to three (3)
priority housing tools to implement
over the next 10 years.



TONIGHT'S WORKSHOP

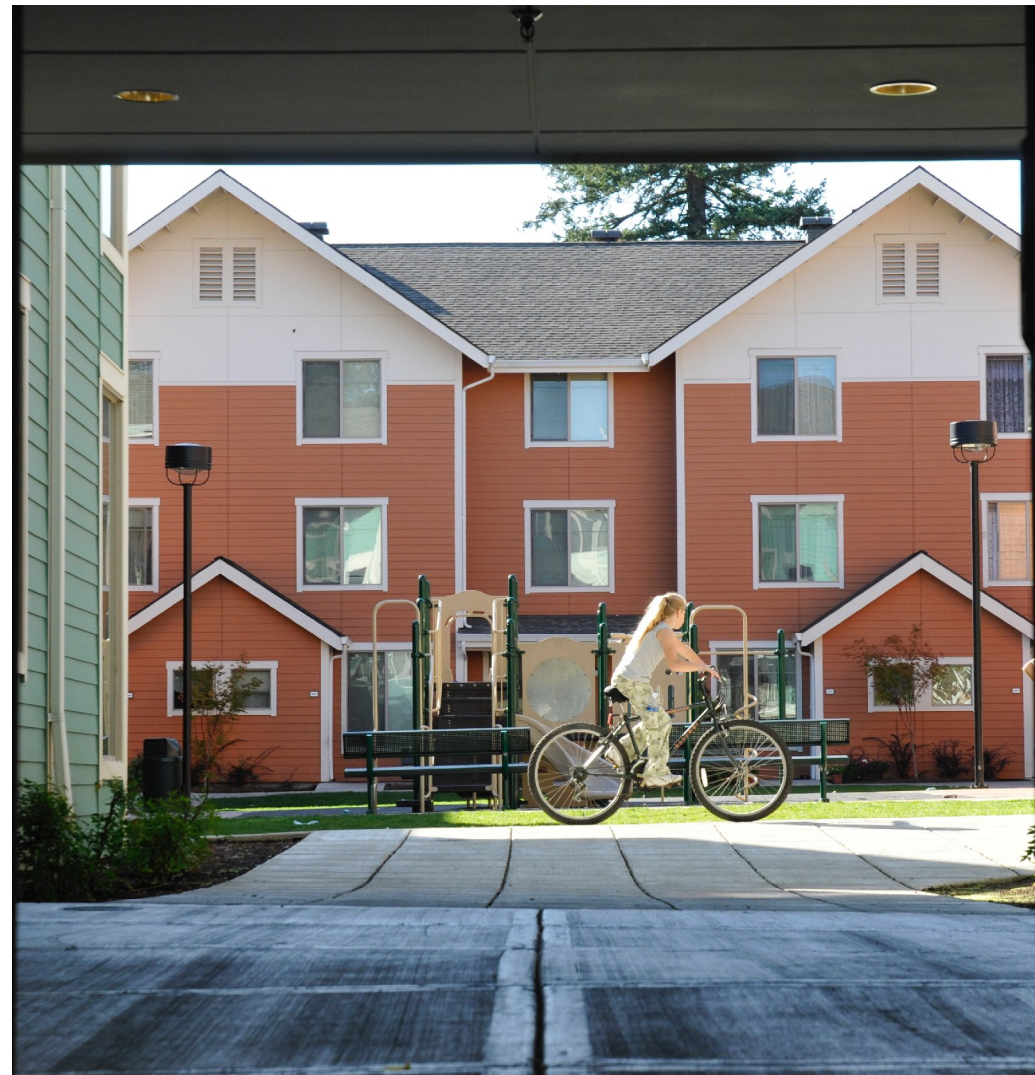
OVERVIEW

1. Presentation:

Proposed housing tools:
Implementation effort & impact

2. Large-group discussion:

Priority housing tools for Hyattsville



PROJECT OVERVIEW

WHAT IS HYATTTSVILLE'S HOUSING ACTION AGENDA?

Hyattsville's **Housing Action Agenda** will result in greater awareness of housing needs among residents and local tools to meet these needs.

Phase 1

● **KEY TASKS:**

- Stakeholder interviews
- Baseline conditions analysis
- Housing ecosystem assessment
- Action areas & case studies of potential solutions

Phase 2

● **KEY TASKS:**

- Priority action areas and related tools
- Development of Housing Action Agenda
- Creation of tools for use in Hyattsville
- Alignment with capacity & metrics

PRESENTATION: PROPOSED HOUSING TOOLS: IMPLEMENTATION EFFORT & IMPACT

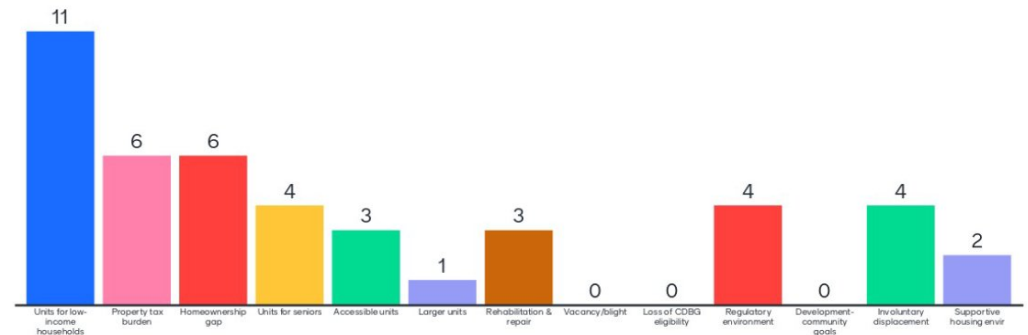
PROPOSED HOUSING TOOLS

WHAT WE HEARD: PRIORITY NEEDS

PRIORITY HOUSING NEEDS

- Rental units for low-income households
- Clear, consistent regulatory environment
- Property tax burden on homeowners
- Gap in homeownership rates by race & ethnicity

What are the top four housing needs or issues that the City of Hyattsville should tackle in the next 10 years? 



PROPOSED HOUSING TOOLS

WHAT WE HEARD: INITIAL STRATEGIC PRIORITIES

OUTCOMES TO ACHIEVE INCLUDED:

- Ability to stay in Hyattsville over time
- Assistance for lower income levels (i.e., deep affordability; persons experiencing homelessness)
- Lower cost-burden rate
- Creating pathways to homeownership
- Equity (i.e., addressing racial disparities)
- Improving and preserving homes that offer housing affordability while expanding housing affordability (i.e., not losing ground on existing subsidized or unsubsidized affordable homes).

PROPOSED HOUSING TOOLS

EVALUATION METHOD PROPOSED HOUSING TOOLS

HOW WERE HOUSING TOOLS IDENTIFIED & EVALUATED?

- **IDENTIFIED APPLICABLE HOUSING TOOLS BASED ON LOCAL, REGIONAL, AND NATIONAL SCAN.**
This scan produced an initial list of 54 potential housing tools for further evaluation.
- **CONDUCTED A THREE-PART EVALUATION.**
 1. **PART 1: ALIGNMENT WITH MULTIPLE (2+) PRIORITY HOUSING NEEDS**
This part of the evaluation culled the initial list of 54 housing tools to 24 tools.
 2. **PART 2: ALIGNMENT WITH INITIAL FEEDBACK ON STRATEGIC PRIORITIES**
This part affirmed the inclusion of the 24 housing tools.
 3. **PART 3: IMPACT & EFFORT EVALUATION**
This part used a five-point scale to assess estimated impact and effort associated with implementation, sorting the 24 housing tools into one of four categories for further discussion by Hyattsville City Council.

PROPOSED HOUSING TOOLS

EVALUATION METHOD PROPOSED HOUSING TOOLS

HOW WERE IMPACT & EFFORT ASSESSED?

EFFORT

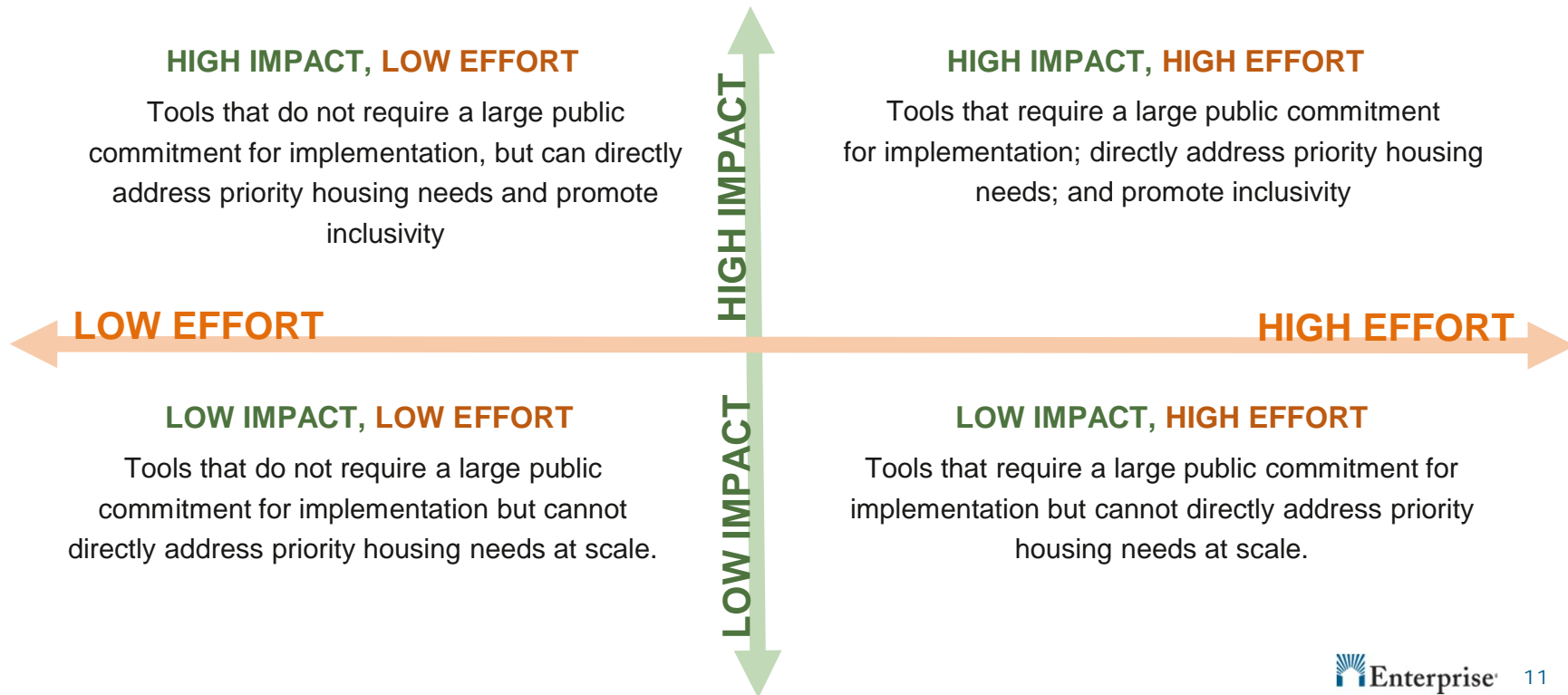
- **Direct decision-making power:** Does the City of Hyattsville have direct decision-making authority over implementation?
- **Capacity for administration:** Does the City of Hyattsville have experience administering this type of tool? If not, does a community partner have experience administering it?
- **Existing programmatic or policy structure:** Does the City of Hyattsville have a program or policy structure to adapt for implementation or would a structure need to be created?
- **External constraints:** Are there other external factors (political capital, risk, etc.) that would affect implementation feasibility?

IMPACT

- **Magnitude:** How many people, households, or units could be served through implementation of this tool?
- **Ability to target priority need(s):** Can this tool be targeted to directly address a specific need (e.g., income; special population; geography; type of development)?
- **Alignment with community values:** Does implementation of this tool advance equity and inclusivity?

PROPOSED HOUSING TOOLS

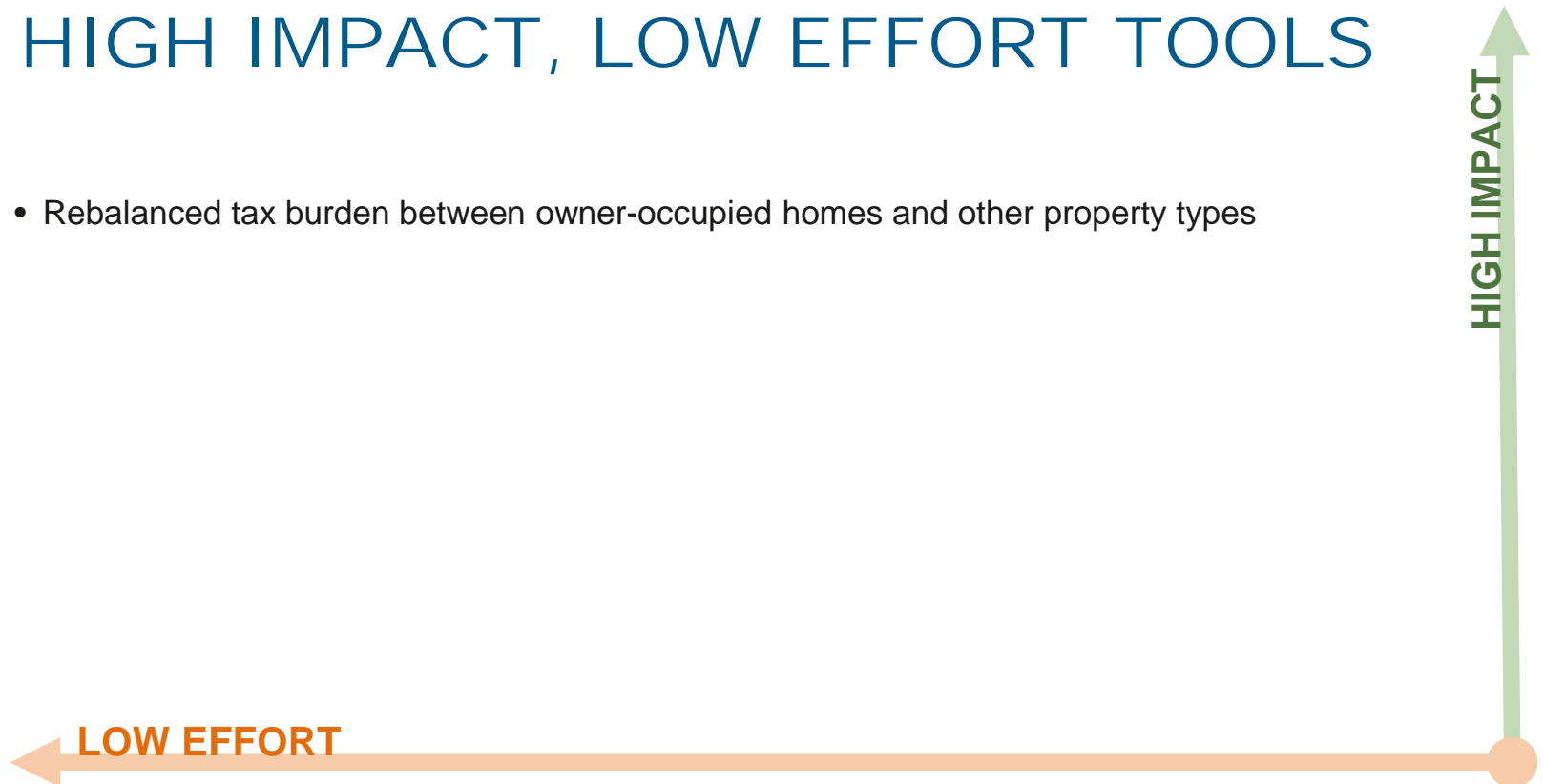
EVALUATION METHOD IMPACT / EFFORT CATEGORIES



PROPOSED HOUSING TOOLS

EVALUATION HIGH IMPACT, LOW EFFORT TOOLS

- Rebalanced tax burden between owner-occupied homes and other property types



PROPOSED HOUSING TOOLS

EVALUATION LOW IMPACT, LOW EFFORT TOOLS

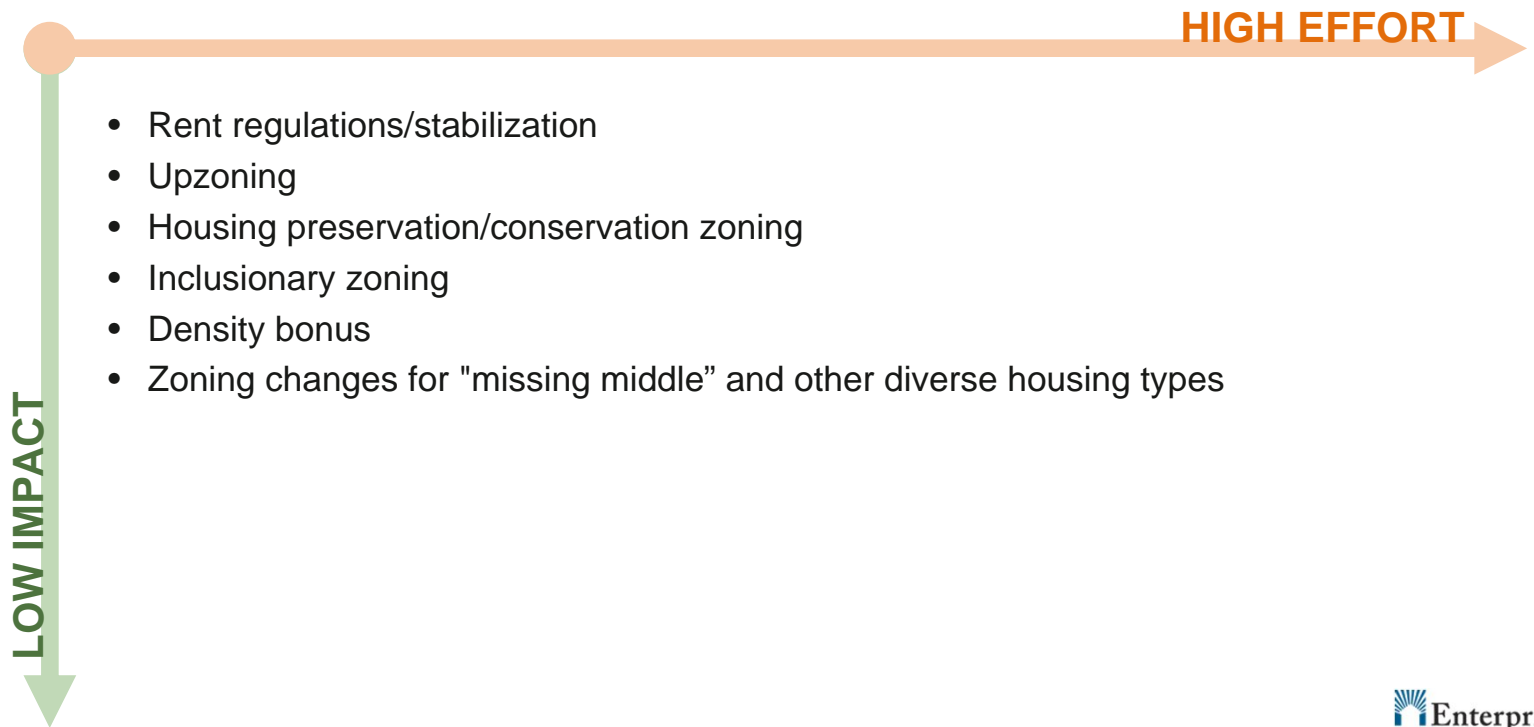
← LOW EFFORT

- Programs to enable and support renters in transitioning to homeownership
- Acquisition and renovation of subsidized and unsubsidized affordable rental properties
- Preservation early warning system
- Expanded property tax relief for income-qualified homeowners
- Aid for income-qualified homeowners who have fallen behind on their taxes
- Alternatives to offset property tax burden through income creation
- Financial inclusion programs and initiatives
- Culturally relevant practices in homeownership programs
- Programs to enable and support renters in transitioning to homeownership
- Partnerships with financial institutions & CDCs to create or expand financial homeownership products for low-income and historically marginalized populations
- Tax abatements or exemptions for development that meets specific standards

LOW IMPACT

PROPOSED HOUSING TOOLS

EVALUATION LOW IMPACT, HIGH EFFORT TOOLS



PROPOSED HOUSING TOOLS

EVALUATION HIGH IMPACT, HIGH EFFORT TOOLS

HIGH IMPACT

- Local public funding source
- Financial incentives for unsubsidized affordable rental properties
- Local rental assistance program
- Public land (including strategic acquisition)
- Increased tenant protections

HIGH EFFORT

PRESENTATION: PROPOSED HOUSING TOOLS: HIGH IMPACT, HIGH EFFORT

PROPOSED HOUSING TOOLS

HIGH IMPACT, HIGH EFFORT TOOL: LOCAL PUBLIC FUNDING SOURCE



WHAT

- A flexible, often dedicated local resource to support a variety of housing activities
- Typical funding sources include annual appropriations, local tax dollars, developer contributions, loan repayments, and fees associated with real estate.



IMPACT

- **Magnitude**
\$7,000 per household earning 50 percent of area median income (annual)
- **Ability to target priority need**
Yes – can support rental and homeownership for specific income groups or populations.
- **Alignment with community values**
Yes – can be designed to support homes in higher opportunity areas, larger units, or other factors that promote inclusivity



EFFORT

- **Direct decisionmaking**
Direct implementation by the City
- **Administrative capacity**
Requires creation of new administrative structure; third-party as option.
- **Program or policy structure**
Requires creation of a new policy to guide use (funding source; uses; eligibility).

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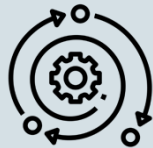
PROPOSED HOUSING TOOLS

HIGH IMPACT, HIGH EFFORT TOOL: PUBLIC LAND



WHAT

- Make available land or properties at no or a reduced cost to developers in exchange for a commitment to build affordable rental or homeownership units on it.



IMPACT

- **Magnitude**
15 acres annexation resulted in 341 new townhomes (for illustration purposes)
- **Ability to target priority need:**
Yes – can set parameters for housing types; tenure; affordability levels; and tenant or homebuyer preferences when soliciting bids for development on city-owned property.
- **Alignment with community values**
Yes – can target higher opportunity areas or other factors that promote inclusivity



EFFORT

- **Direct decisionmaking**
Direct implementation by the City.
- **Administrative capacity**
Can be administered through a request-for-proposal process
Most effort related to preparing land for bid (assembling individual parcels, pursuing zoning changes as needed, coordinating needed capital improvements)
- **Program or policy structure**
Requires a new policy structure to guide use of city-owned property

ICON CREDITS | NOUN PROJECT: IMPACT BY NITHINAN TATAH | EFFORT BY PRIYANKA | TOOL BY CHABIB ALI MACHBUBI

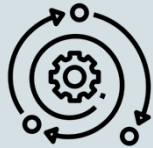
PROPOSED HOUSING TOOLS

HIGH IMPACT, HIGH EFFORT TOOL: LOCAL RENTAL ASSISTANCE PROGRAM



WHAT

- Funding assistance that supports renters with a set amount of funding for a defined period.
- Assistance can be provided directly to tenants to offset housing expenses or indirectly to landlords or utility companies on behalf of tenants.



IMPACT

- **Magnitude**
\$7,000 per household earning 50 percent of area median income (annual)
- **Ability to target priority need**
Yes - can be used to support rental units for low-income households and special populations.
- **Alignment with community values**
Yes – can be used to supplement existing programs and provide a deeper level of subsidy, enabling lower income groups to live in the City.



EFFORT

- **Direct decisionmaking**
Direct implementation by the City
- **Administrative capacity**
Requires creation of a new administrative structure; third-party as option.
- **Program or policy structure**
Requires creation of a new program.

ICON CREDITS | NOUN PROJECT: IMPACT BY NITHINAN TATAH | EFFORT BY PRIYANKA | TOOL BY CHABIB ALI MACHBUBI

PROPOSED HOUSING TOOLS

HIGH IMPACT, HIGH EFFORT TOOL: FINANCIAL INCENTIVES FOR THE MAINTENANCE AND REHABILITATION OF UNSUBSIDIZED AFFORDABLE RENTAL PROPERTIES



WHAT

- Low or a no-cost capital funding to property owners for property renovations in exchange for keeping rents affordable (via income restrictions; limits on rent increases)



IMPACT

- **Magnitude**
1,756 unsubsidized rental units for households at 50 percent of area median income
- **Ability to target priority need**
Yes – can be used to support rental units for low-income households or special populations.
- **Alignment with community values**
Yes, the City can target properties in areas with changing rental market conditions or with quality concerns to ease displacement pressure.



EFFORT

- **Direct decisionmaking**
Direct implementation by the City
- **Administrative capacity**
Existing experience administering tax abatements (payments-in-lieu of taxes). More administrative capacity would be required for a permanent municipal program.
- **Program or policy structure**
Requires creation of a new policy to guide systematic use

ICON CREDITS | NOUN PROJECT: IMPACT BY NITHINAN TATAH | EFFORT BY PRIYANKA | TOOL BY CHABIB ALI MACHBUBI

PROPOSED HOUSING TOOLS

HIGH IMPACT, HIGH EFFORT TOOL: INCREASED TENANT PROTECTIONS



WHAT

- Local legislative changes, coupled with information and outreach, that increase protections (e.g., cause for eviction; cause for lease terminations; lease requirements) for tenants



IMPACT

- **Magnitude**
Affects ~3,400 households; tenant protections typically prevent displacement.
- **Ability to target priority need**
Yes – can set parameters for specific groups (such as seniors and persons with a disability) and can align outreach efforts with historically marginalized groups
- **Alignment with community values**
Yes – can ease displacement pressure and protect vulnerable groups.



EFFORT

- **Direct decisionmaking**
Direct implementation by the City (in partnership with trusted local organizations and leaders)
- **Administrative capacity**
Requires additional capacity for administration (policy development & coordination of information/outreach)
- **Program or policy structure**
Requires a new program and updates to existing policy

ICON CREDITS | NOUN PROJECT: IMPACT BY NITHINAN TATAH | EFFORT BY PRIYANKA | TOOL BY CHABIB ALI MACHBUBI

LARGE-GROUP DISCUSSION: PRIORITY HOUSING TOOLS FOR HYATTSVILLE

LARGE-GROUP DISCUSSION

DISCUSSION PURPOSE

PURPOSE:

- Generate a list of up to **three (3) priority housing tools** for the City of Hyattsville to pursue over the next 10 years (informed by community/stakeholder and City Council and staff input and data analysis)

LARGE-GROUP DISCUSSION

DISCUSSION FORMAT



ADD HOUSING TOOLS TO FLASH POLL.

Are there any housing tools to add to the short list of high impact, high effort tools prior setting priorities?



PRIORITIZE INITIAL HOUSING TOOLS VIA FLASH POLL.



DISCUSS & BUILD CONSENSUS ON PRIORITY HOUSING TOOLS.

These priorities will become the detailed tools and form the basis for action in Hyattsville's Housing Action Agenda.

LARGE-GROUP DISCUSSION

FLASH POLL

HOUSING TOOL PRIORITIES



What are the top three (3) housing tools that the City of Hyattsville should commit to implement over the next 10 years?

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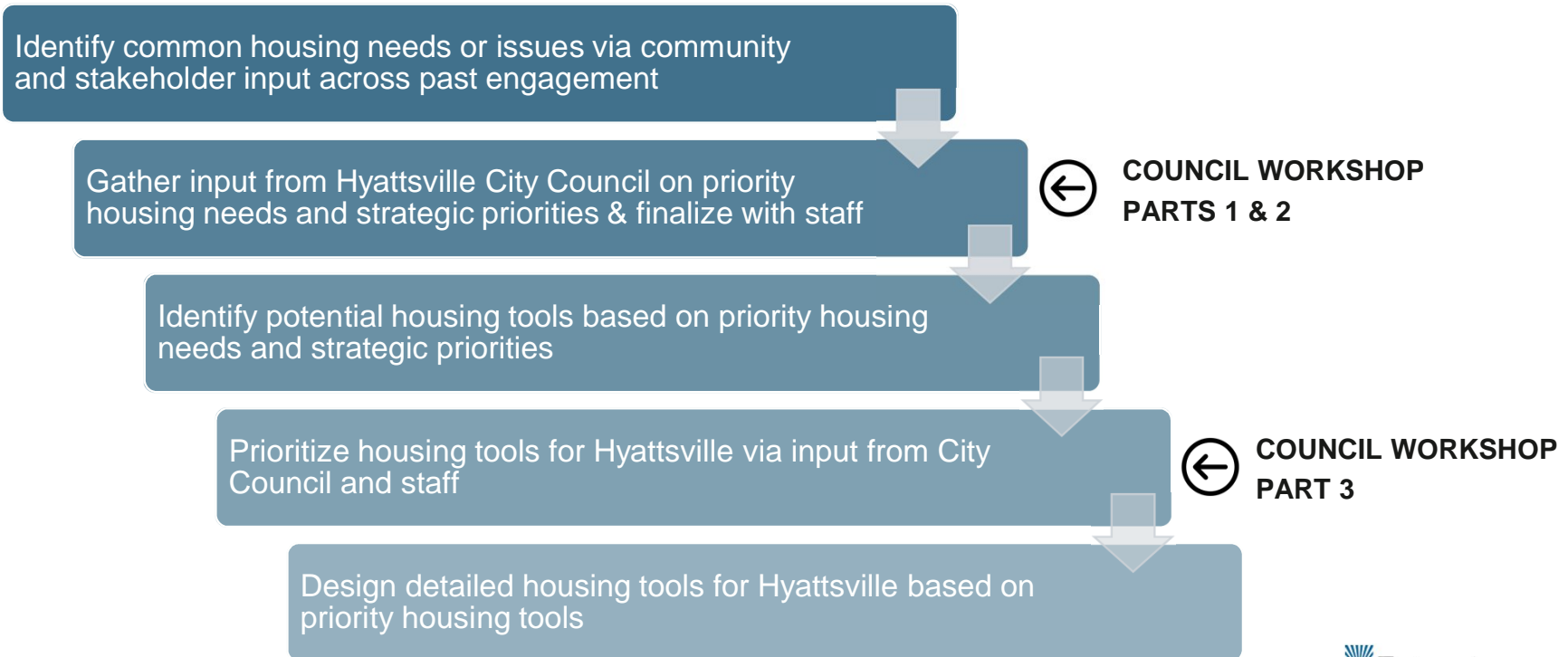
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**Direct link to poll is in the Chat box.*

WRAP-UP & NEXT STEPS

PROJECT OVERVIEW

WRAP-UP & NEXT STEPS



THANK YOU!

MEMO

Date: December 15, 2020
To: Hyattsville City Council
From: Enterprise Advisors
Re: Proposed Housing Tools for the City of Hyattsville

Background

This memo summarizes the results of an evaluation of housing tools by Enterprise Community Partners, Inc. completed as part of developing the City of Hyattsville's Housing Action Agenda.

The evaluation was completed in three parts, which are explained in more detail below. In the third and final stage of this evaluation, 24 proposed housing tools were categorized by their anticipated impact and level of effort to implement locally. Through this evaluation, five (5) housing tools were identified as high effort, high impact tools. These tools will be prioritized into a short list (2–3 priority tools) by Hyattsville City Council at their meeting on December 21, 2020.

This evaluation builds on the analysis completed and input collected for the Housing Action Agenda since its start in January 2020. Namely, this evaluation aims to create close alignment with the priority housing needs previously identified by City Council at its October 2020 workshop, drawn from both the baseline conditions analysis and input collected from City Council; City staff, local housing partners, and community members; and the initial strategic priorities discussed by City Council at its November 2020 meeting.

Housing Tools Evaluation: Methods

The housing tools included in the evaluation were identified through a local, regional and nationwide scan of tools based on their ability to address at least one of the City's four priority needs as identified by Hyattsville City Council.¹ The initial scan produced a list of 54 potential housing tools. This initial list was evaluated through an iterative, three-part process:

1. **Part 1: Alignment with multiple priority housing needs:**² The first part of the evaluation culled the initial list of 54 housing tools to 24 tools based their ability to meet at least two priority housing needs. Exceptions to this criterion were tools previously proposed by City Council; already in use in the City of Hyattsville; or tools needed to make other ones work effectively in practice.

¹ The priority housing needs are as follows: Rental units for low-income households; clear, consistent regulatory environment; property tax burden on homeowners; and gap in homeownership rates by race and ethnicity.

² This criterion was identified following a review of initial list of 54 potential housing tools with City of Hyattsville staff.

2. **Part 2: Alignment with initial feedback on strategic priorities:** The second part of the evaluation assessed overall alignment with the initial strategic priorities (as defined by Hyattsville City Council in November 2020). The initial feedback on strategic priorities highlighted the following outcomes: ability to stay in Hyattsville over time; assistance for lower income levels (i.e., deep affordability; persons experiencing homelessness); lower cost-burden rate; creating pathways to homeownership; equity (i.e., addressing racial disparities); and improving and preserving homes that offer housing affordability while expanding housing affordability (i.e., not losing ground on existing subsidized or unsubsidized affordable homes).³
3. **Part 3: Impact & effort evaluation:** The third and final part of the evaluation assessed the impact and effort associated with implementation with each proposed housing tool. From an effort standpoint, these tools were categorized based on the following considerations:
- **Direct decision-making power:** Does the City of Hyattsville have direct decision-making authority over implementation?
 - **Capacity for administration:** Does the City of Hyattsville have experience administering this type of tool? If not, does a community partner have experience administering it?
 - **Existing programmatic or policy structure:** Does the City of Hyattsville have a program or policy structure to adapt for implementation or would a structure need to be created?
 - **External constraints:** Are there other external factors (political capital, risk, etc.) that would affect implementation feasibility?

From an impact standpoint, these tools were categorized based on the following considerations:

- **Magnitude:** How many people, households, or units could be served through implementation of this tool?
- **Ability to target priority need(s):** Can this tool be targeted to directly address a specific need (e.g., income; special population; geography; type of development)?
- **Alignment with community values:** Does implementation of this tool advance equity and inclusivity?

³ During their November 2020 workshop, Hyattsville City Council members also elevated the importance of having a consistent way to track implementation progress and monitor needs over time. These comments will be revisited in the context of the priority housing tools, where targets and evaluation metrics will be aligned with these tools to help measure and report implementation progress and highlight if any adjustments are needed over time.

This evaluation sorted each proposed housing tool into one of four categories based on the level of effort associated with implementation and its anticipated impact:⁴

- **High impact, high effort** – Housing tools categorized as high impact, high effort are ones that, when implemented, require a large public commitment (in terms of administrative capacity and financial investment) and can be designed to directly address the priority housing needs affecting Hyattsville residents in large numbers (e.g., people served, household served, units created or preserved) and promote inclusivity.
- **High impact, low effort** – Housing tools categorized as high impact, low effort are those that do not require a significant investment of time and resources to implement and can be designed to directly address the priority housing needs affecting Hyattsville residents in large numbers (e.g., people served, household served, units created or preserved) and promote inclusivity.
- **Low impact, low effort** – Housing tools categorized as low impact, low effort are those that do not require a significant investment of time and resources to implement and do not directly address the priority housing needs affecting Hyattsville residents at scale (i.e., impact is indirect).
- **Low impact, high effort** – Housing tools categorized as low impact, high effort are those that require a significant investment of time and resources to implement and do not directly address the priority housing needs affecting Hyattsville residents at scale (i.e., impact is indirect).

This evaluation was completed to illustrate the key tradeoffs across proposed housing tools. Different approaches, based on decisions made during implementation, could result in different levels of effort, impact, or both. It is also important to note that this evaluation was completed specifically for implementation in the City of Hyattsville – it is not a statement on the overall efficacy of these housing tools (i.e., in other contexts, these housing tools may result in greater impact or require less effort to implement).

Housing Tools Evaluation: Results

Evaluation summary: All proposed housing tools

Figure 1 below shows all the proposed housing tools based on their respective level of effort and anticipated impact. The table in Attachment #1 shows each proposed housing tool's evaluation scores and provides a description of each tool.

⁴ Evaluation scoring for impact and effort was based on a five-point scale, where 1 suggests the lowest impact or effort and 5 suggests the highest. The scoring thresholds for each category are as follows: high impact/high effort: 4–5 / 4–5; high impact/low effort: 4–5 / 1–3; low impact/low effort: 1–3 / 1–3; and low impact, high effort: 1–3 / 4–5.

Figure 1. Proposed housing tools categorized by impact & effort



Implementation of higher impact tools, such as the creation of a local funding source or financial incentives to improve unsubsidized rental housing, require a large, sustained public commitment, and recognizing this commitment, along with other considerations such as administrative capacity for implementation, Enterprise recommends that the City of Hyattsville focus on the creation of 2–3 permanent high effort, high impact housing tools over the next 10 years.

Housing tools categorized as low effort, low impact or low effort, high impact may be included in Hyattsville's Housing Action Agenda, as these tend to be existing housing tools or ways to amplify existing housing tools available at the County or state levels.

High impact, high effort tools

Housing tools categorized as high impact, high effort are ones that, when implemented, require a large public commitment (in terms of administrative capacity and financial investment) and can be designed to directly address the priority housing needs affecting Hyattsville residents.

In general, housing tools that require the City of Hyattsville to create new administrative and policy or programmatic structures for direct implementation and that may carry additional constraints, such as building community or political support or significant coordination with other governments or nonprofit partners to realize, fall into the “high effort” category.

Despite the large administrative and financial investment required for successful implementation, these housing tools also offer the biggest opportunity to address priority housing needs in Hyattsville directly.

In general, housing tools that can serve a large number of households or people in need and create greater inclusivity, such as promoting access to opportunity, when implemented fall into the “high impact” category.

Of the 24 housing tools identified through the iterative evaluation process completed by Enterprise Community Partners from October to December 2020, the following five (5) tools were identified as high impact, high effort (listed in no particular order):

- Local public funding source
- Financial incentives for the maintenance and rehabilitation of unsubsidized affordable rental properties
- Local rental assistance program
- Public land (including strategic acquisition of land for housing development)
- Increased tenant protections (e.g., access to information, legal services, mediation)

Table 1 below explains their categorization and includes examples of each tool (linked in the footnotes).

Table 1. Summary: High impact, high effort housing tools

Tool name	Why high impact?	Why high effort?
<p>Local public funding source⁵</p>	<p>Magnitude This is a flexible tool that could be designed to serve as many households as funding allows. With adequate funding, it could address a substantial portion or all the need for more affordable rental units and support homeownership opportunities.</p> <p>As an illustration of cost magnitude, the rental price for a 1-bedroom unit at The Edition is \$1,767 per month. To be affordable for a two-person household at 50 percent of area median income (AMI), the rent would need to be priced at \$1,181. This suggests a financial gap of about \$7,000 per year per household to make a market-rate unit in Hyattsville affordable to a household at 50 percent AMI. This estimate could vary in practice based on household income, size, rent levels, or if the source supported homeownership (such as downpayment assistance or closing costs).</p> <p>Ability to target priority need Yes, funding can be used to support rental and homeownership units for low-income households (including those with lower income levels).</p> <p>Alignment with community values Yes, the City can target use of this tool to higher opportunity areas, larger unit sizes (number of bedrooms), or other factors that promote inclusivity (e.g., proximity to services such as transit; address disparities).</p>	<p>Direct decision-making Direct implementation by the City</p> <p>Capacity for administration Requires creation of a new administrative structure. The City could hire a third-party administrator (e.g., nonprofit, CDFI, or community foundation) for this purpose depending on the amount of funding. The administrator needs experience designing and administering housing development programs (including awarding and monitoring use of funding); overseeing operations (such as coordination with an advisory board or other decisionmaking body); and taking fiscal responsibility for the funding. Typically, when a government administers a local source of funding, the government's fiscal agent takes fiscal responsibility.</p> <p>Existing program or policy structure Requires creation of a new policy to guide use (funding source; uses; eligibility). There are additional gap funding sources that could align with a local funding source such as federal HOME fund, the Low-Income Housing Tax Credit, and state-administered rental housing programs (Rental Housing Works).</p>
<p>Financial incentives for the maintenance and rehabilitation of unsubsidized affordable rental properties⁶</p>	<p>Magnitude In terms of magnitude, this tool could affect about one-half of the city's current rental stock. According to the 2018 American Community Survey, there are 1,756 unsubsidized affordable rental units for renter households making 50 percent AMI. This tool would improve property conditions and preserve housing affordability in existing properties (when used in exchange to make or keep units affordable and available to eligible households).</p> <p>Ability to target priority need Yes, incentives can be used to support rental units for low-income households or special populations.</p> <p>Alignment with community values Yes, the City can target properties in areas with changing rental market conditions or with quality concerns to ease displacement pressure.</p>	<p>Direct decision-making Direct implementation by the City</p> <p>Capacity for administration The City has experience administering tax abatements (payments-in-lieu of taxes) for this purpose. More administrative capacity would be required for a permanent municipal program.</p> <p>Existing program or policy structure Requires creation of a new policy to guide systematic use</p>

Table 1 continues on next page.

⁵ An example of a local public funding source is the Housing Trust Fund in Washington, DC. For more information, see <https://dhcd.dc.gov/page/housing-production-trust-fund>.

⁶ An example of financial incentives for the maintenance and rehabilitation of unsubsidized affordable rental properties is the 4d Affordable Housing Incentive Program in Minneapolis, MN. For more information see <http://www2.minneapolismn.gov/cped/housing/WCMSP-214366>. Another example is the Small Building Program in Washington DC; see <https://dhcd.dc.gov/page/small-building-program>.

Tool name	Why high impact?	Why high effort?
Local rental assistance program⁷	<p>Magnitude This is another program that could be scaled according to the funding available and could meet all or a substantial part of the need for affordable rental housing if enough funding was made available. The cost magnitude for this tool would be similar to the local public funding source.</p> <p>Ability to target priority need Yes, rental assistance can be used to support rental units for low-income households and special populations.</p> <p>Alignment with community values Yes, when used to supplement existing programs, local rental assistance can provide a deeper level of subsidy, enabling lower income groups to live in the city.</p>	<p>Direct decision-making Direct implementation by the City</p> <p>Capacity for administration Requires creation of a new administrative structure. The City could hire a third-party administrator. The administrator needs experience managing similar programs (unless the assistance is aligned with existing rental assistance, such as Housing Choice Vouchers, where residents are eligible for the City's assistance if they have already qualified for other rental assistance).</p> <p>Existing program or policy structure Requires creation of a new program. Prince George's County and the Washington, DC region have several local rental assistance programs to use as models.</p>
Public land (including strategic acquisition of land for housing development)⁸	<p>Magnitude This tool has the potential to be an efficient and impactful use of public resources but has limits on its ability to scale. As an illustration of potential impact, in 2019, Hyattsville passed an annexation resolution that added nearly 15 acres of land to the city. The land was undeveloped when this resolution passed. This land was acquired by a private developer and the planned development on this land will add an estimated 341 townhomes to the city.</p> <p>Ability to target priority need Yes, the City can set parameters for housing types; tenure; affordability levels; and tenant or homebuyer preferences when soliciting bids for development on city-owned property.</p> <p>Alignment with community values Yes, the City could target to higher opportunity areas or other factors that promote inclusivity (e.g., proximity to services such as transit).</p>	<p>Direct decision-making Direct implementation by the City. According to Maryland Code Local Government Division II, § 5-204 municipalities can acquire land by conveyance, purchase, or condemnation any real or leasehold property needed for a public purpose. Hyattsville Code Article 9 section 1 and 2 states the City has the power to acquire property for public purpose and ability to lease or rent City-owned property,</p> <p>Capacity for administration This tool could be administered through a request-for-proposal process as new parcels are acquired. The larger administrative effort would be related to assembling individual parcels, pursuing zoning changes as needed, coordinating needed capital improvements, etc. to remove key barriers to development.</p> <p>Existing program or policy structure A new policy structure on how to use city-owned property would need to be developed to guide acquisition and development decisions.</p>
Increased tenant protections⁹	<p>Magnitude Studies have supported the effectiveness of tenant protections in preventing displacement and out-migration. Solutions that avoid eviction and promote mediation are often more cost effective, timely, comprehensive, and lasting.</p> <p>Ability to target priority need Yes, the City can set parameters for specific groups (such as seniors and persons with a disability) and can align outreach efforts with historically marginalized groups.</p> <p>Alignment with community values Yes, tenant protections can ease displacement pressure and protect vulnerable groups.</p>	<p>Direct decision-making Direct implementation by the City (in partnership with trusted local organizations and leaders). Maryland Code, Real Property § 8-208 states supplementary rights may be added as long as the local ordinance enacted by any municipality does not diminish or limit any right or remedy granted under the provisions of this section.</p> <p>Capacity for administration Implementation of this tool could be a local policy by the City, coupled with an outreach campaign about tenants' rights with the aid of trusted organizations and leaders to make sure tenants know their new rights. Administration would entail policy development and support for the information and outreach activities (e.g., making the information available in variable formats and languages to promote access).</p> <p>Existing program or policy structure A new programmatic structure, as well as a new (or updated if included in Chapter 96 of Hyattsville City Code) policy would need to be created to implement this tool.</p>

⁷ Examples of local rental assistance programs include is the Rent and Tax Relief for Senior & Those with Disabilities in the City of Falls Church, VA (<https://www.fallschurchva.gov/692/Rental-Assistance>); Arlington County's Housing Grant Program (<https://arlingtonva.s3.amazonaws.com/wp-content/uploads/sites/15/2020/04/Housing-Grant-Program-FAQ-2020.pdf>) and Rental Assistance Program in Montgomery County (<https://www.montgomerycountymd.gov/HHS-Program/SNHS/SNHSRental-p743.html#faq>).

⁸ Examples of using public land as a tool to produce affordable housing is highlighted in the Northern Virginia Affordable Housing Alliance report for Arlington County, VA, City of Alexandria, VA, Fairfax County, VA and Washington DC. Full report available at https://nvaha.org/wp-content/uploads/2014/09/NVAHA_1404_PubLandRPT_WebFinal.pdf.

⁹ An example of increased tenant protections is Bill 19-15 in Montgomery County, MD. For a summary of the policy, see https://www2.montgomerycountymd.gov/mcgportalapps/Press_Detail.aspx?Item_ID=17590&Dept=1.

Attachment #1. Matrix of all evaluated housing tools

Tool name	Tool description	Evaluation score	
		Effort	Impact
Local public funding source	<p>A local public funding source tool provides the City with flexibility to support a variety of affordable housing activities and use it for local priorities and housing needs. The funding would not be subject to requirements related to county, state or federal subsidy programs, although at times, the City may want to align its requirements with these programs to increase the impact of local and other funding.</p> <p>Typical local funding sources are annual appropriations, local tax dollars, developer contributions, loan repayments and fees associated with real estate. Once established, the funding can be set-up to be administered by a governmental entity or outside entity (e.g., community foundation; CDFI).</p> <p>This funding source is often used as “gap financing” for affordable housing development. However, it can be use for a range of uses as defined by the City (e.g., site acquisition, construction or rehabilitation, soft costs, development and financing fees).</p>	5	5
Financial incentives for the maintenance and rehabilitation of unsubsidized affordable rental properties	<p>This financial tool would target the maintenance and rehabilitation of unsubsidized affordable rental properties, because not all property owners can access capital to make improvements to their properties over time. Access to capital is more limited for smaller scale property owners. This tool would provide low or a no-cost capital funding to property owners in exchange for keeping rents affordable (via income restrictions; limits on rent increases; etc.).</p>	4	4

Table continues on next page.

Tool name	Tool description	Evaluation score	
		Effort	Impact
Local rental assistance program	<p>A local rental assistance is funding assistance that support renters in a set amount of funding and over a defined period.</p> <p>In general local rental assistance programs take two forms: 1) tenant-based assistance or 2) project/property-based assistance. Tenant-based assistance provides funding directly to tenants and follows the tenant if they move; project/property-based assistance provides funding to property owners and is tied to a specific unit (i.e., does not travel with a tenant if they move from the unit).</p> <p>In practice, local rental assistance programs can supplement federal assistance programs, helping provide deeper levels of affordability or make rental assistance go farther in high-cost markets where rents may exceed the maximum amount a housing voucher would cover. In designing a local program, the City would need to define its intended beneficiaries (income group(s); special populations); how to distribute the funds (tenants or property owners) and type and amount of assistance. .</p> <p>Some communities offer emergency rental assistance in the form of limited-term housing vouchers or one-time grants in emergency situations; common parameters include setting limits on time (1-3 months) and amount (portion or all monthly rent; utilities, etc.).</p>	5	4

Table continues on next page.

Tool name	Tool description	Evaluation score	
		Effort	Impact
Public land	A public land tool would focus on using public land to support the creation or preservation of affordable housing, through individual projects put out for bid through request-for-proposals or through a strategy to acquire for-sale land. The RFP process could prioritize housing affordability; housing types (including larger or smaller homes); or homeownership units and ideally the City would work to make the site “shovel ready” (i.e., make infrastructure improvements; pursue rezonings) prior to advertising.	4	4
Increased tenant protections	This tool can take various forms. The tool could be outreach, education and streamlining existing resources to tenants. Important considerations for the City are the role the City should play. A direct approach would require the allocation of resources (funding and staff positions) to bring this tool into fruition. An indirect approach would be supporting community resource navigators at local organizations. Local legislation is another way this tool could take form and increase tenant protection. Typical tenant protection passed are a Tenant Bill of Rights, Landlord-Tenant Handbook, lease standards, tenant’s ability to address repairs, and strengthen tenant rights in the eviction process.	4	4

Table continues on next page.

Tool name	Tool description	Evaluation score	
		Effort	Impact
Rebalanced tax burden between owner-occupied homes and other property types	This tool would increase property tax rates for commercial properties and/or decrease property tax rates for residential properties to lower the property tax burden on residents. An important consideration is whether commercial residential properties could/should be exempted, since increasing the commercial property tax rate, while providing relief to homeowners, may pass some of that burden onto renters of commercial properties. This tool is pursued, the City should consider rebalancing in favor of both homeowners and commercial residential properties. Other municipalities in Prince George's County already have different rates for commercial and non-commercial properties (e.g., Colmar Manor, Cottage City, North Brentwood, Upper Marlboro, Forest Heights). In most cases, the commercial rates are higher (though the reverse is true for Colmar Manor). These could be used as precedents for design and implementation.	2	4
Rent regulations/stabilization	Rent regulations limit annual rent increases for a subset of homes (typically units in older apartment buildings) while a tenant lives in the unit. In regulated units, annual increases are guided by set criteria or formula (e.g., rent increases cannot exceed the Consumer Price Index). When a unit turns over, rents can increase, including to market levels. Usually, rent-regulated units do not have income-based requirements or receive public subsidies to offset lower revenue as a result of regulated rents. Implementation in Hyattsville would require creation of a new policy and administrative structure, in addition to complementary policies (tenant protections, funding for property improvements to avoid negative effects). It would also require full-time staff and the creation and staffing of a review body (or other mechanism) to address compliance, appeals, and other administrative issues.	5	3
Upzoning	Upzoning refers to changes to a zoning code to allow taller or denser buildings. For Hyattsville to implement upzoning, it would need approval from decisionmakers in Prince George's County. Applicable zoning districts that support higher-density development exist in the County's updated Zoning Code (e.g., Activity Center Base Zones; Residential Base Zones, such as RSF-A and RMF-12), which would avoid the need to develop new standards; if implemented through a targeted overlay (which could be directly tied to affordability but seems less feasible given the Zoning Rewrite's emphasis on simplifying the zoning code and its administration).	4	3

Table continues on next page.

Tool name	Tool description	Evaluation score	
		Effort	Impact
Housing preservation/conservation zoning	Preservation or conservation zoning enables affordability to be preserved when redevelopment results in loss of affordable housing, helping stem the loss of subsidized units through demolition or conversions. This type of policy may require a developer to replace the affordable housing units lost through a redevelopment project on the same site or within close proximity to the same site. For Hyattsville to implement this type of zoning, it would need approval from decisionmakers in Prince George’s County. Preservation zoning does not exist in the County’s zoning code, so new standards would need to be developed; implementation also requires capacity to monitor and track the inventory of unsubsidized and subsidized (to a lesser extent in Hyattsville) housing and support from the development community. Information to build this inventory could be integrated into the City’s rental licensing requirements (i.e., collect information about rent levels on a consistent basis) to lower the administrative effort.	4	2
Inclusionary zoning	According to the Lincoln Institute for Land Policy, “inclusionary housing refers to a range of local policies that tap the economic gains from rising real estate values to create affordable housing—tying the creation of homes for low- or moderate-income households to the construction of market-rate residential or commercial development.” Inclusionary housing policies can be mandatory or voluntary, and Maryland law expressly authorizes both mandatory and voluntary inclusionary housing programs at the local (county) level. The County’s 2020 inclusionary zoning feasibility study found traditional inclusionary housing requirements are not feasible, in part due to county-level incentives supporting market-rate development (PILOT). Without changes to market conditions, county-level incentives, or both, it’s unlikely IZ requirements would be feasible in other parts of the county. The study looked at recent developments in and around the Purple Line corridor, including market-rate developments in Hyattsville (The Edition & Palette at Arts District), which did not meet the per square foot rent threshold for feasibility. Implementation requires new standards to be developed and additional staff support to assist developers using this tool (at the county-level or through a development liaison at the city-level).	4	2

Table continues on next page.

Tool name	Tool description	Evaluation score	
		Effort	Impact
Density bonus	Density bonuses allow developers to build more units than would be allowed in the zoning code in exchange for housing affordability or other community benefits. Additional density is intended to help offset the cost of including affordable units or other community benefits in a development. Density bonuses are can be offered as part of inclusionary housing programs or as stand-alone incentives. Developers consulted for housing-related work in Prince George’s County have said that density is not necessarily an attractive incentive or that current standards enable enough density in some areas (such as TODs). Implementation requires new standards to be developed and additional staff support to assist developers using this tool (at the county-level or through a development liaison at the city-level).	4	2
Acquisition and renovation of subsidized and unsubsidized affordable rental properties	The City of Hyattsville already has a precedent/process for the acquisition and renovation of subsidized and unsubsidized affordable rental properties. The City has worked with the County and local partners to successfully acquire and continue to operate the housing as affordable. In the past, Hyattsville has partnered with the County and Montgomery Housing Partnership (MHP) to acquire full ownership of Parkview Manor. Prince George’s County approved a 40-year Payment in Lieu of Taxes (PILOT) and Hyattsville approved a 15-year PILOT. This tool would identify funding source to acquire properties or support non-profit organizations in their acquisition. This tool will also provide the monitoring and oversight that comes with the acquisition of units.	3	3
Preservation early warning system	This tool would identify and catalog existing subsidized and unsubsidized properties within the city. A preservation warning system could provide the City and its housing partners (including the state and nonprofit housing providers) the appropriate time (through early identification) and information to successful acquire or preserve affordability at the property. These systems typically track a combination of subsidized and unsubsidized properties and consider their risk of loss through expiring subsidies, size, or surrounding market conditions (among others).	2	2

Table continues on next page.

Tool name	Tool description	Evaluation score	
		Effort	Impact
Expanded use of property tax relief for income-qualified homeowners	Property tax relief tools reduce the property tax burdens of homeowners through some form of on-bill credit to reduce amounts owed or through imposing some form of ceiling on the amount of tax that can be owed. The state currently has two property tax relief programs (the Homeowners' Property Tax Credit and the Homestead Tax Credit programs) and Hyattsville already provides a supplement to this credit to increase the impact. However, the fact that property tax burdens remain a priority issue in the city means that these tools either don't go far enough to reduce tax burdens or else are not well enough known and utilized by Hyattsville homeowners. Protected tax roll data from the state could help assess utilization and determine whether this a focus on this tool would involve simple outreach to increase utilization or if it would require an expansion or modification of existing programs to increase their impact.	3	2
Aid for income-qualified homeowners who have fallen behind on their taxes.	This tool involves identifying homeowners who are in arrears, qualifying them on the basis of income (or potentially other characteristics such as age) and working with them to determine whether a remedy such as forgiveness of the amount owed or a payment plan to allow them to catch up on their taxes owed over time would be feasible and would mitigate the risk of foreclosure over time. This would likely require working in partnership and coordination with the County's tax foreclosure process.	2	3
Alternatives to offset property tax burden through income creation (e.g., ADUs, home sharing with long term tenants and the owner remaining in the dwelling)	This tool supports homeowners' ability to use excess existing space in their home (or to create new space) to generate new income. This tool has the added benefit of creating additional affordable housing options in the city as well. This tool could take the form of support for Accessory Dwelling Units (ADUs), which could require land use changes, or support for long-term home sharing models, which typically involve renting out rooms that may or may not have the features to qualify as an ADU. Note that this is different from short-term home sharing arrangements such as those facilitated through AirBnB that cater to visitors. In the proposed models, rooms are rented out to residents who are seeking a place to live. Some home sharing models have also been developed that focus specifically on using these to create intergenerational households that carry benefits for seniors.	2	3

Table continues on next page.

Tool name	Tool description	Evaluation score	
		Effort	Impact
Financial inclusion programs and initiatives	Financial inclusion programs and tools create or improve access to affordable financial services for those who lack access. These programs include financial education and counseling, expansion of utilization of the federal Earned Income Tax Credit, homeownership assistance, improved access to formal financial institutions and services, and a variety of other programs. These programs have the potential to increase financial and housing stability, unlock homeownership for current renters, and close the gap in homeownership rates.	2	3
Adoption (or encouragement of administrating agencies to adopt) culturally relevant practices in homeownership programs	Culturally relevant practices focus on improving access to programs and services by identifying areas where they can be adapted to respond to needs tied to particular populations, communities, perspectives and experiences. This generally includes engagement of groups to better understand what changes could improve access or utilization. Examples of changes include offering information about services in other languages (or using more accessible terminology in a currently offered language), changing the design of a program to accommodate specific needs, or introducing alternative building designs to accommodate a wider range of family types and uses. By making existing homeownership and other tools more accessible, these practices can enable better outcomes, including homeownership, for populations that currently struggle with access.	1	3
Partnerships with financial institutions to create or expand financial products that support homeownership for low-income and historically marginalized populations	This tool addresses gaps in the financial tools available to support homeownership by engaging financial institutions, many of whom may be willing to create or modify programs if the need/demand is demonstrated. Creating alternative mortgage products, savings accounts, and financial and homebuyer counseling are examples of programs these partnerships might focus on. The City would need to identify the specific needs among each population. Hyattsville could work with other local communities in these partnerships to create economies of scale that make financial products more viable for the financial institutions.	1	3

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Tool name	Tool description	Evaluation score	
		Effort	Impact
Programs to enable and support renters in transitioning to homeownership	This tool includes programs such as individual development accounts with City-matched savings for downpayment and closing costs to enable current income-qualified renters in Hyattsville to save for designated purposes such as homeownership. These programs are a common and effective way to improve access to homeownership by enabling renters to meet minimum down payment requirements and/or reduce the cost of a mortgage through a decreased mortgage amount and/or the reduction of need for private mortgage insurance. Research on IDAs has shown not only that IDA participants are able to become homeowners more quickly and tend to have lower rates of foreclosure, but also that these programs are particularly effective for promoting homeownership among women and people of color. Ideally this program would be paired with other forms of support such as homebuyer and financial counseling (both pre- and post-purchase) to increase the likelihood of success. The City would not necessarily have to implement this tool itself, but instead could rely on existing services in these areas.	1	1
Tax abatements or exemptions for development that meets specific standards (affordability, type, features)	The City of Hyattsville already has a precedent/process in place to implement tax abatements via its Revitalization Tax Credit. Implementation would require its ability to offer additional tax incentives for properties outside of the three revitalization target areas and development of how to systematize its evaluation of when/how to offer incentives and abatements (priority developments, type, amount of affordability, amount of abatement). Ability to target use to projects that support low-income households (current Revitalization Tax Credit requires 15% of units set-aside for households at or below 60% of regional AMI). The Revitalization Tax Credit for affordable housing has not been used for residential development, so its current impact is rated low until more time has passed to see how it is used in practice. Depending on its use over time, the City may consider updating its requirements to align with developers' feedback and/or modeling of development scenarios.	2	1



City of Hyattsville

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Agenda Item Report

File #: HCC-172-FY21

12/21/2020

9.a)

Submitted by: At the Request of the City Administrator
Submitting Department: Community & Economic Development
Agenda Section: Presentation

Item Title:

Federalist Pig Restaurant - Detailed Site Plan (DSP-19072) Presentation

Suggested Action:

Presentation Only

Summary Background:

- The subject property is a 0.2709-acre lot located at 5504 Baltimore Avenue, which resides within the Town Center Character Area of the Gateway Arts District.
- The applicant is seeking approval of a Detailed Site Plan to convert the existing building on the Subject Property, previously used as an automobile parts and tire store with installation, to an eating and drinking establishment, with no drive-through.
- The applicant is requesting amendments to the Gateway Arts District Design Standards related to building frontage, parking, and loading.

Next Steps:

Following the applicant's presentation to the City Council on December 21, the item will return for discussion at the January 4, 2021 Council Meeting. It will return for action at the Council's January 19 meeting.

The Prince George's County Planning Board review of this application has not yet been scheduled but will likely occur in January 2021.

Fiscal Impact:

N/A

City Administrator Comments:

For presentation followed by discussion in January.

Community Engagement:

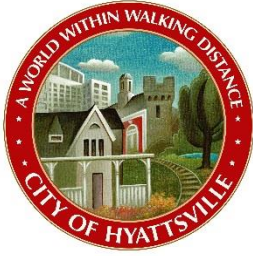
The applicant presented to the Hyattsville Planning Committee on November 17, 2020. Minutes of the meeting will be provided in the January 4, 2021 Council Packet.

Strategic Goals:

Goal 2 - Ensure the Long-Term Economic Viability of the City

Legal Review Required?

N/A



Memo

To: Mayor and City Council

From: Jim Chandler, Assistant City Administrator and Director, Community & Economic Development
Kate Powers, City Planner

Date: December 16, 2020

Re: Federalist Pig Restaurant – Detailed Site Plan (DSP-19072) Presentation

Attachments: Applicant’s Presentation
DDOZ Justification Statement
CR-69-1993
Design Standard Matrix

The purpose of this memorandum is to provide the City Council with a summary of the detailed site plan (DSP) application for the Federalist Pig restaurant on 5504 Baltimore Avenue.

Project Summary

- The subject property is a 0.2709-acre lot located at 5504 Baltimore Avenue, which resides within the Town Center Character Area of the Gateway Arts District.
- The applicant is seeking approval of a Detailed Site Plan to convert the existing building on the Subject Property, previously used as an automobile parts and tire store with installation, to an eating and drinking establishment, with no drive-through.
- The applicant is requesting amendments to the Gateway Arts District Design Standards related to building frontage, parking, and loading.
- This application will be reviewed by the Prince George’s County Planning Board in January 2021.

Project Location Details

The Subject Property is a 0.2709-acre lot located at 5504 Baltimore Avenue, on the west side of Baltimore Avenue and approximately 89 feet north of its intersection with Jefferson Street. The property is zoned M-U-I/DDO and is located within the boundaries of the Gateway Arts District Sector Plan and Sectional Map Amendment adopted in 2004 (“Gateway Arts District Sector Plan” or “Sector Plan”). The Subject Property is located within the Town Center (“TC”) Character Area.

The Subject Property contains an existing building which was constructed around 1940 and is approximately 2,400 square feet. This building most recently served as an automobile parts and tire store. The property is accessed from Baltimore Avenue through a single driveway entrance which the applicant plans to maintain.

A car wash resides north of the Subject Property. To the west, the property is bounded by a single family detached home on 44th Avenue. To the south is a six-story building owned and utilized by Verizon (C&P Telephone Company of Maryland). To the east, across Baltimore Avenue are commercial uses within the EYA Arts District development. The figure below provides a visual representation of the current configuration.



The applicant is seeking approval of a Detailed Site Plan to convert the existing building on the Subject Property, previously used as an automobile parts and tire store with installation, to an eating and drinking establishment, with no drive-through.

Summary of Development Proposal

The applicant is proposing to convert the exiting building to an eating and drinking establishment known as Federalist Pig. Federalist Pig is a regional American barbecue restaurant, with its first location in the Adams Morgan neighborhood of Washington, DC.

The applicant plans to makeover the current building while retaining the existing front façade (see image below).



Behind the retained front façade, a covered portico will be created with stairs and a ramp to the new entrance of the restaurant.

The building makeover will include a 963 square foot addition to the rear of the building, increasing the total square footage from 2,412 square feet to 3,375 square feet.

Proposed signage includes:

- an illuminated sign on the top of the façade wall, above the entrance stairs
- a non-illuminated “Entrance” sign above the ramp along the north side of the building
- a “Pick-Up” sign above the separate entrance for take-out orders

In addition, the applicant is proposing a painted mural along the north side of the building which will contain no advertising.

The applicant plans to create an outdoor patron area in the rear of the building, which abuts 44th Avenue. A wall will be constructed, increasing in height with the slope. As viewed from outside the property, there will be no point where the wall exceeds four feet.

The Applicant plans to retain the existing driveway entrance on US 1 to access the parking lot and provide 15 parking spaces (14 full size/1 handicapped space) and 1 loading space.

Proposed Amendments to Design Standards

The table below outlines the applicant’s proposed amendments to the Gateway Arts District design standards.

Development Standard	Proposed Amendment
All buildings shall be built out to a minimum of 80 percent of the site frontage.	The existing building occupies 36.8% of the frontage on US 1. An amendment of 43.2% is requested.
Access to parking and the rear of the lot or parcel shall be located on a side street or alley and shall be a maximum of 18 feet wide	The building does not allow the rear street to serve as access to parking. The access will be closed to allow for an outdoor gaming area.
If a parking district(s) is established in the Arts District or individual municipality, the number of off-street surface parking spaces, for uses with at least 35,000 SF of GFA, other than artist studio, residential and live/work shall not exceed 80 percent of the number of off-street parking spaces required by Section 27-568(a) of the Zoning Ordinance. If additional parking is provided, it shall be structured. Required parking may be on or off site but shall be located within one-quarter mile of the development site. This section’s requirements shall apply to all development under 35,000 SF of GFA.	No parking district exists in the Arts District or in the City of Hyattsville. 80% of parking required by Section 27-568 is the maximum that can be provided. Thus, the maximum allowed is 24 parking spaces. 15 parking spaces are provided.

<p>If a parking district(s) is established for the Arts District or individual municipalities, the minimum number of off-street surface parking spaces for uses other than artist studio, residential, and live/work shall be reduced 50 percent from the minimum number of required off-street parking spaces in accordance with Section 27-568(a) of the Zoning Ordinance. If off-site shared parking is utilized in accordance with off-site shared parking requirements below, then this minimum for on-site surface parking may be waived. The minimum number of off-street surface parking spaces permitted for each land use type shall comply with Section 27-568(a) of the Zoning Ordinance. Departure from the provisions of Section 27-568(a) requires a detailed site plan review.</p>	<p>If a parking district existed in the Arts District or in the City of Hyattsville, the parking could be reduced by 50%. The Applicant proposes 50% of required parking even though no parking district has been established.</p>
<p>Loading facilities shall only be located at the rear of the building and accessed from a side street or alley.</p>	<p>The loading space is in the parking lot accessed from US 1.</p>

Planning Committee

On November 19, 2020, the applicant met with the Hyattsville Planning Committee to present and discuss the proposed project on the Subject Property.

Overall, the Planning Committee is supportive of the Federalist Pig project on Baltimore Avenue. The Planning Committee recommends the City Council consider parking capacity, live vegetation, as well as pedestrian safety and visibility in their conditions for approval.

Also, the Planning Committee recommends the developer consider façade treatments other than corrugated metal.

Timeline

The applicant’s presentation to the City Council is scheduled for December 21, 2020.

This item will return for discussion at the Council’s January 4, 2021 meeting, and action at the Council’s January 19 meeting.

The Prince George’s County Planning Board review of this application has not yet been scheduled but will likely occur in January 2021.

STATEMENT OF JUSTIFICATION
QUE FOR THE PEOPLE (d/b/a FEDERALIST PIG)
DETAILED SITE PLAN NO. DSP-19072
11/15/2020

Applicant:

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1.0 INTRODUCTION/OVERVIEW

The Applicant, 5400 Baltimore Avenue, LLC (the "Applicant") recently purchased property located at 5504 Baltimore Avenue, Hyattsville, Maryland 20710. The property which is the subject of the application (the "Subject Property") contains .2709 acres and is more particularly described as part of Lots 3, 4 and 5 on a plat of subdivision entitled "Pettit's Addition to Hyattsville", recorded in Plat Book LIB A Plat 18. The property is also described in the deed to the Applicant dated February 8, 2019 and recorded among the Land Records of Prince George's County at Book 41850 Page 105. The Applicant hereby requests approval of a Detailed Site Plan ("DSP") to convert the existing building on the Subject Property, previously used as an automobile parts and tire store with installation to an eating and drinking establishment, with no drive-through.

The property is zoned M-U-I/DDO and is located within the boundaries of the Gateway Arts District Sector Plan and Sectional Map Amendment adopted in 2004 ("Gateway Arts District Sector Plan" or "Sector Plan"). The Sector Plan identifies several Character Areas which determine the development standards for the properties so designated. The Subject Property is located within the Town Center ("TC") Character Area. The Sector Plan includes Development District Standards which are applicable within the designated Character Areas and includes a Table of Uses for the various Character Areas. The Gateway Arts District is unique in that if a property conforms to the Development District Standards applicable within a particular Character Area, no detailed site plan is required. However, development is subject to detailed site plan review under four circumstances listed on Page 140 of the Sector Plan. One of those circumstances is if a property is located within a "gateway and view terminus site" as designated by Map 11 of the Sector Plan. The Subject Property is located within a designated gateway and view terminus site, and therefore the proposed development is subject to detailed site plan review. This application is filed seeking approval of the proposed project in conformance with the requirements of the Sector Plan.

2.0 DESCRIPTION OF PROPERTY AND EXISTING IMPROVEMENTS

As indicated above, the property which is the subject of DSP-19072 contains approximately .2709 acres. The Subject Property is improved with a building which was constructed in or about 1940 which contains approximately 2400 square feet. The property is located on the west side of Baltimore Avenue, approximately 89 feet north of its intersection with Jefferson

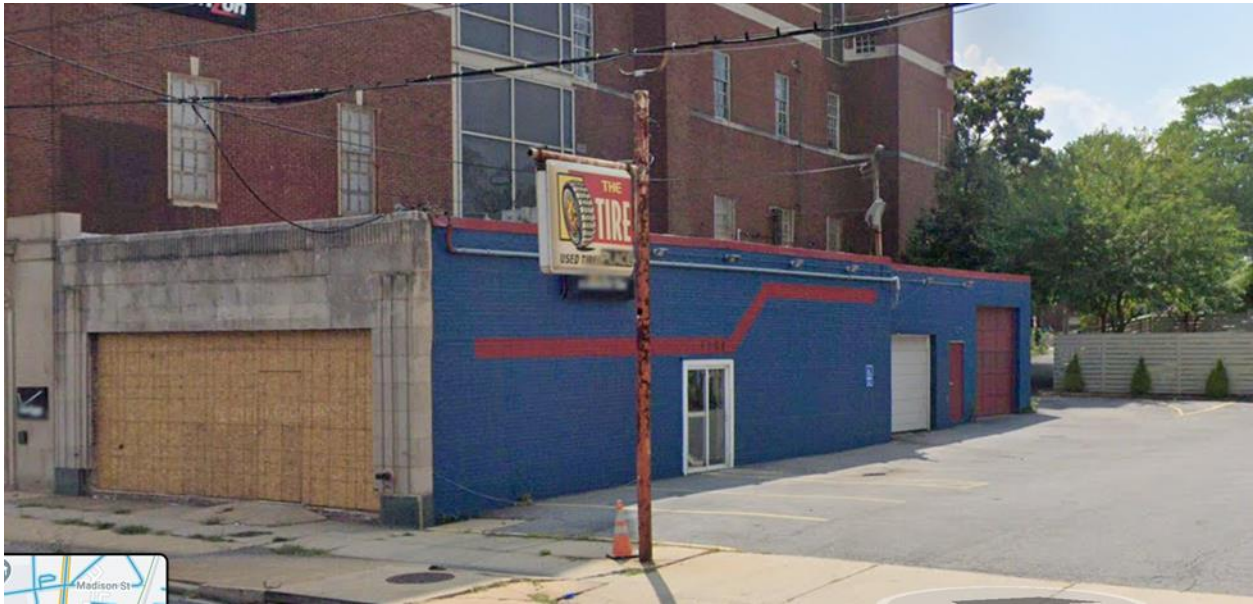
Street. The property has long been used for service commercial purposes. Originally constructed as a dry cleaning establishment (known as the Bergman's Laundry Building), the property has most recently been altered to serve as an automobile parts and tire store. The existing building is located along the southern property line, with a small parking lot located between the building and the north property line. Lot 3 of the parcel assemblage extends from Baltimore Avenue to 44th Avenue, a predominantly residential street located to the rear of the commercial uses which front on Baltimore Avenue. The property only has 19 feet of frontage on 44th Avenue. The property is accessed from Baltimore Avenue through a single driveway entrance which will be maintained.

The Subject Property is bounded to the north by a carwash, also in the M-U-I/D-D-O Zone. To the west, the property is bounded by a single family detached home in the M-U-I/D-D-O Zone located at 5503 44th Avenue. This home, which has also been used as an office, was recently purchased by 5503 44th Ave LLC, an entity under the same ownership as the Subject Property. On the west side of 44th Avenue are multifamily buildings in the R-10 Zone. The property is bounded on the south by a six story building owned and utilized by Verizon (C&P Telephone Company of Maryland). To the east, across Baltimore Avenue are commercial uses within the EYA Arts District development (specifically, Elevation Burger, Hair Cuttery, a Thai Restaurant and a Chipotle Restaurant).



The existing building on the Subject Property (pictured above) is a single story building 30 feet wide and 85 feet long.

The building has a front façade of concrete scored to create an art deco look. The side of the building is constructed of painted brick:



3.0 SUMMARY OF DEVELOPMENT PROPOSAL

The Applicant proposes to convert the building to an eating and drinking establishment known as Federalist Pig, which will serve the finest barbeque in Prince George's County. The building will get a complete makeover, with the front façade retained:



A 963 square foot addition is being added to the rear of the building, increasing the total square footage from 2,412 square feet to 3,375 square feet. The 3,375 square feet includes the covered portico, covered terrace in the rear and the building addition. Behind the retained front façade, a covered portico will be created with stairs and a ramp to accommodate handicap accessibility to the new entrance to the restaurant. A projecting illuminated sign is proposed on the top of the façade wall, above the entrance stairs, that is 14.3' long and 1.3' high for a total area of 18.59 square feet. Along the side of the building, an open entrance will be provided for a ramp to the front door, with a sign above with the words "Entrance". This sign will be non-illuminated and measure 2.3 square feet (4.6' X .5'). A door will be provided next to this open entrance with a sign above reading "Pre-orders" for take-out customers. The pre-order sign will be 2.65 square feet in size (5.3' X .5'). On the side of the building will be a painted mural which will contain no advertising, but is intended to provide an artistic element to a building located in the Arts District and replace the existing paint. In the rear of the restaurant, a narrow driveway exists which slopes up to 44th Avenue. This 18-foot wide portion of the Subject Property will be excavated to allow for the creation of an outdoor patron area that will include games such as corn hole or darts and will include a seat wall. The wall constructed will be internal to the site and will increase in height with the slope such that at no point will the wall be more than four feet high as viewed from outside the property. Where necessary, a railing not exceeding 42 inches will be installed to ensure that the wall meets all safety requirements. The existing access to 44th Avenue is not functional and the space will be better used as part of the restaurant operation. The wall will vary in height from .96 feet to 7.09 feet along the courtyard side. Spot elevations have been added to the detailed site plan.

In addition to the improvements to the building, the existing parking area will be restriped to provide 15 parking spaces and a loading space. The streetscape will be improved with a sidewalk with landscape strip. The Sector Plan calls for a minimum of 12' in width, which can include a strip containing landscaping. The applicant is proposing a 5' sidewalk, a 5' landscape strip, and a 3' strip with brick pavers, for a total of 13'. Finally, a wall will be constructed north of the entrance to the site. This wall will be approximately four feet in height and extend approximately 18 feet to the north property line and then west approximately 15 feet. This wall will screen

the parking located along the north property line. New window glazing will also be installed.

4.0 SUMMARY OF ZONING HISTORY AND APPLICABILITY OF DDOZ STANDARDS

As noted above, the property was zoned M-U-I/DDO by the Gateway Arts District Sector Plan and Sectional Map Amendment. The property was zoned C-M prior to 2004. The Sector Plan established the Development District Overlay Zone (DDOZ) that includes the Subject Property. No development or other modifications to the Subject Property has been proposed since 2004, and thus the property has not been subject to the Development District Standards.

The proposed project requires approval of a detailed site plan both because the Subject Property is located in a 'gateway and view terminus site' and because the proposed addition increases the size of the existing building by more than 10%. As referenced earlier, the Sector Plan establishes Character Areas and Development District Standards which are applicable within those Character Areas. Since the Subject Property is located in the Town Center Character Area, a spreadsheet listing the standards applicable to the Town Center Character Area is included with this Statement of Justification the spreadsheet identifies whether or not the proposed development conforms with the applicable standard. Where it does not, a request to apply an alternate standard is set forth below.

5.0 CONFORMANCE WITH GENERAL PURPOSES OF DETAILED SITE PLANS

The general and specific purposes of Detailed Site Plan (DSP) are contained in §27-281(b) and (c) of the Zoning Ordinance, and are expressed as follows:

(b) General purposes.

(1) The general purposes of Detailed Site Plans are:

(A) To provide for development in accordance with the principles for the orderly, planned, efficient, and economical development contained in the General Plan, Master Plan or other approved plans;

(B) To help fulfill the purposes of the zone in which the land is located;

(C) To provide for development in accordance with the site design guidelines established in this Division; and

(D) To provide approval procedures that are easy to understand and consistent for all types of Detailed Site Plans.

COMMENT: The Subject Property is zoned M-U-I and is located on the west side of Baltimore Avenue in the Gateway Arts District DDOZ. The property has been historically used for service commercial uses. The proposed re-use of the property and façade improvements will enhance the area and promote the re-use or redevelopment of nearby properties consistent with the Sector Plan. As such, the proposed DSP will fulfill the purposes of the M-U-I zone as intended for this location.

6.0 CONFORMANCE WITH THE PURPOSES OF THE M-U-I ZONE.

Paragraph (b) (1) (B) of Section 27-281 expresses that a DSP proposal needs to "...help fulfill the purposes of the zone in which the land is located." As previously noted, the Property is within the M-U-I Zone, with purposes outlined in Section 27-546.15 (a) and (b):

(a) The general purpose of the M-U-I Zone is to permit, where recommended in applicable plans or requested by a municipality, a mix of residential and commercial uses as infill development in areas which are already substantially developed. The M-U-I Zone may be approved on properties which adjoin developed properties or otherwise meet plan recommendations and which have overlay zone regulations requiring site plan review, or on property owned by a municipality which requests the zone.

(b) The specific purposes of the M-U-I Zone are:

(1) To implement recommendations in approved Master Plans, Sector Plans, or other applicable plans by encouraging residential or commercial infill development in areas where most properties are already developed;

(2) To simplify review procedures for residential, commercial, and mixed residential and commercial development in established communities;

(3) To encourage innovation in the planning and design

- of infill development;
- (4) To allow flexibility in the process of reviewing infill development;
 - (5) To promote smart growth principles by encouraging efficient use of land and public facilities and services;
 - (6) To create community environments enhanced by a mix of residential, commercial, recreational, open space, employment, and institutional uses; and
 - (7) To permit redevelopment, particularly in areas requiring revitalization, of property owned by a municipality.

COMMENT: The proposed development conforms with the general purposes of the M-U-I zone in that the Subject Property is in an area which is already substantially developed. In fact, the Subject Property is developed and is proposed to be renovated and devoted to a new use which is consistent with the development which has occurred in recent years along the eastern side of Baltimore Avenue. The proposed development further conforms with the general purposes of the M-U-I zone in that it was zoned by the Gateway Arts District Sector Plan for the purpose of encouraging redevelopment with non-service commercial uses.

The proposed application has also met the specific purposes of the M-U-I zone. The project will enhance the streetscape, renovate an older dilapidated building and provide a gathering space in a growing area of Hyattsville. The goal of the Town Center Character area is to enhance walkability by encouraging pedestrian-oriented development with an attractive streetscape and landscaping. Since the Town Center is envisioned as active community and arts centers, several uses, including restaurants, are supported. Thus, the proposed use contributes to implementing the vision of the Town Center Character Area.

7.0 CONFORMANCE WITH SPECIFIC PURPOSES OF THE DETAILED SITE PLAN

Sec. 27-281 (c) lists the specific purposes of a detailed site plan. There are four specific purposes listed, each of which is addressed below:

Sec. 27-281 (c) (1) (A): To show the specific location and delineation of buildings and structures, parking

facilities, streets, green areas, and other physical features and land uses proposed for the site.

COMMENT: The submitted Detailed Site Plan demonstrates the location of the existing buildings, structures and parking on site. The existing building will be retained and a small addition, as well as an outdoor patron area, will be added to the rear of the building.

Sec. 27-281 (c) (1) (B): To show specific grading, planting, sediment control, tree preservation, and storm water management features proposed for the site.

COMMENT: All modifications to the site are shown on the detailed site plan.

Sec. 27-281 (c) (1) (C): To locate and describe the specific recreation facilities proposed, architectural form of buildings, and street furniture (such as lamps, signs, and benches) proposed for the site.

COMMENT: The proposed use is a restaurant. Although an outdoor patron area is proposed, there are no recreational facilities proposed. The architectural form of the building modifications is included. The proposed architectural modifications will improve the look of the building while maintaining the unique architectural façade. The landscaping which will be added will soften the streetscape, and the murals will add an artistic flair to an otherwise humble building. The applicant also proposes to add a bicycle rack along Baltimore Avenue.

Sec. 27-281 (b) (1) (D): To describe any maintenance agreements, covenants, or construction contract documents that are necessary to assure that the Plan is implemented in accordance with the requirements of this Subtitle.

The submitted DSP and Architectural Elevations demonstrate the necessary infrastructure and building form to be implemented ultimately. No other documents are required to assure that the Plan is implemented in accordance with the requirements of this subtitle.

8.0 CONFORMANCE WITH ZONING ORDINANCE SECTION 27-546.18

Section 27-546.18 sets forth certain regulations applicable to development in the M-U-I Zone. Specifically, the section provides as follows:

(a) Except as provided in Subsection (b), the regulations governing location, setbacks, size, height, lot size, density, and other dimensional requirements in the M-U-I Zone are as follows:

- 1. R-18 Zone regulations apply to all uses in Section 27-441(b) (3), Miscellaneous;**

COMMENT: Does not apply.

- 2. R-18 Zone regulations apply to all uses in Section 27-441(b) (6), Residential/Lodging, except hotels and motels;**

COMMENT: Does not apply.

- 3. C-S-C Zone regulations apply to hotels and motels and all other uses; and**

COMMENT: The property is subject to the regulations of the C-S-C Zone subject to the modifications set forth in the Development District Standards applicable in the Town Center Character Area.

- 4. Multifamily residential densities up to forty-eight (48) units per acre are permitted**

COMMENT: Does not apply.

(b) Where an owner proposes a mix of residential and commercial uses on a single lot or parcel in the M-U-I Zone, the site plan as approved shall set out the regulations to be followed. The approved regulations may reduce parking requirements by thirty percent (30%), where evidence shows that proposed parking will be adequate, notwithstanding provisions in Part 11. (CB-10-2001; CB-42-2003)

COMMENT: No mix of uses is proposed.

**9.0 CONFORMANCE WITH THE DEVELOPMENT DISTRICT
OVERLAY ZONE STANDARDS OF THE GATEWAY ARTS DISTRICT
SECTOR PLAN AND REQUEST FOR WAIVERS**

The Gateway Arts District DDOZ contains certain Development District Standards. As discussed above, the Sector Plan provided Development Standards for each Character Area. As a result, the Applicant has addressed conformance to the architectural standards set forth in the DDOZ applicable to the Town Center Character Area. Since the Design Standards set forth in the DDOZ are primarily intended to govern new construction, there are certain provisions which the applicant cannot comply with which are the result of modifications being made to an existing structure.

Based on the above, the design team has addressed conformance with the applicable Design Standards. The analysis of conformance with the Development District Standards indicates that modifications are required to a relatively small number of the DDOZ Design Standards. Where the proposed Detailed Site Plan does not conform with a specific standard, a modification to that standard is requested. Modifications of the Development District Standards are permitted through the process described in Section 27-548.25(c) of the Zoning Ordinance:

"If the applicant so requests, the Planning Board may apply development standards which differ from the approved Development District Standards, unless the Sectional Map Amendment provides otherwise. The Planning Board shall find that the alternative Development District Standards will benefit the development and the development district and will not substantially impair implementation of the Master Plan, Master Plan Amendment, or sector plan."

The modifications of the Development District Standards requested by the Applicant are addressed below.

9.1 SITE DESIGN; BUILDING AND STREETScape SITING (P. 144)

Within Town Center Character Area, "all buildings shall be built out to a minimum of 80 percent of the site frontage." The existing building is 30 feet wide, occupying 36.8% of the site frontage. The Applicant requests an amendment of 43.2% from this requirement. First, this is an existing building. While an addition is proposed to the rear of the building, the width of the building is not proposed to change. Second, the building has an existing façade which will be retained and restored to

preserve the existing building architecture. Finally, the Applicant desires to retain some off-street parking and to access that parking from the existing curb cut on US 1. Even with the parking provided, an amendment is required. As a result of all of these reasons, it is not possible to comply with this Design Standard, and an amendment is requested. Given the unique circumstances as described above, the Planning Board can find that the alternative Development District Standard proposed will benefit the development and the development district and will not substantially impair implementation of the Sector Plan.

9.2 ACCESS AND CIRCULATION (p. 147)

The Sector Plan contains guidance on site access and circulation. One of the requirements applicable in the Town Center Character Area is that "Access to parking and the rear of the lot or parcel shall be located on a side street or alley and shall be a maximum of 18 feet wide." The Subject Property has 18.98 feet of frontage on 44th Avenue, and currently there is a narrow one-way driveway that allows access to the rear of the building. However, the existing building extends far enough into the lot to render that entrance unusable as a two-way access to the main parking lot. Rather, the Applicant proposes to retain the existing driveway entrance on US 1 to access the parking lot. In addition, the Applicant proposes to convert the existing rear driveway area into an outdoor patron area, enclosed by a wall, and to extend the existing building 14 feet in order to make it functional for the proposed use. In order to retain the existing US 1 access, an amendment to this Design Standard is required.

Currently, 44th Avenue is a residential street. With the exception of the Subject Property, none of the other uses fronting on US 1 have a driveway accessing the property from 44th Avenue. Introducing commercial traffic or loading vehicles onto 44th Avenue would not encourage compatibility. Illustration 10 set forth on page 160 of the Sector Plan illustrates how the requirement is intended to be implemented. It envisions a serviced alley that would access residential garages and commercial parking areas. The unique circumstances which exist in this case, with a narrow driveway and a main residential street, are not the circumstance encouraged or contemplated by the Sector Plan. In this case, allowing the rear of the site to be converted to a practical use to enhance the viability of the proposed eating and drinking establishment and allowing the existing entrance on US 1 to continue to provide access is preferred. For these reasons, an amendment to the Design

Standard is appropriate and the Planning Board can find that the alternative Development District Standard proposed will benefit the development and the development district and will not substantially impair implementation of the Sector Plan.

9.3 PARKING AND LOADING (p. 148)

The Sector Plan addresses parking for certain types of uses and certain circumstances. For example, the number of parking spaces required varies depending on whether a parking district is established in the Arts District or by a municipality. These are set forth in Standards 6 and 7 on page 148 of the Sector Plan as follows:

6. If a parking district(s) is established in the Arts District or individual municipality, the number of off-street surface parking spaces, for uses with at least 35,000 SF of GFA, other than artist studio, residential and live/work shall not exceed 80 percent of the number of off-street parking spaces required by Section 27-568(a) of the Zoning Ordinance. If additional parking is provided, it shall be structured. Required parking may be on or off site but shall be located within one-quarter mile of the development site. This section's requirements shall apply to all development under 35,000 SF of GFA.
7. If a parking district(s) is established for the Arts District or individual municipalities, the minimum number of off-street surface parking spaces for uses other than artist studio, residential, and live/work shall be reduced 50 percent from the minimum number of required off-street parking spaces in accordance with Section 27-568(a) of the Zoning Ordinance. If off-site shared parking is utilized in accordance with off-site shared parking requirements below, then this minimum for on-site surface parking may be waived. The minimum number of off-street surface parking spaces permitted for each land use type shall comply with Section 27-568(a) of the Zoning Ordinance. Departure from the provisions of Section 27-568(a) requires a detailed site plan review.

Based upon the above provisions, it is the Applicant's understanding that for developments under 35,000 square feet, the maximum number of required parking spaces is 80% of the requirements in Section 27-568, as stated at the end of Standard 6 ("This section's requirements shall apply to all development under 35,000 SF of GFA"). If a parking district is

established, then the minimum parking would be reduced to 50% of the amount determined in Section 27-568. Thus, the range of parking allowed is no less than 50% and no more than 80% of the requirements in Section 27-568. In this case, a parking district has been established within the City of Hyattsville pursuant to CR-69-1993, a copy of which is attached. Therefore, minimum number of parking spaces required is 50% of the total number of spaces required by Section 27-568.

As discussed above, while the Subject Property is limited in site area, the applicant proposes to restripe and repurpose the existing parking area to maximize its useable area. Within this area, the Applicant can provide 15 parking spaces (14 full size/1 handicapped space) and 1 loading space. Landscaping will also be provided in accordance with the Sector Plan and tree canopy coverage requirements. For a restaurant with a seating capacity of 88 customers, 29.3 parking spaces are typically required by Section 27-568. Since the Sector Plan requires parking within a range of 50-80% of this requirement, the number of spaces required is between 15-24. With 15 parking spaces provided (50% of the requirement), the Applicant satisfies the requirements of the Sector Plan.

In the event it is determined that the Applicant has not properly interpreted the above provisions of the Sector Plan, and a higher number of parking spaces are required than the 15 provided, the Applicant would request an amendment. Pursuant to Section 27-548.25(e), "if a use would normally require a variance or departure, separate application shall not be required, but the Planning Board shall find in its approval of the site plan that the variance or departure conforms to all applicable Development District Standards." In this instance, the Applicant submits that the off-street parking proposed is sufficient to support the proposed use because there are numerous alternative methods both to park as well as travel to the restaurant. First, the Applicant has maximized the number of parking spaces that can be provided off site, and additional spaces are not available. Second, the Subject Property is located along US 1, which is served by Metro Bus service. In fact, there are Metro Bus stops on US 1 and on Jefferson Street in close proximity to the Subject Property. Thus, public transportation facilities are readily available. Third, there is a bike share station located just across the street at the corner of US 1 and Jefferson. Fourth, the Applicant will be providing bike racks on the property to encourage patrons to ride bicycles. Fifth, approximately half of the business generated by the restaurant is take out and/or delivery, a trend which has only been solidified by the current pandemic.

Finally, several public parking options are available within close proximity to the restaurant, which are depicted on the map below taken from the City of Hyattsville website:



As can be seen from the map, on-street parking is available on the east side of US 1, with the exception of rush hours (6-9 am and 4-7 pm Monday-Friday) directly across from the restaurant (outlined in red). On street parking is also available on the west side of US 1 just north of the restaurant. Two public parking lots are available as well. Lot 5, on the south side of Jefferson Street is approximately 500 feet away while Lot 1, located at Hamilton Street, is approximately 900 feet from the Subject Property. The Applicant will also coordinate with its employees to preserve the maximum number of on site parking for its patrons. The Subject Property is located within an urban area of Prince George's County where pedestrian activity is high, allowing local residents to walk to the restaurant. Given the availability of parking on site and the many other options available to employees and patrons, the Applicant submits that the off-street parking is sufficient and that the Planning Board can find that (if required) the alternative Development District Standard proposed will benefit the development and the development district and will not substantially impair implementation of the Sector Plan.

9.4 PARKING AND LOADING—SITING AND ACCESS (p. 149)

The Sector Plan contains Development Standards related to the siting and access to loading spaces. Specifically, "Loading facilities shall only be located at the rear of the building and accessed from a side street or alley." The Applicant proposes to provide a loading space at the rear of the parking lot, immediately adjacent to the dumpster enclosure. As discussed above, there is a narrow driveway which can be accessed from 44th Avenue, but access to this driveway is from a residential street. The proposed loading space is easily accessible, is the least intrusive location on the property and, given the nature of the use, can be easily accessed during non-business hours to ensure there is no conflict between loading and customers. The Applicant proposes to construct a four foot wall to the north side of the entrance to US 1 which will screen the parking and loading areas on site. Given the limited site area, the desire to move loading away from the residential street to the rear, and the screening provided by the Applicant, the Planning Board can find that the alternative Development District Standard proposed will benefit the development and the development district and will not substantially impair implementation of the Sector Plan.

10.0 CONFORMANCE WITH CRITERIA OF APPROVAL--DETAILED SITE PLANS

The Planning Board must also find that the Detailed Site Plan satisfies the criteria of approval set forth in Section 27-285(b) of the Zoning Ordinance. These criteria are set forth below.

(b) Required findings.

(1) The Planning Board may approve a Detailed Site Plan if it finds that the plan represents a reasonable alternative for satisfying the site design guidelines, without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use. If it cannot make these findings, the Planning Board may disapprove the Plan.

COMMENT: The proposed development does represent a reasonable alternative for satisfying the site design guidelines. The proposed development improves an existing structure and adds a use to the US 1 corridor that is consistent with other uses in the immediate vicinity. The change in use

removes a service commercial use not otherwise allowed by the current Sector Plan. The modifications to the building proposed enhance the property architecturally and aesthetically and the addition of streetscape improvements will contribute to the transformation of the US 1 corridor.

The design guidelines are set forth in Sections 27-283 and 27-274 of the Zoning Ordinance. Section 27-283 applies to Detailed Site Plans, and states that the site design guidelines are the same as those required for a Conceptual Site Plan, which are contained in Section 27-274. However, the guidelines shall only be used in keeping with the character and purpose of the proposed type of development.

The Site Design Guidelines address General Matters, Parking, Loading and Circulation, Lighting, Views, Green Area, Site and Streetscape Amenities, Grading, Service Areas, Public Spaces, Architecture and Townhouses. Those that are relevant are addressed below.

Section 27-274(a)(1) General. The proposed plan should promote the purposes of the Conceptual Site Plan. The purposes of Conceptual Site Plans are listed in Section 27-272. The General Purposes include providing for development in accordance with the Master Plan and helping fulfill the purposes of the zone in which the land is located. In this case, the Subject Property was placed in the M-X-T zone from the C-M zone to promote a mix of uses in this area between the north and southbound lanes of Baltimore Avenue. The proposed use fulfills this goal of the Sector Plan.

The Specific Purposes of set forth in Section 27-274 are addressed below.

Section 27-274(a)(2) Parking, Loading and circulation. General guidance is given regarding the location of parking and loading facilities. This project is an existing building with existing parking. Due to the date of its development, no landscaping currently exists. The Applicant proposes to enhance the parking lot and bring it to current standards. Screening of the parking will be provided by a low wall along the eastern and northern property lines.

Section 27-274(a)(3) Lighting. A photometric plan is included with the application that shows that there is no light spillage beyond the property, with the exception of light to illuminate the sidewalk along Baltimore Avenue. The site is

illuminated only to the extent necessary to serve the needs of the use.

Section 27-274(a) (4) Views. The guidelines encourage creating scenic views from public areas. Given the small size of the site and the current condition, the Applicant is improving the views into the site by retaining the existing building façade, adding landscaping and adding artistic elements in the form of murals.

Section 27-274(a) (5) Green Area. Landscaping is being added to the site which does not currently exist.

Section 27-274(a) (6) Site and streetscape amenities. The streetscape will be enhanced with a five foot wide sidewalk and tree pit which satisfies the requirements of the Sector Plan.

Section 27-274(a) (7) Grading. The Applicant is proposing to install an open air space to the rear of the restaurant that will require the grading of approximately 4,800 square feet. This area will be used as a patron area with a seat wall and games.

Section 27-274(a) (8) Service areas. The service areas are proposed to the rear of the site to the extent possible.

Section 27-274(a) (9) Public spaces. A public space system should be provided to enhance a large-scale commercial, mixed-use, or multifamily development. The proposed development a single use and is not a large-scale commercial, mixed use or multifamily development.

Section 27-274(a) (10) Architecture. The architecture modifications being proposed will improve the look of the existing structure. The retention of the front façade, the addition of handicapped accessibility and the murals all will improve the architecture of the building.

Section 27-274(a) (11) Townhouses and three family dwellings. This consideration is inapplicable to the proposed DSP as there are no townhouses or three family dwellings proposed.

Section 27-276(b) (4) provides as follows:

"The plan shall demonstrate the preservation and/or restoration of the regulated environmental features in a

natural state to the fullest extent possible in accordance with the requirement of Subtitle 24-130(b)(5)."

In this case, no regulated environmental features exist on the site.

11.0 CONCLUSION

Based on the above, the Applicant submits that with the modifications requested, the proposed development conforms with the applicable DDOZ Design Guidelines and Standards. In addition, the proposed Detailed Site Plan represents a reasonable alternative for satisfying the site design guidelines, without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use. With the modifications requested, the proposed development conforms with the DDOZ Design Guidelines and Standards.

Respectfully Submitted



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AGENDA ITEM SUMMARY

Reference No: CR-69-1993

Draft No: 2

Prince George's
County Council

Meeting Date: 11/23/93

Requester: D

Item Title: To establish Parking Districts for the
City of Mount Rainier, City of Hyattsville,
& areas within Prince George's Plaza & West
Hyattsville Transit District Overlay Zones

Sponsors D

Date Presented / /
Committee Referral (1) 9/28/93 HP&T Executive Action / / -
Committee Action (1) 10/18/93 FAV Effective Date / / -
Date Introduced 9/28/93
Pub. Hearing Date (1) / / : -

Council Action (1) 11/23/93 Adopted
Council Votes P: A_, B: A_, CA: A_, C: -, D: A_, F: A_,
 MC: A_, M: A_, WI: A_
Pass/Fail P

Remarks (See CB-133-1993)

Drafter: Barbara L. Holtz Resource Jim Odgers
 Office of Lev Personnel: Parking Authority

LEGISLATIVE HISTORY

HOUSING, PLANNING & TRANSPORTATION COM. REPORT

DATE: 10/18/93

Committee Vote: Favorable, 5-0 (In favor: Council Members Bell,
Castaldi, Del Giudice, Fletcher and MacKinnon).

Jim Odgers and Peter Krauser, representing the Parking Authority,
responded to questions regarding this resolution. Comments had not
yet been received by the impacted municipalities, and the Committee
requested the concurrence of the municipalities prior to the adoption
of the resolution.

BACKGROUND INFORMATION/FISCAL IMPACT

(Includes reason for proposal, as well as any unique statutory requirements)

- This resolution will establish Parking Districts for the the City of Mount Rainier, the City of Hyattsville, areas within the Prince George's Plaza Transit District Overlay Zone and areas within the West Hyattsville Transit District Overlay Zone.

CODE INDEX TOPICS:

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

Legislative Session 1993
 Resolution No. CR-69-1993
 Proposed by Council Member Del Giudice
 Introduced by Council Member Del Giudice
 Co-Sponsors _____
 Date of Introduction September 28, 1993

RESOLUTION

A RESOLUTION concerning

Establishment of Parking Districts

FOR the purpose of establishing Parking Districts for the City of Mount Rainier, the City of Hyattsville, areas within the Prince George's Plaza Transit District Overlay Zone and areas within the West Hyattsville Transit District Overlay Zone.

WHEREAS, Section 2-411 of the Prince George's County Code, as amended by CB-133, 1993, provides for the establishment of parking districts by Resolution of the County Council; and

WHEREAS, the Parking Authority of Prince George's County has recommended the establishment of certain parking districts within the County; now, therefore,

SECTION 1. BE IT RESOLVED by the County Council of Prince George's County, Maryland, that it finds, based upon an assessment of current facilities for parking in those areas that are the subject of this resolution and an assessment of current and future parking needs, and after consideration of the plan submitted by the Authority to meet those needs, and the financial plan for funding parking facilities proposed in the Authority's plan, that the establishment of the following Parking Districts

1 will provide for the encouragement of trade and industry, will promote the
 2 health, safety and welfare of the residents of the County and the described
 3 areas, and will advance the purposes stated in Section 2-400 of the Prince
 4 George's County Code.

5 SECTION 2. BE IT FURTHER RESOLVED that the County Council expressly
 6 acknowledges the authority of municipalities to regulate parking within
 7 their boundaries and that the Parking Authority of Prince George's County
 8 may only act within said boundaries pursuant to separate authorization by
 9 the affected municipality.

10 SECTION 3. BE IT FURTHER RESOLVED that there are hereby established
 11 Parking Districts within the City of Mount Rainier, areas within the Prince
 12 George's Plaza Transit District Overlay Zone, areas within the West
 13 Hyattsville Transit District Overlay Zone, and the City of Hyattsville,
 14 which shall consist of all land within those areas described in this
 15 resolution. Any parcel partially within the areas described shall be
 16 considered as being totally within the described district.

17 SECTION 4. BE IT FURTHER RESOLVED that a Parking District be
 18 established for the Town of Mount Rainier, Maryland, which shall be
 19 constituted as follows:

20 **Mount Rainier Parking District**

21 Commencing at a point within the City of Mount Rainier on the
 22 eastern side of 34th Street, within Mount Rainier Subdivision, Block 1, at
 23 the northwestern corner of Lot 2 and proceeding in an easterly direction
 24 along the northern line of Lot 2 to 34th Place; thence proceeding across
 25 34th Place and continuing in Mt. Rainier Subdivision to the northwestern
 26 corner of part of Lot 5 and then proceeding in a southerly direction along
 27 the western line of part of Lot 5 to Bunker Hill Road; thence proceeding

1 across Bunker Hill Road in a southeasterly direction to Yost Addition
2 Subdivision to the northwestern corner of Lot 1, then proceeding along the
3 western line of Lot 1 in a southerly direction along 35th Street to the
4 northwest corner of Lot 22, then proceeding in an easterly direction along
5 the northern lines of Lots 22, 17, 16, 15, 14, 13, 12, 11, 10, 6, and 5 to
6 the southwestern corner of Lot 3, then proceeding in a northerly direction
7 along the western line of Lot 3 to Bunker Hill Road, then proceeding in an
8 easterly direction along the northern lines of Lots 3 and 9 to the
9 northwestern corner of Lot 10, then proceeding along the western line of
10 Lot 10 in a southerly direction to the northwestern corner of Lot 1, then
11 proceeding along the northern line of Lot 1 to the northeastern corner of
12 Lot 1, and then proceeding in a southerly direction along the eastern line
13 of Lot 1 to Rhode Island Avenue; thence crossing Rhode Island Avenue in a
14 southwesterly direction to the southwesterly corner of Rhode Island Avenue
15 and 37th Place to Mount Rainier Subdivision to the northeasterly corner of
16 Lot 76 in Block 3, then proceeding in a southwesterly direction along the
17 northerly line of Lot 76 to Lot 2, then proceeding in a southeasterly
18 direction along the easterly lines of Lots 2, 3 and 4 to Lot 5, then
19 proceeding in a southeasterly direction along the southerly line of Lot 4
20 to 37th Street; thence crossing 37th Street to the southeasterly corner of
21 Lot 15 in Block 2, and then proceeding in a southwesterly direction along
22 the southerly lines of Lots 15, 14, 13, 12, 11, 10, 9 and 8 to Lot 7, and
23 then proceeding to the northeastern corner of Lot 26, and then proceeding
24 in a southerly direction along the easterly line of Lot 26 to Perry Street;
25 thence proceeding across Perry Street in a southeasterly direction to the
26 northeast corner of Lot 5 in Block 7, then proceeding in a southerly
27 direction along the eastern line of Lot 5 to the northeastern corner of Lot

1 6, then proceeding in a westerly direction along the northern lines of Lots
2 6 and 33 to the northwestern corner of Lot 33, then proceeding in a
3 southerly direction along the western lines of Lots 33, 32 and 31 to the
4 northwestern corner of Lot 30; thence crossing 35th Street to the
5 southeastern corner of Lot 8 in Block 6 and then proceeding in a westerly
6 direction along the southern lines of Lots 8 and 27 to 34th Street, then
7 proceeding in a southerly direction along the western lines of Lots 26, 25,
8 24, 23, 22, 21, 20, 19 and 18 to Otis Street; thence crossing 34th Street
9 to the easterly west point of Lot 13 in Block 11, then proceeding in a
10 northwesterly direction along the northerly lines of Lots 13, 14, 15, 16,
11 17, 18, 19, 20, 21 and 29 to the northeasterly corner of Lot 26, then
12 proceeding in a southerly direction along the easterly line of Lot 26 to
13 Eastern Avenue, then proceeding in a northwesterly direction along the
14 westerly line of Lot 26 to Rhode Island Avenue; thence crossing Rhode
15 Island Avenue in a northwesterly direction to Highmont Subdivision to the
16 southerly west point of Lot 11 in Block 5, then proceeding in a
17 northwesterly direction along the westerly lines of Lots 11, 12, 13, 14,
18 15, and 16 to the southerly west point of Lot 17, then proceeding in an
19 easterly direction along the southern lines of Lots 17, 18, 19, 20, 21, 22,
20 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33 and 34 to 33rd Street, then
21 proceeding in a northerly direction along the easterly line of Lot 34 to
22 Perry Street; thence crossing Perry Street to the southeast corner of Lot
23 10 in Block 8 and proceeding north along the easterly line of Lot 10 to Lot
24 26; thence crossing 33rd Street to the northwest corner of Lot 6 in Block 7
25 and proceeding in an easterly direction along the northern lines of Lots 6,
26 5 and 4 to the southwestern corner of Lot 26, then proceeding in a
27 northerly direction along the westerly lines of Lots 26, 25, 24, 23, 22, 21

1 and 20 to the southeastern corner of Lot 16, then proceeding in a westerly
2 direction along the southern line of Lot 16 to Lot 15, then proceeding in a
3 northerly direction along the western line of Lot 16 to Bunker Hill Road;
4 thence proceeding across Bunker Hill Road in a northeasterly direction to
5 the southwestern corner of Lot 1 in Block 2, then proceeding in a northerly
6 direction along the westerly lines of Lots 1, 2 and 3 to Lot 4, then
7 proceeding in an easterly direction along the northern line of Lot 3 to
8 34th Street, thence crossing 34th Street in an easterly direction back to
9 the point of beginning. The Mount Rainier Parking Enterprise District
10 shall also include all land and improvements contained within the
11 Seventeenth Election District of Prince George's County within the area
12 described as follows:

13 Commencing at a point within the City of Mount Rainier on the eastern side
14 of 22nd Avenue at the northwesterly corner of Lot 5 (3864) and proceeding
15 in a northeasterly direction along the northerly line of Lot 5 to Lot 6A
16 (3864), then proceeding in a southeasterly direction along the easterly
17 line of Lot 5 to the northwesterly corner of Lot 8 (3865), and then
18 proceeding along the northerly line of Lot 8 in a northeasterly direction
19 to Russell Avenue; thence crossing Russell Avenue to the northwesterly
20 corner of Parcel F, Block B, (0496) and proceeding in a southeasterly
21 direction along the westerly line of Parcel F to Arundel Road; thence
22 crossing Arundel Road to the northwesterly corner of Parcel B, Block J,
23 (0515) and proceeding along the westerly line of Parcel B to 28th Place;
24 thence crossing 28th Place to the northwesterly corner of Parcel G (0516)
25 and then proceeding along the westerly line of Parcel G a distance of 300
26 feet, more or less; thence crossing Russell Avenue in a westerly direction
27 to Parcel B (0517) at the intersection of Russell Avenue and Kaywood Drive

1 and then following the line of Parcel B along Kaywood Drive in a
2 southwesterly direction, then a southeasterly direction, then a
3 southwesterly direction to Eastern Avenue, all a distance of 1100 feet,
4 more or less, continuing along the westerly line of Parcel B to Varnus
5 Street; thence crossing Varnus Street to part of Block A (0517) and
6 proceeding along the westerly line of part of Block A to Arundel Road;
7 thence crossing Arundel Road to Lot 22 (0493) and proceeding in an easterly
8 direction along the southerly lines of Lot 22, Parcel 25, and Parcel 26 to
9 22nd Avenue, and then proceeding along the easterly line of Parcel 26 to
10 the southeasterly corner of Lot 27 (0494); thence crossing 22nd Avenue to
11 the northwestern corner of Lot 5 back to the point of beginning.

12 SECTION 5. BE IT FURTHER RESOLVED that a Parking District be
13 established for the Prince George's Plaza Transit District District Overlay
14 Zone, which shall be constituted as follows:

15 Prince George's Plaza Transit District

16 Overlay Zone Parking District

17 Commencing at a point at the southeast corner of the intersection of
18 Adelphi Road at Underwood Street and proceeding in a southeasterly
19 direction along Adelphi Road within Block 39, of University Park
20 Subdivision along the westerly lines of Lots 50, 49, 48, 47, 46, 45, 44,
21 43, 42, 41, 40, 39, 38, 37, [Subd. Plat 1520] and 36 [1264] to its
22 intersection with Beechwood Road; thence crossing Beechwood Road and
23 proceeding along the westerly line of Lot 1, Block 33 across the westerly
24 line of Parcel 129 [1264] to its intersection with Toledo Road; thence
25 crossing Toledo Road and proceeding in a southerly direction within Block
26 21 along the westerly lines of Lots 14, 15, 16, 17, 18, 19, 20, 21, 22, 23,
27 24, and 25 [0969] to its intersection with Tennyson Road; thence crossing

1 Tennyson Road and proceeding in a southerly direction within Block 17 along
2 the westerly lines of Lots 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, and 1
3 [0969] to its intersection with Queens Chapel Road and East West Highway;
4 thence crossing East West Highway and proceeding in a southerly direction
5 to the northwest corner of Block A of Old Colony Subdivision and proceeding
6 along the westerly line of Lot 10 [0600]; thence crossing 41st Avenue in a
7 westerly direction to Block A in W.C. Jenkins Subdivision and proceeding in
8 a southwesterly direction along Queens Chapel Road along the western lines
9 of Lots 1, 15, 14, 13, 12, 11, and 10 [0582] to its intersection with
10 Quintana Street, thence crossing Quintana Street to Block B and proceeding
11 along Queens Chapel Road in a southwesterly direction along the western
12 lines of Lots 8, 9, 17 [0578], Parcel 117 and 118 [8266] to its
13 intersection with Queensbury Road; thence crossing Queensbury Road to Block
14 A in Hyattsville Hills Subdivision and proceeding in a southwesterly
15 direction along the western lines of Lots 5, 4, 3, 2, and 1 [0727] to its
16 intersection with Powhatan Road; thence crossing Queens Chapel Road in a
17 westerly direction to Block 19 in Queens Chapel Manor Subdivision and
18 proceeding in a westerly direction along the northern lines of Lots 16, 15,
19 14, 13, 12, 11, 10, 9, 8, 7, 6, 5, 4, 3, 2, and 1 [1259] to the
20 intersection of Oliver Street and Jamestown Road; thence crossing Jamestown
21 Road in a westerly direction to Block 15 and proceeding in a westerly
22 direction along the northern lines of Lots 18, 17, 16, 15, 14, 13, 12, 11,
23 and 10 [1259] to Parcel A [4875], then proceeding in a westerly direction
24 along the northern line of Parcel A a distance of 1,100 feet, more or less,
25 then proceeding in a southwesterly direction along the northwest line of
26 Parcel A a distance of 450 feet, more or less to Maryhurst Drive; thence
27 crossing Maryhurst Drive and proceeding in a westerly direction along the

1 southern limits of Oliver Place [3343] to its intersection with 31st
2 Avenue; thence proceeding in a westerly direction along the southern line
3 of Parcel 25 a distance of 250 feet, more or less; then proceeding in a
4 northwesterly direction along the western line of Parcel 25 a
5 distance of 125 feet, more or less, to Parcel 61, and then proceeding along
6 the eastern line of Parcel 61 a distance of 100 feet, more or less, to
7 Parcel 60, and proceeding along the eastern line of Parcel 60 a distance of
8 300 feet, more or less, to Parcel 59 [2172-379], and proceeding along the
9 eastern line of Parcel 59 a distance of 500 feet, more or less, to East
10 West Highway; thence crossing East West Highway to the southwest corner of
11 Parcel 58 and proceeding in a northerly direction a distance of 400 feet,
12 more or less, to its northwest corner, and proceeding in an easterly
13 direction a distance of 180 feet, more or less, to the northwest corner of
14 Parcel 124, and then proceeding to a point in an easterly direction a
15 distance of 550 feet, more or less, and then proceeding in a northeasterly
16 direction to a point with Parcel 1, a distance of 250 feet, more or less
17 [4520/985]; thence proceeding in a northerly direction along the western
18 line of Parcel 1 to a point with Parcel 26, a distance of 1,500 feet, more
19 or less, and then proceeding along the western line of Parcel 26 [3847] to
20 Dean Drive; thence crossing Dean Drive to the southwest corner of Parcel 3
21 [4759] and proceeding in an easterly direction along the southern line of
22 Parcel 3 to Parcel 'D' [3605] and then proceeding along the eastern line of
23 Parcel 'D' to a point a distance of 1,000 feet, more or less; thence
24 crossing Dean Drive to the northeastern corner of Parcel 27 [2064/89] and
25 proceeding in a southeasterly direction along the western line of Parcel 27
26 to a point at a distance of 700 feet, more or less, and then proceeding
27 along the southern line of Parcel 27 to a point at the southwestern corner

1 of Parcel 1, [1080/135] a distance of 350 feet, more or less, and then
2 proceeding along the southern line of Parcel 1 to Adelphi Road, a distance
3 of 1,400 feet, more or less, and then proceeding in a southerly direction
4 along the eastern line of Parcel 75 to its intersection with Belcrest Road
5 and Adelphi Road; thence crossing Adelphi Road to the point of beginning,
6 at the southeast corner of Adelphi Road at Underwood Street.

7 SECTION 6. BE IT FURTHER RESOLVED that a Parking District be
8 established for the West Hyattsville Transit District Overlay Zone, which
9 shall be constituted as follows:

10 West Hyattsville Transit District

11 Overlay Zone Parking District.

12 Commencing at a point at the southeast corner of the intersection of Ager
13 Road and Nicholson Street and proceeding in a southeasterly direction along
14 the western line of Parcel 1 [2269] a distance of 800 feet, more or less,
15 to the intersection of Ager Road and 29th Avenue; thence crossing 29th
16 Avenue and proceeding in a southeasterly direction along the western line
17 of Parcel 2 to Green Hill Park Subdivision, Block B [1430], Lot 8 and
18 proceeding in an easterly direction along the north line of Lots 8 and 9;
19 thence crossing 29th Avenue to [1221] the northwest corner of lot 17 and
20 proceeding in a southeasterly direction along the western lines of Lots 17,
21 18, 19, 20, [1380] 27, and continuing along the western line of Lot 1
22 [0497] to Lancer Street; thence crossing Lancer Street to Queens Chapel
23 Manor Subdivision, Block C [0497] and proceeding along the western lines
24 of Lots 13, 12, 11, 10, 9, 8, 7, 6, 5, 4, 3, 2, and 1 to Jamestown Road;
25 thence proceeding in an easterly direction along the southern line of Lots
26 1, 28, and 27 to 30th Avenue; thence proceeding across 30th Avenue to Block
27 D and proceeding along the southern lines of Lots 1, 30, and 29 to 31st

1 Avenue; thence proceeding across 31st Avenue to Block N to the southwest
2 corner of Lot 1 and proceeding in an easterly direction along the southerly
3 lines of Lots 1, through 22 [0498], 21, to the southwest corner of Lot 20;
4 thence proceeding across Jamestown Road to Block N to the northwest corner
5 of Lot 13 and then proceeding to the southwest corner of Lot 13 and then
6 proceeding in a northeasterly direction along the southeasterly lines of
7 Lots 13, 12, 11, 10, 9, 8, 7, 6, 5, 4, 3, 2, and 1 to Lancer Drive; thence
8 proceeding along Parcel 'F' in a southeasterly direction to Manor Drive and
9 then proceeding in a westerly direction along Parcel 'F' and then in a
10 southerly direction along Parcel 'F' to Queens Chapel Road; thence crossing
11 Queens Chapel Road to Clearwood Subdivision, Block 8, [0528] to the
12 northeasterly corner of Lot 1 and then proceeding along the easterly lines
13 of Lots 1, 2, 3, 4, and 5 and then proceeding in a southwesterly direction
14 along the southeasterly lines of Lots 5, 6, 7, and 8 to Hamilton Street and
15 then proceeding in a northwesterly direction along the southwesterly lines
16 of Lots 8, A-3, A-2 and A-1 to Queens Chapel Road; thence crossing Hamilton
17 Street to North West Branch Park, to the northerly most point of Parcel 178
18 [N-NCTPC, 359/238] and then proceeding in a southwesterly direction along
19 the northwestern line of Parcel 178 a distance of 1,000 feet, more or less,
20 to the northerly most point of Parcel 46 [N-NCTPC, 1642/461] and then
21 continuing in a southerly direction along the westerly line of Parcels 46,
22 47, 49 and 50, a distance of 900 feet, more or less, to Chillum Road;
23 thence proceeding across Chillum Road to the northeasterly corner of Parcel
24 13 [in Marshall B. Coyne, 2268-389] and proceeding in a southerly direction
25 along the easterly line of Parcel 13 a distance of 900 feet, more or less,
26 then proceeding in a northwesterly direction to the most westerly point of
27 Parcel 13, a distance of 500 feet, more or less, to the northerly most

1 point of Parcel 1 [King Park Plaza, 4726], then proceeding along the
2 northerly line of Parcel 1, a distance of 300 feet, more or less, to the
3 northeasterly corner of [Queens Park Plaza, 4309], then proceeding along
4 the northerly line of [4309] a distance of 400 feet, more or less, to the
5 southerly most point of Parcel 3 [M-NCPPC, 4443/61], then proceeding in a
6 northwesterly direction along the easterly line of Parcel 3, a distance of
7 800 feet, more or less, to Parcel 'C' in Avondale Terrace Subdivision
8 [1121], then proceeding in a northwesterly direction along the easterly
9 line of Parcel 'C' to Lot 1, Block G, then proceeding along the easterly
10 line of Lot 1 to Ingraham Street; thence proceeding across Ingraham Street
11 to the southeasterly corner of Lot 5, Block E, then proceeding in a
12 northwesterly direction along the easterly lines of Lots 5 and 4 to Chillus
13 Road; thence proceeding across Chillus Road to the southwesterly corner of
14 Parcel 'A-15' [132054] and then proceeding in a northeasterly direction
15 along the westerly line of Parcel 'A-15' to Parcel 8 [M-NCPPC, 1408-14],
16 then proceeding along the westerly line of Parcel 8 [through North West
17 Branch Park] to the southwesterly corner of Parcel 114, [WMATA, 5749/759],
18 then proceeding in a northeasterly direction along the westerly line of
19 Parcel 114, a distance of 200 feet, more or less, to the southerly most
20 point of Barretts Addition to Kirkwood Village [2978], then proceeding
21 along the southwesterly arc of Barretts Addition to Parcel 110, [M-NCPPC],
22 a distance of 800 feet, more or less, then proceeding along the northerly
23 line of Barretts Addition to Nicholson Street, a distance of 200 feet, more
24 or less; thence proceeding across Nicholson Street to Kirkwood Village
25 Subdivision [1366] to the southwest corner of Block D and then proceeding
26 in a northerly direction along the western line of Block D a distance of
27 450 feet, more or less, to Block C, then proceeding in a northerly

1 direction along the westerly line of Block C a distance of 450 feet, more
2 or less, to the Mall; thence crossing The Mall in a northeasterly direction
3 ~~to~~ to the most westerly point of Block B and then proceeding in a
4 northeasterly direction along the northeastern line of Block B a distance
5 of 450 feet, more or less, to the northwestern corner of Block A, then
6 proceeding in an easterly direction along the northern line of Block A to
7 Ager Road, a distance of 450 feet, more or less; thence crossing Ager Road
8 to the point of beginning, at the southeast corner of Ager Road and
9 Nicholson Street.

10 SECTION 7. BE IT FURTHER RESOLVED that a Parking District be
11 established for the City of Hyattsville, Maryland, which shall be
12 constituted as follows:

13 City of Hyattsville Parking District.

14 The Hyattsville Parking District shall consist of all land and improvements
15 within the Sixteenth Election District of Prince George's County, located
16 within the City of Hyattsville, within the area described as follows:

17 Commencing at a point at the northeast corner of Lot 47, Block A, and then
18 proceeding in an easterly direction to the boundary line of the City of
19 Hyattsville, also located within the right-of-way of Baltimore Avenue, and
20 then proceeding in a southerly direction along the boundary line of the
21 City of Hyattsville, and continuing for the same to the intersections of
22 Baltimore Avenue with Oliver Street, and then to Oglethorpe Street, and
23 then to Madison Street, all a distance of 1300 feet, more or less; thence
24 crossing Baltimore Avenue in an easterly direction to the northwest corner
25 of Lot 16, Block 65, [0796] and proceeding in an easterly direction along
26 the northern lines of Lots 16, 17, 18, 19, 20, 21 and 22 to the Baltimore
27 and Ohio R.R. right-of-way; thence proceeding in a southwesterly direction

1 along the westerly side of the Baltimore and Ohio R.R. right-of-way to
2 Longfellow Street, and continuing for the same along the westerly side of
3 the right-of-way to Kennedy Street, and continuing for the same along the
4 westerly side of the right-of-way to Hamilton Street, all a distance of
5 1700 feet, more or less; then crossing the Baltimore and Ohio right-of-way
6 in an easterly direction to its easterly side and then proceeding along the
7 easterly side of the right-of-way, a distance of 400 feet, more or less, to
8 its Alexandria Branch, Parcel 125, and then continuing along the westerly
9 side of the Alexandria Branch right-of-way in a southeasterly direction to
10 its intersection with Emerson Street, a distance of 1400 feet, more or
11 less, and then continuing along the westerly side of the Alexandria Branch
12 right-of-way in a southerly direction to the right-of-way's intersection
13 with Burlington Road and the boundary line of the City of Hyattsville;
14 thence proceeding in a southerly direction along the boundary line of the
15 City of Hyattsville for a distance of 400 feet, more or less, and then
16 continuing along the boundary line of the City of Hyattsville in a
17 southwesterly direction to Baltimore Avenue, a distance of 1100 feet, more
18 or less; thence crossing Baltimore Avenue and then continuing along the
19 boundary line of the City of Hyattsville first in a southwesterly direction
20 and then in a northwesterly direction, all a distance of 1500 feet, more or
21 less, to Rhode Island Avenue; thence crossing Rhode Island Avenue to the
22 westerly right-of-way line of Rhode Island Avenue and then proceeding in a
23 northerly direction along the right-of-way line to Crittenden Street;
24 thence crossing Crittenden Street to the nearest most part of Parcel 262
25 and then proceeding in a westerly direction along the southerly line of
26 Parcel 262 to Parcel 261, and then continuing along the southerly line of
27 Parcel 261 to Parcel 29, and then continuing in a northerly direction along

1 the westerly line of Parcel 29 to Decatur Street; thence crossing Decatur
2 Street and proceeding in an easterly direction along the northerly
3 right-of-way line of Decatur Street to 42nd Avenue; thence crossing 42nd
4 Avenue and continuing along the northerly right-of-way line of Decatur
5 Street to 42nd Place, and then proceeding in a northerly direction along
6 the westerly right-of-way line of 42nd Place to Emerson Street; thence
7 crossing Emerson Street and continuing in a northerly direction along the
8 westerly right-of-way of 42nd Place to Farragut Street, and then proceeding
9 along the southerly right-of-way line of Farragut Street in an easterly
10 direction to 43rd Avenue; then crossing Farragut Street and proceeding in a
11 northerly direction along the westerly right-of-way line of 43rd Avenue to
12 Gallatin Street; thence crossing Gallatin Street and proceeding along the
13 northerly right-of-way line of Gallatin Street to 42nd Place, and then
14 proceeding along the easterly right-of-way line of 42nd Place to the
15 northwest corner of Lot 15, Block E, and then proceeding along the
16 northerly line of Lot 15 to 43rd Avenue, and then proceeding along the
17 westerly right-of-way of 43rd Avenue to Jefferson Street; then crossing
18 Jefferson Street and proceeding along the northerly right-of-way line of
19 Jefferson Street in an easterly direction to 43rd Place; thence crossing
20 43rd Place along the northerly right-of-way line of Jefferson Street in an
21 easterly direction to 44th Avenue, and then proceeding in a northerly
22 direction along the westerly right-of-way line of 44th Avenue to Kennedy
23 Street; thence crossing Kennedy Street to Block 3, and then proceeding in a
24 westerly direction along the northern right-of-way line of Kennedy Street
25 to 43rd Avenue; thence crossing 43rd Avenue and continuing in a northerly
26 direction along the westerly right-of-way line of 43rd Avenue to Longfellow
27 thence crossing Longfellow Street and continuing along the westerly right-

1 of-way line of 43rd Avenue to Maccaboy Street; thence crossing Maccaboy
2 Street and continuing along the westerly right-of-way line of 43rd Avenue
3 to Madison Street; thence crossing Madison Street and continuing along the
4 westerly right-of-way line of 43rd Avenue to Nicholson Street; thence
5 crossing Nicholson Street and continuing along the westerly right-of-way
6 line of 43rd Avenue to Oglethorpe Street; thence crossing Oglethorpe Street
7 to the northerly right-of-way line of Oglethorpe Street; thence crossing
8 43rd Avenue and proceeding in an easterly direction along the northerly
9 right-of-way line of Oglethorpe Street to 43rd Street; thence crossing 43rd
10 Street and continuing along the northerly right-of-way line of Oglethorpe
11 Street to 44th Avenue, and then proceeding in a northerly direction along
12 the westerly right-of-way line of 44th Avenue to Oliver Street; thence
13 crossing Oliver Street and continuing in a northerly direction along the
14 westerly right-of-way of 44th Avenue a distance of 120 feet, more or less,
15 to the boundary line of the City of Hyattsville; thence crossing 44th
16 Avenue in an easterly direction and continuing along the boundary line of
17 the City of Hyattsville back to the point of beginning, a distance of 600
18 feet, more or less.

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SECTION 8. BE IT FURTHER RESOLVED that this Resolution shall take effect on the date of its adoption.

Adopted this 23rd day of November, 1993.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: Hilda R. Pemberton
Hilda R. Pemberton
Chairwoman

ATTEST:

Joyce T. Sweeney
Joyce T. Sweeney
Clerk of the Council

<u>Standards Applicable to the TC Character Area</u>	<u>Permit Review Required</u>	<u>Applicability to Federalist Pig Property</u>														
<u>SITE DESIGN</u>																
<p><u>Building and Streetscape Siting</u></p> <p><i>Create a consistent streetwall and a pleasant, inviting streetscape along commercial and mixed-use streets and a coherent visual appearance along neighborhood residential streets. Enhance the green, shaded identity of neighborhood streets and extend this identity to commercial and mixed-use areas. Develop walkable neighborhoods with contiguous linkages that support residential sociability, commercial activity, and the use of alternative modes of transportation.</i></p>																
<p>Development shall meet all applicable build-to lines with the optional variation shown in Table 1.</p> <table border="1" data-bbox="130 565 1161 950"> <thead> <tr> <th colspan="4" data-bbox="130 565 1161 609">Table 1: Build-to Line (Distance in feet)</th> </tr> <tr> <th data-bbox="130 609 504 690" rowspan="2">Buildings/Location</th> <th colspan="2" data-bbox="504 609 1014 652">Build-to Line</th> <th data-bbox="1014 609 1161 690" rowspan="2">Allowable Variation</th> </tr> <tr> <th data-bbox="504 652 737 690">From face-of-curb</th> <th data-bbox="737 652 1014 690">From edge of R-O-W</th> </tr> </thead> <tbody> <tr> <td data-bbox="130 690 504 950">Along US 1, excluding the segment from Jefferson Street to Farragut Street (the ultimate right-of-way for US 1 from Oliver Street to Hamilton Street shall be 60 feet to 80 feet)</td> <td data-bbox="504 690 737 950" style="text-align: center;">-----</td> <td data-bbox="737 690 1014 950" style="text-align: center;">10-12</td> <td data-bbox="1014 690 1161 950" style="text-align: center;">+4</td> </tr> </tbody> </table>	Table 1: Build-to Line (Distance in feet)				Buildings/Location	Build-to Line		Allowable Variation	From face-of-curb	From edge of R-O-W	Along US 1, excluding the segment from Jefferson Street to Farragut Street (the ultimate right-of-way for US 1 from Oliver Street to Hamilton Street shall be 60 feet to 80 feet)	-----	10-12	+4	X	<p>Conforms. The existing building is 10.2-10.3 feet from the right of way of US 1.</p>
Table 1: Build-to Line (Distance in feet)																
Buildings/Location	Build-to Line		Allowable Variation													
	From face-of-curb	From edge of R-O-W														
Along US 1, excluding the segment from Jefferson Street to Farragut Street (the ultimate right-of-way for US 1 from Oliver Street to Hamilton Street shall be 60 feet to 80 feet)	-----	10-12	+4													
<p>Buildings along the segment of US1 from Jefferson Street to Farragut Street should be sited to maintain a consistent front building line to define the public realm of the street, wherever possible. If no established setbacks of the existing front building line exists, a build-to line between 10 and 12 feet from the right-of-way-line should be established. This is a DSP standard.</p>		N/A														
<p>All buildings shall be built out to a minimum of 80 percent of the site frontage.</p>	X	<p>Amendment required. The existing building occupies 36.8% of the frontage on US 1. An amendment of 43.2% is requested.</p>														
<p>Development on lots or parcels greater than four acres in size should place utility lines underground or relocate them to the rear of the property in coordination with the appropriate utility. This standard applies only to new utilities to be placed with proposed development or redevelopment.</p>		N/A														
<p>Building sidewalls should abut the sidewalls of adjacent buildings, if possible.</p>		<p>Conforms. The sidewall of the existing building abuts the sidewall of the adjacent building. No building proposed along northern property line.</p>														
<p>Buildings on corner lots should not have blank exterior walls at the pedestrian level.</p>		N/A														

<p><u>Access and Circulation</u></p> <p><i>Develop pedestrian-friendly streets by minimizing driveway access across sidewalks, minimizing the use of drive-through services, creating drive-aisles and alleys to access service areas, and providing safe bicycle and pedestrian routes.</i></p>		
<p>Access to parking lots and loading facilities on adjacent properties should be shared.</p>		<p>None about the property. There is no opportunity to share parking.</p>
<p>Sidewalks a minimum of five feet in width shall connect to dwelling entrances, parking, recreational facilities, auxiliary buildings, recycling, and dumpster areas.</p>	<p>X</p>	<p>Complies.</p>
<p>Sidewalks shall not be made of asphalt.</p>	<p>X</p>	<p>Complies. Sidewalks will be concrete.</p>
<p>Sidewalk materials and design shall be continuous across driveways and driveway aprons.</p>	<p>X</p>	<p>Complies.</p>
<p>There shall be a max of two access driveways per lot/parcel from a public street to parking.</p>	<p>X</p>	<p>Complies. Existing single driveway will be retained.</p>
<p>Access to parking and the rear of the lot or parcel shall be located on a side street or alley and shall be a maximum of 18 feet wide</p>	<p>X</p>	<p>Amendment required. The building does not allow the rear street to serve as access to parking. The access will be closed to allow for an outdoor gaming area.</p>
<p>Sites greater than four acres in size should have private drive aisles or public alleys to provide access to the rear of buildings and the interior of the lot or parcel for access to parking, dumpsters, and service entrances</p>		<p>N/A</p>
<p>Drive-through services shall be located only on the rear of a building</p>	<p>X</p>	<p>N/A</p>
<p>Drive-through services shall not be allowed except where accessed from a side street or alley.</p>	<p>X</p>	<p>N/A</p>
<p><u>Parking and Loading</u></p> <p><i>Provide adequate parking and encourage shared parking without encroaching upon adjacent neighborhoods. Avoid unsightly expanses of asphalt and reduce the negative environmental impacts associated with impervious surfaces. Move unsightly parking and loading elements to the rear of the site.</i></p>		
<p>Parking for an artist studio use shall be provided at the rate of one space per 2,500 square feet of gross floor area.</p>	<p>X</p>	<p>N/A</p>
<p>Parking for a residential or live/work use shall be a minimum of 1.5 on-site spaces per unit. Additional spaces up to a maximum of 3.5 spaces per unit may only be provided in an on-site parking structure.</p>	<p>X</p>	<p>N/A</p>
<p>If a parking district(s) is established in the Arts District or individual municipality, the number of off-street surface parking spaces, for uses with at least 35,000 SF of GFA, other than artist studio, residential and live/work shall not exceed 80 percent of the number of off-street parking spaces required by Section 27-568(a) of the Zoning Ordinance. If additional parking is provided, it shall be structured. Required parking may be on or off site but shall be located within one-quarter mile of the development site. This section's requirements shall apply to all development under 35,000 SF of GFA.</p>	<p>X</p>	<p>Amendment required. No parking district exists in the Arts District or in the City of Hyattsville. Per last sentence, 80% of parking required by Section 27-568 is the maximum that can be provided. Thus the maximum allowed is 24 parking spaces. 15 parking spaces is provided.</p>
<p>If a parking district(s) is established for the Arts District or individual municipalities, the minimum number of off-street surface parking spaces for uses other than artist studio, residential, and live/work shall be reduced 50 percent from the minimum number of required off-street parking spaces in accordance with Section 27-568(a) of the Zoning Ordinance. If off-site shared parking is utilized in accordance with off-site shared parking requirements below, then this minimum for on-site surface parking may be waived. The minimum number</p>	<p>X</p>	<p>Amendment required. If a parking district existed in the Arts District or in the City of Hyattsville the parking could be reduced by 50%. The Applicant proposes 50% of required parking even though no parking district has been established.</p>

of off-street surface parking spaces permitted for each land use type shall comply with Section 27-568(a) of the Zoning Ordinance. Departure from the provisions of Section 27-568(a) requires a detailed site plan review.		
Where shared parking is utilized, the applicant shall provide details of the development's proposed uses and required parking along with a letter from the parking lot manager certifying that the lot has the capacity to accommodate all parking needs and that the parking owner has entered into an agreement to share the number of spaces required.	X	N/A. No shared parking is proposed.
When off-site parking is used to meet the parking requirements, the applicant will need to provide satisfactory documentation to show that parking is provided off site.	X	No off-street parking is proposed to meet the parking requirements.
Structured parking for a multifamily residential use shall be located on the interior of the block, at the rear of the property or underground and accessed from a side street, alley or entrance drive-aisle with a secured door.	X	N/A
Residential unit garages should be located at the rear of the property and accessed from a side street or alley.	X	N/A
Loading facilities shall only be located at the rear of the building and accessed from a side street or alley.	X	Amendment required. The loading space is located in the parking lot accessed from US 1.
Parking shall not be located between the sidewalk or street and the building.	X	Conforms.
Structured parking should be located on the interior of the block, at the rear of the property, or underground and accessed from a side street or alley. Structured parking should not be located to overshadow historic landmarks, historic neighborhoods or views of signature buildings		N/A
<u>Fencing, Walls, Screening, and Buffering</u>		
<i>Delineate and protect private property while allowing for surveillance of public and private areas to increase safety. Improve the appearance of the character areas by screening unsightly elements, restricting inappropriate materials, and creating utilitarian and decorative walls. Protect the character of adjacent traditional one-family neighborhoods.</i>		
Opaque walls and fences, with the exception of required screening, shall not exceed four feet in height. Non-opaque fences shall not exceed six feet in height.	X	Conforms. All walls visible from outside the site are four feet high or less.
Barbed wire, vinyl cladding, unclad cinder block, or razor wire shall not be used as walls, fences, or screening. Appropriate materials for fences and walls include masonry, wood, decorative metal, or brick	X	Conforms.
Chain-link fences shall not be used as walls, fences or screening, with the exception of enclosures for recreational courts (e.g., tennis or basketball).	X	Conforms.
<u>Dumpsters, Services, Utilities, Outdoor Storage, and Stormwater Management</u>		
<i>Promote an attractive, positive image of the Arts District by locating unsightly elements to minimize their visual impact. Protect and enhance ecological functions within watersheds. Reduce the impact of stormwater.</i>		
New techniques and methods of collecting and treating stormwater should be used as they emerge, such as micromanagement described in the current version of the design manual <i>Low-Impact Development Strategies—An Integrated Design Approach</i> , published by DER.		Conforms.
Dumpsters, outdoor storage, utility boxes, and HVAC units shall be screened by an opaque material similar in color and material to that of the main building so they are not visible from	X	Conforms.

the public sidewalks or streets.		
Dumpsters on adjacent properties should be consolidated, where possible		N/A
<u>Signage</u>		
<i>Retain the small-town character by decreasing visual clutter and improving the overall appearance of signage.</i>		
Freestanding pole, monumental signs, or billboard shall not be allowed.	X	Conforms
<u>Lighting</u>		
<i>Create a softly lit environment by evenly lighting public areas at minimal intensities, avoid deep shadows and harsh lighting, minimize light pollution and glare, and reduce the contrast between light and dark areas to improve safety and deter crime</i>		
Gas stations should not be illuminated by a high level of lighting (above 10 Lux) and should use a minimum color-rendering index (CRI) of 65. This lighting should be shielded not to exceed 15 feet in radius from any given pump.		N/A
Illumination shall be provided for main entrances, passageways, parking lots, recycling areas, service entrances and areas, alleys, pathways, parks, and plazas.	X	Conforms. A photometric plan has been provided with the detailed site plan.
Grade changes in public spaces such as stairs, inclines, ramps, and steps should be illuminated from above or at the ground level		Conforms.
Fixtures should be located and shielded so that light does not spill from a parking lot onto an adjacent one-family residential property or into residential building windows.		Conforms. A photometric plan has been provided with the detailed site plan.
<u>Landscaping</u>		
<i>Use plants with interesting foliage, colors, and shapes to create a shady and colorful environment that emphasizes the diversity, creativity, and exuberance of the Arts District. Allow for unique yards and a streetscape that add to the overall character of the street. Increase appreciation for neighborhoods by providing well-maintained trees, gardens, flowers, and shrubs.</i>		
Existing trees should be preserved where feasible.		Conforms. There are no existing trees on site.
Shade trees with a minimum of 2½- to 3-inch caliper shall be provided at the rate of one shade tree per every 5,000 square feet of the gross site area (exclusive of street dedications). Existing trees and street trees to be planted within the abutting right-of-way may be counted toward meeting this standard.	X	Conforms. The site contains 11,801 square feet. A total of 3 trees are required and eight are provided.
Parking lots shall be planted with a minimum of one shade tree per every ten spaces in the provided corners, bump-outs, or islands.	X	Conforms. Two trees are required and two are provided.
The property owner should install hose bibs on the outside of new buildings in locations appropriate for watering street trees and landscaping and cleaning sidewalks where this does not interfere with entrance embellishments.		N/A
<u>BUILDING DESIGN</u>		
<u>Building Height</u>		
<i>Create a “street room” and avoid overwhelming the street, landmark buildings, and one-family neighborhoods with buildings that frame the street. Allow sufficient height to ensure that new office, residential, and commercial mixed-use development is profitable. Protect one-family residential neighborhoods from encroachment.</i>		

Buildings adjacent to a one-family residential dwelling or a historic landmark shall have a maximum height of 42 feet. Buildings adjacent to a historic landmark shall have a height that is architecturally compatible with that landmark.	X	Conforms.
Residential or live/work buildings on US 1, Alt. US 1 and 38 th Street should have a minimum height of 28 feet. The minimum height of commercial buildings on these streets should be 18 feet.		N/A
The maximum height of multifamily residential buildings shall be 70 feet.	X	N/A
The maximum height of townhouse buildings shall be 45 feet	X	N/A
A bay window, oriel, entrance vestibule, or balcony may project up to three feet beyond the front or rear building line, if the projection is not more than ten feet long (measured along the building). Cornices and eaves may project up to two and one half feet beyond the building line. The projection shall be at least two feet from any lot line	X	N/A
<u>Building Openings</u>		
<i>Develop user-friendly buildings by defining entrances and character through the shape, position, and detailing of doors and windows. Promote public safety through the natural surveillance and private oversight of public areas. Create an attractive and lively commercial area by highlighting storefronts. Provide doors and windows to appropriately articulate buildings with an industrial character, contribute to improved safety, and increase the user-friendliness of buildings.</i>		
The main entrance(s) of buildings with ground floor retail uses should be located on the primary street and address the sidewalk with appropriate lighting and signage. Buildings on corners should consider locating main entrances on the corners.		N/A
The main entrances should be highlighted with a minimum of three design elements such as awnings, a portico, architectural recesses, windows (transom and sidelights), plantings, street furniture, and architectural details to highlight entrances to businesses or upper-story offices and apartments.		Conforms. The included design elements are a) retention of existing architectural façade; b) a portico; and c) plantings.
The ground floor of commercial structures with first-floor retail uses shall contain at least 60 percent two-way visually transparent material.	X	N/A
All facades should have substantial fenestration on all stories, including those facing the rear, alley, driveways, parking lots or other open areas.		Conforms. Side elevation includes entrances and mural. Rear elevation screened by street wall.
Multifamily buildings should have transparent lobby and entrance windows facing the street		N/A
<u>Unit Design</u>		
<i>Develop high-quality, pedestrian-oriented commercial and residential structures compatible with the scale of adjacent neighborhoods and town centers through the use of texture, color, and massing. Retain the historic character of buildings and restore original building details, when possible. Allow for unique composition and details in new buildings while ensuring compatibility with existing neighborhoods.</i>		
Residential units shall not be located on the ground floor on 34 th Street, 38 th Street and on US 1 south of Jefferson Street.	X	N/A
Commercial buildings shall have a minimum ground floor height of 12 feet	X	Conforms.
Artist live/work units shall have a minimum gross floor area of 700 square feet	X	N/A
<u>Architecture</u>		
<i>Develop high-quality, pedestrian-oriented commercial and residential structures compatible</i>		

<i>with the scale of adjacent neighborhoods and town centers through the use of texture, color, and massing. Retain the historic character of buildings and restore original building details, when possible. Allow for unique composition and details in new buildings while ensuring compatibility with existing neighborhoods.</i>		
The historic character of buildings should be retained and, where possible, details of the original building should be restored.		Conforms. Existing masonry building façade to be retained.
Developments should emphasize the division between street level and the upper stories through design features such as aligned windows, awnings, patterned bands, and cornices		N/A. Existing building is one story.
Parking structures should relate to the architecture of the main building		N/A
New buildings greater than 45 feet in width should be designed to visually break up the length of the building		N/A. No new building proposed.
Buildings that exceed 130 feet in frontage on any street should be articulated through massing, material, color, opening, and detail changes to appear as multiple buildings rather than one single building.		N/A
Buildings intended for institutional use should highlight the main entrance through massing changes, architectural details, and appropriate lighting and plantings.		N/A
The ground floor of any commercial/mixed-use structure on US 1, Alt. US 1 and 38 th Street should incorporate decorative architectural detailing and materials. This shall be achieved through the use of windows and door casings, facade detailing, and unique cornices, banding or awnings		Conforms. The existing façade will be retained and a portico added. This will provide decorative architectural detailing.
Design of multifamily buildings should be compatible with the scale and proportion of adjacent residential neighborhoods		N/A
New buildings should be faced on any facade fronting a public street with quality materials such as brick, stone, wood, masonry, or stucco compatible with the character of the surrounding neighborhoods.		N/A. This is an existing building.
<u>Architecture for Signature Buildings</u>		
<i>Locate architecturally unique buildings on sites important to the visual quality of the town center, such as the far side of a T-intersection where roads connect the Arts District to other municipalities (a view terminus) and the corners of major road intersections (gateway views).</i>		
New buildings and renovations on signature properties should incorporate designs that portray the unique identity of the Arts District and exhibit the highest quality in design or materials. See Gateway and View Terminus Sites (Map 11) for locations.		Conforms. The renovation of the existing building within this view terminus site will retain the existing façade.
<u>Signage</u>		
<i>Provide attractive, durable signage to create a positive, attractive identity for businesses. Design signs to enhance the area as a whole while allowing for creative commercial expression and visual variety by incorporating bright colors, textures, and images. Avoid oversized signage and ensure that home occupations, civic, and institutional uses retain the aspect of residential structures. Ensure that storefront windows are clear of signage to reduce clutter and improve passive observation of the street to enhance safety.</i>		
Exterior neon signs, internally lit signs, and signs with moving parts or blinking lights shall only be permitted on US 1, 34 th Street and 38 th Street.	X	Conforms. The “Federalist Pig” sign on front façade is internally lit.
Commercial signs painted on side or rear facades shall not exceed 30 percent of the facade area.	X	Conforms. The mural on the side of the building will not contain advertising.
Neon signs, signs with moving parts, or blinking lights should not be greater than 20 square		N/A

feet in area.		
Sign locations should be incorporated into the overall architectural design of the building		Conforms.
Letters and logos painted on storefront windows and doors should not exceed more than 25 percent of the window area		N/A
All businesses shall have front and/or rear entry signage such as blade and bracket, pin letter, or flat mounted boards securely fastened to the building and oriented toward pedestrians	X	Conforms. The wall mural along US 1 is oriented toward pedestrians.
Signs should be lit externally, where the light does not exceed the area of the sign or spill onto the building facade		Conforms. "Entrance" and "Pre-Order" signs on side doors are externally lit.
Only banners suspended and permanently braced perpendicular to the building are permitted	X	N/A
Sign area shall not exceed the regulations of Sections 27-613(c), (f), and 27-107.01 of the Zoning Ordinance	X	Conforms. 60 sf of sign area permitted. Total of all building signs is 23.54 sf.
Roof-mounted signs should not extend beyond the roofline by more than three feet		Conforms. Sign on front façade is 1.3 ft high
Wall murals shall not contain logos, advertising, or a product for sale. The name of the sponsor may appear in letters not more than eight inches in height. A wall mural shall not contain an image(s) that are obscene or negatively impact historic characters and resources of the local community	X	Conforms. Building wall mural conforms. No advertising or logos are proposed.
<u>PUBLIC SPACE</u>		
<u>Streetscape</u>		
<i>Emphasize the positive identity of the Arts District by providing attractive and well-maintained streetscapes that enhance the comfort and provide connectivity for pedestrians. Provide an attractive strip for street trees, landscaping, and sidewalk paving to buffer pedestrians from traffic, beautify the street, and allow space for cafes, seating, bicycle racks, gardens, trash receptacles, and other amenities</i>		
The streetscape is the area from the face of the curb to the build-to line. The streetscape should include a sidewalk (pedestrian walkway and street furniture zone) and a strip containing street trees, landscaping, and a paved area for pedestrian amenities. On streets with on-street parking, bump-outs containing tree boxes should be considered. ¹		Conforms, although this standard does not apply in the City of Hyattsville.
The streetscape on US 1, 34 th and 38 th Streets and Alt. US 1 shall consist of a sidewalk a minimum of 12 feet wide and may include a strip containing street trees, landscaping, and pedestrian amenities. ¹	X	Conforms. The sidewalk is 13 ft wide and includes a 5' sidewalk, 5' strip containing trees/landscaping and a three foot street buffer.
All streets shall have a sidewalk on both sides wherever possible.	X	Conforms.
On US 1, Alt US 1 and 38 th Street, tree boxes shall be at least 5 feet wide, 10 feet long, and 4 feet deep. On all other streets tree boxes shall be at least 4 feet wide, 8 feet long, and 4 feet deep. All tree boxes shall be spaced 30-40 feet apart.	X	Conforms. The tree pit will be more than 10 ft long and is at least 4 ft deep.
Street trees shall be shade trees and shall be a minimum of 2½- to 3-inch caliper	X	Conforms.

¹ The City of Hyattsville is exempt from this standard.

<p><u>Parks and Plazas</u></p> <p><i>Create attractive parks, greens, gardens, and plazas on public land and within private developments for rest, contemplation and/or active enjoyment. Enhance visual interest through public art, fountains, archways, and other amenities. Encourage unique design and visual features that tie the area to the Arts District.</i></p>		
<p>At least one tree with a minimum 2½- to 3-inch caliper should be planted per every 1,000 square feet of proposed open space.</p>		N/A
<p>Walkways in parks and plazas shall have pedestrian-oriented lighting</p>	X	N/A
<p>A minimum of 1 shrub should be provided for every 100 square feet of area, and there should be a minimum of 3 varieties for spaces greater than 300 square feet</p>		N/A



City of Hyattsville

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

Agenda Item Report

File #: HCC-177-FY21

12/21/2020

10.a)

Submitted by: Corcoran
Submitting Department: City Clerk
Agenda Section: Appointment

Item Title:
Appointment to the Ethics Commission

Suggested Action:

I move that the Mayor, with Council approval, appoint Michael Horlick (Ward 2) to the Ethics Commission for a term of three (3) years to begin on January 4, 2021 and expire on January 4, 2024.

Summary Background:

Please see attached application.

Next Steps:

Staff liaisons for the Ethics Commission will reach out to the new appointee to invite them to attend the next meeting as a member.

Fiscal Impact:

N/A

City Administrator Comments:

Recommend appointment.

Community Engagement:

Agendas for the Ethics Commission Meetings are posted on the City's website. Meetings are open to the public and all are encouraged to attend.

Strategic Goals:

Goal 1 - Ensure Transparent and Accessible Governance

Legal Review Required?

N/A

Board, Committee and Commission Application

Profile

Michael

First Name

Horlick

Last Name

[Redacted]

Email Address

[Redacted]

Street Address

[Redacted]

Suite or Apt

[Redacted]

[Redacted]

State

[Redacted]

Postal Code

City

To find your City Ward, click on this link! <http://www.hyattsville.org/538/Residency-Verification-Page>

*

Ward 2

[Redacted]

Primary Phone

[Redacted]

Alternate Phone

Which Boards would you like to apply for?

Ethics Commission: Submitted

Referred By:

T. Carter Ross

Please provide a brief background statement including why you want to serve on a committee. This statement may be posted on the City's website.

The city's ethics code exists to outline the standards under which all employees and elected officials operate. It needs to be administered with diligence and thoughtfulness, and executed without bias. I'm a long-time city resident and am very active in community and non-profit pursuits; I have a master's degree in education and am currently pursuing graduate work in public policy; I care a great deal about our city, and want to ensure that the highest ethical standards are maintained.

Question applies to Ethics Commission

The Ethics Commission is composed of five (5) members, appointed by the Mayor and approved by Council for a term of three (3) years.

The Commission's responsibilities include adopting regulations in accordance with the City's Ethics Code, providing advisory opinions, and certifying compliance to the State Ethics Commission. In addition to these responsibilities, the Commission is appointed by the Board of Supervisors of Elections to review all campaign finance documents for the 2019 Election.

The Commission has adopted the following meeting dates for 2019. Commissioners must attend the meetings.

- Monday, March 4, 6 PM: Candidate Information Session
- Saturday, March 23, 10 AM: Candidate Information Session
- Tuesday, April 2, 7 PM
- Thursday, April 4, 6 PM: Certified Candidate Information Session
- Tuesday, April 16, 7 PM
- Friday, April 19, 7 PM
- Tuesday, April 30, 7 PM
- Friday, May 3, 7 PM
- Tuesday, May 14, 7 PM

No meetings June - August

- Thursday, September 5, 7 PM
- Thursday, September 26, 7 PM

Question applies to Ethics Commission

What skills and experience will you bring to the Commission? Include any governmental experience, activities with civic and business organizations, accounting experience, or any other experience that would contribute to your effectiveness as a Commissioner.

As above, I'm a long-time city resident; I'm very active in community and non-profit pursuits; I have a master's degree in education and am currently earning another post-graduate degree in public policy; I'm a certified project management professional, have 16+ years experience as a government contractor, and have a successful history with grant and proposal writing.



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Agenda Item Report

File #: HCC-163-FY21

12/21/2020

11.a)

Submitted by: Hal Metzler
Submitting Department: Public Works
Agenda Section: Consent

Item Title:
DPW New Facility Project - Parking Lot Paving

Suggested Action:

I move that the Mayor and Council authorize an expenditure not to exceed \$33,000 to Keller Construction Management to complete the paving restoration of the Department of Public Works (DPW) facility.

Summary Background:

In 2016 the Council approved a contract with Keller Construction Management to design and build a new DPW facility building. In order to keep costs low, the original plan only included resurfacing the portions of the parking lot disturbed by the construction. Since that time, the asphalt has aged an additional 5 years as the project approaches completion. The contractor is preparing to replace the asphalt under their contract. However, the remaining asphalt will most likely need to be replaced within the next 5 years to avoid damaging the new construction. Keller Construction Management was able to provide an estimate to complete the resurfacing of all the asphalt at DPW. This price is a discount over having another contractor complete the work and will increase the lifespan of the entire parking area.

Next Steps:

With Council approval, Keller Construction will complete the requested work.

Fiscal Impact:

NTE \$33,000.00

City Administrator Comments:

Recommend support.

Community Engagement:

N/A

Strategic Goals:

Goal 4 - Foster Excellence in all City Operations

Legal Review Required?

N/A

December 8, 2020

Hal Metzler
Deput Director of Public Works
Department of Public Works
City of Hyattsville
4633 Arundel Place
Hyattsville, MD 20781

Subject: Existing Asphalt Mill & Overlay Proposal

Dear Mr. Metzler,

Keller Construction Management proposes to mill the existing asphalt parking lot outside of the limits of disturbance of the new Maintenance Building to a depth of 1.5" and overlay with new asphalt surface course. We assume the existing subgrade and existing asphalt base layer are stable and suitable as a base layer for the new surface layer. Any subgrade or base asphalt repairs required to place new surface asphalt will be performed on a time & material basis.

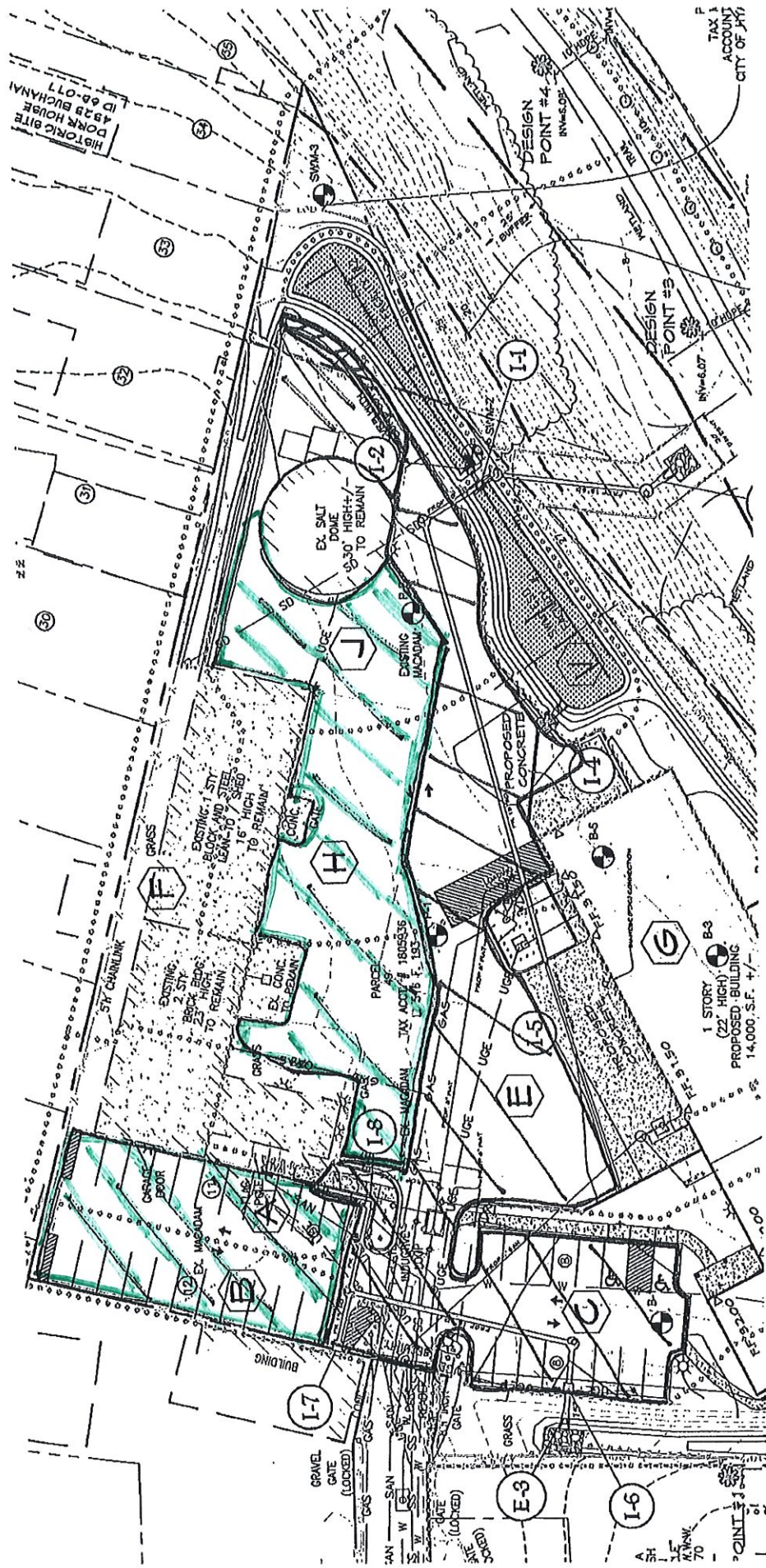
We propose to perform this work in the amount of \$32,655.00 (Thirty two thousand six hundred fifty five dollars and no cents).

Sincerely,



Chris Morris
Senior Project Manager

Cc: Soli Guille JMT
Salem Samim JMT
Omari David RRMM Architects
Randy Goetz KCM
Andrew Pierce KCM



Green = Mill + Overlay Area



City of Hyattsville

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

Agenda Item Report

File #: HCC-164-FY21

12/21/2020

11.b)

Submitted by: Laura Reams
Submitting Department: City Clerk
Agenda Section: Consent

Item Title:

Approval of Election Equipment Vendor for Election 2021

Suggested Action:

I move that the Mayor and Council approve the recommendation of the Board of Supervisors of Elections to select Election Systems and Software (ES&S) to be the City's election equipment vendor for the Biennial Election to be held on Tuesday, May 11, 2021 and to authorize the City Administrator to execute a contract in an amount not to exceed \$13,000, upon the review and approval by the City Attorney for legal sufficiency.

Summary Background:

The Board of Supervisors of Elections issued a Request for Proposal (RFP) for election services in 2020. One (1) response was received from ES&S, the vendor the City contracted with for the 2019 City election. The Board of Supervisors of Elections evaluated the response and recommends that the City execute a contract for election services with ES&S, for the May 2021 Election.

The contract will include the following:

- Rental of optical ballot scanners
- Rental of Americans with Disabilities Act (ADA) accessible electronic voting machines
- One (1) day of election judge training
- Electronic poll books for Vote-by-Mail ballot intake and Election Day
- On-site technician for Election Day
- Tabulation of Election Results

The 2021 election will be held primarily by mail. The City will have one (1) polling center on Election Day for voters from all wards and for Same Day Voter Registration. ES&S is the State of Maryland election vendor and will provide Hyattsville voters with an experience similar to State and County elections by utilizing paper ballots and optical scanners.

The City has budgeted funds of \$30,000 for equipment rental for the 2021 election. The election will also require the City to contract with a mail vendor for the printing and mailing of Vote-by-Mail ballot packets to all registered voters and the printing of ballots for Election Day. Staff and the Board of Supervisors of Elections are currently evaluating mail vendors and expect to bring forth a proposal in January. The addition of a mail vendor will likely require a budget amendment to the City's election budget.

Next Steps:

Upon approval, the City Administrator will execute the contract. The Board of Supervisors of Elections and City staff will work with the Election vendor to coordinate and implement the ballot intake and Election Day polling center.

Fiscal Impact:

NTE \$13,000

City Administrator Comments:

Recommend Support.

Community Engagement:

Outreach announcing candidate and voter registration periods will be mailed to City households.

Strategic Goals:

Goal 1 - Ensure Transparent and Accessible Governance

Legal Review Required?

Pending



Hyattsville, City of, Maryland May 2021 Rental Proposal Quote Submitted by Election Systems & Software

Rental Solution Includes:

Quantity	Item Description	Price
Hardware		
Model DS200 Precinct Scanner:		
2	Model DS200 (Includes Scanner, Plastic Ballot Box with Steel Door and e-Bin, Paper Roll and One (1) Standard 4GB Memory Device)	\$2,020.00
1	Model DS200 WITHOUT Ballot Box (Includes Scanner, Carrying Case, Paper Roll and One (1) Standard 4GB Memory Device)	\$945.00
ExpressVote:		
2	ExpressVote BMD Terminal (Includes Terminal, ADA Keypad, Headphones, and One (1) Standard 4GB Memory Device)	\$1,210.00
2	ExpressVote Soft-Sided Case	\$50.00
Pollbook:		
4	EP5000	\$200.00
Other:		
10	Voting Booth	\$500.00
Election Services		
Implementation Services:		
2	Project Management	\$3,400.00
1	Coding	\$2,150.00
X	Equipment Installation	\$555.00
Shipping & Other		
X	Shipping & Handling	\$1,590.00
Total Rental Solution		\$12,620.00

Footnotes:

1. Rates valid for 120 days and thereafter may change.
2. Any applicable (City & State) sales taxes have not been included in pricing and are the responsibility of the customer.
3. The quantity of service days reflects a reasonable estimate for implementation and selected ongoing election services. Quantities may change depending on specific Customer needs.
4. A Rental Cancellation Fee of 10% of the Total Rental Solution Fee shall apply in the event the Customer does not provide written notification to ES&S of its intent to cancel an Election at least forty-five (45) days prior to a scheduled Election covered under an Agreement between ES&S and the Customer.



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Agenda Item Report

File #: HCC-166-FY21

12/21/2020

11.c)

Submitted by: Laura Reams
Submitting Department: City Clerk
Agenda Section: Consent

Item Title:

Council of Governments Policy Committee Appointments

Suggested Action:

I move that the Mayor and Council make the following appointments to the Council of Governments (COG) Policy Committees for a term of one-year, beginning on January 1, 2021:

- Region Forward Coalition: Interim Mayor Kevin Ward, with staff alternate Jim Chandler
- Human Services & Public Safety Policy Committee: Interim Mayor Kevin Ward, with staff alternate Acting Police Chief Scott Dunklee and Marci LeFevre
- Climate Energy & Environment Policy Committee: Interim Mayor Kevin Ward, with staff alternate Lesley Riddle
- Chesapeake Bay & Water Resources Policy Committee: Interim Mayor Kevin Ward, with staff alternate Lesley Riddle

Summary Background:

The Council joined the Metropolitan Washington Council of Governments in October 2016. Membership to COG provides the opportunity for Elected Officials and staff members to participate in COG Policy Committees. The interim Mayor will fill the appointments that will be vacated by the Mayor on December 31st. The term of the appointment will be for one (1) year. Appointments are required to be submitted to COG by January 2021.

Next Steps:

Upon approval by the Council, the appointments will be submitted to COG and the City will continue participating in meetings.

Fiscal Impact:

N/A

City Administrator Comments:

Recommend support.

Community Engagement:

N/A

Strategic Goals:

Goal 4 - Foster Excellence in all City Operations

Legal Review Required?

N/A

MWCOG POLICY COMMITTEES

POLICY COMMITTEES

Policy committees are advisory committees of the COG Board.

Chesapeake Bay and Water Resources Policy Committee

Chesapeake Bay and Water Resources Policy Committee (CBPC) advises the COG Board on Bay-related policies and tracks developments under the federal-state Chesapeake Bay Program for implications to local governments. It also considers questions of potable water supply and waste water treatment. The CBPC regularly prepares position statements in response to state and federal legislation affecting the Bay.

Climate, Energy and Environment Policy Committee

Climate, Energy and Environment Policy Committee (CEEPC) advises the COG Board on climate change, energy, green building, alternate fuels, solid waste and recycling policy issues, and other environmental issues as necessary. The CEEPC is responsible for managing implementation of the COG Climate Change Report adopted by the COG Board on November 12, 2008. This responsibility includes development of a regional climate change strategy to meet the regional greenhouse gas reduction goals adopted by the Board.

Human Services and Public Safety Policy Committee

The Human Services and Public Safety Policy Committee (HSPSC) advises the COG Board on a variety of issues including affordable housing, homelessness, child welfare, crime control and prevention, and traffic safety. Recent actions have included reports on homelessness and crime trends in the region as well as a foreclosure summit to address the significant increase in home foreclosures across the region.

Region Forward Coalition

Regional Forward Coalition is to oversee the next steps recommended in Region Forward and advise the COG Board on future comprehensive regional planning and implementation activities. The Coalition's primary responsibilities includes overseeing the Region Forward performance Baseline analysis and future regional progress reports; use Region Forward as a guide to update the Regional Activity Centers; and create clear strategies and initiatives to support the transformation of regional centers into Complete Communities. The Coalition will provide cross-cutting regional policy capacity and long-range regional planning recommendations to the COG Board. The Coalition includes members from public, private and nonprofit sectors which all have a role in helping the Region meet its goals.



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Agenda Item Report

File #: HCC-168-FY21

12/21/2020

11.d)

Submitted by: Cheri Everhart
Submitting Department: Community Services
Agenda Section: Consent

Item Title:

MOU with Maryland Department of the Environment for Funding from the Volkswagen Environmental Mitigation Trust

Suggested Action:

I move that the Mayor and Council authorize the City Administrator to enter into a grant agreement with the Maryland Department of the Environment for Funding from the Volkswagen Environmental Mitigation Trust for the purchase of an all-electric 14 passenger bus, upon the review and approval of the City Attorney for legal sufficiency.

Summary Background:

In the summer of 2019, the City applied for grant funding from the Volkswagen Environmental Mitigation Trust to purchase an all-electric 14 passenger bus to replace an aging diesel bus and install the required infrastructure. This reimbursable grant will fund the purchase in an amount not to exceed \$228,712.

Next Steps:

Accept and appropriate grant funding.

Fiscal Impact:

\$228,712 reimbursable grant.

City Administrator Comments:

Recommend support.

Community Engagement:

Upon receipt of the vehicle, the City will advertise its planned use and services.

Strategic Goals:

Goal 4 - Foster Excellence in all City Operations

Legal Review Required?

Pending

**GRANT AGREEMENT
BETWEEN
THE MARYLAND DEPARTMENT OF THE ENVIRONMENT
AND
CITY OF HYATTSVILLE
FOR FUNDING FROM
THE VOLKSWAGEN ENVIRONMENTAL
MITIGATION TRUST**

This GRANT AGREEMENT (“Grant”) is made between the Maryland Department of the Environment (“Department”) and City of Hyattsville (“Grantee”).

WHEREAS, the Environmental Mitigation Trust (“Trust”) was established through, and funded by, the Environmental Mitigation Trust Agreement (“Trust Agreement”) between Volkswagen AG, Audi AG, Volkswagen Group of America, Inc., and Volkswagen Group of America Chattanooga Operations, LLC and Dr. Ing. h.c. F. Porsche AG and Porsche Cars North America, Inc. (collectively “Defendants), the Environmental Protection Agency, and the California Air Resources Board as the result of two consent decrees, dated October 25, 2016 (“First Partial Consent Decree”) and May 17, 2017 (“Second Partial Consent Decree”)(collectively “Consent Decree”), to provide states, as beneficiaries of the Trust, with funds for Projects to offset the excess emissions resulting from the sale of non-compliant diesel vehicles; and

WHEREAS, the Trust is administered by a trustee, Wilmington Trust (“Trustee”), selected by the parties to the Consent Decree to implement the Trust for the benefit of the states, including the State of Maryland (“State”); and

WHEREAS, pursuant to Appendix D-3 of the Certification for Beneficiary Status (“Appendix D-3”) the State is the beneficiary of, and bound by, the Trust Agreement, and is therefore required to implement the Trust pursuant to the terms of the Trust Agreement; and

WHEREAS, pursuant to Appendix D-3 the Department has been certified as the Lead Agency for purposes of the State’s participation in, and implementation of, the State’s allocation of Trust funds, as established by the Trust Agreement, and the Department, thereby, has the delegated authority to act on behalf of, and to legally bind the State; and

WHEREAS, the Grantee has applied to the Department for Trust funds in order to replace one diesel powered shuttle bus with one new electric powered shuttle bus and install the required infrastructure. The Department is providing these reimbursable funds to achieve greater reductions in emissions from diesel vehicles in Maryland; and

WHEREAS, based on the Grantee’s application, the Department will request from the Trustee, disbursement of funds from the Trust in an amount not to exceed \$228,712 using funds available from the Trust. This disbursement is based on the Grantee's original request of \$207,920 in their proposal submitted to the Department. However, due to the elapsed time since the submission of the original proposal, the Department has recognized that this cost may have

VW Trust Grant Agreement Government – August 6, 2020

increased. Therefore, the Department will request up to an additional 10% from the Trustee for disbursement to reflect the potential cost increase. If the total requested funds are expected to exceed \$228,712, the Grantee must timely notify the Department in writing and, upon final approval, the Department will request disbursement of the additional funds. Moreover, if there is an increase in the total amount of the requested funds, compared to the approved funding level from the Department review process, the Grantee is still required to provide the agreed upon percentage in matching funds.

WHEREAS, the Department shall request to distribute Trust funds to Grantee in accordance with this Grant and subject to Section V of the Trust Agreement. Project eligibility and funding requests are subject to the Trustee's final approval.

WHEREAS, the financial assistance provided herein originates solely with the Trust and not the Department.

NOW THEREFORE, in consideration of the foregoing, as well as the mutual promises and covenants contained herein, the Department and the Grantee hereby agree as follows:

I. RECITALS

The RECITALS are hereby made a part of this Grant.

II. TERM OF AGREEMENT

Performance under this Grant commences at the time the Trustee approves the Project and continues until agreed-upon services are completed, and no later than October 10, 2022.

III. LEVEL OF FUNDING

The Department shall provide Trust funds in accordance with Section V of this Grant and Section V of the Trust Agreement, but the total amount paid under this Grant shall not exceed \$207,920 (the "Award"). However, should the total cost of the requested funds exceed, or is expected to exceed, \$207,920 by more than 10%, Grantee must notify the Department in writing and any additional funds will be disbursed only upon Trustee's final approval.

IV. OBLIGATIONS OF GRANTEE FOR THE PROJECT

The Grantee agrees to comply with all of the following requirements:

- a) The Grantee shall develop a Spending Plan for the Trust funds which shall include a listing of all program costs associated with the tasks outlined in the Grant. In preparing the spending plan, Grantee should not include administrative costs associated with the Grant as they are not reimbursable costs. Grantee shall submit the Spending Plan to the Department for approval within 30 days of the execution of this Grant. If the Department does not approve the Spending Plan, the Department may terminate this Grant pursuant to Section XV below.

- b) The Grantee shall provide the information required by Appendix A (VW Mitigation Trust Program Grantee Quarterly Report) and Appendix B (Beneficiary Eligible Mitigation Action Certification-Trust Appendix D-4) on a quarterly basis. Appendices A and B are attached for reference and incorporated herein. Grantee's failure to submit the necessary information in Appendices A and B shall result in the Department withholding Grantee's funds for the quarter in which the information was required to be submitted.
- c) Upon request, the Grantee shall provide the Department with any information the Department needs to meet the Trust's reporting requirements.
- d) The Grantee shall coordinate with the Department any publicity or public outreach events, in which it participates as a result of the Award. No portion of the Trust funds shall be used by the Grantee for publicity, outreach events, or any other type of promotional projects, events, or materials.
- e) The Grantee shall use the Trust funds only for those Project costs as agreed to by the Grantee and the Department pursuant to this Grant.
- f) The Grantee shall ensure that the replacement vehicles/equipment whose purchase was reimbursed with this funding will be used on a regular basis for the useful life of the vehicle.
- g) Grantee shall be the sole owner of any equipment, including but not limited to motor vehicles, purchased with funds Grantee receives from the Trust.
- h) In accordance with Appendix D-2 of the VW Settlement, any replacement equipment, including but not limited to motor vehicles, shall be scrapped. The term "Scrapped" means to render equipment inoperable and made available for recycle. Grantee shall, at a minimum, cut a 3-inch hole in the engine block of all engines, and shall disable the chassis of the scrapped engine by cutting the vehicle's frame rails completely in half.

V. REIMBURSEMENT

The funds provided under this Grant are subject to availability of Trust funds. During the term of this Grant, the Department shall request disbursement of Trust funds from the Trustee for any invoices submitted by the Grantee to the Department for services performed by Grantee as follows:

- a) Grantee shall send the Department an invoice addressed to the Trust, with all relevant receipts, reports and documentation attached detailing the work performed and the compensation due to the Grantee. Grantee's Federal Tax Identification Number and invoice number must appear on all invoices submitted by the Grantee to the Department for payment. The Department will not request reimbursement on behalf of the Grantee for administrative costs associated with this Grant.

- b) The Department shall submit the approved invoices to the Trustee for reimbursement according to Appendix B attached for reference and incorporated herein. In the event the Department disputes an invoice, or any portion therein, the Department may withhold the disputed portion until the dispute is resolved in accordance with Section X below.
- c) Except as provided in Section III, Level of Funding, invoices will not exceed the agreed-upon amount of two hundred and seven thousand nine hundred and twenty dollars (\$207,920). Expenses greater than this amount are the responsibility of the Grantee and no Trust funds shall be disbursed to Grantee to cover any invoices, costs, expenses or otherwise that exceed \$207,920.
- d) All invoices are to be submitted electronically to an MDE established secure FTP site. Information on the secure FTP site and directions on how to access it will be provided after the agreement is executed.
- e) The Department will submit payment requests to the Trustee in accordance with the terms of this Grant only after the Department's approval. Charges for late payment are prohibited. The Department reserves the right to withhold payment for any invoice containing a discrepancy or inconsistency in the billing amount. Any disputes will be resolved in accordance with paragraph X below.

VI. DEPARTMENT RESPONSIBILITIES

- a) The Department shall seek reimbursement from the Grantee as described in Section V.
- b) The Department shall maintain and make publicly available all documentation and records submitted in support of each funding request and in support of all expenditures.

VII. RETENTION OF RECORDS - AUDITS

The Department shall have the right, during normal business hours, to examine and audit all Grantee records that the Department deems necessary or advisable in order to verify compliance with the terms and conditions of this Grant and expenditures for which reimbursement is requested. The Grantee shall retain and maintain all records and documents relating to this Grant for a period of three (3) years following payment by the Department of the final invoice or any applicable statute of limitations, whichever is longer. All records relating to this Contract must be made available for inspection by the Department upon request and are subject to audit by the Department. Grantee shall require all Grantee's contractor(s) and subcontractor(s) to promptly grant access to its facility(s) to authorized state agency representative(s) for review of documents, information, and to conduct interviews of company personnel. The Grantee shall require Grantee's contractor(s), and any subcontractor(s), to provide upon request by the Department copies of any invoices, records, timesheets, work logs, contracts, or any other documents or information needed in order for the Department to comply with all applicable Trust, state or federal reporting and audit requirements.

VIII. ANTI-DISCRIMINATION PROVISION

Grantee agrees: (a) not to discriminate in any manner against an employee or applicant for employment because of race, color, religion, creed, age, sex, marital status, national origin, ancestry, sexual orientation, gender identity, disability, or genetic information unrelated in nature and extent so as reasonably to preclude the performance of such employment; (b) to include a provision similar to that contained in subsection (a) above in any underlying subcontract except a subcontract for standard commercial supplies or raw materials; and (c) to post, and to require subcontractors to post, notices setting forth the substance of this clause in conspicuous places available to employees and applicants for employment.

IX. NOTICE OF COOPERATION

Grantee will immediately give notice to the Department's Representative any claim made, or filed against, Grantee or its subcontractors, agents or representatives, regarding any matter resulting from, or relating to, Grantee's obligations under this Grant, and will cooperate, assist, and consult with the Department in defense or investigation of any claim, suit, or action made or filed against the Department as a result of, or relating to, the Grantee's obligations under the Grant.

- a) The Department is under no obligation to provide legal counsel or legal defense to Grantee or its employees, agents, consultants or contractors in the event that a suit, claim or action of any character is brought by any person not party to this Grant against Grantee or its employees, agents, consultants or contractors, as a result of, or relating to, Grantee's obligations under this Grant.
- b) The Department is under no obligation to pay judgments or claims made against Grantee or its employees, agents, contractors or consultants, as a result of, or relating to, Grantee's obligations under this Grant.

X. APPLICABLE LAW

The laws of the State of Maryland shall govern this Grant, and the parties hereby expressly agree that the courts of the State of Maryland shall have exclusive jurisdiction to decide any disputes arising hereunder.

This Grant embodies the whole agreement of the parties. There are no promises, terms, conditions, or obligations referring to the subject matter, other than those contained herein or incorporated herein by reference.

XI. NO THIRD-PARTY BENEFICIARIES

Nothing in this Grant shall be construed to: (1) provide a benefit to any third party, (2) operate in any way as promise, covenant, warranty or other assurance to any third party, or (3) create any obligation to any third party.

XII. WAIVER

The failure of the parties to enforce any of the provisions of this Grant, or to exercise any option which is provided in this Grant, or to perform any of the provisions of this Grant shall not be construed as a waiver of such provisions, nor in any way affect the validity of this Grant or any part of it, or the right of the Department to enforce each and every such provision.

XIII. SEVERABILITY

The Department and Grantee agree that if any of these provisions contravene, or are held to be invalid under any applicable law, such provisions shall not invalidate this Grant in its entirety. Rather, the Grant shall be construed as if not containing those particular provisions, and all remaining obligations of the parties shall remain in full effect to the maximum extent reasonable.

XIV. TERMINATION

This Grant may be terminated at any time by mutual agreement or by either party giving sixty (60) days written notice to the other party. If necessary, termination of this Grant by Grantee prior to the completion of the Project shall result in the immediate remittance of any funds paid to Grantee by the Department for any uncompleted portion of the Project.

The performance of work under this Grant may be terminated by the Department upon 30 days prior written notice to the Grantee in accordance with this clause in whole, or in part, whenever the Department determines that termination is in the best interest of the Department.. The Grantee shall not be reimbursed for anticipatory costs that have not been incurred up to the date of termination.

Notwithstanding Section XVII of this Grant, the Grantee shall not be relieved of liability to the Department for damages sustained by the Department by virtue of any breach of this Grant.

XV. COMPLIANCE WITH LAWS

In providing services hereunder, Grantee shall at all times abide by all federal, state and local laws, statutes, ordinances, rules and regulations.

XVI. MODIFICATION

This Grant contains all of the terms and conditions made between the parties to this Grant and may only be modified by written amendment signed by both parties.

XVII. SURVIVAL CLAUSE

The parties' rights and obligations under Sections IV through XVII shall survive the any expiration or termination of this Grant for the useful life of all vehicles purchased pursuant to this Grant.

XVIII. AGREEMENT CONTACTS

any questions regarding the substance of this Grant shall be made to the following Grant contacts:

Department:

Marcia Ways, Program Manager
Mobile Sources Control Program
Air and Radiation Administration
Maryland Department of the Environment
1800 Washington Boulevard
Baltimore, Maryland 21230
(410) 537-3270
marcia.ways@maryland.gov

Grantee:

Name
Title
Company/Agency
Address
Phone
Email address

The Grant Contacts for any questions regarding the financial terms of this Grant are:

Department:

Marcia Ways, Program Manager
Mobile Sources Control Program
Air and Radiation Administration
Maryland Department of the Environment
1800 Washington Boulevard
Baltimore, Maryland 21230
(410) 537-3270
marcia.ways@maryland.gov

Grantee:

Name
Title
Company/Agency
Address
Phone
Email address

XIX. NOTICES

Where notice or approval is required in this Grant, it shall be given in writing, sent by certified or registered mail in the United States, postage prepaid, return receipt requested. The address of each party is provided below:

As to Department:

Marcia Ways, Program Manager
Mobile Sources Control Program
Air and Radiation Administration
Maryland Department of the Environment
1800 Washington Boulevard
Baltimore, Maryland 21230
(410) 537-3270
marcia.ways@maryland.gov

As to Grantee:

Name
Title
Company/Agency
Address
Phone
Email address

IN WITNESS WHEREOF, this Grant represents the full intent and interest of the parties hereto as evidenced by their respective signatures affixed below as of the day and year written.

ATTEST: GRANTEE

By: _____
Name, Title _____
Company/Agency _____ Date _____

Approved for form and legal sufficiency this
_____th day of _____ 2020

Name, Title

ATTEST: THE STATE OF MARYLAND

By: _____
Thomas J. French, Director
Operational Services Administration _____ Date _____

Approved for form and legal sufficiency this
_____th day of _____ 2020

Cynthia M. Weisz, Assistant Attorney General
Office of the Attorney General

ROHRER

School & Commercial Bus Sales



2021 FORD ELECTRIFIED CHAMPION CHALLENGER

SEATING CAPACITY:

- Fourteen (14) Passengers, Two (2) Wheelchairs, Plus Driver

CHASSIS:

- Ford E450 Electrified Chassis
- 190" Wheelbase
- 14,500# GVWR
- AM/FM/USB Radio with Four (4) Speakers
- LT 225/75R 16 Tires
- Stainless Steel Wheel Inserts
- Intermittent Wiper Blades
- Tilt Steering Column
- Cruise Control
- Driver's Running Board
- Heated/Remote Mirrors
- Rear Mud Flaps
- Chassis Front End Alignment

SEATING:

- Freedman Freedman Mid-High Seats – Level #1 Fabric
- Aisle Side Arm Rests and Hand Holds
- Driver's Seat Covered in Matching Material

ROHRER

School & Commercial Bus Sales

DOOR:

- 30" Electric Entrance Door
- Exterior Key Switch For Power Entrance Door
- Includes an Interior Step Well Light
- White Step Nosing
- Entry Grab Rails at Entry Steps

WINDOWS:

- "T" Slide Style Windows Shall Be Supplied in the Body Sidewall
- Windows will be tinted to a 31% Light Transmission

BODY:

- Body Construction Includes A FULL STEEL ROLL CAGE, FULL INTEGRATED with Chassis Frame Rails
- All Body Wiring is Color Coded and Numbered Every Six Inches and Clearly Labeled Inside the Bus
- FRP Exterior Fiberglass Skin
- One Piece Fiberglass Roof
- London Smoke Interior

AIR CONDITIONING:

- TransAir 70,000 BTU Air Conditioning System
- Hot Water Heating System Element
- All Heating and Air Conditioning Controls Are Located in Driver's Area Within Easy Reach

FLOOR COVERING:

- Flooring Will Gerfloor Commercial Flooring
- Entrance Step Well Will Also Provide White Nosing on Edge of Steps to Identify Each Step Nosing To Be Reinforced

ADA EQUIPMENT:

- Braun Century Lift Package, includes:
 - Braun Century Lift
 - Dual Leaf Lift Door w/Two (2) Windows
 - Fast Idle Interlock
 - Priority Seating Signs
 - Wheelchair Location Signs
 - Door Actuated Entrance Lighting
 - Door Actuated Lift Lighting
- Two (2) Sets of Q'Straint Slide-N-Click Tie Down Systems w/Belt Cutter
- Two (2) Q'Straint Storage Pouches

ELECTRICAL OPTIONS:

- LED Interior and Exterior Lighting

ROHRER

School & Commercial Bus Sales

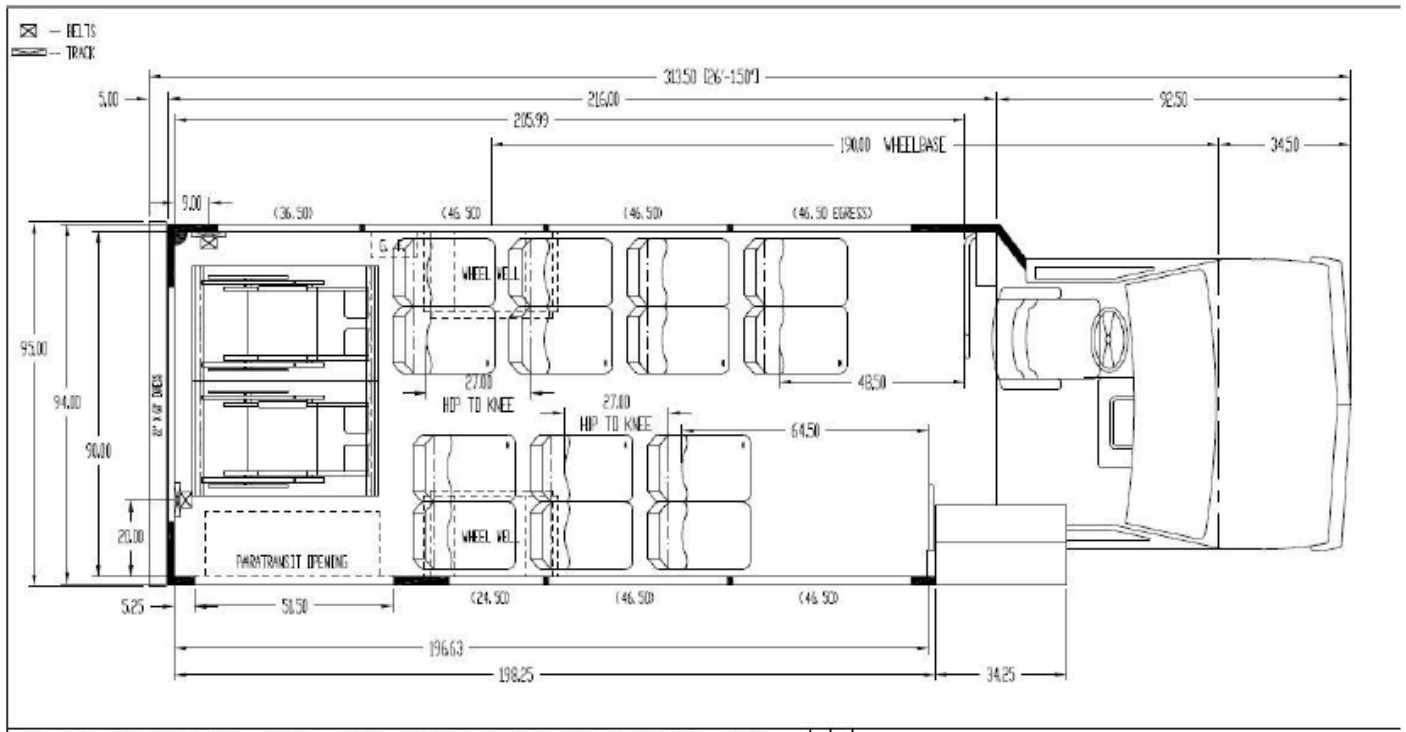
SAFETY:

- 5 Lb. Fire Extinguisher
- 13 Unit First Aid Kit
- Warning Triangle Kit
- Back Up Alarm
- Back Up Camera with 7" Monitor
- Driver's Sneeze Shield
- Rear Emergency Exit Door

PAINT:

- Exterior of Vehicle Will Be Standard White

Total Cost: \$227,432.00





City of Hyattsville

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Agenda Item Report

File #: HCC-173-FY21

12/21/2020

11.e)

Submitted by: Cheri Everhart
Submitting Department: Community Services
Agenda Section: Consent

Item Title:

Distribution Agreement with Capital Area Food Bank

Suggested Action:

I move that the Mayor and Council authorize the City Administrator to enter into an agreement with the Capital Area Food Bank for the weekly receipt and distribution of non-perishable food boxes through March 2021, upon the review and approval of the City Attorney for legal sufficiency, in support of the City's efforts to provide food to families in need during COVID-19.

Summary Background:

Since May of 2020, the City has been coordinating with County Council Member Deni Taveras to provide food to families in need during COVID-19. The Capital Area Food Bank has been delivering 600 - 990 boxes of non-perishable food to the Park on a weekly basis to support these efforts. With the assistance of staff and volunteers, the boxes are provided to families who drive through or walk into the Park. This agreement will allow for continued service through March 2021, as available. The boxes contain such items as canned fruits and vegetables, shelf stable milk, cereal, juice, tuna fish and peanut butter, and are provided at no charge to the City or the recipients.

Next Steps:

Execute agreement with Capital Area Food Bank

Fiscal Impact:

NA

City Administrator Comments:

Recommend support. The food distribution service was scheduled to end last week. We appreciate the invitation to receive food supplies through March so that staff and volunteers can continue distributing to those in need.

Community Engagement:

This program is one of community engagement

Strategic Goals:

Goal 3 - Promote a Safe and Vibrant Community

Legal Review Required?

Complete



COVID-19 Response Distribution Partner Agreement

Name of Food Pantry or Food Service Organization

Street Address

City

State

ZIP Code

Distribution Address (If different then above. Please include Address, City, State and Zip)

Telephone Number

Contact Person

Email Address

Website Address

Additional Contact Person

Days of Food Distribution

Hours of Food Distribution

The Distribution Partner agrees to comply with all provisions of the Agreement, Regulations, and any amendments thereto, and all instructions, record keeping requirements, policies and procedures issued in connection therewith. Specifically, the Distribution Partner agrees to adhere to the following requirements:

1) Provide adequate facilities for the handling and storage of all donations and properly safeguard them against theft, spoilage or other loss. Donations cannot be sold, exchanged or otherwise disposed of without approval of the Capital Area Food Bank (CAFB)

District of Columbia

4900 Puerto Rico Avenue, NE, Washington, DC 20017

Virginia

6833 Hill Park Drive, Lorton, VA 22079

CAPITALAREAFOODBANK.ORG CAPITALAREAFOODBANK @FOODBANKMETRODC @CAPITALAREAFOODBANK

MEMBER OF
**FEEDING
AMERICA**



- 2) Accept only the amount of donations that can be stored without waste.
- 3) Agree that all items are accepted in “as is” condition and adhere to any additional donor stipulations.
- 4) Maintain a record of household served.
- 5) Not charge any individual for donations received.
- 6) Safely and properly handle the donated goods, which conforms to all Local, State and Federal regulations.
- 7) Permit representatives of CAFB to inspect donations in storage; or the facilities used in handling storage and distribution; and to review or audit all records at any reasonable time.
- 8) Submit all reports required by CAFB. Failure to file timely reports may be a basis for suspension or cancellation of this agreement.
- 9) Notify CAFB of any intention to change the Distribution Partner’s location and/or distribution schedule. Any changes not approved by CAFB may result in termination of this Agreement.
- 10) The Distribution Partner is responsible to CAFB for any improper distribution or use of donations, or for any loss of or damage to donations, or for any loss of or damage to donations caused by their fault or negligence. CAFB will take action to obtain restitution in connection with claims for improper distribution, use or loss of, or damage to, donated foods.
- 11) Not engage in discrimination in the provision of service against any person because of race, color, citizenship, religion, sex, national origin, ancestry, age, marital status, disability, sexual orientation including gender identity, unfavorable discharge from the military or status as a protected veteran, in accordance with all applicable State and Federal laws.
- 12) Maintain all records pertaining to this Agreement for a period of not less than three (3) years after all matters pertaining to this Agreement (i.e.-audit, settlement of audit exceptions, disputes) are resolved in accordance with applicable Federal and/or State laws, regulations, and policies except as may otherwise be specific in this Agreement.

District of Columbia
4900 Puerto Rico Avenue, NE, Washington, DC 20017

Virginia
6833 Hill Park Drive, Lorton, VA 22079

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13) Distribution Partners that qualify to distribute for CAFB to households must: (a) distribute to households fairly and equitably on a “first come, first served” basis; (b) to the extent possible, provide same size households with similar amounts of donations; and (c) recipients may refuse any items they do not need.

EFFECTIVE PERIOD OF AGREEMENT

This agreement shall become effective on the date executed and approved for a **period of 90 days (through March, 2021)**. CAFB may terminate this Agreement immediately upon receipt of evidence that the terms and conditions of this Agreement have not been fully complied with by the Distribution partner. Any termination of this Agreement shall be in accordance with applicable laws and regulations. Upon any termination, the Distribution partner agrees to comply with instructions of the Food Bank regarding the transfer of all donated product remaining in its possession or control.

By signing below, the authorized representative of the Distribution Partner confirms that Distribution Partner is accepting and agrees to abide by all terms of this agreement.

Print or Type Name

Title

Date

Signature (must be signed by an organization representative that has the authority to execute this agreement)

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4900 Puerto Rico Avenue, NE, Washington, DC 20017

Virginia
6833 Hill Park Drive, Lorton, VA 22079

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City of Hyattsville

Hyattsville Municipal Bldg
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Agenda Item Report

File #: HCC-175-FY21

12/21/2020

11.f)

Submitted by: Laura Reams
Submitting Department: City Clerk
Agenda Section: Consent

Item Title:

Hyattsville Ordinance 2020-07: Processing of Vote-by-Mail Ballots

Suggested Action:

I move the Mayor and Council adopt Hyattsville Ordinance 2020-07, an ordinance whereby the City Council amends Section 8-4, Article V, Chapter 8 of the Hyattsville Code to change the time for which the Board may begin to process ballots received before the closing of the polls on Election Day in an election that is conducted primarily by mail (SECOND READING & ADOPTION).

Summary Background:

The Council recently adopted changes to the City's election code which were necessary to enable the Board of Elections Supervisors to distribute, proactively, a Vote-by-Mail ballot to all registered voters in the City of Hyattsville (on State and city-only registries). While working on the implementation of the administrative procedures an omission pertaining to the processing of Vote-by-Mail ballot was found. This omission has been addressed in the proposed legislation, Hyattsville Ordinance 2020-07.

The proposed legislation will allow the Board of Elections to begin the processing of ballots 15 days prior to the Election Day for an election which is conducted primarily by mail. The process includes the opening of ballot envelopes and scanning of ballots. The votes may not be tabulated until the close of polls on Election Day. This change is necessary to process mail-in ballots in a timely manner and similar to the process by which the Board has conducted early voting days in years past (ballots are scanned, secured until Election Day and tabulated at close of polls). The processing and scanning of ballots are required to be a public process. The Board of Elections is currently determining the scanning days for the 2021 election and looking into the possibility of televising and web streaming the canvass.

Next Steps:

A first reading was held on December 7, 2020 with adoption scheduled for December 21. The ordinance will be effective 20 days post adoption. Ballot processing dates will be published in January.

Fiscal Impact:

There is no fiscal impact for this change, however the Vote-by-Mail election will have increased costs related to infrastructure and increased communication costs. Staff and the Election Board are currently in the evaluation process for equipment and mailing vendors.

City Administrator Comments:

Recommend support.

Community Engagement:

There will be a communications strategy planned for Vote-by-Mail.

Strategic Goals:

Goal 1 - Ensure Transparent and Accessible Governance

Legal Review Required?

Complete

1 **CITY OF HYATTSVILLE**

2 **ORDINANCE 2020-07**

3 **An ordinance whereby the City Council amends Section 8-4, Article V,**
4 **Chapter 8 of the Hyattsville Code to change the time for which the Board may**
5 **begin to process ballots received before the closing of the polls on Election Day**
6 **in an election that is conducted primarily by mail.**

7 **WHEREAS**, the Maryland Code, Local Government Article, Section 5–202, as amended,
8 authorizes the legislative body of each municipal corporation in the State of Maryland to pass
9 ordinances that such legislative body deems necessary to assure the good government of the
10 municipality, to protect and preserve the municipality’s rights, property and privileges, to preserve
11 peace and good order, to secure persons and property from danger and destruction, and to protect
12 the health, comfort, and convenience of the citizens of the municipality; and
13

14 **WHEREAS**, after the most recent election, the Mayor and City Council recognized that
15 the City’s election laws need updating to improve Mail-in-Ballot canvassing procedures; and

16 **WHEREAS**, the Council is committed to ensuring future elections are accessible, secure,
17 and safe; and
18

19 **WHEREAS**, the Council is committed to counting, certifying, and canvassing the Vote-
20 by-Mail ballots in a timely and deliberate matter.
21

22 **NOW, THEREFORE, BE IT ORDAINED**, by the City Council of the City of Hyattsville
23 in regular session assembled that Section 8-4, Article V, Chapter 8 of the Hyattsville Code is
24 hereby amended as follows:
25

26 **Chapter 8**
27 **ELECTIONS**
28 **ARTICLE V**
29 **Vote-by-Mail**

30 * * *

31 **§ 8-4. Vote-by-Mail Election.**

32 A. City elections may utilize vote-by-mail ballot voting.
33

1 B. The Council may determine by resolution whether vote-by-mail ballot voting shall be the
2 primary means of voting. In the event the Council determines that vote-by-mail ballot voting shall
3 be the primary means of voting, such an election shall be called a “vote-by-mail election.”
4

5 C. In a vote-by-mail election, at least one polling location shall be kept open on election day
6 for in-person voting. The Board of Elections shall keep any such polling location open from 7:00
7 a.m. to 8:00 p.m. on election day.
8

9 D. In an election that is primarily vote-by-mail pursuant to section 8-4(B) of this Chapter, the
10 Board of Elections may begin to process the ballots in preparation for counting and tabulation
11 fifteen days prior to the an election which is primarily vote-by-mail. The process shall be open to
12 the public in accordance with applicable law and regulations and may include opening ballot
13 envelopes, unfolding the ballots, and scanning the ballots. Votes may not be counted or tabulated
14 until the polls close on Election Day.
15

16 **AND BE IT FURTHER ORDAINED** that this Ordinance shall take effect twenty (20)
17 days from the date of its adoption;

18 **AND BE IT FURTHER ORDAINED** that a fair summary of this ordinance shall
19 forthwith be published twice in a newspaper having general circulation in the City and otherwise
20 be made available to the public.

21 **INTRODUCED** by the City Council of the City of Hyattsville, Maryland, at a regular
22 public meeting on December 7, 2020.

23 **ADOPTED** by the City Council of the City of Hyattsville, Maryland, at a regular public
24 meeting on December 21, 2020.

Adopted: _____

Attest: _____
Laura Reams, City Clerk

Candace B. Hollingsworth, Mayor

25
26
27 Effective Date: January 10, 2021



City of Hyattsville

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Agenda Item Report

File #: HCC-176-FY21

12/21/2020

11.g)

Submitted by: Laura Reams
Submitting Department: City Clerk
Agenda Section: Consent

Item Title:

Schedule Public Hearing for Hyattsville Charter Amendment Resolution 2021-01: Adjusting Date for Close of Candidate Registration

Suggested Action:

I move the Mayor and Council schedule a Public Hearing on Tuesday, January 19 at 7:00 PM for Hyattsville Charter Amendment Resolution 2021-01, a resolution amending Article II of the City of Hyattsville's Charter to adjust the date for the close of candidate registration to accommodate the required timeframe necessary to print and mail ballots to all registered voters.

Summary Background:

The Board of Supervisors of Elections and Clerk's office have been working with the City Attorney to review and make recommended changes to the City Charter and Code for an all Vote-by-Mail election in 2021. Council has previously approved legislation for several administrative changes and to designate the 2021 City election as an all Vote-by-Mail election.

During discussions with mail vendors, it came to light that the existing deadline for candidate registration, the 4th Friday in May did not allow enough time for ballot proofing and printing of 12,000 ballots for mailing in the prescribed time of 30-45 days prior to the election. Mail vendors estimate that ballot proofing and mailing will take approximately 10 business days with 3-4 days of ballots in transit to voters. Adjusting the close of registration for candidates to the second Friday in March will allow for the additional time needed. Candidate registration will open on February 1 and will be open for six (6) weeks which is in line with the timeframe for past City elections.

Charter Amendments require a Public Hearing which must be held 21 days after public notice of the hearing. The proposed timeline for adoption is listed under "Next Steps".

This change will also require a corresponding change to the City Election Code. The Code change will also be reviewed during the Public Hearing.

Next Steps:

Timeline for Adoption

- December 21: Schedule Public Hearing for January 19, 2021.
- January 19: Public Hearing
- January 19: Adoption of the Charter Amendment Resolution
- March 10: Effective Date of the Charter Amendment Resolution

Fiscal Impact:

None.

City Administrator Comments:

Recommend support.

Community Engagement:

There will be a communications strategy planned for Vote-by-Mail to include all deadlines for candidates and voters.

Strategic Goals:

Goal 1 - Ensure Transparent and Accessible Governance

Legal Review Required?

Complete



City of Hyattsville

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Agenda Item Report

File #: HCC-162-FY21

12/21/2020

12.a)

Submitted by: Hollingsworth
Submitting Department: Legislative
Agenda Section: Action

Item Title:

FY2021 Legislative Item - Parking Schedule Maximum Fine Modification

Suggested Action:

I move that the Mayor and Council restrict the maximum fine for nonpayment of parking violations to no more than one and a half (1.5) times the value of the original fine after thirty (30) days of nonpayment. I further move that the Mayor and Council authorize the City Administrator or her designee to negotiate amendments to any agreements impacted by this adjustment provided that such negotiations do not modify the existing base fee/fine schedule.

Summary Background:

Rates for unpaid parking violations are escalated at a rate of four (4) times the original fee if the citation is not paid within thirty (30) days of issuance. In addition, after an extended period administrative flag fees are placed on vehicles for each unpaid citation further increasing the cost of the original violation. While this rate structure may be intended to encourage payment for fear of increased costs, it is predatory on those with the inability to pay and inconsistent with the City's local economic development efforts. This motion allows for more time to pay the value of the original fine that takes into consideration the nature of work, particularly those in the low-wage workforce.

Next Steps:

Council discussion and possible action.

Fiscal Impact:

If future parking revenues are cut or reduced as a result of legislative actions, the other financial impacts will be **(1)** the General Fund will have to subsidize parking operations to sustain its existence, or **(2)** the expected loss revenues could force cutting the operations, increasing fees, or reductions in staff.

We are assessing the projected financial impact of the revised fee schedule by applying these assumptions to actual data from FY 2017 - FY 2020. Based on an initial review of late payment dates of receipt, we anticipate that the revised fee schedule will result in a citation **gross revenue reduction of 25% - 30% or \$133,500 - \$160,200 annually**. Assuming that any adopted revised schedule will be implanted on July 1, 2021 (FY2022), we will need to assess the actual total gross and net reduction in revenue.

Based on the actual reduction in parking revenue (average of citation revenue from FY17 - FY20) and in lieu of supplementing the City's parking program with General Fund Revenue, it may be necessary for the City Council to consider, in FY2023, increasing the hourly rate of the City's parking meter program and/or assessing fees for the Residential Parking Zone Program.

City Administrator Comments:

The legislative item was reviewed by the City Administrator, City Treasurer, and Director of Community & Economic Development (CED) and analysis was performed to assess the following:

- Best practices, program history, and administrative procedures
- Financial impacts, programming, and revenues

During the Council's discussion of this item on December 7, 2020, the Council expressed a desire to (1) provide more advanced notice of pending late fees and (2) revise the fee structure while maintaining two late fee escalations. CED Staff reviewed these comments and have worked to develop a response that is:

- Responsive to the City Council's request and discussion;
- Balances the fiscal realities of costs and maintaining high level of service;
- Avoids creating a structural program deficit;

Proposed Revisions to Parking Late Fee Schedule

- Late fee 1: 20-days at 50% of original fine - notice sent at 15-days
- Late fee 2: 30-days at 100% of original fine - notice at 23-25 days

Community Engagement:

N/A

Strategic Goals:

Goal 3 - Promote a Safe and Vibrant Community

Legal Review Required?

Pending

Chapter 114
VEHICLES AND TRAFFIC
ARTICLE I

General Provisions

[Articles I through IV were significantly changed, repealed and reenacted by HO-2011-01]

- § 114-1. Definitions and interpretation.
- § 114-2. Adoption and amendment of regulations.
- § 114-3. Enforcement.
- § 114-4. Severability.
- § 114-5. Signs and traffic control devices.
- § 114-6. School zones.

ARTICLE II

Traffic Regulations

- § 114-7. Speed limits.
- § 114-8. Traffic calming devices.
- § 114-9. Speed monitoring systems.

ARTICLE III

Stopping, Standing and Parking

- § 114-15. Emergency regulations.
- § 114-15.1. Manner of parking generally.
- § 114-15.2. Identification of parking restrictions.
- § 114-16. General restrictions.
- § 114-17. Parking of vehicles within marked spaces.
- § 114-18. Time limit for leaving vehicles unattended.
- § 114-19. Observance of parking signs and the authority to install such devices.
- § 114-21. Notice, penalty and forfeiture.

ARTICLE IV

Residential Permit Parking Zones

- § 114-27. Purpose and Legislative Findings.
- § 114-28. Definitions.
- § 114-29. Designation of Residential Parking Permit Areas.
- § 114-30. Issuance & Transfer of Residential Parking Permits.
- § 114-31. Temporary Permits.
- § 114-32. Use of Parking Permits & Exemptions.
- § 114-33. Regulations & Enforcement.
- § 114-34. Restriction & Penalty.

HYATTSVILLE CHARTER AND CODE

§ 114-35 Revocation of Permit & Severability.

ARTICLE V

Trucks and Commercial Vehicles; Trailer Coaches

- § 114-36. Operation of trucks and commercial vehicles upon certain streets restricted.
- § 114-37. Reserved.
- § 114-38. Definitions.
- § 114-39. Parking restrictions commercial vehicles on public rights of way.
- § 114-40. Parking restrictions for commercial vehicles on private property.
- § 114-41. Resreved.
- § 114-42. Petitions and permits.
- § 114-43. Penalties.

ARTICLE VI

Metered Parking

- § 114-44. Definitions.
- § 114-45. Designation of parking meter zones.
- § 114-46. Use of parking meters.
- § 114-47. Parking regulation.
- § 114-48. Parking violation procedures.
- § 114-49. Notification of right to stand trial; maximum fine.
- § 114-50. Payment in lieu of prosecution.

ARTICLE VII

Miscellaneous Provisions

- § 114-70. Storage or service of vehicles upon streets or public spaces prohibited.
- § 114-71. Riding on portions of vehicles not designed for passengers restricted.
- § 114-72. Handicapped parking regulations; penalty.
- § 114-72.1 Parking on unpaved or unprepared surfaces.

ARTICLE VIII

Penalty Provisions; Impoundment

- § 114-73. Violations and penalties.
- § 114-74. Impoundment procedures; reclamation.
- § 114-75. Flagging penalty.
- § 114-76. Vehicles with illegal or expired license plates.

[HISTORY: Adopted by the Mayor and Council of the City of Hyattsville during codification 12-19-83 as HB No.14-83; see Ch. 1, General Provisions, Art. II. Amendments noted where applicable].

GENERAL REFERENCES

- Off-street parking - See Charter, Art. X.
- Police Department – Se5e Ch. 30.
- Parks and recreational facilities - See Ch. 84.

HYATTSVILLE CHARTER AND CODE

Peace and good order - See Ch. 87.
Streets and sidewalks - See Ch. 105.
Abandoned and inoperable vehicles - See Ch. 113.

ARTICLE I

General Provisions

§ 114-1. Definitions and interpretation. [Amended on 3-27-11 by HO-2011-01]

A. Unless otherwise defined herein, words and phrases, when used in this chapter, shall have the meanings ascribed to them in the Maryland Vehicle Law (Titles 11 through 27 of the Transportation Article of the Annotated Code of Maryland), as now in force or as hereafter amended, enacted or reenacted, except where the context clearly indicates a different meaning.

B. The term “holidays,” as used in this Chapter, shall mean and include the following: New Year’s Day, Martin Luther King, Jr.’s birthday, Washington’s Birthday, Memorial Day, Independence Day, Labor Day, Veterans Day, Thanksgiving Day and Christmas Day or days celebrated as such.

C. In this Chapter, the singular shall include the plural; and the plural shall include the singular; the masculine shall include the feminine and the neuter.

§ 114-2. Adoption and amendment of regulations.

Regulations adopted pursuant to the provisions of this chapter may be amended or added to from time to time, as deemed necessary by the Mayor and Council, by ordinance, resolution or motion adopted in accordance with law.

§ 114-3. Enforcement. [Amended on 3-27-11 by HO-2011-01]

This chapter and the regulations adopted thereby may be enforced by any police officer of the State of Maryland or of any political subdivision thereof having jurisdiction as well as those police, code enforcement, and parking enforcement officers, or other persons designated by the City.

§ 114-4. Severability.

The provisions of this Chapter shall be severable, and, if any of its provisions shall be held to be unconstitutional, illegal or otherwise invalid, such decision shall not affect the validity of any the remaining provisions of this Chapter. It is hereby declared as a legislative intent that this Chapter would have been adopted had such unconstitutional, illegal or otherwise invalid provision not been included herein.

§ 114-5. Signs and traffic control devices. [Added on 3-27-11 by HO-2011-01]

A. Definitions. A traffic control device is:

(1) a sign or light, or device that conforms in size, color, shape and graphics to the most recent version, edition, amendment or replacement of the Federal Highway Administration Manual of Uniform Control Devices, the Maryland State Highway Administrative Manual of Uniform Traffic Control Devices for Streets and Highways, the State of Maryland Sign Book, or to signs in regular use by the City for traffic; and

(2) is placed on or near the streets, roads or highways or other public place including property owned or leased by the City; and

HYATTSVILLE CHARTER AND CODE

(3) governs the stopping, parking or movement of vehicles over such public streets, roads, highways, rights-of-way or property.

B. It shall be unlawful to disregard or disobey or act in a manner contrary to the message of any traffic control device regulating speed, movement of vehicles, parking and stopping unless directed otherwise by police or public works personnel or their designees.

C. A traffic control device or sign is presumed to be duly authorized if it conforms to the definition above in this section.

D. The City Administrator, after consultation with the Police Department and the Department of Public Works, may authorize the placement or removal of traffic control devices and signs that are determined to be necessary for the safety of all traffic in the City.

E. All traffic control devices which meet the requirements cited in this section 114-5, paragraph 1(A) above and are in place within the City on March 27, 2011 are hereby authorized by the City.

F. Nothing in this chapter shall curtail the authority of the City Council over the placement or removal of approved traffic control devices in the City by motion, resolution or ordinance.

§ 114-6. School zones.

The following areas in the City and all roadways within a one half mile radius of the named schools or campuses are designated as school zones:

- A. The University of Maryland at College Park,
- B. Northwestern High School at 7000 Adelphi Road,
- C. Prince George's Community College at University Town Center at 6505 Belcrest Road,
- D. Rosa Parks Elementary School at 6111 Ager Road,
- E. Nicholas Orem Middle School at 6100 Editors Park Drive,
- F. Concordia Lutheran School at 3799 East West Highway,
- G. Concordia Lutheran School at 3705 Longfellow Street,
- H. Hyattsville Middle School at 6001 42nd Avenue,
- I. Dematha Catholic High School at 4313 Madison Avenue,
- J. St. Jeromes School at 5207 42nd Place,
- K. Hyattsville Elementary School at 5311 43rd Avenue.
- L. Any other areas as designated by a resolution of the City Council as a school zone pursuant to State law (currently §21-803.1 Transportation Article.)

ARTICLE II

Traffic Regulations

§ 114-7. Speed limits. [Added on 3-27-11 by HO-2011-01]

It shall be unlawful for any person to operate a motor vehicle in the City in violation of the speed limits posted on any traffic control device or sign.

HYATTSVILLE CHARTER AND CODE

§ 114-8. Traffic calming devices. [Added 8-1-94 by HB No. 8-94, Amended 2-21-95 by HB No. 8-94, 2-21-95 by HB No. 01-95, Amended on 3-27-11 by HO-2011-01]

A. Definitions: As used in this Ordinance, all terms shall have the definitions and meanings provided in the Maryland Code Annotated, Transportation Article, unless otherwise indicated. The following terms shall have the meanings indicated:

(1) "Traffic calming device" is a physical device used to regulate, guide, slow, and/or control traffic, for the purpose of pedestrian and traffic safety. The term traffic calming device includes but is not limited to the following devices:

(a) Speed zones: an identifiable area of reduced speed, indicated by signage or otherwise.

(b) Speed humps: a raised or manually installed section of asphalt or other construction material constructed on a roadway, with a dip and crown shaped as viewed in cross section, on a base ordinarily twenty-two feet (22'), measured parallel to the curb of the roadway, and with a height not less than three (3) inches nor more than four (4) inches.

(c) Raised intersections: contrasting surfaces such as brick, cobblestones, concrete, or other construction material in place of street surfaces at the intersection of two streets.

(d) Traffic islands, circles and lateral shifts: physical barriers placed in the street to direct traffic in a specific direction including both temporary and permanent structures which do or do not contain landscaping.

(e) Rumble strips: physical devices attached to, or constructed in the road surface to provide contrast to the road surface in order to slow traffic.

(f) Chokers: a portion of the sidewalk extending out approximately six (6) to eight (8) feet into the street.

(2) "Unit block": unit block shall mean a subsection of, or a separate and distinct, but attached portion of a street, of no specific length or width, but which has been numerically designated and identified a part of that street. Each street may consist of numerous unit blocks.

(3) "Dwelling unit": one (1) or more rooms arranged for the use of one (1) or more individuals living together as a single housekeeping unit, with cooking, living, sanitary and sleeping facilities as defined by the Prince George's County Housing Code.

(4) "Eligible signature": the signature of an individual, over the age of eighteen (18), residing in a dwelling unit located on a street:

(A) upon which the installation of a traffic calming device is being considered, or

(B) within one (1) unit block of such streets upon where the installation of a traffic calming device is being considered for only a portion of such street, or

(C) that is only accessible over a street for which the installation of the traffic calming device is being considered and provides the only means of ingress and egress, or

(D) or in an area which the City Clerk pursuant to the discretion granted in subsection B (2) (b) determines should be surveyed.

Only one eligible signature per dwelling unit will be considered for any of the purposes set forth in this Ordinance.

HYATTSVILLE CHARTER AND CODE

B. Request for traffic calming device installation:

Requests for the installation of a traffic calming device may be made by petition subject to the following conditions.

(1) Residents of a street may request the installation of a traffic calming device by submitting a petition to the City Administrator containing eligible signatures from at least sixty percent (60%) of dwelling units located on the street, stating that such individuals want a traffic calming device. Such petition need not conform to the requirements in the Charter for petitions.

(2) If the traffic calming device is being requested for only a portion of a street, the petition containing at least sixty percent (60%) of eligible signatures must be circulated to individuals residing in dwelling units located on the unit block on which the traffic calming device will be installed and to individuals residing in dwelling units located within one (1) unit block of the block containing the requested installation site.

(a) If the street upon which the traffic calming device is to be installed provides the only means of ingress and/or egress for other streets, the petition containing at least sixty (60%) of eligible signatures must be circulated to the residents of such other streets.

(b) The City Clerk retains sole discretion to determine if residents of additional streets will be surveyed, based upon circumstances that could impact such residents.

(3) The City Clerk will validate petitions submitted to the City Administrator to determine that said petitions are in compliance with applicable provision of this Article. The City Clerk shall inform the City Council, petitioners, the City Administrator, Director of Public Works and the Police Chief, as to whether the petition complies with this Article. If the petition is in compliance, the department heads will jointly undertake to assess the location of the request and determine if a traffic calming device is in the interests of both best traffic engineering practice and public safety; and the Mayor who will schedule a public hearing in accordance with subsection C, below.

(4) The City Clerk shall develop and distribute a standardized “request for traffic calming device” petition form sufficient for use in accordance with this subsection.

C. Procedures for public hearings on traffic calming device installations:

(1) Conduct of Public Hearing: the Mayor shall schedule a public hearing after being notified by the City Clerk in accordance with subsection B. (3) that the petition is valid.

(a) Notice of the hearing will be given to all residents of the street upon which the proposed traffic calming device is to be installed; and

(b) If the traffic calming device is being requested for only a portion of the street, notice will be given to residents of dwelling units located on the unit block on which the traffic calming device will be installed and also to individuals residing in dwelling units located within one (1) unit block of the block containing the requested installation site; and

(c) If the traffic calming device is to be installed on a street which provides the only means of ingress and/or egress for other streets, the notice will be given to residents of such other streets, by the following means:

(i) Publication in the Hyattsville Reporter or in a paper having circulation in the City.

(ii) Advertisement on the City of Hyattsville’s cable television channel.

HYATTSVILLE CHARTER AND CODE

(2) Factors considered: The following factors shall be taken into consideration as guidance in determining whether to install a traffic calming device. The factors listed below shall not be considered exclusive.

(a) Whether the street where installation of a traffic calming device is proposed has a speeding problem, which has been identified through a combination of residents' complaints, police radar surveillance and ticketing practices, accident statistics, electronic traffic counts and/or a history of previous efforts to control speeding which cannot be alleviated in any way other than a traffic calming device. The Department of Public Works shall provide a report of the electronic traffic count data of the proposed street to determine the traffic and speed issues.

(b) Whether the street carries a sufficient volume of non-residential traffic in addition to the general residential traffic, so that the requested traffic calming device is appropriate.

(c) The impact of a traffic calming device on public transportation, police and fire apparatus.

(d) The impact of a traffic calming device on adjacent neighborhoods.

(3) Decision: The Mayor and City Council will announce their decision to approve, approve with modifications, or deny the requested traffic calming device within fifteen (15) days of the close of the hearing unless, due to extraordinary circumstances, the time limit is extended by majority vote of the City Council.

(4) Notification of decision: The petitioners will be notified of the decision of the Mayor and City Council by the City Clerk and the decision will be published in the Hyattsville City Council Meeting Minutes.

D. Procedures for removing a traffic calming device installation:

(1) A request for removal of a traffic calming device, installed pursuant to subsection C above, may be by petition containing eligible signatures from sixty percent (60%) of the dwelling units located on the street upon which the traffic calming device has been installed or

(2) If the traffic calming device has been installed for only a portion of the street, the petition requesting removal may be signed by eligible signatures from sixty percent (60%) of the dwelling units located on the unit block on which the traffic calming device was installed and dwelling units located within one (1) unit block of the requested removal site; or

(3) If the traffic calming device has been installed on a street that provides the only means of ingress and/or egress for other streets, the petition requesting removal may be signed by eligible signatures from sixty percent (60%) of the dwelling units located on the street and such other streets.

(4) No petition will be considered until six (6) months have elapsed since the initial installation of the traffic calming device.

E. Miscellaneous:

(1) Placement of traffic calming device near schools, parks and playgrounds: the Mayor and Council may initiate the installation of traffic calming device on streets adjacent to neighborhood parks, playgrounds, and schools or on commercial areas.

(2) Authority of City over traffic calming devices.

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(a) Nothing in these guidelines shall be construed as preempting the City, at its initiative, from installing, altering, maintaining or removing a traffic calming device installation. The City Administrator will notify, pursuant to the notice provisions stated in subsection c. above, the appropriate affected residents of the proposed changes regarding a traffic calming device.

F. Installation and maintenance:

(1) In the regulation and supervision of traffic, the Public Works Director is authorized to construct, install, place, erect, and maintain upon the public highways of the City those traffic calming device installations and proper signage as the Mayor and Council have or may direct at the locations designated by the Mayor and Council.

(2) All speed humps installed pursuant with this Ordinance shall ordinarily:

(A) Consist of one (1) or more speed humps spaced every two hundred (200) to five hundred (500) feet along public street or alley;

(B) Not be placed within two hundred (200) feet of a stop sign unless required by special circumstances as determined by the Director of Public Works; and

(C) Be painted with distinctive markings which should include reflective paint or tape.

(3) Warning signs marked “speed humps” shall be placed on the right hand side of the street at the approach to each speed hump.

§ 114-9. Speed monitoring systems. [Rewritten on 3-27-11 by HO-2011-01, Amended 3-18-13 by HO-39-03-13, Amended 8-4-14 by HO 2014-06]

A. A “speed monitoring system,” as defined in Maryland law, means a device with one or more motor vehicle sensors producing recorded images of motor vehicles traveling at least twelve (12) miles per hour above the posted speed limit.

B. No more than ten (10) school zone speed monitoring systems as outlined in §21-809 of the Transportation Article of the Annotated Code of Maryland are hereby authorized at locations, determined by the Chief of Police or his/her designee after consultation with and agreement of the City Administrator, in school zones within the City, as established under §21-803.1 of the Transportation Article of the Annotated Code of Maryland.

C. Before activating a speed monitoring system in any school zone at any location where such a system had not been previously moved or placed, the City shall:

1. Publish notice of the location(s) of the speed monitoring system(s) on the City website and in a newspaper of general circulation within the City; and

2. Ensure that each sign that designates a school zone has in close proximity to it a sign that indicates that speed monitoring systems are in use in the school zone and that the signage is in accordance with the manual for and that the specifications for a uniform system of traffic control devices adopted by the State Highway Administration.

D. The City shall name a City employee as Program Administrator to oversee the contract with the speed monitoring system contractor and shall also name another City employee who has not been involved in monitoring system citations, to investigate and respond to questions or concerns about the City’s speed monitoring systems as outlined in §21-809(b)(1)(ix) of the Transportation Article.

E. Unless otherwise provided by law, the school zone speed monitoring system may operate

Monday through Friday between 6:00 a.m. and 8:00 p.m.

F. For a period of at least fifteen (15) days after any speed monitoring system and the signage as required by §21-809 of the Transportation Article are in place, a violation recorded by such speed monitoring system in the City shall be enforced only by the issuance of a warning.

G. The school zone speed monitoring system in the City shall be conducted in compliance with all applicable provisions of the Maryland Vehicle Law.

H. City staff is hereby authorized to take those actions necessary to obtain any required permission from the state of Maryland or other government with jurisdiction to operate a speed monitoring system within the school zones.

[§ 114-10 to § 114-14 Deleted 3-12-11 by HO-2011-01]

ARTICLE III

Stopping, Standing and Parking

§ 114-15. Emergency regulations. [Amended on 3-27-11 by HO-2011-01]

The City Administrator, Chief of Police, and Director of Public Works may, whenever emergencies require, order that parking of vehicles be prohibited on portions of streets and alleys in the city which, during such emergencies, may be subject to congestion of traffic, provided that signs stating the areas in which parking is so prohibited and the length of time of such prohibition shall be prominently displayed in such areas.

§ 114-15.1. Manner of parking generally. [Added 1-17-84 by HB No. 2-84]

A. All vehicles shall be parked with the right wheel to the curb, except on streets designated for one-way traffic, in which event vehicles may be parked with the left wheel to the curb headed in the direction of traffic, unless otherwise prohibited and except as otherwise provided.

B. No vehicle shall be parked or left standing in the streets unattended when not in motion, except in case of an emergency, at a greater distance than twelve (12) inches from the curb on any street in the City.

§ 114-15.2. Identification of parking restrictions. [Added 10-7-85 by HB No. 4-85]

A. The color yellow or white traffic paint or yellow or white pavement marking tape is hereby designated and shall identify official parking restrictions when applied on or in safety zones, traffic lanes, curb gutters, crosswalks, fire hydrants, intersection curb lines, stop signs and the like uses, when painted on or placed on or in the streets and roads and any other place applicable hereto, within the City of Hyattsville.

B. It shall be unlawful for a person to park a vehicle unless a bona fide emergency exists which disables the vehicle, in any restricted area or place identified by the official traffic yellow or white paint or yellow or white pavement marking tape, whether or not supplemented by other official traffic signs.

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§ 114-16. General restrictions. [Amended on 3-27-11 by HO-2011-01 and 12-2-13 by HO-2013-07]

In addition to the prohibitions and regulations contained in §§21-1003 and 21-1004 of the Transportation Article of the Annotated Code of Maryland, it shall be unlawful for any person to park or leave standing any vehicle at any time on any street or highway in the city if such vehicle or any part thereof is within any of the following locations:

- A. Within fifteen (15) feet in either direction from a bus stop sign.
- B. For the duration of an emergency, within twenty-five (25) feet of any sign or device posted by or with permission of the City Administrator, the Public Works Department or Police Department indicating that parking is prohibited because of an emergency, unless such sign or device sets forth the area in which parking is prohibited because of an emergency, then, in such cases, within the designated area.
- C. At a location contrary to directions given by any member of the Police Department or Fire Department to keep clear fire lines or police lines or to facilitate the flow of traffic at or near the scene of a fire, accident or other emergency, provided that the prohibition of parking at such a location is made known to the person so parking.
- D. On any sidewalk or on any property adjacent to the roadway and in the public right of way.
- E. In front of any barricade or sign that has been placed for the purpose of closing a street.
- F. Within twenty-five (25) feet of any temporary traffic calming device. [Added 1-17-84 by HB No. 3-84]
- G. Alongside or opposite any street excavation or obstruction when such parking will interfere with traffic. [Added 1-17-84 by HB No. 3-84]
- H. At a location which will reduce the width of the open roadway in either direction to less than ten (10) feet along a street or will obstruct a clear passageway along the same for fire apparatus or any other vehicle. [Added 1-17-84 by HB No. 3-84]
- I. In any alley unless parking in such alley is specifically allowed.
- J. At a location which obstructs the entrance to any private driveway or the entrance to any buildings or garage or prevents passage over and upon any private driveway or private vehicle entrance connecting private property with an abutting street. [Added 1-17-84 by HB No. 3-84]
- K. Upon any private driveway or upon any private property, unless with permission of the person in control thereof. [Added 1-17-84 by HB No. 3-84]
- L. Within fifteen (15) feet of a fire hydrant. [Added 1-17-84 by HB No. 3-84]
- M. Within a street or alley intersection. [Added 1-17-84 by HB No. 3-84]
- N. Within any crosswalk. [Added 1-17-84 by HB No. 3-84]
- O. Within thirty (30) feet of the curb line of an intersecting street. [Added 1-17-84 by HB No. 3-84]
- P. On any bridge, viaduct or approach thereto. [Added 1-17-84 by HB No. 3-84]

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Q. Within twenty-five (25) feet of, in the direction of approach to, any stop sign or official marker designating an arterial highway, unless otherwise marked or posted. [Added 1-17-84 by HB No. 3-84]

§ 114-17. Parking of vehicles within marked spaces. [Amended on 3-27-11 by HO-2011-01]

A. Wherever a space shall be marked on any street or public right of way for the parking of an individual vehicle, every vehicle there parked shall be parked within the lines bounding such space.

B. On all other property owned or leased by the city, parking shall be allowed only in areas designated for parking, and only within one space marked within the lines bounding such parking space.

§ 114-18. Time limit for leaving vehicles unattended.

No automobile or vehicle of any description shall be left unattended upon any street or public space in the city for a continuous period longer than forty-eight (48) hours, unless the City grants an exemption pursuant to § 114-32 H of this Chapter.

§ 114-19. Observance of parking signs and the authority to install such devices. [Amended on 3-27-11 by HO-2011-01]

A. All traffic control devices placed on the streets, roads or highways or other public places (including property owned or leased by the city) to govern the stopping, or parking of vehicles over such streets, roads, highways or property (parking signs) shall be strictly observed by any and all persons. It shall be unlawful to disregard such traffic control devices or signs unless directed otherwise by a police officer on the scene.

B. A traffic control device governing parking is presumed to be duly authorized if it has been placed on or near a roadway and conforms in size, color, shape and graphics to the Federal Highway Administration Manual of Uniform Traffic Control Devices, the Maryland State Highway Administrative Manual on Uniform Traffic Control Devices for Streets and Highways, the State of Maryland Sign Book or to signs in regular use by the City which conform to the State of Maryland regulations.

C. Unless other procedures are required, the City Administrator, after consultation with the Police Department and the Public Works Department, may authorize the placement or removal of parking signs that he or she deems necessary for the safety of the public.

D. All parking signs in place within the City which conform to State of Maryland regulations on March 27, 2011 are hereby authorized by the City.

E. Nothing in this chapter shall curtail the authority of the City Council over the placement or removal of approved parking signs in the City by motion, resolution or ordinance.

§ 114-21 Notice, penalty and forfeiture. [Added 1-17-84 by HB No. 4-84; Amended 12-17-84 by HB No. 10-84; Amended 6-1-98 by HR 98-02, Amended 10-4-04 by Ord. 2004-14, Amended on 3-27-11 by HO-2011-01]

A. Any vehicle in violation of the provisions of Article III shall have attached to it a notice, upon such form as may be approved by the city, to the owner of such vehicle of the violation and penalties therefor.

B. The fine for a violation of 114-16(K) shall be one hundred dollars (\$100.00).

[§ 114-22 to § 114-26 Deleted 3-27-11 by HO-2011-01]

ARTICLE IV

Residential Permit Parking Zones

[Amended 9-20-04 by Ord. 2004-13]

§ 114-27. Purpose and Legislative Findings.

A. The City Council of the City of Hyattsville is enacting this Article IV in order to:

- (1) Reduce hazardous traffic conditions resulting from nonresidents and residents competing with residents to park their vehicles in certain residential districts;
- (2) Protect the residents of those residential districts from unreasonable burdens in gaining access to their residences;
- (3) Preserve the character of those districts as residential districts;
- (4) Encourage the use of public transportation;
- (5) Promote efficiency in maintaining streets in those residential districts in a clean and safe condition;
- (6) Preserve the value of the property in those residential districts;
- (7) Promote traffic safety and the safety of children and other pedestrians in those residential districts;
- (8) Prevent dangers arising from the blocking of fire lanes, hydrants and other facilities that emergency vehicles require, both in reaching victims and in transporting them to hospitals;
- (9) Facilitate the movement of traffic in the event of accidents and other disasters; and
- (10) To promote the peace, comfort, convenience, and welfare of all inhabitants of the City.

B. General Findings. The City Council finds that the continued vitality of the City depends on the preservation of safe, healthy, and attractive neighborhoods and other residential areas. The Council further finds that one factor that threatens the safety, health and attractiveness of the City's neighborhoods is the availability of parking in certain neighborhoods. The number of motor vehicles attempting to park in those areas often exceeds the number of available parking spaces. A preferential parking system for residents in designated neighborhoods will help to reduce the burden of those neighborhoods and, thus, promote the general welfare of the City.

C. Specific Findings. The Council makes the following specific legislative findings in support of preferential residential parking to illustrate the compelling need for the enactment of this Article IV. The Council intends the findings as illustrations only and not the only available factual examples supporting adoption of the Article IV:

- (1) The maintenance of the attractiveness and livability of the City's neighborhoods and other residential areas will enhance the safety, health and welfare of the City's residents;
- (2) On a daily basis a large number of City residents who own motor vehicles must park those vehicles in or near their residences;

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- (3) Certain neighborhoods and other areas of the City do not have sufficient on or off-street parking to accommodate the convenient parking of residents' motor vehicles;
- (4) The influx of motor vehicles from nonresidents that compete for the limited available parking in those areas further burdens the residents of those areas;
- (5) The City has certain parking "attractors," including parks, etc. that further aggravate the residents' parking problems;
- (6) Unnecessary vehicle miles, air and noise pollution, and the inconvenience of not finding parking caused by the conditions above create unacceptable hardships for the neighborhoods' residents;
- (7) If the City allows those adverse conditions to continue unchecked, those adverse conditions will contribute to the decline of the living conditions in the neighborhoods and the attractiveness of residing within the City, resulting in injury to the general public welfare; and
- (8) A system of preferential residential parking as enacted by this Article IV will serve to promote the health, safety, and welfare of all of the City's residents by reducing unnecessary motor vehicle travel and air and noise pollution, improving the attractiveness of living in the City's neighborhoods, and encouraging the use of public mass transit facilities available now and in the future. The Article IV also will serve the public welfare by ensuring a more stable and valuable property tax base, in order to generate the revenues necessary to provide essential public services.

§ 114-28. Definitions. [Amended on 3-27-11 by HO-2011-01]

For the purposes of this Article IV, the following words shall have the meanings respectively ascribed to them in this Section, except where the context clearly indicates a different meaning:

- A. **City Administrator** means the City Administrator or his/her designee.
- B. **Commuter Vehicle** means a motor vehicle, other than a resident vehicle as defined below, parked in a residential area in which it is not registered.
- C. **Curbside Parking Space** means twenty (20) linear feet of curb, exclusive of those portions of the curb where parking, apart from the provisions of this Article IV, is not presently permitted.
- D. **Motor Vehicle** means an automobile, truck, recreation vehicle, motorcycle, or other motor-driven or self-propelled form of transportation, except for vehicles exceeding a certain size, weight, and/or carrying capacity that may be prohibited from parking on any public street.
- E. **Resident** means an adult who lives or resides in a structure approved for residential occupancy and can demonstrate exclusive right to occupancy of this residence.
- F. **Resident Vehicle** means a motor vehicle parked in a residential area in which it is registered and is validly registered with the State of Maryland Department of Motor Vehicles.
- G. **Residential District** means a contiguous or nearly contiguous area open to the public containing streets and highways and parking spaces for the public, all primarily abutted by residential property or residential and non-commercial property (such as schools, parks, churches, hospitals and nursing homes).
- H. **Residence** means a dwelling unit.

I. **Residential Parking Permit Area** means a residential district where curbside parking on public streets and highways is limited to not more than two (2) consecutive hours per day, unless the vehicle properly displays a parking permit authorized by this Article IV.

J. **Vehicle** means any mobile unit whether or not it is self-propelled and designed to travel on the public roads.

§ 114-29. Designation/Withdrawal of Designation of Residential Parking Permit Areas. [Amended 4-21-14 by HO 2014-04]

A. Notice & Hearing.

In order for the City Council to determine whether a residential district, or portion thereof, shall be designated, or shall continue to be designated, as a residential parking permit area, the City Administrator shall conduct, upon the City Administrator's initiative or upon a petition signed by a majority of the residents in the district or portion thereof, a public hearing prior to such designation and prior to the withdrawal of such designation. A notification shall be prominently posted or shall be mailed to every residence in the proposed or existing residential parking permit area. During such public hearing any interested person shall be entitled to appear, to be heard, and to submit a written statement for the record.

B. Survey.

To enable the City Council to determine whether a residential district, or portion thereof, shall be designated, or shall continue to be designated, as a residential parking permit area, the City Administrator shall conduct a block-by-block parking survey of the proposed, or existing, residential parking permit area.

C. Criteria.

In determining whether an area may be a residential parking permit area, whether conditions are to be imposed, the City Administrator shall consider factors including but not limited to the following:

- (1) The extent that legal on-street parking spaces are occupied by vehicles during the period proposed for parking restrictions;
- (2) The extent that vehicles parking in the area during the period proposed for parking restrictions are commuter vehicles;
- (3) The extent that residents cannot obtain adequate curbside parking adjacent to or near their residences because of widespread use of available curbside parking spaces by others;
- (4) The effect on the safety of the residents from intensive vehicle parking;
- (5) The extent of air and noise pollution, hazardous conditions, and deterioration of the residential environment as a result of traffic congestion and insufficient parking in the area;
- (6) The extent that the designation of a residential parking permit area would be likely to reduce traffic congestion and any other problems referred to above;
- (7) The extent and need for parking by the general public in the residential district;
- (8) The desire of the residents in the proposed, or existing, residential parking permit area for the institution of a residential parking permit system and the willingness of those residents to bear the costs incidental to the issuance of parking permits authorized by this Article IV; and

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(9) The extent that no reasonable alternative is feasible or practicable that would reduce parking problems and any other problems referred to above without unduly impacting surrounding residential areas.

D. Designation/Withdrawal Process.

(1) Within fifteen (15) days following the close of the public hearing, the City Administrator shall recommend by written report to the City Council, based on the record of the public hearing and the results of the survey, whether to designate the residential district or portion thereof under consideration as a residential parking permit area or whether to withdraw the designation of an existing residential parking permit area. The report also shall demonstrate that the City Administrator, in making the recommendation, has taken into account the criteria enumerated above. The report shall recommend the number of permits to be issued to each address in the district.

(2) Within thirty (30) days following its receipt of the report, unless the City Council shall vote otherwise, the City Administrator's recommendations shall be effective as to the residential parking permit area.

(3) Nothing in this section shall limit the authority of the City Council over residential parking permit areas.

(4) The City Council or the City Administrator may limit the number of permits issued to all the addresses in a particular residential parking permit area to accomplish the purpose and intent of this Article.

E. Posting of Residential Parking Permit Area.

(1) Immediately following the effective date of the City's designation or withdrawal of designations, appropriate parking signs shall be erected or moved in the designated area.

(2) The signs shall indicate prominently that curbside parking on public streets in the designated area is prohibited unless the vehicle properly displays a parking permit authorized by this Article IV.

F. Notice to Residents of Designation of Residential Parking Permit Area.

Following the effective date of the designation, the City Administrator shall provide to every residence within the designated residential parking permit area a Notice of Designation that shall inform the residents in the designated area of:

(1) The existence, exact location, and numerical designation of the residential parking permit area;

(2) The parking restrictions applicable to all vehicles in curbside parking spaces along public streets and highways in the designated area that do not properly display a parking permit authorized by this Article IV; and

(3) The procedures to obtain a residential or temporary parking permit.

G. Withdrawal of Designation.

(1) Following City action to withdraw the designation of an existing residential parking permit area, the City Administrator shall provide to every residence within the existing residential parking permit area a notice of the Council's withdrawal of the designation. Said notice shall specify the effective date of the withdrawal of the designation.

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(2) The effective date of the withdrawal of the designation of an existing residential parking permit area shall ordinarily be thirty (30) days following the date of the City's action to withdraw the designation.

H. Temporary Designation/Withdrawal of Designation.

Notwithstanding any other provision of this Article IV, the City Administrator may either establish or temporarily withdraw the designation of all or part of a residential parking permit area or areas on a trial basis for a period not to exceed one hundred twenty (120) days.

§ 114-30. Issuance & Transfer of Residential Parking Permits.

A. Issuance.

(1) An Application for Residential Parking Permit. The applicant is to provide at a minimum the following information for each motor vehicle to receive a residential parking permit:

- (a) The name and residential address of the owner of the vehicle;
- (b) The name, residential address, and driver's license number of the principal operator of the vehicle;
- (c) The make, model, license plate number and vehicle identification number of the vehicle; and
- (d) The name, address and signature of the applicant for the residential parking permit.

(2) The applicant shall demonstrate proof of residency in the particular zone and verification of the resident being the principal driver of the vehicle in a manner determined by the City Administrator, which may include but is not limited to utility bills, lease, driver's license, title, etc.

(3) Subject to the limitations outlined in this Article IV, upon the applicant's payment of a ten dollar (\$10.00) residential parking permit fee, submission of a completed and validated residential parking permit application, and fulfillment of all applicable provisions of this Article IV controlling issuance, or transfer of residential parking permits, the applicant may receive one (1) residential parking permit for the motor vehicle described in the application. The residential parking permit shall be securely affixed to the inside of the vehicle at a location directed by the City Administrator and shall display the permit number and numerical designation of the residential parking permit area.

B. Other Requirement.

(1) No residential parking permit shall be issued to a vehicle whose principal operator does not reside within the designated residential parking permit area.

(2) The applicant for, and holder of, the residential parking permit shall be the owner or principal operator of the vehicle receiving the parking permit.

(3) A motor vehicle shall be issued a residential parking permit only if it displays valid license plates that are allowed to those residing in Maryland under Maryland law.

(4) No residential parking permit shall be issued for any motor vehicle for which a citation issued by the City remains unpaid. Upon notice to the resident of an unpaid citation that is legally due, the City may revoke the permit.

C. Transfer.

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Upon the holder's payment of a ten dollar (\$10.00) residential parking permit transfer fee, submission of complete and validated residential parking permit application, fulfillment of all applicable provisions of this Article IV controlling issuance, renewal, or transfer of residential parking permits, and surrender of the existing residential parking permit, the holder shall receive a new residential parking permit to be transferred to another qualifying vehicle.

D. Replacement.

Upon the holder's payment of a ten dollar (\$10.00) residential parking permit replacement fee, verification of the holder's prior submission of a completed and validated residential parking permit application, fulfillment of all applicable provisions of this Article IV controlling issuance, renewal, or transfer of residential parking permits, and affirmation that the holder's permit was lost, stolen, or destroyed, the holder shall receive a new residential parking permit. The lost, stolen or destroyed permit shall be considered void, and any use of a voided permit is prohibited.

§ 114-31. Temporary Permits. [Amended on 3-27-11 by HO-2011-01]

A. Issuance of Temporary Permits.

Upon application of any resident of a residential parking permit area and upon good cause being shown, the City Administrator may issue a temporary parking permit to the resident for a vehicle which otherwise may legally park on the applicable street, with such temporary parking permit limited to that particular parking permit area and subject to conditions and limits reasonably imposed by the City Administrator for a fee of one dollar (\$1.00) per permit. Upon application and showing of good cause, the City Administrator may also issue to a resident an unlimited number of temporary permits for a period of no more than twenty four (24) hours for a fee of one dollar (\$1.00) per permit. Such unlimited twenty four (24) hour permits may be issued no more than once in any six (6) month period for any address. For the purposes of this Article IV, the resident shall be the holder of and responsible for the use and misuse of temporary parking permits issued to the resident.

B. Display of Visitor Parking Permits.

All temporary parking permits shall be displayed on or about the front windshield of the vehicle so as to be easily visible from outside the vehicle. Such parking permits shall contain the permit number and the numerical designation of the residential parking permit area.

§ 114-32. Use of Parking Permits & Exemptions. [Amended on 3-27-11 by HO-2011-01]

A. A parking permit shall not guarantee or reserve a parking space within a designated residential parking permit area. A parking permit shall not authorize the standing or parking of any vehicle in such places and during such times when the stopping, standing or parking of vehicles is prohibited or set aside for specified types of vehicles, and shall not excuse the observance of any traffic regulation.

B. Whenever the holder of a parking permit, or the vehicle for which the parking permit was issued, no longer fulfills one or more of the applicable provisions of this Article IV controlling issuance, renewal or transfer of parking permits, the permit shall be deemed to have expired and the holder shall notify the City Administrator, who may then direct the holder to surrender the parking permit.

C. Until its expiration, surrender or revocation, a parking permit shall remain valid for such time as the holder continues to reside within the designated residential parking permit area.

D. A parking permit shall be valid only in the residential parking permit area for which it is issued.

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E. It shall be a violation of this Article IV for the holder of a parking permit to fail to surrender the permit when directed to do so.

F. It shall be a violation of this Article IV for any person to represent in any fashion that a vehicle is entitled to a parking permit authorized by this Article IV when it is not so entitled. The display of a parking permit on a vehicle not entitled to such a parking permit shall constitute such a representation.

G. It shall be a violation of this Article IV for any person to duplicate, or attempt to duplicate, by any means, a parking permit authorized by this Article IV. It also shall be a violation of this Article IV for any person to display on any vehicle such a duplicate parking permit.

H. Exemptions.

(1) Whenever metered parking is in effect in any portion of a residential parking permit area, the parking spaces controlled by meters shall be excepted from the provisions of this Article IV so long as the control by meters continues.

(2) The provision of this Article IV shall not supersede the provisions of the City Code and state laws relating to parking by persons with disabilities.

(3) The following vehicles are specifically exempted from the parking restrictions imposed by this Article IV:

(a) A motor vehicle owned by or operated under contract to a utility when used in the construction, operation, removal or repair of utility property or facilities or engaged in authorized work in the designated residential parking permit area.

(b) A motor vehicle identified as owned by or operated under contract to a federal, state, or local governmental agency and being used in the course of official government business.

(c) An authorized emergency vehicle as defined by state law.

(4) The City Administrator may grant an exemption to the requirements of this Article IV and to Section 114-18 of Article III to any person for a vehicle which may legally park in the applicable area upon demonstration of unusual hardship or exigent circumstances provided that the exemption will expire at the end of each calendar year unless the person demonstrates that the unusual hardship or unusual or exigent circumstances continue.

§ 114-33. Regulations & Enforcement.

The City Administrator is authorized to establish all written regulations and procedure necessary to implement and enforce the provisions of this Article IV and collect all fees and fines. The regulations shall include a reasonable period prior to enforcement of the parking restrictions to allow for short visits or stops in such residential zones.

§ 114-34. Restriction & Penalty. [amended 4-21-14 by HO 2014-04]

A. It shall be unlawful for any person to park or leave standing any vehicle for any length of time designated on the posted signs in a designated residential permit parking zone, without a permit for such zone. Unless otherwise provided, the penalty for each parking violation of this Article IV shall be a fine of up to one hundred fifty dollars (\$150.00).

B. It shall be a municipal infraction for any person to violate any provisions of this Article IV other than the parking provisions as outlined immediately above. The penalty shall be one hundred

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dollars (\$100.00). The penalty for any repeat violation within one (1) year shall be up to two hundred dollars (\$200.00).

C. The falsification of any application for a permit, guest permit or temporary permit, the use of any permit, guest permit or the allowance of such unauthorized use by a permittee shall all constitute violations of this Article IV, punishable as a municipal infraction.

D. The misuse of any permit, guest permit or temporary permit shall result in a parking citation of up to one hundred dollars (\$100.00). Misuse shall include the failure of the permittees to properly fill out or date any such permit, guest permit or temporary permit.

§ 114-35. Revocation of Permit, Severability.

A. In addition to the penalties provided above for violation of this Article IV the City Administrator may revoke the residential parking permit of any person found to be in violation of this Article IV, and, upon written notification thereof, the person shall surrender such permit to the City Administrator. Failure to surrender a revoked residential parking permit when requested to do so shall constitute a separate municipal infraction.

B. Nothing in this Article IV shall be construed as authorizing a permittee to violate any traffic regulation, emergency or otherwise, duly promulgated by the City.

C. Severability.

Severability is intended throughout and within the provisions of the Article IV. If any section, subsection, sentence, clause, phrase or portion of this Article IV is held to be invalid, or unconstitutional by a court of competent jurisdiction, then that decision shall not affect the validity of the remaining portions of this Article IV.

D. The parking districts in existence on September 20, 2004 shall remain in effect until they are modified or withdrawn pursuant to this Article.

ARTICLE V

Trucks and Commercial Vehicles

§ 114-36. Operation of heavy vehicles upon certain streets restricted. [Amended 10-6-14 by HO 2014-07]

It shall be unlawful for any person to operate any motor vehicle having a gross vehicle weight rating (as specified in the Transportation Article of the Maryland Code currently at §6-803) in excess of ten thousand (10,000) pounds except for vehicles for public mass transit, upon any of the City maintained streets and alleys or parts thereof; provided, however, that nothing herein shall prohibit the operation of any such vehicle upon any street or portion thereof where such operation thereon shall be necessary in order to pick up or deliver any goods, wares, merchandise, services or material from or to any premises located upon any such City street or portion thereof, but then only be entering such street or part thereof at the intersection nearest the destination and proceeding thereon no farther than the nearest intersection thereafter.

§ 114-37. Reserved.

§ 114-38. Definitions. [Amended 10-6-14 by HO 2014-07]

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A. As used in Article V, the following terms shall mean

(1) "Commercial vehicle" any motor vehicle, trailer or semi-trailer, stake platform truck, crane, tow truck or vehicle with dual rear wheels which are designed to be used for carrying freight or merchandise or other vehicles specifically designed for commercial purposes, such as utility service vehicles;

(2) Camping trailer: a vehicle sold to the consumer for recreational, travel or vacation purposes, which is self-propelled or capable of being towed and which provides facilities for temporary camping or sleeping. "Camping trailer" includes a unit designed to be carried by an open pickup truck. The term "camping trailer" also includes "travel trailer," "camper," "recreational vehicle," "motor home," "truck camper" and similar vehicles. A camping trailer is not a "commercial vehicle."

B. Unless they meet the criteria in (a) immediately above, the following vehicles are not commercial vehicles:

(1) Panel-body trucks, light-weight pick-up trucks, vans, commercially described as one-half-ton and three-fourths-ton capacity.

§ 114-39. Parking restrictions for vehicles on public rights-of-way. [Amended 12-17-84 by HB No. 10-84, and 1-1-91 by HB No. 8-90, amended 6-1-98 by HB 98-02, amended 6-1-98 by HR 98-02, amended 10-4-04 by Ord. 2004-14, Amended 10-6-14 by HO 2014-07]

A. No person shall park on any street or highway adjacent to any area zoned or used for residential purposes in the City any vehicle which including all protrusions, attachments and items loaded in the vehicle, is greater than eighty inches (80") in width, two hundred forty inches (240") in length or one hundred twenty inches (120") in height. This section shall not apply to vehicles in the process of making deliveries, or providing maintenance or repair calls.

B. Any vehicle which is parked in violation of this section shall be subject to being towed from such highway or street and impounded after written notice stating that the vehicle violates the City Code and the vehicle must be removed within twenty-four (24) hours to avoid impoundment. The towing and storage charges shall be a lien against the vehicle and shall be paid before the vehicle may be released from impoundment.

§ 114-40. Parking restrictions for commercial vehicles on private property. [Amended 10-6-14 by HO 2014-07]

A. Without a permit granted pursuant to §114-42 below, it shall be unlawful to park or leave standing any commercial vehicle, as defined in this Article V, upon any private property used for residential purposes, except as follows:

(1) One (1) commercial vehicle if it is not a tow truck or if it does not exceed the manufacturer's gross vehicle weight specification of seventeen thousand (17,000) pounds, and

(a) is parked in a wholly enclosed parking garage, or

(b) is parked on a side or rear yard as defined in §68-7 of this Code, and the side or rear yard does not border the street; or

(2) One (1) commercial vehicle per residence which may be parked in a front yard so long as the vehicle:

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- (a) contains no visible advertising other than a firm name or similar designation in lettering not exceeding four (4) inches in height;
- (b) has less than three hundred (300) cubic feet of load;
- (c) is not a stake platform truck, dump truck, crane or tow truck or a vehicle with dual rear wheels; and
- (d) is parked on a legally conforming prepared surface.

B. In no case shall this section permit the parking or storage of commercial vehicles that are not properly registered and operational.

C. Nothing in this Section shall prohibit the temporary parking of a commercial vehicle while loading or unloading in the vehicle or while the vehicle is providing maintenance or service for a resident of the premises.

D. Only one camping trailer may be parked on any residential property.

§ 114-41. Reserved.

§ 114-42. Petitions and Permits. [Amended 10-6-14 by HO 2014-07]

A. Any person disagreeing with the City's position regarding a vehicle parking on a street or on private property under Article V may, within five (5) days of receiving a warning or notice from the City, petition in writing to the City Administrator for an informal hearing to demonstrate his or her position. The City Administrator may delegate such hearing to the appropriate department, and a written opinion to the Petitioners shall be completed as quickly as reasonably possible after the hearing.

B. The City Administrator may grant either a temporary permit for a vehicle not meeting the requirements of this Article or one renewable permit, for vehicles prohibited by §114-40, but only after the City Administrator determines that the following criteria are met:

- (1) the applicant is either the owner of the property or the resident/tenant of the property;
- (2) the vehicle does not disrupt visibility or traffic flow;
- (3) the vehicle does not present a hazard to the public or have an adverse effect on adjacent properties;
- (4) the applicant demonstrates a hardship if the permit is denied;
- (5) the granting of the permit does not violate any applicable City, County or State law; and
- (6) for a renewable permit the adjacent neighbors have been notified prior to the hearing and have been offered an opportunity to be heard.

C. Any temporary permit issued under this subsection shall expire in no more than fourteen (14) days from the date of issuance and shall not be assignable or transferrable by the permittee, and shall cost no more than fifty dollars (\$50.00). Unless the applicant can show extraordinary circumstances, no more than three (3) temporary permits may be issued in any calendar year.

D. Any renewable permit shall have an expiration date which shall be no more than two (2) years from the date of issue. Each renewable permit shall automatically expire when the applicant no

longer is a resident or tenant of the property or no longer owns/uses the vehicle. Renewable permits are not assignable or transferrable by the permittee. The renewable permit fee shall be set by the head of code compliance and shall be no more than one hundred dollars (\$100.00).

§ 114-43. Penalties. [Added 10-4-04 by Ord. 2004-14]

A. The provisions of 114-73 and 114-74 shall apply to all violations of this Article V except as noted below.

B. A violation of §114-40 shall be a municipal infraction enforceable by Code compliance or the police, with the penalty being one hundred dollars (\$100.00) for a first offense and two hundred dollars (\$200.00) for each subsequent offense. Each day that a violation continues shall be a separate offense.

ARTICLE VI

Metered Parking

§ 114-44. Definitions. [Amended 3-5-14 by HO 2014-02]

For the purposes of this Article, the following words and terms shall have the meaning respectively ascribed to them by this section:

PARKING METER - Any device or meter, not inconsistent with this Article, placed or erected for the regulation of parking by the City measuring the time that a vehicle may legally park in a metered parking space.

METERED PARKING SPACE - any space within a parking meter zone in which parking is controlled or regulated by a parking meter and which is duly designated for the parking of a single vehicle by lines painted or otherwise durably marked upon the curb or the surface of the street or parking lot.

PARKING METER ZONE - Any street or highway or portion thereof and/or any parking lot or portion thereof or other designated location set aside under provisions of this Article for parking according to times and rates measured by a parking meter or parking meters.

§ 114-45. Designation of parking meter zones. [Amended 3-5-14 by HO 2014-02]

A. On-street parking meter zones. The City Council may by motion, resolution or ordinance designate any streets or parts of streets as on-street parking meter zones at a public meeting on the matter.

B. Off-street parking meter zones. The municipal parking lots or other properties owned or leased by the city are hereby established as parking meter zones.

C. All parking meters are presumed to be duly authorized by the City if they have been placed on or near a roadway or City property.

HYATTSVILLE CHARTER AND CODE

D. All parking meter zones in existence at the time of passage of this ordinance are hereby reaffirmed as parking meter zones.

E. The Council shall establish, from time to time, by motion, resolution or ordinance the time periods when a payment will be required at a parking meter and the amount of such payment in a parking meter zone. Times and amounts in one parking meter zone or lot may reasonably vary from the times and amounts in other parking meter zones or lots in the City.

§ 114-46. Use of parking meters. [Amended 3-5-14 by HO 2014-02]

Subject to the provisions of this Article and except in a period of emergency determined by the City or Police Department or in compliance with the directions of a police officer or traffic control sign or signal, when any vehicle is parked in any metered parking space, the operator of such vehicle shall, upon entering such parking space, immediately deposit or cause to be deposited in the parking meter for that space such proper currency of the United States or other payment as is required for such parking meter and as is designated by directions on the meter. The operator of such vehicle, after the deposit of the proper payment shall also set in operation the timing mechanism on such meter, if any, in accordance with directions properly appearing thereon. Upon the deposit of such currency or payment and the setting of the timing mechanism in operation when so required the parking space in question may be lawfully occupied by such vehicle during the period of time which has been prescribed for the parking lot or part of the street in which said parking space is located. Parking or standing a vehicle in such a parking space shall only be lawful for the period of time indicated by the parking meter upon the payment as required by the instructions on each meter.

§ 114-47. Parking regulation. [Amended 3-5-14 by HO 2014-02]

A. It shall be unlawful for any person to cause, allow or permit any vehicle registered in his/her name or any vehicle under his/her control to be or remain parked or stopped in any metered parking space, for any period of time without immediately making the required payment in the parking meter pursuant to the directions on the meter controlling the parking space.

B. It shall be unlawful for any person to permit any vehicle to remain or be placed in any parking space in an area designated for municipal employees or staff, unless the vehicle in question displays the applicable permit.

C. It shall be unlawful for any person to cause, allow, permit or suffer any vehicle registered in the name of or operated by such person to be parked overtime or beyond the period of legal parking time established for the parking space in question or to deposit in any parking meter any payment for the purpose of parking beyond the maximum legal parking time, if any for the particular parking meter zone or space.

D. It shall be unlawful for any person to park any vehicle across any line or marking of a metered parking space or in such position that the vehicle shall not be entirely within the parking space designated by such lines or markings.

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E. The loading or unloading of a truck, van or other commercial vehicle may be conducted for a brief, reasonable period on a metered parking space without making the applicable payment.

F. It shall be unlawful for any person to attempt to or to deface, injure, tamper with, open or willfully break, destroy or impair the usefulness of any parking meter installed under the provisions of this Article.

G. It shall be unlawful for any person to counsel, aid or abet any violation of this Article or any failure to comply with this Article.

H. The owner of any vehicle parked in violation of or failing to comply with this Article shall be *prima facie* responsible for such violation or failure to comply.

§ 114-48. Parking violation procedures. [Amended 3-5-14 by HO 2014-02]

A. Authorized enforcement personnel as outlined in § 114-3 of this Chapter shall issue a report or ticket for each violation. The violation notice shall contain:

1. The location and number (as applicable) of the metered parking space where the vehicle occupying it is or has been parked in violation of any of the provisions of this Article.
2. The State license number of such vehicle.
3. The date and approximate time of such violation.
4. Any other facts, a knowledge of which is necessary to a thorough understanding of the circumstances, attending the violation.
5. An oath by the officer or designated employee be attached and certifying, under penalty of perjury, that the matters set forth on said citation are, to the best of his/her knowledge, true.

B. It shall be the duty of the person issuing the ticket or report to submit to the appropriate City employee, official, or department written notice of each violation of or failure to comply with the parking requirements of this Article.

C. The person issuing the ticket or report shall give the owner or driver a copy of the report of violation or, in the event that said vehicle is unattended, shall attach said notice in a conspicuous place upon the vehicle.

§ 114-49. Notification of right to stand trial; maximum fine. [Amended 3-5-14 by HO 2014-02]

A. Notification of right of trial. Upon notification or attachment to the vehicle of said notice of violation, said notice shall notify the defendant that if he/she desires to stand trial he/she may notify the Hyattsville Police Department or other designated City department at least five (5) days prior to the payment date set forth in the citation, and said department will obtain a trial date within fifteen (15) days of the date of notification by the defendant of his desire to stand trial. Further, said notice shall notify the defendant of the right to stand trial.

B. Violation of any section of this Article shall have a maximum fine of up to one hundred fifty dollars (\$150.00) unless otherwise provided. [Amended 1-17-84 by HB No. 5-84].

C. It shall be a misdemeanor to violate □ 114-47(f) punishable by a fine of up to one thousand dollars (\$1,000.00) and/or sixty (60) days imprisonment in addition to an assessment of costs for repair/replacement of the parking meter.

§ 114-50. Payment in lieu of prosecution. [Amended 1-17-84 by HB No. 1-84; 12-17-84 by HB No. 10-84, amended 6-1-98 by HR 98-02, Amended 3-5-14 by HO 2014-02]

If, upon receipt of a notice of violation herein, the owner or operator of a vehicle in question shall pay to the City or the City's agent designated on the notice the full amount of the fine pursuant to 114-73 of this Chapter.

ARTICLE VII

Miscellaneous Provisions

§ 114-70. Storage or service of vehicles upon streets or public spaces prohibited. [Amended 4-21-14 by HO 2014-04]

A. It shall be unlawful for any person owning, operating, maintaining or conducting any automobile sales, service or repair agency to store or service any automobile or vehicle of any kind or description upon any street or public space in the City.

B. It shall be unlawful for any person in a residential area to service any automobile or vehicle upon any street or public area in the city except for:

- (1) Emergency repairs;
- (2) Minor routine maintenance that does not obstruct the roadway;
- (3) Minor repairs ordinarily delivered at home such as lock and key replacement or windshield repairs.

Note: See Chapter 113.

§ 114-71. Riding on portions of vehicles not designed for passengers restricted.

It shall be unlawful for any person to ride upon any portion of any vehicle not designed or intended for the use of passengers when the vehicle is in motion; provided, however, that this provision shall not be construed to apply to any employee engaged in the performance of his duties.

§ 114-72. Handicapped parking regulations; penalty. [Amended 6-1-98 by HB 98-02, amended 10-4-04 by Ord. 2004-14, Amended 4-21-14 by HO 2014-04]

A. No person shall stand or park a vehicle in any parking space on public or private property designated as parking reserved for the physically handicapped with the proper signs or markings posted in conformance with the sign standards in the Maryland Manual, unless said vehicle displays a special registration plate or permit issued by the State of Maryland or Prince George's County with a "handicapped" or other appropriate designation.

B. Violations of this subsection 114-72 shall be punishable as misdemeanors, and the fine for each violation shall be two hundred and fifty dollars (\$250.00). [Amended 2-21-89 by HB No. 3-89; 6-1-98 by HR 98-02]

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C. Nothing in this subsection is meant to relieve persons with proper signs re handicaps from paying the fees unless they can demonstrate the inaccessibility of the meter for payment.

§114-72.1. Parking on Unpaved or Unprepared Surfaces. [Amended 4-21-14 by HO 2014-04]

A. Definitions. For the purpose of this section:

(1) “Unpaved Area” shall mean any surface not completely covered by asphalt or concrete.

(2) “Unprepared Area” shall mean any surface

(a) Not completely covered by brick, block, gravel, crushed stone or other similar permeable or semi-permeable aggregate material;

(b) Not installed either pursuant to a valid permit or according to construction standards for vehicle parking; or

(c) Overgrown, covered with sediment, or not maintained.

B. It shall be unlawful to park any vehicle on the unpaved or unprepared area of any residential property except during a “Snow Emergency.”

C. It shall not be necessary to provide a full platform of the surface material under the parked vehicle, so long as the wheels of the vehicle are parked on a paved or prepared area and access to the area is likewise over a paved or prepared area.

D. Nothing contained herein shall be construed as authorizing a departure from the green area requirements of the Zoning Ordinance of Prince George’s County, Maryland. Additionally, any person utilizing any portion of their property for such purposes as outlined in this ordinance, must first be in compliance with Chapter 68, Article III and Chapter 105 Article V of the Hyattsville City Code.

E. Violation of this subsection 114-72.1 shall be punishable as a Municipal Infraction as provided in Chapter 20 of this Code. Where a Municipal Infraction has been issued for a violation of this Ordinance, each five-day period following the issuance of said citation during which any violation(s) continues uncorrected or recurs shall constitute a separate violation for which additional Municipal Infraction(s) may be issued. The fine for any single violation shall be one hundred dollars (\$100.00) and the fine for a second offense shall be two hundred fifty dollars (\$250.00) and the fine for each subsequent offense shall be five hundred dollars (\$500.00).

ARTICLE VIII

Penalty Provisions; Impoundment

§ 114-73. Violations and penalties. [Amended 10-4-04 by Ord. 2004-14, Amended 3-5-14 by HO 2014-02]

A. Election. Unless a separate procedure is provided for in this Chapter, the following procedures apply to violations of this chapter:

(1) Election by person receiving citation.

(a) Within fifteen (15) days after the date of the citation, the person receiving a citation under this chapter shall:

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- (i) Pay the amount indicated on the violation directly to the city police department; or
- (ii) Choose to stand trial for the violation.

(b) A choice to stand trial shall be made by sending a notice of intention to stand for trial to the city police department within fifteen (15) days after the date on the citation.

(c) Upon the failure of the person cited to elect within fifteen (15) days after the date of the citation, the fine for the violation shall double.

(D) Upon the failure of the person to act within thirty (30) days after the date of the citation, the fine for the violation shall double again.

(2) When presence of City personnel required. If a person elects to stand for trial and desires the presence at trial of the officer or person who issued the citation, he/she shall so notify the City Police Department at the time the notice of intention to stand trial is given.

(3) If proper notification is not given, the officer or person who issued the citation need not appear at the trial, and the copy of the citation bearing the certification of the person who issued the citation is *prima facie* evidence of the facts stated in it.

B. Except where another penalty is provided for within this Chapter the fine for a violation of this Chapter shall be thirty-five dollars (\$35.00) if the person cited makes the election as outlined in this subsection 114-73(A). Without such election within fifteen (15) days, the fine shall be seventy dollars (\$70.00).

§ 114-74. Impoundment procedures; reclamation. [Amended 3-5-14 by HO 2014-02]

A. The Police Department may “boot” or take into custody and impound:

(1) Any unattended vehicle parked or left standing on any highway or street in the city or on any property owned or leased by the city in violation of any traffic or parking regulation.

(2) Any unattended vehicle for which five (5) or more outstanding parking or parking meter violation citations have accumulated and matured to the maximum fine.

B. The provisions of Title 25, Subtitle 2, of the Maryland Vehicle Law (§ 25-201 et seq. of the Transportation Article of the Annotated Code of Maryland) shall apply with respect to the removal, storage, reclamation and disposal of any vehicle taken into custody pursuant to Subsection A above.

C. In addition to any information required to be contained in the notices given under Title 25, Subtitle 2, of the Maryland Vehicle Law, information as to the nature and circumstances of the traffic or parking violation or violations on account of which a vehicle is impounded shall be given to the owner or other person normally in charge of such vehicle.

D. In addition to paying all towing, preservation and storage charges resulting from taking or placing the vehicle in custody, the owner or person normally in charge of such vehicle shall also be liable for any fine or forfeiture resulting from the violation or violations for which the vehicle was impounded, and such vehicle shall not be released until either written receipt is displayed showing payment of such fine or forfeiture or collateral in the sum of twenty-five dollars (\$25.00) per violation is posted for appearance of the owner or person normally in charge of such vehicle in the people’s court of the county to answer the violation or violations on account of which the vehicle was impounded.

§ 114-75. Flagging penalty. [Amended 6-1-98 by HR 98-02]

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Any owner of a vehicle who shall receive a warning letter from the city pursuant to the provisions of the Maryland Motor Vehicle Administration's parking violation and flagging procedures or shall seek to obtain a parking fine receipt from the city in order to register said vehicle shall be subject to a fine of fifteen dollars (\$15.00) in addition to those penalties incurred as a result of other violations of this chapter.

§ 114-76. Vehicles with illegal or expired license plates. [Added 3-19-84 by HB No. 6-84; amended 12-17-84 by HB No. 10-84, amended 6-1-98 by HR 98-02, amended 10-4-04 by Ord. 2004-14, Amended 3-5-14 by HO 2014-02]

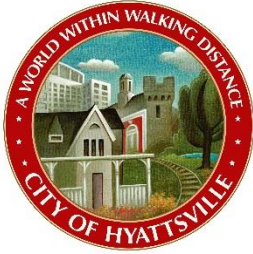
A. It shall be unlawful to park or leave standing, store or operate any vehicle requiring a license plate on any public street or any property owned or leased by the City, or any private property unless in a fully enclosed garage (see Chapter 113) unless said vehicle shall have affixed or attached thereto license plates or markers displayed conspicuously on the front and rear of said vehicle in accordance with the provisions of the Annotated Code of Maryland or, in the case of a nonresident, the State, County or territory where such vehicle is registered. **[Amended 11-7-88 by HB No. 8-88]**

B. The penalty for each violation of this subsection 114-76 shall be the sum of one hundred dollars (\$100.00). Any owner may avoid prosecution for a violation of this section by forfeiting collateral in the amount of fifty dollars (\$50.00). **[Amended 6-1-98 by HB 98-02, amended 10-4-04 by Ord. 2004-14]**

C. Any vehicle found in violation of this section is subject to impoundment. **[Added 11-7-88 by HB No. 8-88]**

D. In addition to paying all towing, preservation and storage charges resulting from taking or placing the vehicle in custody, the owner or person normally in charge of such vehicle shall also be liable for any fine or forfeiture resulting from the violation or violations for which the vehicle was impounded, and such vehicle shall not be released until either written receipt is displayed showing payment of such fine or forfeiture or collateral in the sum of fifty dollars (\$50.00) per violation is posted for appearance of the owner or person normally in charge of such vehicle in the District Court, State of Maryland, to answer the violation or violations on account of which the vehicle was impounded. **[Added 11-7-88 by HB No. 8-88]**

E. In addition to any information required to be contained in the notices given under Title 25, Subtitle 2, of the Maryland Vehicle Law, information as to the nature and circumstances of the traffic or parking violation or violations on account of which a vehicle is impounded shall be given to the owner or other person normally in charge of such vehicle. **[Added 11-7-88 by HB No. 8-88]**



Memo

To: City Council
CC: Tracey Nicholson, City Administrator
From: Jim Chandler, Assistant City Administrator and Director, Community & Economic Development
Ron Brooks, City Treasurer
Date: December 15, 2020
Re: FY2021 Legislative Item – Parking Schedule Maximum Fine Modification (Hollingsworth)

The purpose of this memorandum is to provide the City Council with a **REVISED** staff recommendation of the FY2021 Legislative Item, 'Parking Schedule Maximum Fine Modification' submitted by Mayor Candace Hollingsworth.

Detailed Summary

As part of the FY2021 Legislative Agenda, an item was submitted by Mayor Candace Hollingsworth to modify the City's late payment schedule related to parking fines through the following:

- Restrict the maximum fine for nonpayment of parking violations to no more than one and a half (1.5) times the value of the original fine after thirty (30) days of nonpayment.
- Authorize the City Administrator or her designee to negotiate amendments to any agreements impacted by this adjustment provided that such negotiations do not modify the existing base fee/fine schedule.

Staff Analysis & Comments

The Legislative Item was reviewed by the City Administrator, City Treasurer and Director of Community & Economic Development and analysis was performed assessing the following:

- Best practices, program history and administrative procedures;
- Financial impacts, programming and revenues;

Administrative capacity and program/policy goals

- In 2012, the City Council amended Chapter 114 – Article VIII to address deficiencies in it City Code to address delinquent payment of parking citations that had accumulated to approximately \$1.8 million in ‘uncollectable’ fines. Prior to 2011, the City maintained a single late fee after thirty (30) calendar days. The revisions to Chapter 114 were intended to ensure that the City had an adequate enforcement tool for effectively resolving parking citations prior to going to collections or aging to a point that the original fine was uncollectable.
- The general the longer a citation goes unpaid and without closure (notices, MVA Flag Release holds, permit restrictions or additional collections) the tail of payments starts to decline. Escalations serve as a reminder to make a payment before the price increases.
- From a revenue perspective delaying the first escalation back would likely delay payments made between 13-15 days, cut the revenue from 16-18 and 28-30 in half and also reduce the revenue in citations paid 31+ days by 50% as well.
- Staff has requested that its parking provider, Passport Parking, providing reporting for days until payment for every citation, however that information was not available at the time of this memorandum. The City was able to acquire data which represents all citation revenues from June 2014 - October 2020.
- The City has voided or reduced (NULL) \$270,995.00 in either late fees or citations since June 2014. Of this amount, \$182,277 (3,336 citations) were voided citations and \$88,718 in reduced late fees. The City regularly reduces late fees as a means for closing out parking citations. The City will void citations (NULL) administratively for specific reasons:
 - Adjudication decisions from Prince George’s County Court;
 - Errors and/or typos on the citation;
 - Voluntary Compliance.
- The data set includes collections (31+) revenue received for citations that were issued prior to our issuing citations through Passport.

<i>Payment Date Group</i>	SUM of Citations	SUM of \$ Issued	SUM of \$ Paid
0-12	8,180	\$303,600.00	\$304,895.00
13-15	2,410	\$95,285.00	\$95,297.50
16-28	3,144	\$119,105.00	\$177,810.00
28-30	713	\$26,505.00	\$53,060.00
31+	4,035	\$156,165.00	\$534,686.50
NULL	5,789	\$270,995.00	\$0.00
Grand Total	24,271	\$971,655.00	\$1,165,749.00

Financial Impact to Programming

The City’s Parking Compliance Division primarily relies on parking meter revenue and citation revenue to fund its annual operating and capital expenditures, negating the need for a reliance on General Fund revenues.

- The Division provides residential parking zone programming at no direct costs to taxpayers. The City has also continued to maintain a parking rate of \$.50/hour. In addition, since 2013, the City has invested in the modernization of its parking infrastructure through resurfacing of City owned

public parking lots, integration of smart meters, parking shelters, updated signage, pay-by-phone services and recently implemented Automated License Plate Reader (ALPR) program.

- If future parking revenues are artificially cut or reduced as a result of legislative actions, the other financial impacts will be **(1)** the General Fund will have to subsidize parking operations to sustain its existence, or **(2)** as a result of loss revenues, this could force cutting the operations, increasing fees or reductions in staff.

Staff Recommendation - REVISED

During the Council's discussion of this item on December 7, 2020, the Council expressed a desire to (1) provide more advanced notice of pending late fees and (2) revising the fee structure while maintaining two late fee escalations. CED Staff reviewed these comments and have worked to develop a response that is:

- Responsive to the City Council's request and discussion;
- Balances the fiscal realities of costs and maintaining high level of service;
- Avoids creating a structural program deficit;

Proposed Revisions to Parking Late Fee Schedule

- Late fee 1: 20-days at 50% of original fine – notice sent at 15-days
- Late fee 2: 30-days at 100% of original fine – notice at 23-25 days

Fiscal Impact

We are assessing the projected financial impact of the revised fee schedule by applying these assumptions to actual data from FY 2017 - FY 2020. Based on an initial review of late payment dates of receipt, we anticipate that the revised fee schedule will result in a citation **gross revenue reduction of 25% - 30% or \$133.500 - \$160.200 annually**. We anticipate that post-COVID, parking behaviors may change and therefore Staff would prefer to rely on actual, rather than historical or projected data, to inform any additional modification to the fee structure of the parking program. Assuming that any adopted revised schedule will be implanted on July 1, 2021 (FY2022), we will need to assess the actual total gross and net reduction in revenue.

Based on the actual reduction in parking revenue (average of citation revenue from FY17 - FY20) and in lieu of supplementing the City's parking program with General Fund Revenue, it may be necessary for the City Council to consider, in FY2023, increasing the hourly rate of the City's parking meter program and/or assessing fees for the Residential Parking Zone Program.



City of Hyattsville

Hyattsville Municipal Bldg
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Hyattsville, MD 20781
(301) 985-5000
www.hyattsville.org

Agenda Item Report

File #: HCC-174-FY21

12/21/2020

13.a)

Submitted by: Hollingsworth
Submitting Department: Legislative
Agenda Section: Discussion

Item Title:

Multi-Family Property Improvement Program

Suggested Action:

I move that the Mayor and Council authorize the City Administrator (or her designee) and the City Attorney to draft an ordinance to create the Multifamily Improvement Rebate Program. The ordinance shall provide for the following:

- Offering a rebate of \$1 for every \$2 invested in critical multifamily upgrades and improvements that increase energy efficiency, remediate environmental toxins, improve air quality and circulation, and/or increase reliability of heating and cooling systems, up to \$50,000.
- The Mayor and Council to authorize the cumulative award ceiling for each fiscal year.
- Prioritization for funding of multifamily properties designated affordable and/or for senior and disabled residents.
- Eligibility limited to multifamily buildings of more than four (4) units.
- Rebate to begin upon commencement of improvement project.

Summary Background:

In July 2020, the Mayor and Council adopted a resolution that will provide tax incentives for the development of affordable housing in the City of Hyattsville. Existing properties housing low-income and/or senior or disabled residents are frequently reported for allergens and defective heating, ventilation, and air conditioning (HVAC) units or are in general disrepair. The purpose of this rebate program is to provide an incentive to existing property owners to make needed upgrades to the properties to improve living conditions for residents.

The Council held an initial discussion on December 7, 2020.

Next Steps:

Council discussion and possible action.

Fiscal Impact:

Funding for this program would be contingent upon a recommendation of the Treasurer and City Administrator to the Council based on the City's annual and long-term financial outlook.

City Administrator Comments:

This item was reviewed by the City Administrator, City Treasurer, and Director of Community and Economic Development. There will be upfront program development costs and the need for a consultant to administer and manage the program. A memorandum assessing the below is included:

- Financial impacts, obligations, and capacity
- Administrative capacity to develop and manage the program

- External sources of funding to reduce costs
- Estimate of eligible multi-family applicant sites

If approved, recommend implementation be considered for FY 2023 or later. The costs to execute and administer the program are currently unknown. The delayed start will afford time to evaluate the financial impact of FY2021 and FY2022 and allow the staff the ability to assess program costs and help inform recommendations on program development and implementation.

Community Engagement:

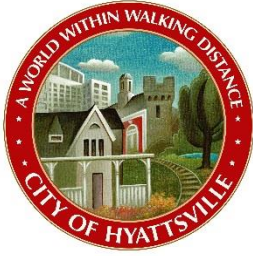
TBD

Strategic Goals:

Goal 2 - Ensure the Long-Term Economic Viability of the City

Legal Review Required?

Pending



Memo

To: City Council
CC: Tracey Nicholson, City Administrator
From: Jim Chandler, Assistant City Administrator and Director, Community & Economic Development
Ron Brooks, City Treasurer
Date: October 26, 2020
Re: FY2021 Legislative Item – Multi-Family Improvement (Hollingsworth)

The purpose of this memorandum is to provide the City Council with a staff review of the FY2021 Legislative Item, 'Multi-Family Improvement' submitted by Mayor Candace Hollingsworth.

Detailed Summary

As part of the FY2021 Legislative Agenda, an item was submitted by Mayor Candace Hollingsworth to create an enabling ordinance to create the, "Multi-Family Improvement Rebate Program" with the provision of the following:

- Offering a rebate of \$1 for every \$2 invested in critical multifamily upgrades and improvements that increase energy efficiency, remediate environmental toxins, improve air quality and circulation, and/or increase reliability of heating and cooling systems, up to \$50,000.
- The Mayor and Council to authorize the cumulative award ceiling for each fiscal year.
- Prioritization for funding of multifamily properties designated affordable and/or for senior and disabled residents.
- Rebate to begin upon commencement of improvement project.

Staff Analysis & Comments

The Legislative Item was reviewed by the City Administrator, City Treasurer and Director of Community & Economic Development and analysis was performed assessing the following:

- Financial impacts, obligations and capacity;
- Administrative capacity to manage the program;
- External sources of funding;
- Total universe of eligible applicant sites.

Financial Impacts affecting the proposed “Multi-Family Improvement Rebate Program”

- Due to COVID-19 major revenues have decreased in FY21 and the potential loss of revenues in FY22 and FY23 is projected to be \$500K to \$1M annually. These shortfalls in addition to increased debt service and capital expenditures will impact the City’s ability to deliver approved programs and services.
- The program criteria proposes a maximum amount of \$50,000 per unit annually. Based on the number of identified multi-family residential properties operating in the City, the ability to support this program on an annual basis short or long term could be impacted.
- Under the proposal, the Treasurer and City Administrator will make a recommendation to Council each budget cycle. The recommendation to Council will consider the City’s debt service, contractual obligations, programs and services to be funded, and will address affordability to avoid creating a financial hardship or a depletion of cash reserves for the fiscal year.
- To develop the program there will be unknown upfront costs. The costs will support hiring a consultant to design the program, develop qualifications and evaluation criteria and administer the program with staff. If the Council supports the motion, the staff will look for ways to reduce costs by identifying potential grant funding to support the program.
- **Administrative capacity and program/policy goals**
 - The City does not currently maintain a staff position with the background necessary to manage a building energy and maintenance efficiency program.
 - One of the program objectives is to reduce the infrastructure costs burden passed onto the tenant(s). As a result, there will need to be contractual mechanism developed to ensure savings are realized by tenants as well as the inclusion of language to restrict the owner from making improvements solely for the purpose of selling the improved property.
 - In addition to program administration considerations, it will be necessary for the City to assess the existing conditions of an eligible structure seeking funding through the program. At a minimum, a third-party building systems assessment should be commissioned and a pre and post improvement energy efficiency assessment will need to be performed. These are costs that will need to be factored into a grant award and could be either included in the award or required to be paid by the applicant to an agreed upon third-party firm(s). With respect to the program goals and restrictions, it is the Director’s opinion that ‘policy tool’ being developed through this ordinance should be considered as part of and/or aligned with the development City’s commissioned Affordable Housing Strategy.

External sources of funds

- External funding to support this program would be limited to State of Maryland funding through Maryland DHCD’s Community Legacy program and/or Federal CDBG funding administered through Prince George’s County.
- Securing funding through either external funding source would require significant advanced notification to ensure that the City was able to secure commitments from applicants and administer funding within the regulatory timeline for both programs.
- In addition, while the State of Maryland provides some limited resources to single-family households seeking to make weatherization improvements to single-family homes through the US Department of Energy. staff is not aware of funding sources available to make improvements to multi-family structures other than existing incentives available through Pepco’s EmPower Maryland program.

Total number of eligible applicant sites

- There are currently fifty (50) multi-family residential properties licensed by and operated within the City of Hyattsville. The total number of eligible multi-family properties include all properties defined by zoning as multi-family, which includes buildings with as few as four (4) residential dwelling units. Excluding the number of multi-family properties with four or less units brings the total number of eligible applicants to thirty-two (32).
- The total number of properties does not factor the number of buildings and/or structures for each property, which may operate with a single or multiple building systems requiring replacement(s).
- The typical life cycle of multi-family HVAC systems is 15-20 years, with systems lasting as many as 30-years before replacement is required. For the purposes of this analysis, we have included in the total number of units buildings with properties which are less than 15-years old. Excluding the multi-family properties less than 15-years old reduces the total number of eligible multi-family properties to forty-five (45).
 - **Comments: Staff is recommending the sponsor consider modification and/or clarification regarding the intent of the motion as it pertains to qualifying properties and/or buildings. Staff is also recommending additional restrictions in the eligibility requirements, either excluding buildings which are less than 4 units or properties with structures that are less than 15-years or a combination of both, which would reduce the total eligibility to twenty-seven (27). Staff supports the Treasurer and CA making an annual recommendation to the Council based on the City's financial outlook.**



City of Hyattsville

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Agenda Item Report

File #: HCC-171-FY21

12/21/2020

15.a)

Submitted by: Sean Corcoran
Submitting Department: City Clerk
Agenda Section: Community Notices and Meetings

Item Title:
Main City Calendar December 22, 2020 - January 4, 2021

Suggested Action:
N/A

Summary Background:
N/A

Next Steps:
N/A

Fiscal Impact:
N/A

City Administrator Comments:
N/A

Community Engagement:
N/A

Strategic Goals:
Goal 1 - Ensure Transparent and Accessible Governance

Legal Review Required?
N/A

City Calendar: December 22, 2020 – January 4, 2021

City Council meetings will continue as scheduled and will be accessible to the public through web stream and cable. Public comment will be accepted electronically, and participants can join the virtual meeting after registration. For more information visit: hyattsville.org/meetings

Race and Equity Task Force Meeting

Tuesday, December 22nd, 7:00 PM (Virtual Meeting)

City Council Meeting

Monday, January 4th, 7:00 PM (Virtual Meeting)

All events scheduled for January 4, 2021 and beyond may still be subject to cancellation due to the COVID-19 emergency. For updated details on meetings and events, visit hyattsville.org

The following weekly program offerings and City events are canceled through Monday, January 4, 2021.

- Ageless Grace Exercise Classes
- Community Yoga
- Senior Bus Trips
- Police Ride-Alongs
- Invasive Plant Removals

The following services will be suspended or limited through Monday, January 4, 2021.

- Notary and Fingerprint Services
- Licensing and Permitting
- Call-a-Bus for Seniors Transportation Services will continue for essential trips only such as medical appointments and grocery store trips.
- Bulk Trash Pickup

The following services and activities will continue as scheduled:

- Police patrols and emergency response
- Solid waste, recycling, and compost collections
- Parking enforcement

GOODBYE, 2020!