

City Council of Hyattsville, Maryland

SUMMARY OF COUNCIL ACTIONS

City Council Regular Meeting
Monday, December 7, 2020 at 7:00 PM

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 7, 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 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.

https://zoom.us/webinar/register/WN_r2QkxXQ3QEWtgbpstdpizQ

1. **Call to Order and Council Roll Call**
2. **Pledge of Allegiance to the Flag**
3. **Approval of Agenda – *APPROVED, UNANIMOUS***
4. **Approval of the Minutes**

4.a) Approval of the Minutes – *APPROVED, UNANIMOUS*
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.

5. **Public Comment (7:10 p.m. – 7:20 p.m.) Complete Speaker Card, Limit 2 minutes per speaker**
6. **City Administrator Update (7:20 p.m. - 7:35 p.m.)**
7. **Treasurer Update (7:35 p.m. - 7:40 p.m.)**

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

8.a) Proclamation Honoring Hyattsville Chief of Police Amal Awad – **APPROVED, UNANIMOUS** [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.

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

9.a) FY21 Budget Appropriation: MNCPPC Grant for Recreation Activities – **APPROVED, UNANIMOUS**

[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. – **APPROVED, UNANIMOUS**

[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) – **APPROVED, UNANIMOUS**

[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](#)

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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).

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

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

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

[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).

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

11.a) Hyattsville Shade Tree Board Writing Contest – APPROVED, AS AMENDED, UNANIMOUS

[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.

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.

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.

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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.

“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”

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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.

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.

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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:

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.

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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.

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

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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 PGCASD 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.

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

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 – **APPROVED, UNANIMOUS**

ATTEST:

December 8, 2020



Laura Reams, City Clerk



Sean Corcoran, Deputy City Clerk