



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:

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 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_r2QkxXQ3QEWtgbpstdpizQ

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. Niebling 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.



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

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.



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

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.



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

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.



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

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



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

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.



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

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



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

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.



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

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.



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

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



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

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.



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

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.



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

“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.



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

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:



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

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.



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

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



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

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



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

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.



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

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